

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1st day of July, 1991 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: Supervisor Frank E. Swiatek

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney; Chester L. Bryan, Town Engineer; Christopher J. Kowal, Highway Superintendent; John Schaller, Assistant Chief of Police and Ronald Marten, Building Inspector.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of entering into concession/license agreements with the following named caterers for the 1991 Polish-American Arts Festival, which runs from August 16 - August 18, 1991 in Cheektowaga Town Park:

1. Daniel Potts, doing business as Beef Station
2. Nowak Catering

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 3 This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to Chapter 23A of the Code of the Town of Cheektowaga, ("Environmental Impact Review Ordinance") hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

1. RESOLVED, that Subsection B of Section 23A-5, which lists the designated critical environmental areas within the Town of Cheektowaga, shall be amended by adding thereto the following:

- (3) John C. Stiglmeier Park
- (4) That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

MEETING NO. 13
July 1, 1991

II. RESOLUTIONS

Item No. 4 Bond Resolution Regarding the Construction of Curbing Along
McNaughton Avenue

*SEE NEXT PAGE(S) FOR BOND RESOLUTION.

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

Meeting of the Town Board of the Town of Cheektowaga,
in the County of Erie,
New York

July 1, 1991

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A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, on July 1, 1991 at 7:30 o'clock P.M. (Prevailing Time).

There were present: ~~Honorable Frank E. Swiatek, Supervisor~~ and

Councilmen: Patricia A. Jaworowicz
Dennis H. Gabryszak (Deputy Supervisor)
Andrew A. Kulyk
Richard B. Solecki
William P. Rogowski
Jacqueline A. Blachowski

There were absent:

Frank E. Swiatek, Supervisor

Also present: Richard M. Moleski, Town Clerk
James Kirisits, Town Attorney

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The Town Clerk, reading from the calendar, stated that a public hearing had been called for this meeting at the Town Hall, in said Town, at 6:45 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board requesting the improvement of a portion of McNaughton Avenue. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law.

^{Deputy}
The/Supervisor stated that the public hearing was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the proposed improvement: Patricia Mangold, Bruno Zukowski, Marion Balmas, Eugene Piejda, Dorothy Piejda, Barbara Jachimiak, Ronald Mangold

The following persons appeared in opposition to the proposed improvement:

Stanley Stachewicz, Alf Piñiarski

The Town Clerk reported that the following pertinent written communications had been received:

None

^{Deputy}
The/Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the^{Deputy}/Supervisor declared the public hearing closed.

* * *

On motion of Councilman Rogowski, seconded by

Councilman Jaworowicz, the following resolution was adopted on roll

call vote:

AYES: Patricia A. Jaworowicz, Councilman; Dennis H. Gabryszak, Councilman;
Andrew A. Kulyk, Councilman; Richard B. Solecki, Councilman; William P.
Rogowski, Councilman; Jacqueline A. Blachowski, Councilman

NOES:

RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED
JULY 1, 1991, APPROVING THE IMPROVEMENT OF A PORTION OF
McNAUGHTON AVENUE, WITHIN THE TOWN, BY THE CONSTRUCTION
AND INSTALLATION OF CURBING, AT AN ESTIMATED MAXIMUM
COST OF \$156,000.

Recitals

WHEREAS, a petition was filed with the Town Board of the
Town of Cheektowaga (the "Town Board" and "Town", respectively),
in the County of Erie, New York, pursuant to Section 200 of the
Town Law of the State of New York, for the improvement of a
portion of McNaughton Avenue, within said Town, by the
construction and installation of curbing and other necessary
improvements in connection therewith, along the entire length and
on both sides of the portion of said street described in the
petition, at the estimated maximum cost of \$156,000 as stated in
the petition; and

WHEREAS, a pavement has been heretofore constructed
along said portion of McNaughton Avenue described in the petition,
said petition was signed by the owners of real estate fronting or
abutting upon either side of the portion of said street to be
improved, to the extent of at least one-half of the entire
frontage or bounds on both sides of the portion of said street to
be improved, and the resident owners owning not less than
one-half of the frontage owned by resident owners residing in or
along the portion of said street covered or represented by said
petition, was acknowledged or proved by the signers thereof in

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the same manner as a deed to be recorded, and provided that the cost of said improvement shall be borne by local assessment upon the several lots and parcels of land especially benefited thereby, all as stated in said petition and as more fully provided by applicable law; and

WHEREAS, the Town Board thereafter adopted an Order reciting in general terms the filing of such petition, the improvements proposed, the maximum amount proposed to be expended for the improvement and the area benefited as stated in the petition, and stating that the Town Board would meet to hear all persons interested in the improvement of said portion of McNaughton Avenue described in the petition on July 1, 1991, at 6:45 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 1st day of July, 1991, at the Town Hall, in the Town, at 6:45 o'clock P.M. (Prevailing Time) and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to the improvement of said portion of McNaughton Avenue;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,
IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

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Section 1. It is hereby determined that

(a) the notice of public hearing, hereinabove referred to in the recitals hereof, was published and posted as required by law and is otherwise sufficient;

(b) it is in the public interest to so improve said portion of McNaughton Avenue, in the Town, as hereinabove referred to in the recitals hereof;

(c) all the real property fronting or abutting upon both sides of said portion of McNaughton Avenue to be improved as described in the petition, being the area benefited by the improvement, is benefited thereby.

Section 2. Curbs and other necessary improvements shall be constructed and installed along both sides of said portion of McNaughton Avenue described in the petition, as hereinabove referred to in the recitals hereof, in accordance with the specifications required by the Town, now in effect, at a cost not to exceed \$156,000, the maximum amount proposed to be expended therefor as stated in the petition.

Section 3. The Town Engineers shall prepare definite plans and specifications and make a careful estimate of the expense of said improvement, and with the assistance of the Town Attorney, prepare a contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible.

Section 4. It is hereby determined that the expense of said improvement shall be financed by the issuance of \$156,000 serial bonds of the Town and the levy and collection of

LIBER. 10305 PG 429

assessments from the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution Approving the Improvement of a Portion of McNaughton Avenue by the Construction and Installation of Curbing in the Office of the Clerk of Erie County within ten (10) days after the adoption thereof.

Section 6. This resolution shall take effect immediately.

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LIBER 10305 PG 430

Councilman Rogowski offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED JULY 1, 1991, APPROPRIATING
\$156,000 FOR THE IMPROVEMENT OF A PORTION OF
McNAUGHTON AVENUE, WITHIN SAID TOWN, BY THE
CONSTRUCTION AND INSTALLATION OF CURBING, AND
AUTHORIZING THE ISSUANCE OF \$156,000 SERIAL
BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

Recitals

WHEREAS, following submission of a petition for the
improvement of a portion of McNaughton Avenue by the construction
and installation of curbing and other necessary improvements, and
after a public hearing duly called and held, the Town Board of
the Town determined that it is in the public interest to
construct the improvements to said portion of McNaughton Avenue
described in the petition, and ordered that such portion of
McNaughton Avenue be so improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,
IN THE COUNTY OF ERIE, NEW YORK, (by the favorable vote of not
less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town hereby appropriates the amount of
\$156,000 for the improvement of a portion of McNaughton Avenue,
within said Town, by the construction and installation of curbing
of brick, stone or concrete and other necessary improvements in
connection therewith, along the entire length and on both sides

of the portion of said street described in the petition. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$156,000 and the plan of financing includes the issuance of \$156,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$156,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$156,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes

issued in anticipation thereof in accordance with Section 107.00
d. 3(i) of the Law.

(c) The proposed maturity of the bonds authorized by
this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this
resolution and any bond anticipation notes issued in anticipation
of the sale of said bonds shall contain the recital of validity
as prescribed by Section 52.00 of the Law and said bonds and any
notes issued in anticipation of said bonds, shall be general
obligations of the Town, payable as to both principal and
interest by general tax upon all the taxable real property within
the Town without limitation of rate or amount. The faith and
credit of the Town are hereby irrevocably pledged to the punctual
payment of the principal of and interest on said bonds and any
notes issued in anticipation of the sale of said bonds and
provision shall be made annually in the budget of the Town by
appropriation for (a) the amortization and redemption of the
bonds and any notes in anticipation thereof to mature in such
year and (b) the payment of interest to be due and payable in
such year.

Section 5. Subject to the provisions of this resolution
and of the Law and pursuant to the provisions of Section 30.00
relative to the authorization of the issuance of bond
anticipation notes and of Section 50.00 and Sections 56.00 to
60.00 of the Law, the powers and duties of the Town Board
relative to authorizing bond anticipation notes and prescribing
the terms, form and contents and as to the sale and issuance of

the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately.

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The adoption of the foregoing resolution was seconded by
Councilman Jaworowicz and duly put to a vote on roll call,
which resulted as follows:

AYES: Patricia A. Jaworowicz, Councilman; Dennis H. Gabryszak,
Councilman, Andrew A. Kulyk, Councilman; Richard B. Solecki,
Councilman, William P. Rogowski, Councilman; Jacqueline A.
Blachowski, Councilman
NOES:

The resolution was declared adopted.

Councilman Rogowski offered the following resolution
and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,
IN THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk of the Town of
Cheektowaga, in the County of Erie, New York, is hereby directed
to publish the foregoing bond resolution, in full, in the
"CHEEKTOWAGA TIMES", a newspaper published in the Cheektowaga,
New York, having a general circulation within the Town and hereby
designated as the official newspaper of the Town for such
publication, together with the Town Clerk's statutory notice in
substantially the form as prescribed by Section 81.00 of the
Local Finance Law of the State of New York.

Section 2. This resolution shall take effect
immediately.

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The adoption of the foregoing resolution was seconded by
Councilman Jaworowicz and duly put to a vote on roll call, which
resulted as follows:

AYES: 6

NOES: 0

The resolution was declared adopted.

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CERTIFICATE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on July 1, 1991, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 1st day of July, 1991.


Town Clerk

(SEAL)

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication..... July 4, 1991..... ;
last publication..... July 4, 1991..... ;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this4th.....

day ofJuly....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/97

**LEGAL NOTICE
BOND RESOLUTION OF THE
TOWN OF CHEEKTOWAGA,
NEW YORK, ADOPTED JULY 1,
1991, APPROPRIATING \$156,000
FOR THE IMPROVEMENT OF
A PORTION OF McNAUGHTON
AVENUE, WITHIN SAID TOWN,
BY THE CONSTRUCTION AND
INSTALLATION OF CURBING,
AND AUTHORIZING THE
ISSUANCE OF \$156,000
SERIAL BONDS OF SAID
TOWN TO FINANCE SAID
APPROPRIATION.**

Recitals

WHEREAS, following submission of a petition for the improvement of a portion of McNaughton Avenue by the construction and installation of curbing and other necessary improvements, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct the improvements to said portion of McNaughton Avenue described in the petition, and ordered that such portion of McNaughton Avenue be so improved;

Now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$156,000 for the improvement of a portion of McNaughton Avenue, within said Town, by the construction and installation of curbing of brick, stone or concrete and other necessary improvements in connection therewith, along the entire length and on both sides of the portion of said street described in the petition. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$156,000 and the plan of financing includes the issuance of \$156,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$156,000, are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said specific object or purpose for which said \$156,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a, 24 of the Law, is ten (10) years.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof in accordance with Section 107.00 d, 3(g) of the Law.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate of amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of inter-

est to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately.

NOTICE

The resolution published herewith has been adopted on the 1st day of July, 1991, and validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 4, 1991

MEETING NO. 13
July 1, 1991

Item No. 5 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, by resolution dated June 17, 1991, this Town Board adopted various amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic), and

WHEREAS, through inadvertence and mistake, Section 76-101, All-night parking, was changed as follows:

Delete the words "November 1 to April 1" and substitute the words "December 1 to March 1st" or "November 15 to March 15"

and

WHEREAS, this Board wishes to correct such mistake and return Section 76-101 to its former wording, NOW, THEREFORE, BE IT

RESOLVED that the portion of the aforesaid resolution dated June 17, 1991 amending Section 76-101 of the Town Code be deleted, and BE IT FURTHER

RESOLVED that Section 76-101 be returned to its former wording nunc pro tunc as it existed prior to June 17, 1991, and BE IT FURTHER

RESOLVED, that the Town Clerk be directed to notify General Code Publishers Corporation of this correction.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 6 Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the construction of Cedargrove Heights Stage II, Phase VII, which bids were received and publicly opened on June 24, 1991, AND

WHEREAS, said bids were referred to the Town Engineer and the consulting firm of Nussbaumer & Clarke, Inc. for analysis, tabulation and report which said analysis, tabulation and report is hereto attached and contained in the consultant's letter of June 27, 1991 to the Town Engineer, AND

Whereas, said report recommends that the bid be awarded to Hartford Paving Corp. for the submission of the lowest total bid price and meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Cedargrove Heights Improvement Project Stage II, Phase VII be and hereby is awarded to:

Hartford Paving Corp.
3409 Broadway
Cheektowaga, New York 14227

for the bid price of \$160,981.00, said bid being the lowest meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is directed and authorized to sign the agreement with said Hartford Paving Corp. for the construction of the Cedargrove Heights Improvements Project Stage II, Phase VII, AND BE IT FURTHER

RESOLVED, that funding for this construction project is through the allocation of funds under the Community Development Block Grant.



Nussbaumer & Clarke, Inc.

Consulting Engineers Surveyors

310 Delaware Avenue Buffalo, New York 14202
(716) 853-7582

134 Water Street
P.O. Box 162
Oswego, New York 13126
(315) 342-3010

Buffalo Office Fax:
(716) 852-2451
Oswego Office Fax:
(315) 342-6114

June 27, 1991

Chester L. Bryan, P.E.
Cheektowaga Town Engineer
275 Alexander Avenue
Cheektowaga, New York 14211

Re: Review of Bids for
Cedargrove Heights
Stage II, Phase VII
NCI File No. 91-118

Dear Mr. Bryan:

We have reviewed bids received for the above project on June 24, 1991 and have checked extensions and totals. The bids were as follows:

Hartford Paving Corporation	\$160,981.00
Odessa Developers, Inc.	177,917.20
DiPizio Construction Company, Inc.	188,168.00
Milherst Construction, Inc.	204,618.00
Robinson & Long, Inc.	208,159.75
Anastasi Trucking & Paving Company	209,706.75*
Mar-Wal Construction Company, Inc.	212,950.00
Kandey Company, Inc.	254,243.00*


*Corrected figures

Together with this letter, we are returning the original proposals of the above bidders and five copies of the bid tabulation. Please note that the proposal from DiPizio Construction Company, Inc. contains a certified check in the amount of \$10,000.00 which was issued as the bid bond.

We find the bid from Hartford Paving Corporation to be satisfactory and recommend the work for Cedargrove Heights, Stage II, Phase VII be awarded accordingly.

Yours truly,

NUSSBAUMER & CLARKE, INC.


John Trianda
Project Engineer

Enclosure

cc: Mr. Jerome J. Gabryszak/Encl.

STAFFED BY: ENGINEERS • PLANNERS • SURVEYORS

Item No. 7 Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, Michael J. Desiderio (the "Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 11+ acres of land known as 2911 William Street from RA-Apartment District to C-Retail Business District for the construction of the Liberty Park Inn and Entertainment Center (the "Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, there has been agreement by the appropriate governmental agencies (State, County, Local) that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning the Project, and

WHEREAS, by resolution dated June 5, 1989, the Cheektowaga Town Board determined that the Applicant must prepare and submit to the Town for its review a Draft Environmental Impact Statement ("DEIS") addressing certain environmental effects of the Project, and

WHEREAS, the Applicant submitted a DEIS to the Town, and this Town Board accepted such DEIS and held a public hearing thereon on June 18, 1990, and

WHEREAS, by resolution dated June 18, 1990, this Town Board requested the Applicant to prepare and submit a Supplemental Environmental Impact Statement ("SEIS") for the Project to the Town concerning drainage, and

WHEREAS, the Applicant submitted a SEIS for the Project to the Town, and this Town Board accepted such SEIS and held a public hearing thereon on April 15, 1991, and

WHEREAS, public comment on such SEIS expired on May 3, 1991, and

WHEREAS, by resolution dated May 6, 1991, this Town Board requested the Applicant to prepare and submit a Final Environmental Impact Statement ("FEIS") for the Project to the Town, and

WHEREAS, the Applicant submitted such FEIS to the Town on June 12, 1991, and

WHEREAS, this Town Board, by resolution dated June 17, 1991, extended the date for filing/acceptance of the FEIS for the Project until July 1, 1991, and

WHEREAS, the Town Environmental Advisory Committee reviewed the FEIS for the Project and recommended that the Town Board accept and file such document, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines that the FEIS for the Project is complete and accepts and files the FEIS for the Project, and BE IT FURTHER

RESOLVED, that public comment on the FEIS for the Project shall run from July 1, 1991 through and including July 12, 1991, AND BE IT FURTHER

RESOLVED, that the Town SEQRA Intake Officer file a Notice of Completion of the FEIS and copies of the FEIS in accordance with the SEQRA regulations.

* * * * *

MOTION BY COUNCILMAN JAWOROWICZ, SECONDED BY COUNCILMAN SOLECKI TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

* * * * *

Item No. 7 continued

AMENDED

Motion by Councilman Kulyk,

Seconded by Councilman Blachowski

WHEREAS, Michael J. Desiderio (the "Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 11+ acres of land known as 2911 William Street from RA-Apartment District to C-Retail Business District for the construction of the Liberty Park Inn and Entertainment Center (the "Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, there has been agreement by the appropriate governmental agencies (State, County, Local) that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning the Project, and

WHEREAS, by resolution dated June 5, 1989, the Cheektowaga Town Board determined that the Applicant must prepare and submit to the Town for its review a Draft Environmental Impact Statement ("DEIS") addressing certain environmental effects of the Project, and

WHEREAS, the Applicant submitted a DEIS to the Town, and this Town Board accepted such DEIS and held a public hearing thereon on June 18, 1990, and

WHEREAS, by resolution dated June 18, 1990, this Town Board requested the Applicant to prepare and submit a Supplemental Environmental Impact Statement ("SEIS") for the Project to the Town concerning drainage, and

WHEREAS, the Applicant submitted a SEIS for the Project to the Town, and this Town Board accepted such SEIS and held a public hearing thereon on April 15, 1991, and

WHEREAS, public comment on such SEIS expired on May 3, 1991, and

WHEREAS, by resolution dated May 6, 1991, this Town Board requested the Applicant to prepare and submit a Final Environmental Impact Statement ("FEIS") for the Project to the Town, and

WHEREAS, the Applicant submitted such FEIS to the Town on June 12, 1991, and

WHEREAS, this Town Board, by resolution dated June 17, 1991, extended the date for filing/acceptance of the FEIS for the Project until July 1, 1991, and

WHEREAS, the Town Environmental Advisory Committee reviewed the FEIS for the Project and recommended that the Town Board accept and file such document, and

WHEREAS, this resolution does not constitute either an endorsement or approval of the application submitted by the Applicant for the rezoning and a special permit, nor does it constitute either an endorsement or approval of the form, substance or appropriateness of the Project or the FEIS submitted for same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines that the FEIS for the Project is complete and accepts and files the FEIS for the Project, and BE IT FURTHER

RESOLVED, that public comment on the FEIS shall run from July 1, 1991 through and including July 19, 1991, AND BE IT FURTHER

RESOLVED, that the Town SEQRA Intake Officer file a Notice of Completion of the FEIS and copies of the FEIS in accordance with the SEQRA regulations.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

MEETING NO. 13
July 1, 1991

Item No. 8 Memorialize Governor Cuomo and NYS Legislature to Enact the Proposed Bills to Assist Firefighters
This resolution failed due to the lack of a second.

Item No. 9 Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on June 19, 1991, rendered the determinations shown on the attached memo dated June 25, 1991, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the June 25, 1991 memo attached hereto:

Item II	1546 Walden Avenue
Item VI	3025 William Street

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

*SEE NEXT PAGE(S) FOR ATTACHMENT

The Planning Board has not yet reviewed any landscaping plan.

The action will be tabled at this time so that the applicant may present to the Environmental Committee and the Planning Board a landscaping plan, with emphasis on addressing visibility from Union Road and Old Union Road, a plan that would show the extent of paving proposed by the developer and a plan that would show the drainage for the site. The Town Engineer will also meet with the applicant, on the site, to review possible designs.

ITEM II 1546 Walden Avenue - Proposed 7,200 Sq. Ft.
Storage Building

Applicant: Buffalo Light And Supply

Determination: Non-Significant.

A new plan was submitted with the additional information as requested by the Environmental Committee. The landscape plan was approved by the Planning Board and the applicant will be installing additional trees along Walden Avenue.

The Zoning Board of Appeals will be meeting on the 19th of June to determine the variance request as to on-site parking. The Town Engineer has also reviewed the drainage and deemed it adequate for the proposed project.

ITEM III 3160 Union Road - Special Permit For
Construction Of A 4,800
Sq. Ft. Maintenance
Building

Applicant: Frank Wailand

Determination: Tabled.

The full name of the project is the Gemini Express USA Lines Incorporated maintenance garage. The site is the present location for TNT-Holland Trucking located on the west side of Union Road across from the Town Highway garage. The applicant is proposing to construct this maintenance garage at the rear of the property for maintenance of his fleet vehicles. At present the site is unpaved and basically stone in the driveways and automotive use areas.

RE: EQR - June 19, 1991
June 25, 1991
Page: 3

After some discussion the committee has suggested that paving be installed from Union Road to the end of the existing terminal building with a plan to eliminate any proposed expansion of the stone parking area. Stone as a parking surface would require a variance from the Zoning Board of Appeals.

The Town Engineer is requesting a storm drainage sewer plan for the entire site, one that would call for water detention on-site. It was also suggested that the curb cut closest to Don's Collision be removed to eliminate confusion when entering the site.

The applicant indicated that the front of the building would be given a "face lift" to improve the appearance and additional landscaping would be installed at the front of the property. The Planning Board has not yet acted on the landscaping plan and is awaiting the Environmental Committee's comments. The applicant has also suggested as an alternative to blacktop or concrete paving a dust control method which will be studied by the Highway Engineer and Town Engineer. The Fire Inspector has also indicated that there may be a need for a yard hydrant on the site. This will be determined at a later date after further review of the project plans with all modifications be incorporated.

ITEM IV 2368 Genesee Street - Special Permit To Install
Auto Glass

Applicant: Empire Auto Glass

Determination: Tabled.

The site is located on the north side of Genesee Street on the west corner of Long Avenue. The applicant has indicated he would be utilizing the existing garage to install auto glass in two garage bays.

The committee considered the plan submitted as inadequate and has indicated to the applicant that he would have to submit a new plan which would show landscaping on the site, which at present is nonexistent, as well as a breakdown of the businesses with approximate square footages. The purpose of ascertaining the business sizes is to determine the required amount of off-street parking for the site. This item will remain tabled until a new plan and information is submitted.

RE: EQR - June 19, 1991
June 25, 1991
Page: 4

ITEM V 73 Oakwood Drive - Proposed Rezoning From
Residential To "RA" To
Convert A Single-Family
Dwelling Into a Two-Family
Dwelling

Applicant: D. Loynes, Jr.

Determination:

The committee recommends to the Town Board that they conduct a public hearing to solicit further comments on the proposed rezoning.

The applicant proposes to rezone this property so that an addition to be constructed to the house to convert it to a two-family dwelling. The applicant is requesting this so that his mother may move in with them. The lot is a typical smaller subdivision lot similar to those found in the subdivisions that were constructed approximately twenty (20) to thirty (30) years ago.

Filed with the Town Clerk office are two petitions against this proposal and one letter. Of the two petitions, one is a petition requiring a "super majority" of the Town Board in approving the request. The letter is from legal counsel representing a neighbor at 85 Oakwood Drive who is in opposition to the rezoning stating that it would constitute spot zoning, change the character of the neighborhood that is composed strictly of one-family residences, will introduce an element without an personal interest in the neighborhood and thereby fostering absentee landlords and finally the letter states that the owners had been aware of the fact that two-family dwellings are not allowed in the area.

The neighbor that attended the meeting also opposed the request stating that the street has only single-family dwellings on it and that the size of the addition would "block the sun". There was also concern over the re-sale of the property because of the fact that once it is zoned for two-families it will remain that way, whether the owner lived there or was an absentee landlord. The opposition also stated that since there are only singles in the area, a two-family would not be consistent with other uses in the subdivision.

RE: EQR - June 19, 1991
June 25, 1991
Page: 6

- ° A new Section 4 to reflect the updated drainage information and design.
- ° Change page 1-8 to add the second decision of the Planning Board.
- ° Change various pages to correctly indicate information those being pages 1-7, 8-1, 5-8.

The committee also asked the owner as to the status of the wetlands question with the Army Corps of Engineers. The owner indicated that the Army Corps of Engineers will be issuing a non-jurisdictional letter in support of statement on page 4-1. Also water sampling was done in the existing ditch at the request of the New York State Thruway Authority and the results begin on page 8-2 which showed that there was no significant amounts of materials deemed to be hazardous in the water.

A question arose as to the type of landscaping/screening to be installed on the buffer along the property lines, and it was mentioned that a six (6) foot high berm with trees at the top would be used to help screen both the parking area and building from the adjoining residential properties.

The Environmental Advisory Committee has reviewed the submitted FEIS and with the above changes, especially the new section for dealing with drainage, have deemed the FEIS to be adequate and acceptable for further review.

During the thirty (30) days following the acceptance of FEIS the Town Board must complete a findings statement outlining reasons for approval and conditions of same or must discuss and list reasons for denial of the proposed rezoning.

=====
**THE NEXT MEETING OF THE ENVIRONMENTAL QUALITY REVIEW
ADVISORY COMMITTEE WILL BE HELD ON THURSDAY,
JULY 11, 1991 AT 9:30 A.M. IN THE TOWN HALL COUNCIL
CHAMBERS.**
=====

MEETING NO. 13
July 1, 1991

Item No. 10 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga will be sponsoring the Polish-American Arts Festival from August 16-18, 1991 in Cheektowaga Town Park, and

WHEREAS, caterers will be needed to supply food and non-alcoholic beverages to the public at such festival, and

WHEREAS, license agreements between the Town and two caterers, Daniel Potts (doing business as Beef Station) and Nowak Catering have been prepared and approved by the caterers, and

WHEREAS, Section 64(7) of the Town Law of the State of New York requires that a public hearing be held on the granting of concessions/licenses by a Town Board prior to the granting of same, and

WHEREAS, a public hearing on the proposed license agreements with the aforementioned caterers for the Polish-American Arts Festival was held on the 1st day of July, 1991 at 7:30 P.M. at the Cheektowaga Town Hall, and

WHEREAS, this Board feels that it is in the public interest to approve the license agreements with the above named caterers, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves license agreements in the form attached hereto with Daniel Potts (doing business as Beef Station) and Nowak Catering for the Polish-American Arts Festival, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such license agreements with these caterers.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

*SEE NEXT PAGE(S) FOR ATTACHMENT

LICENSE AGREEMENT

THIS AGREEMENT made and entered into as of the 29 day of April, 1991 by and between TOWN OF CHEEKTOWAGA, a municipal corporation having its office and principal place of business at Broadway and Union Road, Cheektowaga, New York (hereinafter the "Town"), and Daniel A. Pozganski having its office and principal place of business at 1694 S. OGDON (hereinafter the "Caterer").

WITNESSETH:

WHEREAS, the Town is the sponsor of the Polish-American Arts Festival, which is scheduled to be held from August 16-18, 1991 in the Cheektowaga Town Park located on Harlem Road in the Town of Cheektowaga, and

WHEREAS, the Caterer desires to serve food and refreshments at the Polish-American Arts Festival,

THEREFORE, for and in consideration of the promises and the mutual covenants contained in this agreement, the Town and the Caterer hereby agree as follows:

1. PREMISES. The Town hereby grants a license to Caterer to use a designated area in Cheektowaga Town Park; such area shall be of sufficient size to allow Caterer to erect its tent, tables and cooking units.
2. USE OF PREMISES. The Caterer's use of the premises is limited to the placement of its tent, tables, cooking units, food, equipment and supplies and for the sale of food, beverages (non-alcoholic only) and concessions to the public who attend the Polish-American Arts

CHEEKTOWAGA TOWN CLERK'S OFFICE
BOX # 40
NO. 12

Festival.

The Caterer shall keep the premises in good and clean condition, and shall not permit the accumulation of rubbish or debris on the premises.

Caterer shall comply with all laws, rules and regulations of any municipal authority, including police, fire, safety and health regulations.

3. TERM. The term of this license shall be for a period of three (3) days, from August 16, 1991 to August 18, 1991 for the following designated hours:

August 16th 4 p.m. - 11 p.m.

August 17th 4 p.m. - 11 p.m.

August 18th 12 p.m. - 9 p.m.

4. LICENSE FEE. The Caterer agrees to pay to the Town a license fee of \$300, which sum shall be paid on or before August 15, 1991.
5. UTILITIES, EATING AREA. The Town shall supply utilities (i.e. electricity, water) to the licensed premises and shall provide an eating area for Caterer's customers.
6. INSURANCE. The Caterer shall maintain and pay for the following insurance coverages and limits:

A. Always Required:

General Liability, including Products, Completed Operations and Contractual Liability:

Bodily Injury & - \$ 500,000 Each Occurrence
Property Damage - \$1,000,000 Aggregate

The Town of Cheektowaga, its agents, officers and employees shall be included in the above insurance as Additional Insureds.

B. Required if any autos are used in your activity:

Automobile Liability, including Owned, Non-Owned and Hired Autos

Bodily Injury & - \$ 500,000 Each Occurrence
Property Damage

C. Required if vendor has any employees:

Worker's Compensation - New York Statutory

- D. A Certificate of the above required insurance shall be submitted to the Supervisor's Office Insurance Department, Town Hall, Broadway & Union Roads, Cheektowaga, N. Y. 14227, at least one week prior to the scheduled event or use of service.
- E. Certificates shall provide for at least fifteen (15) days advance written notice to the Certificate holder in the event of cancellation, material change or reduction of any described policy.

7. NONLIABILITY OF OWNER: This license is made upon the express condition that the TOWN shall be free from all liabilities in claims for damages and/or lawsuits for or by reason of any injury or injuries to any person or persons or property of any kind whatsoever, from any cause or causes whatsoever while in or upon said premises during the term of this license or occasioned by any occupancy or use of said premises or any activity carried on by the Caterer in connection therewith; and Caterer hereby covenants and agrees to indemnify and hold harmless the Town from all liabilities, charges, claims, expenses (including attorney fees) and costs on account of or by reason of such injuries, liabilities, claims, lawsuits or losses however occurring and damages arising from same.
8. MISCELLANEOUS PROVISIONS: This license agreement contains the entire agreement between the parties hereto, and there are no understandings, agreements or representations, express or implied, not specified herein respecting this license.

The rights of the parties hereto shall be deemed cumulative and not alternative. Waiver of strict compliance or performance of any term or condition hereof shall not be deemed a waiver of any other provisions of this license; and any waiver of any breach of any term or condition

hereof shall not be deemed to extend to any other breach or any subsequent breach of the same or any other term, condition or provision.

IN WITNESS WHEREOF, the parties hereto have hereunto executed this license agreement as of the day and year first written above.

By Daniel A. Pozjanski

TOWN OF CHEEKTOWAGA

By Frank E. Smith
Supervisor

MEETING NO. 13
July 1, 1991

Item No. 11 Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, Section 82-20.1.F of the Zoning Ordinance requires new developments to be properly landscaped and, if such landscaping cannot be completed prior to occupancy because of seasonal conditions, the owner is required to post a certified check with the Town to cover the costs of such landscaping, and

WHEREAS, if such landscaping is completed by the date prescribed for same, the owner shall be entitled to the return of such moneys deposited with the Town, and

WHEREAS, on January 31, 1991, Pepsi Cola Buffalo Bottling Corporation deposited a check in the amount of \$28,970 with the Town to guarantee landscaping at its new building located at 2770 Walden Avenue, and

WHEREAS, landscaping at 2770 Walden Avenue has now been completed and the Building Inspector has issued a final certificate of occupancy for such property, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned moneys deposited with the Town, together with interest earned thereon, shall be returned to Pepse Cola Buffalo Bottling Corporation upon the submission of a completed and signed Town voucher.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 12 Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town has been awarded an additional \$7,000 in re-allocated Fiscal Year 1990 Community Development Block Grant funds, and

WHEREAS, it is necessary for the Town to amend its 1990 Community Development Program Statement to reflect the addition and the use of said funds, and

WHEREAS, the Community Development Director has recommended that the additional \$7,000 in Community Development funds be allocated to the Town's Housing Rehabilitation Revolving Loan Program, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's 1990 Community Development Block Grant Program Statement to reflect the addition of \$7,000 in Community Development Block Grant funds, said funds to be allocated to the Housing Rehabilitation Revolving Loan Program activity.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....July 4, 1991.....;
last publication.....July 4, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this4th.....

day ofJuly....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

**LEGAL NOTICE
TOWN OF CHEEKTOWAGA
Community Development Block
Grant Program
AMENDMENT OF 1990-91
PROGRAM STATEMENT**

Please be advised that the Town of Cheektowaga has amended its Final Statement on Use of Community Development Block Grant Funds for the 1990-91 Program Year to incorporate the supplemental allocation of \$7,000 in Community Development Block Grant Funds from the Department of Housing and Urban Development. The additional \$7,000 has been allocated to the Town's Housing Rehabilitation Program.

July 2, 1991

PUBLISH: July 4, 1991

Item No. 13 Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, by resolution dated June 5, 1989, the Cheektowaga Town Board approved a Lease Agreement between the Town of Cheektowaga and the Cheektowaga Economic Development Corporation ("CEDC") for a 55+ acre of land owned by the Town near the southwest corner of Harlem Road and Walden Avenue, and

WHEREAS, said Lease Agreement was for an initial term of fifteen (15) years with two (2) successive ten (10) year period renewal options, and

WHEREAS, the CEDC has requested that the Town and the CEDC amend the Lease Agreement to provide for a 49 year term for same in order that such property can be properly developed, and

WHEREAS, this Town Board is agreeable to extending the term of such Lease Agreement to 49 years, NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to Section 1411(d)(3) of the Not-for-Profit Law of the State of New York, a public hearing shall be on the 15th day of July, 1991 at 7:30 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard; and at which time and place it may be determined whether the terms of the aforesaid Lease Agreement shall be extended to 49 years, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times, the official Town newspaper, not less than ten (10) days prior to the date of such hearing.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and
Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

AFFIDAVIT - NEXT PAGE

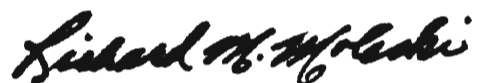
NOTICE OF HEARING ON PROPOSAL FOR
TOWN OF CHEEKTOWAGA TO INCREASE TERM OF LEASE AGREEMENT
WITH CHEEKTOWAGA ECONOMIC DEVELOPMENT CORPORATION

NOTICE IS HEREBY GIVEN THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 1st day of July, 1991, and in accordance with the provisions of the Not-For-Profit Corporation Law of the State of New York, a Public Hearing will be held on the 15th day of July, 1991 at 7:30 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether the Town Board should increase the term of the Agreement dated July 6, 1989 between the Town of Cheektowaga and the Cheektowaga Economic Development Corporation for a 55+ acre parcel of land near the southwest corner of Walden Avenue and Harlem Road from 35 years (initial 15 year term and two optional 10 year terms) to a set term of 49 years.

The extension of the term of such agreement will be discussed at such public hearing.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: July 1, 1991



RICHARD M. MOLESKI
Town Clerk

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....JULY 4, 1991.....;
last publication.....JULY 4, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this4th.....

day ofJuly....., 19.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

**LEGAL NOTICE
NOTICE OF HEARING ON
PROPOSAL FOR TOWN OF
CHEEKTOWAGA TO
INCREASE TERM OF LEASE
AGREEMENT WITH
CHEEKTOWAGA
ECONOMIC DEVELOPMENT
CORPORATION**

NOTICE IS HEREBY GIVEN
THAT, in pursuance of a Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 1st day of July, 1991, and in accordance with the provisions of the Not-For-Profit Corporation Law of the State of New York, a Public Hearing will be held on the 15th day of July, 1991 at 7:30 o'clock P.M., at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether the Town Board should increase the term of the Agreement dated July 6, 1989 between the Town of Cheektowaga and the Cheektowaga Economic Development Corporation for a 55+ acre parcel of land near the southwest corner of Walden Avenue and Harlem Road from 35 years (initial 15 year term and two optional 10 year terms) to a set term of 49 years.

The extension of the term of such agreement will be discussed at such public hearing.

**BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE COUNTY,
NEW YORK.**

Dated: July 1, 1991

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 4, 1991

Item No. 14a Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga receives Community Development Block Grant Funds from the Department of Housing and Urban Development, and

WHEREAS, federal regulations require that the Town annually enter into subrecipient agreements with those entities receiving Community Development funds through the Town, and

WHEREAS, activities utilizing Community Development funds have been programmed for the Villages of Depew and Sloan in the current program year, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute Subrecipient Agreements with the Villages of Depew and Sloan in conformance with federal regulations.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 14b Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Federal Small Business Administration and the New York State Department of Environmental Conservation offer a grant program to provide local governments with monies to purchase trees to be planted on municipally owned property; and

WHEREAS, based on population, the Town is eligible for a maximum award of \$25,000 which must be matched with in-kind services and cash totaling \$25,000; and

WHEREAS, the Town of Cheektowaga is in need of financial assistance to enhance the environmental and aesthetic quality of municipally owned property; NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of Environmental Conservation for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, the Town's share of required matching funds, in an amount not to exceed \$25,000, is available from Capital Improvements, budget line #5005-8560-0700 and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 14c Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, the Friends of the Woods, Ltd. is a not-for-profit corporation formed for the purpose of promoting and protecting wildlife and nature and educating the public on such matters, and

WHEREAS, the Friends of the Woods, Ltd. has requested funding from the Town to assist it with its endeavors, and

Item No. 14c continued

WHEREAS, this Board feels the purpose of the Friends of the Woods, Ltd. is of benefit to the Town of Cheektowaga and its residents, and

WHEREAS, the education of the residents of the Town, including the youths of this Town, is a legitimate public purpose, and

WHEREAS, an agreement has been prepared between the Town of Cheektowaga and the Friends of the Woods, Ltd. providing for \$1,000.00 funding to the Friends of the Woods, Ltd. and specifying in such agreement the responsibilities and obligations of the Friends of the Woods, Ltd., NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the Friends of the Woods, Ltd., and BE IT FURTHER

RESOLVED, that the moneys required under such agreement shall be appropriated from budget line item number 0100-7270-4388.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

*SEE NEXT PAGE(S) FOR ATTACHMENT

AGREEMENT

This AGREEMENT, dated July 1, 1991, is made by and between the FRIENDS OF THE WOODS, LTD., being a not-for-profit corporation organized under the laws of the State of New York (hereinafter referred to as the Party of the First Part), and the TOWN OF CHEEKTOWAGA, a municipal corporation organized and existing under the laws of the State of New York (hereinafter referred to as the Party of the Second Part).

WITNESSETH:

WHEREAS, the Party of the First Part is involved with promoting conservation and educating the public (including youths) with respect to the preservation of wildlife and nature for the benefit of the residents of the Town of Cheektowaga, and

WHEREAS, the Party of the First Part has proposed to continue such promotion and education activities for the benefit of the residents of the Town of Cheektowaga, and

WHEREAS, the Party of the Second Part has authorized the appropriation and expenditure of funds in the sum of One Thousand Dollars (\$1,000.00) for the promotion of the activities of the Party of the First Part pursuant to authority granted to said Town Board.

THEREFORE, for and in consideration of the promises and the mutual covenants contained in this agreement, the Party of the Second Part and the Party of the First Part hereby agree as follows:

FIRST: That the Party of the First Part shall conduct various activities and expend moneys for purposes, as listed on the attached Schedule

A, for the benefit and educational and cultural enrichment of the residents of the Town of Cheektowaga. That the various activities shall take place from July 1, 1991 to June 30, 1992, and said period shall constitute the term of this Agreement,

SECOND: That the Party of the Second Part agrees to make available to the Party of the First Part a sum not to exceed One Thousand Dollars (\$1,000.00).

THIRD: That the Party of the First Part shall expend the funds provided by the Party of the Second Part exclusively for all activities as specified in Schedule A attached hereto, said activities being conducted for the benefit of the residents of the Town of Cheektowaga.

FOURTH: That full payment shall be made upon approval by the Party of the Second Part and audit and warrant by the Town's Accounting Department of a voucher executed by an authorized officer of the Party of the First Part.

FIFTH: That the Party of the First Part shall keep accurate and separate accounting and fiscal records in accordance with Generally Accepted Accounting Practices, maintain an efficient and accurate cost keeping system for records of all receipts and disbursements (including adequate supporting documentation, i.e., invoices) of all funds attributable to this agreement, and shall produce such records for examination at such reasonable time or times as may be designated by the Party of the Second Part or its duly authorized representatives and shall permit extracts therefrom and copies thereof to be made by the Party of the Second Part or its duly authorized representatives.

SIXTH: That the Party of the First Part agrees to indemnify, save and hold harmless the Party of the Second Part, its agents and employees of and from any and all claims, demands, actions, or causes of action of whatsoever nature or character arising out of or by reason of the execution or performance of the work and services provided for in this agreement, and further agrees to defend at its own cost and expense, any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising out of this Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first above written.

FRIENDS OF THE WOODS, LTD.

By Michael Peters

TOWN OF CHEEKTOWAGA

By James W. Gabryszak
Supervisor

SCHEDULE A

ACTIVITIES TO BE PERFORMED

Preparation and printing of brochures and educational materials to educate the public about conservation, wildlife and nature.

Promotion and encouragement of public to visit the Town of Cheektowaga to view the Reinstein Woods Nature Preserve.

Transportation expenses in traveling to schools, etc. to conduct classes, etc. and give demonstrations and presentations to the public.

Miscellaneous expenses related to providing education to the public.

Erection of a fence, if approved by the Town, in John C. Stiglmeier Park near its boundary with the Reinstein Woods Nature Preserve.

Miscellaneous expenses with respect to promoting the Town of Cheektowaga and wildlife and nature conservation.

MEETING NO. 13
July 1, 1991

Item No. 15a Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT FURTHER RESOLVED that the below listed individuals be terminated from the Youth and Recreational Services Department:

LIFEGUARD I - 01-7180-0001-1903 - \$5.00/hr.

Tammy Bielawa	14212
Theresa Cielinski	14227
Brian Roehmholdt	14225
Brian Tokarczyk	14227

RECREATION ATTENDANT II - 01-7140-0001-1614 - \$4.50/hr.

Lori Bucolo	14043
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LIFEGUARD III - 01-7180-0001-1903 - \$4.50/hr.

John T. Jones, Jr.	14227
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GYMNASTICS ATTENDANT II - 01-7140-0001-1614 - \$4.50/hr.

Caren Morella	14225
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Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

Item No. 15b Motion by Councilman Kulyk, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

EFFECTIVE

TOWN CLERK'S OFFICE

Kelly Jeffords	Immediately
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POLICE DEPARTMENT

Linda Twardowski	Immediately
------------------	-------------

SANITATION DEPARTMENT

Larry Lawicki	Immediately
David Lyla	"

ASSESSOR'S OFFICE

Dorothy Glowacki	Immediately
------------------	-------------

SANITATION DEPARTMENT

Lisa-Marie DeMont	Immediately
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Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

Item No. 16a Motion by Councilman Blachowski, Seconded by Councilman Kulyk

WHEREAS, a vacancy in the position of Cleaner exists in the Facilities Department, AND

Item No. 16a continued

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, AND

WHEREAS, Raymond M. Nowak, currently employed as a Cleaner in the Sewer Department, bid on said position and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Raymond M. Nowak be and hereby is appointed to the position of Cleaner in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

Item No. 16b Motion by Councilman Gabryszak, Seconded by Councilman Kulyk

WHEREAS, a vacancy in the position of General Mechanic exists in the Facilities Department, AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, AND

WHEREAS, Michael Full, currently employed as a Light Motor Equipment Operator with the Town, bid on said position and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Michael Full be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

Item No. 16c Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, by resolution, this Town Board appointed Nancy Scarafia to the temporary vacancy of Senior Clerk in the Assessor's Office, AND

WHEREAS, the need still exists for this temporary position, AND

WHEREAS, the Employee Relations Department is in the process of canvassing the Civil Service list for the position of Senior Clerk, AND

WHEREAS, it is the intent of this Town Board to extend the temporary appointment of Nancy Scarafia until such time that the Employee Relations Department completes its canvassing of said Civil Service list, NOW, THEREFORE, BE IT

RESOLVED, that Nancy Scarafia shall remain in the temporary position of Senior Clerk in the Assessor's Office until July 15, 1991.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

MEETING NO. 13
July 1, 1991

Item No. 17a Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED that the following individual be hired as a part-time substitute Exercise Teacher at \$6.50 per hour starting July 8, 1991.

Kim John Foucha
Depew, New York 14043

FUNDING SOURCE: 0100-7620-1639

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 17b Motion by Councilman Blachowski, Seconded by Councilman Solecki

BE IT RESOLVED, that the following individuals be and hereby are hired as part-time employees, not to exceed 19 hours on a weekly basis, in the various departments listed and in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

EFFECTIVE

CENTRAL GARAGE - \$4.65 per hour

David Walkowski (PT. Laborer) Immediately

POLICE DEPARTMENT - \$4.65 per hour

Nicole Saraniecki (PT. Clerical) Immediately

TOWN CLERK'S OFFICE - \$5.00 per hour

Lou Ann Aepelbacher (PT. Clerical) Immediately

MOTION BY COUNCILMAN KULYK, SECONDED BY COUNCILMAN GABRYSZAK TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

AMENDED

BE IT RESOLVED, that the following individuals be and hereby are hired as part-time employees, not to exceed 19 hours on a weekly basis, in the various departments listed and in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

Item No. 17b continued

EFFECTIVE

CENTRAL GARAGE - \$4.65 per hour

David Walkowski (PT. Laborer) Immediately

POLICE DEPARTMENT - \$5.00 per hour

Nicole Saraniecki (PT. Clerical) Immediately

TOWN CLERK'S OFFICE - \$5.00 per hour

Lou Ann Aepelbacher (PT Clerical) Immediately

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

Item No. 17c Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, by resolution, this Town Board created part-time positions of Public Safety Dispatcher, AND

WHEREAS, the Town Board is interested in filling two (2) positions at this time, AND

WHEREAS, the two (2) individuals currently exist on the valid Civil Service list for the position of Public Safety Dispatcher, were canvassed and interviews were conducted, NOW, THEREFORE, BE IT

RESOLVED, that Donald Gordon, , and Richard Siejak, be and hereby are hired as part-time Public Safety Dispatchers, not to exceed 19 hours on a weekly basis, effective immediately and at an hourly rate of \$9.67.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

Item No. 18a Motion by Councilman Kulyk, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are hired as Seasonal Employees in the various departments listed, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) weeks in a calendar year:

EFFECTIVE

TOWN CLERK'S OFFICE - \$5.00 per hour

Lisa-Marie DeMont (Clerical) Immediately

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

MEETING NO. 13
July 1, 1991

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN ROGOWSKI
TO DISPENSE WITH READING OF THE NAMES IN ITEM 18b AND THE
VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and
Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 18b Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be hired as seasonal
employees, not to exceed 24 weeks, to aid the Cheektowaga Youth & Recreational
Services Department in conducting its 1991 summer programs at the designated titles
and salaries.

COUNSELOR I - 01-7310-0001-1802 - \$4.25/hr.

Craig Kornacki 14043
Steve Pierpaoli 14043

COUNSELOR II - 01-7310-0001-1802 - \$4.50/hr.

Joann M. Witakowski 14225
Sarah A. Zebehazy 14211
Kimberly McGuire 14043

COUNSELOR III - 01-7310-0001-1802 - \$4.75/hr.

Carol Ciepiela 14212

SUMMER TRAINEES - 01-7310-0001-1812 - \$4.25/hr.

Jason Krasinski (Alternate) 14043

RECREATION ATTENDANT II - 01-7180-0001-1614 - \$4.50/hr.

Christopher Mahalic 14206

BE IT RESOLVED that the following individuals be hired as seasonal
employees, not to exceed 24 weeks to aid the Youth and Recreational Services
Department in conducting its 1991 summer programs, at the designated titles and
salaries, retroactive to June 25, 1991:

LIFEGUARD I - 01-7180-0001-1903 - \$5.00/hr.

Melissa Bialkowski 14225
Edward J. Pawlowski 14043

LIFEGUARD III - 01-7180-0001-1903 - \$4.50/hr.

Keith Polanski, III 14043
Brenda Makuch* 14086
Kathleen Kinney* 14206
Erica Olandt* 14086

*non-residents, if approved by the Town Board, effective July 2nd

BE IT RESOLVED that the following individual be hired as a seasonal
employee at the designated title and salary, retroactive to June 22, 1991:

Item No. 18b continued

ASSISTANT POOL SUPERVISOR II - 01-7180-0001-1903 - \$6.00/hr.

Todd Roland

14227

BE IT RESOLVED that Jeffrey Schneider, a salaried employee, be transferred to an hourly rate of \$6.40 per hour (01-7140-0001-1613), retroactive to June 3rd.

BE IT RESOLVED that Kevin Burke, erroneously hired as a Recreation Attendant II (01-7140-0001-1614) be hired as a Playground Supervisor - Sports (01-7140-0001-1613) at a salary rate of \$6.00 per hour, retroactive to June 3rd.

BE IT RESOLVED that Irene Leary (), previously hired as a Recreation Attendant III (01-7140-0001-1614), be elevated to the position of Gymnastics Attendant I (01-7140-0001-1615), at the salary rate of \$4.75 per hour,

THAT Kimberly Orschek (), previously hired as a Gymnastics Attendant II (01-7140-0001-1614), be elevated to the position of Gymnastics Attendant I (01-7140-0001-1614), at the salary rate of \$4.75 per hour, and

BE IT RESOLVED that the below listed individuals, erroneously hired under Line Item No. 01-7140-0001-1615 be transferred to Line Item No. 01-7140-0001-1615, effective June 3rd:

GYMNASTICS RECREATION ATTENDANT I - \$4.75/hr.

Mark Monaco

14043

GYMNASTICS ATTENDANT II - 4.50/hr.

Maria DiGiancomo

14225

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 19 Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

SPECIAL DISTRICT FUND

FROM: 1500-8173-4432	Sanitation - Recycling Remodeling	\$ 1,500.00
TO: 1500-8160-4231	Sanitation - Water	1,500.00

CDBG FUND

FROM: 0700-8690-6704	Contingency	\$ 10,000.00
0700-8617-7705	Economic Development	48,780.30
0700-8617-8705	Economic Development	10,000.00
TO: 0700-8612-6720	Cedargrove Storm Sewer Inputs	10,000.00
0700-8612-7720	Cedargrove Storm Sewer Inputs	48,780.30
0700-8612-8720	Cedargrove Storm Sewer Inputs	10,000.00

CAPITAL FUND

FROM: 5016-8125-4545	S.D. #5 Telemetry	\$125,000.00
TO: 5016-8125-2501	S.D. #5 M.P. Station Process Ctrlr.	125,000.00

MEETING NO. 13
July 1, 1991

Item No. 19 continued

GENERAL FUND

FROM: 0100-1910-4711 Contingency \$ 1,000.00
TO: 0100-7270-4388 Friends of the Woods 1,000.00

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and
Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 20 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED that the following vouchers and warrants are submitted to the Town of Cheektowaga prior to June 28, 1991, are hereby approved and made a part hereof:

GENERAL FUND	\$ 82,813.10
HIGHWAY FUND	39,598.67
TRUST & AGENCY FUND	37,159.25
CDGB HUD FUND	40,232.06
PART TOWN FUND	549.30
RISK RETENTION FUND	36,483.22
HUD REHABILITATION FUND	4,502.00
SPECIAL DISTRICTS	196,167.59
CAPITAL FUND	<u>51,951.43</u>
TOTAL	\$489,456.62 =====

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and
Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

III. DEPARTMENTAL COMMUNICATION

Item No. 21 Building Permits
Received and Filed.

Item No. 22 Supervisor's Statement of Funds - January 1991
Received and Filed.

IV. GENERAL COMMUNICATION

Item No. 23a Notice of Claim: Kathy Lorenz vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Highway Depart-
ment and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23b Notice of Claim: Jerome F. Okonzak, Jr. vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Highway Depart-
ment and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23c Notice of Claim: Jeffrey M. Werdein vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Highway Depart-
ment; Sewer Maintenance Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 23d Notice of Claim: Daniel J. Brudz vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Sanitation
Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24 Petition Regarding the Rezoning of Property Located at 73 Oakwood
Drive
Received and Filed.

Item No. 25 Protest of the Special Franchise Assessment - New York Telephone
Received and Filed.

* * * * *

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN ROGOWSKI
TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S) AND
THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and
Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

* * * * *

V. SUSPENSION OF RULES

Item No. 26a Call for Public Hearing: Order Calling for Public Hearing on the
Increase and Improvement of Facilities of Cheektowaga Consolidated
Refuse and Garbage District

*SEE NEXT PAGE(S) FOR ORDER CALLING FOR PUBLIC HEARING.

AFFIDAVIT - NEXT PAGE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 1st day of July, 1991.

PRESENT:

~~Hon. Frank E. Swiatek, Supervisor~~
Patricia A. Jaworowicz Councilperson
Dennis H. Gabryszak Councilperson
Andrew A. Kulyk Councilperson
Richard B. Solecki Councilperson
William P. Rogowski Councilperson
Jacqueline A. Blachowski Councilperson

ABSENT: Frank E. Swiatek, Supervisor

In the Matter
of the

Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law).

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
JULY 15, 1991

WHEREAS, the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

WHEREAS, certain municipalities have been invited by the Council to enter into the Revised Agreement for a Joint Materials Recovery Facility (Northern Recycling Council), dated as of June 17, 1991 (hereinafter called "Joint Recycling Agreement"), by execution, delivery and acceptance of a Commitment to be Bound thereto (the "Commitment") pursuant to 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the acceptance by the Council of the Village of Depew and of a sufficient number of other municipalities with an aggregate population (other than the Village of Depew) of not less than 332,327 (such accepted

municipalities other than the Village of Depew to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

WHEREAS, the Commitment and the Joint Recycling Agreement have been presented, reviewed and placed on file in the records of this municipality as part of the minutes of the meeting at which this Order is adopted;

WHEREAS, each Participating Municipality expects to adopt on or before July 17, 1991, resolutions either appropriating current funds or authorizing the contracting of several indebtedness in its allocated share of an aggregate amount not to exceed \$8,000,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of each Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

WHEREAS, the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis;

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town," respectively), in the County of Erie, New York on behalf of the Cheektowaga Consolidated Refuse and Garbage District, in the Town (herein called "District"), proposes to increase and improve the facilities of the District by authorizing the joint construction and acquisition of a materials recovery facility to be located in the Village of Depew and by committing to be bound by the Joint Recycling Agreement for the development, acquisition, construction, financing, operation and maintenance of the Joint Facility, and has estimated the total cost to the District of said increase and improvement of facilities to be \$2,031,421;

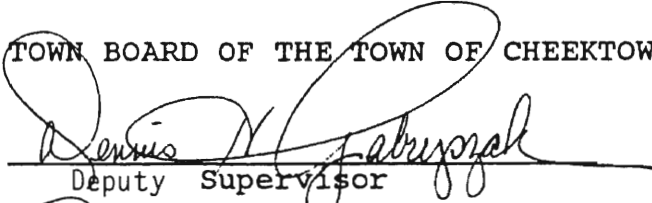
Now, therefore, be it


ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway & Union Road, Cheektowaga, New York in the Town, on the 15th day of July, 1991 at 6:45 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

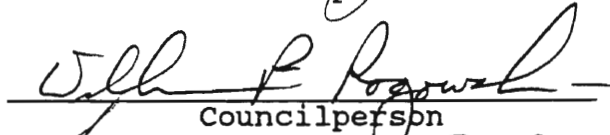
FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Buffalo, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

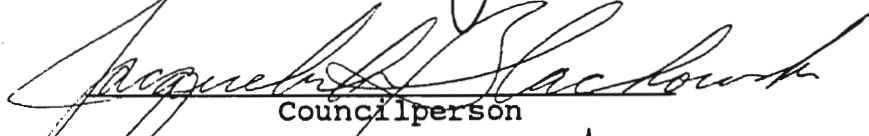
DATED: JULY 15, 1991

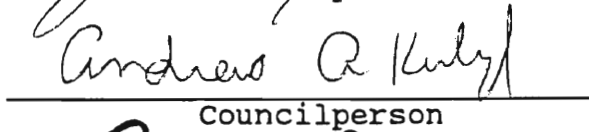
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

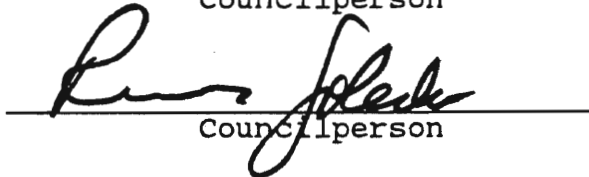

Deputy Supervisor


Councilperson


Councilperson


Councilperson


Councilperson


Councilperson

Councilperson

(SEAL)

Members of the Town Board of the
Town of Cheektowaga, New York

STATE OF NEW YORK)
 : ss.:
COUNTY OF ERIE)

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day of July, 1991, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 1st day of July, 1991.

(SEAL)


Town Clerk

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for¹..... weeks:
first publication..... July 4, 1991..... ;
last publication..... July 4, 1991..... ;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this 4th

day of July, 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 1st day of July, 1991.

PRESENT:

Patricia A. Jaworowicz, Councilperson

Dennis H. Gabryszak, Councilperson

Andrew A. Kulyk, Councilperson

Richard B. Solecki, Councilperson

William P. Rogowski, Councilperson

Jacqueline A. Blachowski, Councilperson

ABSENT: Frank E. Swiatek, Supervisor

In the Matter of the

Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law).

ORDER CALLING PUBLIC HEARING TO BE HELD ON JULY 15, 1991

WHEREAS, the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

WHEREAS, certain municipalities have been invited by the Council to enter into the Revised Agreement for a Joint Materials Recovery Facility (Northern Recycling Council), dated as of June 17, 1991 (hereinafter called "Joint Recycling Agreement"), by execution, delivery and acceptance of a Commitment to be Bound thereto (the "Commitment") pursuant to 120-w and 120-aa of the General Municipal Law, constitution Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the acceptance by the Council of the Village of Depew and of a sufficient number of other municipalities with an aggregate population (other than the Village of Depew) of not less than 332,327 (such accepted municipalities other than the Village of Depew to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility to service the Participating Municipalities and such Participating Municipalities except to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

WHEREAS, the Commitment and the Joint Recycling Agreement have

been presented, reviewed and placed on file in the records of this municipality as part of the minutes of the meeting at which this Order is adopted;

WHEREAS, each Participating Municipality expects to adopt on or before July 17, 1991, resolutions either appropriating current funds or authorizing the contracting of several indebtedness in its allocated share of an aggregate amount not to exceed \$8,000,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of each Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

WHEREAS, the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis;

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town," respectively), in the County of Erie, New York on behalf of the Cheektowaga Consolidated Refuse and Garbage District, in the Town (herein called "District"), proposes to increase and improve the facilities of the District by authorizing the joint construction and acquisition of a materials recovery facility to be located in the Village of Depew and by committing to be bound by the Joint Recycling Agreement for the development, acquisition, construction, financing, operation and maintenance of the Joint Facility, and has estimated the total cost to the District of said increase and improvement of facilities to be \$2,031,421;

Now therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway & Union Road, Cheektowaga, New York in the Town, on the 15th day of July, 1991 at 6:45 'clock P.M. (Prevailing Time) to consider said increase and improve-

ment of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in Buffalo, New York, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: JULY 15, 1991

TOWN BOARD OF CHEEKTOWAGA

Dennis H. Gabryszak, Deputy Supervisor

Patricia A. Jaworowicz, Councilperson

William P. Rogowski, Councilperson

Jacqueline A. Blachowski, Councilperson

Andrew A. Kulyk, Councilperson

Richard B. Solecki, Councilperson

Members of the Town Board of the Town of Cheektowaga, New York

STATE OF NEW YORK,

COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 1st day of July, 1991, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 1st day of July, 1991.

RICHARD M. MOLESKI

Town Clerk

PUBLISH: July 4, 1991

73.7

MEETING NO. 13
July 1, 1991

Item No. 26b Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, Dennis G. Loynes has made application and requested the Rezoning from R-Residential to RA-Apartment for property located at 73 Oakwood Drive, said applicant being the owner of the property, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 15, 1991 at 6:30 o'clock P.M. Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and
Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....JULY 4, 1991.....;
last publication.....JULY 4, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this4th.....
day ofJuly....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/01

48
18.96

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 15th day of JULY, 1991 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of DENNIS G. LOYNES, JR. to Rezone from RESIDENCE District to APARTMENT District on property located at 73 OAKWOOD DRIVE and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number Fifty (50), Township ten (10), Range seven (7) of the Buffalo Creek Reservation and further distinguished as Subdivision Lot Number eighty-nine (89) as shown on a map filed in the Erie County Clerk's Office under Cover Number 2241.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 4, 1991

MEETING NO. 13
July 1, 1991

Item No. 26c Motion by Councilman Kulyk, Seconded by Councilman Gabryszak

WHEREAS, Stradtman Assoc., Inc./John L. Chmura has made application and requested the Rezoning from R-Residential to CM-General Commercial for property located at 100 Warsaw Street, said applicant being the owner of the property, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 15, 1991 at 6:30 o'clock P.M. Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: Supervisor Swiatek

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication..... July 4, 1991..... ;
last publication..... July 4, 1991..... ;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this 4th

day of July....., 1991...

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICE

2 NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 15th day of JULY, 1991 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of STRADTMAN ASSOC./JOHN CHMURA to Rezone from R-RESIDENCE District to CM-GENERAL COMMERCIAL District on property located at 100 WARSAW STREET and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under Cover No. 636 is known as subdivision lots numbers sixteen (16) to twenty-one (21) inclusive in Block "E".

BY ORDER OF THE TOWN BOARD

- Supervisor Frank E. Swiatek
- Councilman Patricia A. Jaworowicz
- Councilman Dennis H. Gabryszak
- Councilman Andrew A. Kulyk
- Councilman Richard B. Solecki
- Councilman William P. Rogowski
- Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 4, 1991

50
19.75

MEETING NO. 13
July 1, 1991

Item No. 27 Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, by resolution dated July 2, 1990, this Town Board enacted Local Law No. 3 of the Year 1990, entitled "A Local Law to create the Cheektowaga Conservation Advisory Council", and

WHEREAS, thereafter by resolution dated October 15, 1990, members were appointed to serve on said Cheektowaga Conservation Advisory Council, and

WHEREAS, one of the members appointed to such council, Stephen P. Fitzmaurice, has resigned, and

WHEREAS, Gary Harms has offered to serve on such council, NOW,
THEREFORE, BE IT

RESOLVED, that Gary Harms, _____, Cheektowaga, New York be and hereby is appointed to serve as a voting member on the Cheektowaga Conservation Advisory Council for a term expiring on October 15, 1992.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 28 Motion by Councilman Kulyk, Seconded by Councilman Rogowski

WHEREAS, the Town has determined that a need exists to create one (1) full-time Building and Zoning Clerk position in the Building Inspector's Department, NOW, THEREFORE, BE IT

RESOLVED, that one (1) full-time position of Building and Zoning Clerk be and hereby is created, pending approval by the Erie County Department of Personnel and jurisdictional classification pursuant to the rules of the Erie County Department of Personnel, AND BE IT FURTHER

RESOLVED, that the Employee Relations Department be and hereby is directed to process the necessary paperwork to obtain such classification, and negotiate the proper compensation with the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: Supervisor Swiatek

Item No. 29 Motion by Councilman Gabryszak, Seconded by Councilman Kulyk to adjourn the meeting in memory of Steven Burtel.

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(held prior to Town Board meetings)

- | <u>NO.</u> | <u>ITEM</u> |
|---------------------------------------|---|
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| 2 | Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District |
| <u>Meeting No. 16 August 5, 1991</u> | |
| 1 | Rezoning of property at <u>100 Warsaw Street</u> from R-Residential to CM-General Commercial District |
| <u>Meeting No. 17 August 17, 1991</u> | |
| 1 | Special Use Permit to use property at <u>3160 Union Road</u> for truck terminal and maintenance garage |
| 2 | Rezoning of property at <u>2911 William Street</u> from RA-Residential District to C-Retail Business District |

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A D J O U R N E D M E E T I N G S

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	<u>Adjourned Meeting No. 15 July 16, 1991</u>	
2	Bond Resolution - Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District	1

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of July, 1991 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney; Chester L. Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Salvatore LaGreca, Chairman, Planning Board, Employee and Training Director; Bruce Chamberlin, Chief of Police, and Richard Roll, Police Lieutenant

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider the advisability of increasing term of Lease Agreement with the Cheektowaga Economic Development Corporation, for a 55+ acre parcel of land near the southwest corner of Walden Avenue and Harlem Road from 35 years (initial 15 year term and two optional 10 year terms) to a set term of 49 years. The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

II. RESOLUTIONS

Item No. 3 Bond Resolution. Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District.

The above item was adjourned to a meeting set for Tuesday, July 16, 1991 at 5:00 P.M.

Item No. 4 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, Chapter 23A of the Code of the Town of Cheektowaga (Environmental Impact Review Ordinance) was adopted by Town Board resolution dated August 27, 1979, and

WHEREAS, Subdivision B. of Section 23A-5 of such ordinance designates areas within the Town as critical environmental areas, under the State Environmental Quality Review Act, and

Item No. 4 continued

WHEREAS, the Friends of the Woods, Ltd., the Depew-Cheektowaga Taxpayers Association and the Cheektowaga Conservation Advisory Council, in a joint effort to preserve wildlife and green areas in the Town for our future generations, have recommended that the Town include John C. Stiglmeier Park and the portion of Cayuga Creek 100-Year Floodplain, and

WHEREAS, a public hearing was held on the 1st day of July, 1991 at 7:30 P.M. at the Cheektowaga Town Hall to consider the adoption of amendments to Chapter 23A of the Town Code to designate the following as critical environmental areas:

1. John C. Stiglmeier Park; and
2. That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

(hereinafter referred to as the "Properties"), and

WHEREAS, at such public hearing, support was shown for the designation of the Properties as critical environmental areas, and

WHEREAS, the Properties adjoin the Reinstein Woods, a State-operated nature preserve, and

WHEREAS, the uncontrolled development of the Properties and removal of trees and other natural foliage could result in an isolation of the Reinstein Woods, thereby restricting the wildlife to the Reinstein Woods and causing overgrazing, overcrowding and habitat destruction within the Reinstein Woods, and

WHEREAS, this Town Board wishes to ensure that development within the Properties does not adversely affect the character of the Reinstein Woods by damaging the green space and water resources upon which it depends, and

WHEREAS, the Town also wishes to control development within the Properties as a means to ensure flood protection for its residents, and

WHEREAS, this Town Board wishes to delay consideration of the designation of land within 400 feet of the Properties as critical environmental areas at this time, but will review same again in six months, and

WHEREAS, the Town of Cheektowaga is mostly developed and this is our opportunity to ensure sufficient green areas are left for future generations, NOW, THEREFORE, BE IT

RESOLVED, that Section 23A-5.B. of the Code of the Town of Cheektowaga is amended by adding thereto as critical environmental areas the following:

- (3) John C. Stiglmeier Park.
- (4) That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on July 15, 1991; and that a certified copy thereof be published in the Cheektowaga Times, the official Town newspaper; and that the affidavit of such publication be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that the SEQRA Intake Officer shall notify the Commissioner of the NYS DEC and the local NYS DEC office of the designation of these critical environmental areas by forwarding them copies of this resolution and copies of the maps depicting such areas, and BE IT FURTHER

Item No. 4 continued

RESOLVED, that the designation of these areas as critical environmental areas shall take effect 30 days after filing with the NYS DEC.

* * * * *

MOTION BY SUPERVISOR SWIATEK AND SECONDED BY COUNCILMAN KULYK TO TABLE THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

* * * * *

Item No. 5 Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

WHEREAS, the New York State Legislature adopted, and the Governor signed into law, Chapter 178 of the Laws of 1991, which authorizes local municipalities to provide a retirement incentive for certain town employees, and

WHEREAS, Chapter 178 of the Laws of 1991 requires the Town of Cheektowaga to enact a local law to provide such early retirement incentive, and

WHEREAS, this Town Board is interested in receiving input on the adoption of such a local law, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 5th day of August, 1991 at 7:30 P.M., at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the purpose of considering the adoption of Local Law No. 3 of the Year 1991, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 178, Laws of 1991, for the eligible employees of the Town of Cheektowaga", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.

* * * * *

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 5th day of August, 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the following proposed Local Law:

LOCAL LAW INTRO. No. 91-3

A Local Law enacting a retirement incentive program as authorized by Chapter 178, Laws of 1991, for the eligible employees of the Town of Cheektowaga

Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 178, Laws of 1991.

Section 2. The commencement date of the retirement incentive program shall be August 12, 1991.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be 82 days in length. (August 12, 1991 - November 1, 1991).

Item No. 5 continued

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be funded over a five year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement payable under this local law.

Section 5. This act shall take effect upon filing with the Secretary of State.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: Cheektowaga, New York
July 15, 1991

RICHARD M. MOLESKI,
TOWN CLERK

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

**LEGAL NOTICE
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 5th day of August, 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the following proposed Local Law:

Local Law Intro. No. 91-3

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Section 5. This act shall take effect upon filing with the Secretary of State.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: Cheektowaga, New York
July 15, 1991

RICHARD M. MOLESKI
Town Clerk
PUBLISH: July 18, 1991

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....July 18, 1991..... ;
last publication.....July 18, 1991..... ;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this18th.....

day ofJuly....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 6 Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of TIRES AND TUBES for use by various departments in the Town of Cheektowaga.

Information to bidders and specifications may be obtained from the Office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, N.Y., 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday thru Friday and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on August 2nd, 1991 in the Council Chambers of the Town of Cheektowaga.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TIRE AND TUBES for use by various departments in the Town at a public bid opening August 2nd, 1991 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR TIRES AND TUBES".

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI,
Town Clerk

DATED: July 15, 1991

PUBLISHED: July 18, 1991

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
NOTICE TO BIDDERS
NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TIRE and TUBES for use by various departments in the Town at a public bid opening August 2nd, 1991 at 11 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.
Information for bidders and specifications may be obtained from the Office of Christopher J. Kowal, Superintendent of Highways located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR TIRES AND TUBES".
Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.
RICHARD MOLESKI
TOWN CLERK
Dated: July 15, 1991
PUBLISH: July 18, 1991

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....July 18, 1991.....; last publication.....July 18, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this18th.....

day ofJuly....., 1991....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 7a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, U & S Services has submitted a proposal to provide labor and materials for installation, programming, commissioning and training associated with fourteen (14) points with two (2) Heat, Vent., Air Conditioning Systems servicing the Police and Court Building under Energy Monitoring and Control Systems Project, AND

WHEREAS, Babinsky.Klein Engineering P.C. has reviewed said proposals as being in the best interest of the Town Energy Management Program, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order No. 3 in the amount of \$5,870.00 as submitted by U & S Services, Suite 11, 233 Fillmore Avenue, Tonawanda, New York 14150, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5912-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 7b Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, U & S Services has submitted a proposal to expand the Energy Monitoring and Control System to monitor the operation of the ice generating equipment at the Town Park Recreation Center, AND

WHEREAS, said proposal will allow for the control of both ice making compressor systems and constantly monitor the High Suction Pressure, Low Suction Pressure, Oil Pressure, Dump Solenoid Valve Operation and Fill Solenoid Valve Operation, AND

WHEREAS, said proposal shall note any dysfunctions of the system, will automatically alarm and through voice communications, transit through modem to the appropriate party which chiller is under alarm, identify the specific alarm condition and automatically engage the stand-by chiller to insure that the refrigeration process continues, AND

WHEREAS, Babinsky & Klein Engineers has reviewed said proposal and recommends implementation of same, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order #4 as submitted by U & S Services, 233 Fillmore Avenue, Tonawanda, New York 14150 in the amount of \$10,530.00, as defined in the attached proposal dated June 28, 1991, AND, BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5912-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGES



Suite 11
233 Fillmore Ave.
Tonawanda, N.Y. 14150
716-693-4490
FAX-693-5280

June 28, 1991

Babinsky-Klein Engineering, P.C.
150 Creekside Drive
Amherst, N.Y. 14150

Attn: Mr. Ken Swan

Subject: Town Park Recreation Center
Town of Cheektowaga
Andover Controls EMCS - Addition

Gentlemen:

We propose to provide an extension to the existing Andover Controls energy monitoring and control system (EMCS) at the above subject project. This extension would add monitoring and control to the ice rink chiller system.

The owner's central station, located in Mr. James Matecki office, would be able to communicate and control the ice rink chiller systems. In the event of a chiller failure during night time operation, the lag chiller would automatically be started by the Andover controller.

Should a failure occur where the chiller system was not producing ice, programmable telephone numbers would be dialed by the existing AC8 master controller, utilizing the existing telephone line, to advise service personnel of the failure. The controller would advise the person answering the telephone of what the failure is in ENGLISH language i.e. voice. No off site terminal would be required. We propose to provide:

CONTROL EQUIPMENT LIST:

<u>QUANTITY</u>	<u>DESCRIPTION</u>
1	ANDOVER CONTROLS LOCAL CONTROL UNIT (LCU)
1	ANDOVER CONTROLS MODEM MATE (ADDED TO AC8)
1	EQUIPMENT CONTROL PANEL
1	LEAD/OFF/LAG (CHILLER 1/2) LOCAL SWITCH
1	LEAD/OFF/LAG - START/STOP (CHILLER 1/2)
12	CHILLER #1 & #2 FAILURE ALARMS
2	CHILLER #1 & #2 RUN TIME TOTALIZATION

JUL 2 1991

DDC POINTS OF CONTROL:

BINARY INPUTS - (14)

CHILLER #1 STATUS (RUN TIME TOTALIZATION)
CHILLER #1 HIGH PRESSURE ALARM
CHILLER #1 LOW PRESSURE ALARM
CHILLER #1 OIL PRESSURE ALARM
CHILLER #1 SC (HOT OIL) ALARM
CHILLER #1 DUMP SOLENOID VALVE FAILURE
CHILLER #1 FILL SOLENOID VALVE FAILURE
CHILLER #2 STATUS (RUN TIME TOTALIZATION)
CHILLER #2 HIGH PRESSURE ALARM
CHILLER #2 LOW PRESSURE ALARM
CHILLER #2 OIL PRESSURE ALARM
CHILLER #2 SC (HOT OIL) ALARM
CHILLER #2 DUMP SOLENOID VALVE FAILURE
CHILLER #2 FILL SOLENOID VALVE FAILURE

BINARY OUTPUTS - (2)


CHILLER #1 LEAD/CHILLER #2 LAG
CHILLER #2 LEAD/CHILLER #1 LAG

PRICE.....\$10,530.00
(TEN THOUSAND FIVE HUNDRED THIRTY AND 00/100 DOLLARS)

Above pricing includes all labor and material for the installation, programming, commissioning, and customer training of the proposed Andover Controls system.

Thank you for the opportunity of proposing the above should you have any questions regarding this matter please contact this office.

Yours very truly,
U & S SERVICES, INC.


Russell J. Stuber
President

RJS:pc

CHANGE ORDER

No. 4

PROJECT:	ENERGY MONITORING & CONTROL SYSTEM	DATE OF ISSUANCE:	July 10, 1991
OWNER:	Town of Cheektowaga		
(Name, Address)	Town Hall Broadway & Union Road, Cheektowaga, New York 14225		
CONTRACTOR:	U & S Services Suite 11 233 Fillmore Avenue Tonawanda, New York 14150	OWNER's Project No. <u>C600703</u>	
CONTRACT FOR:	Energy Monitoring & Control System	ENGINEER: BABINSKY-KLEIN ENGINEERING, P.C. 150 Creekside Drive Amherst, New York 14228-2087	
		ENGINEER's Project No. <u>90050500</u>	

You are directed to make the following changes in the Contract Documents.

Description: Provide all labor and material for the installation, programming, commissioning, and training associated with the EMCS expansion to include the ice making compressor system serving the Recreation Center.

Purpose of Change Order: Expansion of Energy Monitoring and Control System.

Attachments: (List documents supporting change)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price \$ <u>73,685</u>	Original Contract Time <u>180 Days</u> days or date
Previous Change Orders No. <u>1</u> to No. <u>3</u> \$ <u>11,760</u>	Net change from previous Change Orders <u>---</u> days
Contract Price prior to this Change Order \$ <u>85,445</u>	Contract Time prior to this Change Order <u>180 Days</u> days or date
Net Increase (Decrease) of this Change Order \$ <u>10,530</u>	Net Increase (Decrease) of this Change Order <u>---</u> days
Contract Price with all approved Change Orders \$ <u>95,975</u>	Contract Time with all approved Change Orders <u>180 Days</u> days or date

RECOMMENDED:
Babinsky-Klein Engineering, P.C.

By: Joseph Deotelle
Engineer

APPROVED:

By: [Signature]
Owner

APPROVED: U & S SERVICES, INC

By: [Signature]
Contractor
PREP

MEETING NO. 14
July 15, 1991

Item No. 8 Acceptance of Innsbruck Drive.
This item was withdrawn.

Item No. 9 Motion by Councilman Rogowski Seconded by Councilman Blachowski

WHEREAS, previously it had been required by the Erie County Board of Elections that the Town of Cheektowaga maintain and operate 111 polling places for the purpose of registering voters each year, and

WHEREAS, more than one-half of the qualified voters are registered in the Town of Cheektowaga as required by the laws of the State of New York as a prerequisite for consolidation, and

WHEREAS, the consolidation of 111 Election Districts will result in substantial savings of approximately \$35,000, and

WHEREAS, the consolidation will also eliminate and reduce many of the functional details; namely,

1. The manpower requirements
2. Distribution of supplies to election inspectors
3. Mailing of notices to polling places and election inspectors
4. Rental of polling places
5. Use of Town recreational and facility buildings
6. Various processing details
7. Many other time-consuming and operational requirements for the purpose of registration.

and

WHEREAS, Federal legislation has provided for mail-in registration which has proved highly successful in that many citizens have made use of this procedure for registration, and

WHEREAS, the Town Clerk has petitioned the Erie County Board of Elections for permission to consolidate for registration purposes, and

WHEREAS, the Erie County Board of Elections has granted said permission to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk be and hereby is authorized to consolidate for Registration Days only the 111 Election Districts to one central location, namely, the Council Chambers, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 10a Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, there is need to replace and upgrade the Process Controller at the Main Pump Station, which computer based system monitors the Sewer District #5 flow rates, electric usage, alarm conditions and operations of effluent routing valves in the pump station, AND

WHEREAS, funding for new hardware and software has been budgeted, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., as submitted to the Town Engineer and dated May 30, 1991 for the provision of professional services, including the preparation of plans, specifications and contract documents and provision of general services during construction for supervision and administration of the software and hardware installation, and provision of resident engineer services during installation and start-up, and for preparation of record drawings, be and hereby is accepted and approved, AND, BE IT FURTHER

ADDENDUM TO
LEASE AGREEMENT

ADDENDUM TO LEASE AGREEMENT DATED JULY 6, 1989

BETWEEN: TOWN OF CHEEKTOWAGA, NEW YORK ("LESSOR")

AND: CHEEKTOWAGA ECONOMIC DEVELOPMENT CORPORATION ("LESSEE")

PREMISES: PROPERTY LOCATED SOUTH OF WALDEN AVENUE AND WEST
OF HARLEM ROAD

WHEREAS, LESSOR and LESSEE entered into a Lease Agreement dated July 6, 1989 concerning Lessor's property located south of Walden Avenue and west of Harlem Road in the Town of Cheektowaga, which property was more particularly described in Exhibit A to the Lease Agreement, and

WHEREAS, paragraphs numbered "1" and "2" in said Lease Agreement state that the terms of such lease is 15 years with two (2) successive ten (10) year renewal options, and

WHEREAS, LESSEE has requested that the Lease Agreement be amended to provide for a set term of 49 years,

NOW, THEREFORE, it is agreed by and between the parties that the Lease Agreement dated July 6, 1989 shall be amended and changed as follows:

1. Paragraph numbered "1" of the Lease Agreement shall be amended by replacing the words "for a term of 15 years" with the words "for a term of 49 years".

2. Paragraphs numbered "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", "16", "17" and "18" shall be renumbered "2", "3", "4", "5", "6", "7", "8", "9",

"10", "11", "12", "13", "14", "15", "16" and "17" respectively.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their proper representatives thereunto duly authorized.

TOWN OF CHEEKTOWAGA

By Frank E. Swiatek
Frank E. Swiatek, Supervisor

CHEEKTOWAGA ECONOMIC DEVELOPMENT CORPORATION

By [Signature]
President

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 20th day of August, 1991, before me personally came FRANK E. SWIATEK, to me personally known, who, being by me duly sworn did depose and say that he resides at Cheektowaga, New York, that he is the Supervisor of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.

Valerie A. Meyers

VALERIE A. MEYERS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES APRIL 11, 1992

Item No. 10a continued

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized to execute the subject proposal of Nussbaumer & Clarke, Inc., and BE IT FURTHER

RESOLVED, that the total fee for professional services in the amount of \$33,425. is to be charged to account #5016-8125-2501.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, by resolution dated June 5, 1989, the Cheektowaga Town Board approved a Lease Agreement between the Town of Cheektowaga and the Cheektowaga Economic Development Corporation ("CEDC") for a 55+ acre parcel of land owned by the Town and located near the southwest corner of Harlem Road and Walden Avenue, and

WHEREAS, said Lease Agreement was for an initial term of fifteen (15) years with two (2) successive ten (10) year renewal options, and

WHEREAS, the CEDC has requested that the Town and the CEDC amend the Lease Agreement to provide for a 49 year term for same in order that such property can be properly developed, and

WHEREAS, pursuant to Section 1411(d)(3) of the Not-for-Profit Law of the State of New York, a public hearing was held concerning this amendment to the Lease Agreement on July 15, 1991 at 7:30 P.M. at the Cheektowaga Town Hall, and

RESOLVED, that this Town Board hereby determines that the above referenced Town property is not needed for Town use, and BE IT FURTHER

RESOLVED, that the term of the aforementioned Lease Agreement be and hereby is amended so that same shall be for 49 years, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to sign an amendment to such Lease Agreement to provide for a term of 49 years, and BE IT FURTHER

RESOLVED, that, in accordance with Section 64(2) of the Town Law of the State of New York, such lease amendment shall be subject to a permissive referendum and the Town Clerk be and hereby is directed to publish the attached Notice in the CHEEKTOWAGA TIMES.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 15, 1991, adopted a resolution authorizing the extension of a lease with the Cheektowaga Economic Development Corporation for a parcel of land comprising 55+ acres of land on the south side of Walden Avenue, west of Harlem Road; the term of such lease would be amended from 15 years (with two - ten year renewal periods) to a straight 49 year lease.

TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

DATED: July 15, 1991

MEETING NO. 14
July 15, 1991

Item No. 10b continued

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

RICHARD M. MOLESKI,
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

LEGAL NOTICE
NOTICE OF ADOPTION OF
RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM
NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 15, 1991, adopted a resolution authorizing the extension of a lease with the Cheektowaga Economic Development Corporation for a parcel of land comprising 55 +/- acres of land on the south side of Walden Avenue, west of Harlem Road; the term of such lease would be amended from 15 years (with two-ten year renewal periods) to a straight 45 year lease.
TAKE FURTHER NOTICE that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.
Dated: July 15, 1991
BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.
RICHARD M. MOLESKI
Town Clerk
PUBLISH: July 18, 1991

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....JULY 18, 1991.....; last publication.....JULY 18, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this18th.....

day ofJULY....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 10c Motion by Supervisor Swiatek Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Supervisor be and hereby is authorized to sign the attached agreement with DRS and Associates for Workers' Compensation consultation services.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGE FOR AGREEMENT

MEDICAL MANAGEMENT AND
CONSULTATION SERVICES AGREEMENT

CLIENT: Town of Cheektowaga
Broadway and Union Road
Cheektowaga, New York 14227

CONSULTANT: DRS & Associates
300 Delaware Avenue, Suite 203
Buffalo, New York 14202

CONSULTANT agrees to provide medical management and consultation services to CLIENT on four (4) lost time injury cases on a trial basis as follows:

Services will be provided primarily by a Rehabilitation Nurse employed by CONSULTANT. Additional consultation services will be provided from the CONSULTANT's Director and professional staff as required.

Compensation/Fee: Services will be billed at an hourly rate of \$60.00 per hour, plus mileage and expenses, for a total not to exceed \$7,000.00.

CONSULTANT shall provide its services to the CLIENT as an independent contractor and shall not be considered an employee of the CLIENT.

DRS & Associates

By Thomas P. Rick
Thomas P. Rick, Director

TOWN OF CHEEKTOWAGA

By Frank E. Swiatek
Frank E. Swiatek, Supervisor

MEETING NO. 14
July 15, 1991

Item No. 11 Approval of agreement and related papers for a joint materials recovery facility.
This item was withdrawn.

Item No. 12 Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, the Town administers a housing rehabilitation program for eligible Town homeowners to make necessary repairs to their homes, and

WHEREAS, the Town has previously established loan limits of up to \$25,000 for said housing rehabilitation loans, and

WHEREAS, the Community Development Director has requested the Town Board to consider authorizing a housing rehabilitation loan to the owners of the property located at 849 Dick Road in an amount not to exceed \$30,000, due to the extent of the work required to bring the property into compliance with applicable Town Codes, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in the amount not to exceed \$30,000 to the owners of 849 Dick Road, Cheektowaga, New York 14225, and authorizes the Supervisor to execute loan and any other necessary related documents with said property owners.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, and

NOW, THEREFORE, BE IT RESOLVED, that the recommendations of EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE NEXT PAGE

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT EXPIRES</u>
* Robert J. Cuillo	Buffalo, N.Y. 14211	Town's	5/31/92
* Douglas E. Milks	Angola, New York 14006	Town's	4/30/94
Eric Gibson	Cheektowaga, N.Y. 14225	Town's	5/31/92
Richard G. Schneider, Jr.	Depew, N.Y. 14043	Town's	4/31/93
John R. Schoop, Jr.	Buffalo, New York 14210	Town's	2/31/94
Jody L. Feidt	Collins, New York 14034	Town's	12/31/93
Dean R. Lauber	Cheektowaga, N.Y. 14206	Town's	5/31/92
Mark T. Kopp	Cheektowaga, N.Y. 14227	Town's	8/31/93
Mark Wilkowski	Cheektowaga, N.Y. 14227	Town's	5/31/93
Anthony Kostyo	Cheektowaga, N.Y. 14227	Town's	12/31/93
Mark Noworyta	Amherst, N.Y. 14226	Town's	1/31/94
Michael F. Grant	Lancaster, N.Y. 14086	Town's	12/31/93
Patricia Bilger	Tonawanda, N.Y. 14150	Town's	11/30/93
* Joseph B. Pfeiffer	Akron, N.Y. 14001	Town's	4/30/94
* Barbara A. Sussman	Buffalo, N.Y. 14215	Town's	4/30/94
Philip S. Piasecki	West Seneca, N.Y. 14224	Town's	12/31/93
Russell J. Dimitroff	Hamburg, N.Y. 14075	Town's	4/30/94

* Indicates Renewal of license

MEETING NO. 14
July 15, 1991

Item No. 14 Motion by Councilman Gabryszak Seconded by Councilman Kulyk

WHEREAS, previously, this Town Board retained the law firm of Hiscock & Barclay to represent the Town with respect to the condemnation proceedings entitled "Town of Cheektowaga v. Starlite Builders, et al" and the appeal of such proceedings which was initiated by the condemnees, and

WHEREAS, previously approved payments to such law firm have been spent and this Town Board wishes to continue such legal services, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to continue to retain the services of Hiscock & Barclay on the above referenced condemnation proceeding and appeal for an additional amount not to exceed \$7,000. without further Town Board authorization, and BE IT FURTHER

RESOLVED, that such moneys shall be appropriated from budget line item number 05-7140-8817-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Supervisor Swiatek Seconded by Councilman Blachowski

WHEREAS, Digital Equipment Corporation is offering a VAX System Management School from July 22 - 26, 1991 in Detroit, Michigan, and

WHEREAS, the Town's Chief Accountant has requested permission to attend such school, and

WHEREAS, such school will teach the Town's Chief Accountant how to operate and correct problems with the Town's computer system, and

WHEREAS, there is no tuition cost to the Town for such school, NOW, THEREFORE, BE IT

RESOLVED, that Town Accountant Robert Kaczmarek be and hereby is authorized to attend the aforementioned computer school, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable and necessary costs for meals, lodging and transportation for Mr. Kaczmarek's attendance at such computer school in an amount not to exceed \$1,000.00 from budget line item number 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, by resolution dated July 1, 1991, this Town Board extended the appointment of Nancy Scarafia to the temporary position of Senior Clerk in the Assessor's Office until July 15, 1991, AND

WHEREAS, the Employee Relations Department has not yet completed the necessary canvassing of the Civil Service list for the position of Senior Clerk and therefore must again extend this temporary appointment, NOW, THEREFORE, BE IT

RESOLVED, that Nancy Scarafia shall remain in the temporary position of Senior Clerk in the Assessor's Office until such time that the Employee Relations Department completes the necessary canvassing of said Civil Service list.

Item No. 16 continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 17a Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

SEWER DEPARTMENT

EFFECTIVE

James McCloskey

7/26/91

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Gabryszak Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be terminated from the Cheektowaga Youth and Recreational Services Department:

Summer Trainee (01-7310-0001-1812) - \$4.25/hr.

Russell M. Ciraolo	14227
Christopher Calamita	14227
Edward D. Andrzejewski	14227

BE IT FURTHER RESOLVED that Mark Ostempowski, erroneously hired as a Recreation Attendant Level I, (01-7140-0001-1614), based upon his qualifications and experience, be transferred to the position of Recreation Attendant III (01-7140-0001-1614), at the salary rate of \$4.25 per hour, retroactive to June 3, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Supervisor Swiatek Motion by Councilman Gabryszak

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	0100-3120-2655	Crime Forfeiture	\$1,220.00
	0100-7620-4491	Special Events	4,000.00
TO:	0100-3120-4005	Community Services	1,220.00
	0100-7550-4374	Polish Festival	4,000.00

HIGHWAY FUND

FROM:	0300-5141-1374	Clerk Typist	4,000.00
TO:	0300-5141-1391	Part Time Clerk	4,000.00

Item No. 18 continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following vouchers and warrants and are submitted to the Town of Cheektowaga prior to July 12, 1991, are hereby approved and made a part hereof:

GENERAL FUND	\$1,313,763.11
HIGHWAY FUND	251,377.88
TRUST & AGENCY FUND	17,607.04
CDGB HUD FUND	9,131.84
PART TOWN FUND	29,142.67
RISK RETENTION FUND	19,736.25
HUD REHABILITATION FUND	19,240.38
SPECIAL DISTRICTS	1,469,197.28
CAPITAL FUND	307,100.44
DEBT SERVICE FUND	15,465.00
	<u>\$3,451,761.89</u>
	=====

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20a Minutes of Cheektowaga Library Board/March, 1991.
Received and Filed.

Item No. 20b Minutes of Cheektowaga Traffic Safety Commission/June, 1991.
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21a Summons and Complaint: Dorene Christopher vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; Allied Claims Services, Insurance Carrier.
Received and Filed.

Item No. 21b Summons and Complaint: Carmen Marinaccio, Luciann Marinaccio, individually and as mother of Samantha Marinaccio, an infant vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; Allied Claims Services, Insurance Carrier.
Received and Filed.

Item No. 22a Notice of Claim: Eileen S. Kennedy vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Traffic Safety Commission; Allied Claims Services, Insurance Carrier.
Received and Filed.

MEETING NO. 14
July 15, 1991

- Item No. 22b Notice of Claim: Gregory W. Brown vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; Allied Claims Services, Insurance Carrier.
Received and Filed.
- Item No. 22c Notice of Claim: James A. Torgalski/Lori Torgalski vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Facilities Department; Allied Claims Services, Insurance Carrier.
Received and Filed.
- Item No. 23 Protest of Consolidated Rail Corporation regarding tentative Railroad Ceilings for Assessing Unit.
Copies were sent to: Assessor's Office
Received and Filed.
- Item No. 24 Motion by Councilman Solecki and Seconded by Councilman Kulyk to adjourn the meeting till Tuesday, July 16, 1991 at 5:00 p.m. in memory of John Whiting.

Richard M. Moleski,
Town Clerk

ADJOURNED MEETING NO. 15
July 16, 1991

Item No. 1 At an adjourned meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16th day of July, 1991 at 5:00 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney.

I. RESOLUTIONS

Item No. 2 Bond Resolution - Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District.
The above resolution failed due to lack of a motion and second.

Item No. 3 Motion by Supervisor Swiatek and Seconded by Councilman Blachowski to adjourn the meeting.

Richard M. Moleski,
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th day of August, 1991 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney; Chester L. Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Salvatore LaGreca, Chairman, Planning Board, Employee and Training Director; Kevin Schenk, Deputy Town Attorney; Christopher J. Kowal, Highway Superintendent; Greg Joos, Employee Relations Coordinator and Leonard Szymanski, Facilities Foreman

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss, and if need be, act upon the following proposed Local Law:

LOCAL LAW INTRO. No. 91-3

A Local Law enacting a retirement incentive program as authorized
by Chapter 178, Laws of 1991, for the eligible employees of
the Town of Cheektowaga

- Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 178, Laws of 1991.
- Section 2. The commencement date of the retirement incentive program shall be August 12, 1991.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be 82 days in length. (August 12, 1991 - November 1, 1991).
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be funded over a five year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.
- Section 5. This act shall take effect upon filing with the Secretary of State.

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

Item No. 2 continued

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

ITEMS 6 THROUGH 9 WERE ACTED ON FIRST

Item No. 6 Motion by Councilman Kulyk, Seconded by Unanimous

WHEREAS, Michael J. Desiderio (the "Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 11+ acres of land known as 2911 William Street from RA-Apartment District to C-Retail Business District for the construction of the Liberty Park Inn and Entertainment Center (the "Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, there has been agreement by the appropriate governmental agencies (State, County, local) that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning the Project, and

Whereas, by resolution dated June 5, 1989, the Cheektowaga Town Board determined that the Applicant must prepare and submit to the Town for its review a Draft Environmental Impact Statement ("DEIS") addressing certain environmental effects of the Project, and

WHEREAS, the Applicant submitted a DEIS to the Town, and this Town Board accepted such DEIS and held a public hearing thereon on June 18, 1990, and

WHEREAS, by resolution dated June 18, 1990, this Town Board requested the Applicant to prepare and submit a Supplemental Environmental Impact Statement ("SEIS") for the Project to the Town concerning drainage, and

WHEREAS, the Applicant submitted a SEIS for the Project to the Town and held a public hearing this Town Board accepted such SEIS thereon on April 15, 1991, and

WHEREAS, public comment on such SEIS expired on May 3, 1991, and

WHEREAS, by resolution dated May 6, 1991, this Town Board requested the Applicant to prepare and submit a Final Environmental Impact Statement ("FEIS") for the Project to the Town, and

WHEREAS, the Applicant submitted such FEIS to the Town on June 12, 1991, and

WHEREAS, this Town Board, by resolution dated July 1, 1991, determined that the FEIS for the Project was complete and accepted and filed the FEIS for the Project, and

WHEREAS, this Town Board, in its July 1, 1991 resolution, also directed that the FEIS be made available for public inspection from July 1, 1991 through and including July 19, 1991, and

WHEREAS, the Town SEQRA Intake Officer filed copies of the FEIS for the Project with interested and involved agencies and also filed a copy of such FEIS in the Cheektowaga South Branch Library, and

WHEREAS, this Town Board, in the exercise of its sound discretion, directed that copies of the FEIS be made available to the public at more locations than required by law; permitted public consideration and review of the FEIS for a longer period than required by law; and invited full public participation in all of the various SEQRA proceedings, and

WHEREAS, the Town Board received additional comments during the period of public consideration of the FEIS, which comments have been carefully reviewed by the Town Board and the Town Environmental Advisory Committee, and

Item No. 6 continued

WHEREAS, this Town Board and its applicable department heads have extensively reviewed and fully considered the Applicant's request for a rezoning, a special permit and miscellaneous other items, and

WHEREAS, the Town Environmental Advisory Committee met on numerous occasions and has reviewed and carefully considered the Applicant's applications in light of the FEIS, as well as all comments on the FEIS, and the Town Environmental Advisory Committee submitted to the Town Board for its consideration and use a recommended SEQRA Findings Statement for the Project, including its suggestions as to proposed conditions and mitigation measures to be made a part of any approvals of the Applicant's applications, and

WHEREAS, this Town Board has participated in the drafting of and carefully reviewed the recommended Findings Statement prepared on its behalf by the Town Environmental Advisory Committee and believes that the Findings Statement fairly and accurately reflects the views of the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts and incorporates herein as its own the attached Findings Statement for the Liberty Park Inn and Entertainment Center, and in doing so hereby certifies that:

1. The Town Board has given consideration to the FEIS for the Project.
2. The requirements of SEQRA and its implementing regulations as well as the applicable portions of Chapter 23A of the Code of the Town of Cheektowaga have been met.
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Project, as approved and subject to the conditions set forth in the attached Findings Statement minimizes or avoids to the maximum extent practicable any adverse environmental effects including the effects disclosed in the FEIS.
4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EIS process will be minimized or avoided by incorporating as Project and application conditions the mitigative conditions which were identified as practicable, set forth in the attached Findings Statement.

and BE IT FURTHER

RESOLVED, that a copy of this resolution and Findings Statement be filed with all involved Town departments, involved agencies, the Applicant, and a copy be filed in the Town Clerk's Office.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
 NAYES: 0
 ABSENT: 0

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN SOLECKI TO AMEND THE FINDINGS STATEMENT AS FOLLOWS:

ADDITIONS TO MITIGATION MEASURE

- Z) . . . if the necessary approval is not received from the New York State Thruway Authorize, the Developer shall erect landscaping immediately to the east of its east property line (subject to the approval of the adjacent property owner) in a manner acceptable to the Town Planning Board;

Item No. 6 continued

BB) The Developer shall fully landscape, install a six (6) foot high wooden privacy/stockade fence, and place a berm a minimum of four (4) feet in height in the area designated as the "buffer area";

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

SEE NEXT PAGE(S) FOR ATTACHMENT

617.21
Appendix I
State Environmental Quality Review
FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act—SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Town of Cheektowaga, as lead or involved agency, makes the following findings.

Name of Action:

Liberty Park Inn and Entertainment Center

Description of Action:

Rezone 10+ acres of vacant property for the purpose of constructing a 118 room hotel and dinner-theater/banquet/dining facilities. The hotel will consist of two- three story towers and the building will be 99,500+ S.F. (61,500 S.F. footprint)

Location: (Include street address and the name of the municipality and county.)

Vacant property known as 2911 William Street, Town of Cheektowaga, Erie county

Agency Jurisdiction(s):

Rezoning Approval	Sewer Easements
Special Permit (for liquor sales)	Landscape Approval
Building Permits	

Date Final EIS Filed:

July 1, 1991

Facts and Conclusions in the EIS Relied Upon to Support the Decision:
(Attach additional sheets, as necessary)

See attached Findings Statement

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 5th day of August, 1991 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Kulyk seconded by Unanimous

WHEREAS, Michael J. Desiderio (the "Applicant") has applied to the Town of Cheektowaga for an environmental review of his request to rezone and obtain a special permit for 11± acres of land known as 2911 William Street from RA-Apartment District to C-Retail Business District for the construction of the Liberty Park Inn and Entertainment Center (the "Project") pursuant to the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, there has been agreement by the appropriate governmental agencies (State, County, local) that the Town Board of the Town of Cheektowaga is to be designated lead agency in matters concerning the Project, and

WHEREAS, by resolution dated June 5, 1989, the Cheektowaga Town Board determined that the Applicant must prepare and submit to the Town for its review a Draft Environmental Impact Statement ("DEIS") addressing certain environmental effects of the Project, and

WHEREAS, the Applicant submitted a DEIS to the Town, and this Town Board accepted such DEIS and held a public hearing thereon on June 18, 1990, and

WHEREAS, by resolution dated June 18, 1990, this Town Board requested the Applicant to prepare and submit a Supplemental Environmental Impact Statement ("SEIS") for the Project to the Town concerning drainage, and

WHEREAS, the Applicant submitted a SEIS for the Project to the Town, and this Town Board accepted such SEIS and held a public hearing thereon on April 15, 1991, and

WHEREAS, public comment on such SEIS expired on May 3, 1991, and

WHEREAS, by resolution dated May 6, 1991, this Town Board requested the Applicant to prepare and submit a Final Environmental Impact Statement ("FEIS") for the Project to the Town, and

WHEREAS, the Applicant submitted such FEIS to the Town on June 12, 1991, and

WHEREAS, this Town Board, by resolution dated July 1, 1991, determined that the FEIS for the Project was complete and accepted and filed the FEIS for the Project, and

WHEREAS, this Town Board, in its July 1, 1991 resolution, also directed that the FEIS be made available for public inspection from July 1, 1991 through and including July 19, 1991, and

WHEREAS, the Town SEQR Intake Officer filed copies of the FEIS for the Project with interested and involved agencies and also filed a copy of such FEIS in the Cheektowaga South Branch Library, and

WHEREAS, this Town Board, in the exercise of its sound discretion, directed that copies of the FEIS be made available to the public at more locations than required by law; permitted public consideration and review of the FEIS for a longer period than required by law; and invited full public participation in all of the various SEQRA proceedings, and

WHEREAS, the Town Board received additional comments during the period of public consideration of the FEIS, which comments have been carefully reviewed by the Town Board and the Town Environmental Advisory Committee, and

WHEREAS, this Town Board and its applicable department heads have extensively reviewed and fully considered the Applicant's request for a rezoning, a special permit and miscellaneous other items, and

WHEREAS, the Town Environmental Advisory Committee met on numerous occasions and has reviewed and carefully considered the Applicant's applications in light of the FEIS, as well as all comments on the FEIS, and the Town Environmental Advisory Committee submitted to the Town Board for its consideration and use a recommended SEQRA Findings Statement for the Project, including its suggestions as to proposed conditions and mitigation measures to be made a part of any approvals of the Applicant's applications, and

WHEREAS, this Town Board has participated in the drafting of and carefully reviewed the recommended Findings Statement prepared on its behalf by the Town Environmental Advisory Committee and believes that the Findings Statement fairly and accurately reflects the views of the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts and incorporates herein as its own the attached Findings Statement for the Liberty Park Inn and Entertainment Center, and in doing so hereby certifies that:

1. The Town Board has given consideration to the FEIS for the Project.
2. The requirements of SEQRA and its implementing regulations as well as the applicable portions of Chapter 23A of the Code of the Town of Cheektowaga have been met.
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Project, as approved and subject to the conditions set forth in the attached Findings Statement minimizes or avoids to the maximum extent practicable any adverse environmental effects including the effects disclosed in the FEIS.
4. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EIS process will be minimized or avoided by incorporating as Project and application conditions the mitigative conditions which were identified as practicable, set forth in the attached Findings Statement.

and BE IT FURTHER

RESOLVED, that a copy of this resolution and Findings Statement be filed with all involved Town departments, involved agencies, the Applicant, and a copy be filed in the Town Clerk's Office.
Upon roll call....

Supervisor Swiatek	Voting	AYE
Councilman Jaworowicz	Voting	AYE
Councilman Gabryszak	Voting	AYE
Councilman Kulyk	Voting	AYE
Councilman Solecki	Voting	AYE
Councilman Rogowski	Voting	AYE
Councilman Blachowski	Voting	AYE

AYES: 7
NAYES: 0
ABSENT: 0

FINDINGS STATEMENT

PROPOSED LIBERTY PARK INN AND ENTERTAINMENT CENTER

TOWN OF CHEEKTOWAGA, NEW YORK

Michael Desiderio

Developer

AUGUST, 1991

PREPARED FOR THE CHEEKTOWAGA TOWN BOARD
BY: CHEEKTOWAGA ENVIRONMENTAL QUALITY
REVIEW ADVISORY COMMITTEE

Cheektowaga Town Hall
Broadway & Union Road
Cheektowaga, N.Y. 14227
Phone: (716) 686-3400

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INTRODUCTION

1. The following statement of the Liberty Park Inn and Entertainment Center, the Project, is the result of many months of studies and analysis by various agencies and Town departments. The Final Environmental Impact Statement (FEIS) for this project consists of one (1) volume.

2. This document, as well as studies and evaluations submitted by agencies, individuals, and interested groups, together with the public hearing, has provided the basis for the Town Board to issue a Findings Statement and decision on the application submitted by Michael Desiderio (the Developer).

3. The Town Board recognizes that qualified experts on any topics may differ in their conclusions and, in particular, may differ in the judgments employed during analysis. The Town Board acknowledges that review of the project such as Liberty Park Inn and Entertainment Center and the debate over the various benefits and impacts of the project could go on forever. Nevertheless, the Town Board has carefully reviewed many pages of documentation and the various issues that had been submitted by government agencies, the general public and other interested parties that reflect many hours of examination of the Project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential impacts of this project.

4. The State Environmental Quality Review Act, (SEQRA) was designed to foster careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequences has the most meaning. This review was conducted prior to any agency decision regarding permits or approvals and when the proposed project is still in its conceptual state. Frequently in large projects such as this, final approval is dependent upon several concurrent government agencies' reviews. The filing of conceptual plans for major projects is common and affords every opportunity to incorporate changes in the final construction plans and detailed drawings resulting from studies and analysis of the project, recommendations by interested parties and conditions mandated by the lead agency as part of its findings statement and decision. Throughout the course of the SEQR process, the developer has incorporated new studies and accepted suggested ideas in the project site plans. All parties should be fully aware of the fact that the final design of a major project such as this is an ongoing process and that the process involves additional formal review procedures by the Town to insure the fulfillment of public objectives and the protection of public interest at each step.

PROJECT DESCRIPTION

5. The Developer, Michael Desiderio, proposes to construct a hotel and entertainment center. The project as proposed will consist of a 118 room hotel located in two (2) towers, three (3) and four (4) stories high, a dinner theater of 10,000 square feet, dinner lounge of 7,600 square feet, banquet rooms of 7,500 square feet plus the necessary service areas for operating a facility. The service areas would include the kitchen, receiving, laundry, common area, atrium etc.. The building footprint is approximately 61,500 square feet, the total building area of 99,500 square feet.

6. Parking areas will totally surround the inn and entertainment complex. They will be at grade and provide 710 spaces.

7. Access to the site would be provided by means of two (2) driveways located on William Street.

PROJECT SITE DESCRIPTION

8. The total project site is approximately 13.1 acres in area bounded on the north by William Street, on the east, south and west lines by privately held lands primarily used for residential purposes. Surrounding, and part of this site, is a buffer area varying in width from 65 feet to 100 feet that will remain zoned RA-Apartment District and would be part of the landscaping buffer.

9. In addition to information they received through the SEQRA process, the Town Board members, as residents of the Town, are familiar with the project site, its geographic location in the Town, the main roadway in the area, and current site and traffic conditions.

GOVERNMENTAL ACTIONS UNDER CONSIDERATION

10. A number of governmental agencies will be required to render a decision on various aspects of the project. Due to the location of Cayuga Creek near the site and the proposed drainage system to Cayuga Creek, the U.S. Army Corps of Engineers and New York State Department of Environmental Conservation may be required to make decisions on proposed drainage work in the vicinity of Cayuga Creek. The proposed work includes installation of storm drainage piping from the site to a point near Cayuga Creek.

11. The Town of Cheektowaga will be required to make decisions on work in the vicinity of the creek, sewer easements, and maintenance agreements.

12. As part of any decision or approval maintenance/reimbursement agreements may be required by any of the approval agencies.

13. The Town of Cheektowaga will be required to make decisions on the rezoning of the parcel for this project as well as take action on the request for a Special Permit for the sale and consumption of alcoholic beverages on the premises.

14. Erie County will be required to make decisions on sanitary sewers, curb cuts and health permits.

ZONING AND LAND USE

15. The development site for the proposed Liberty Park Inn and Entertainment Center is currently zoned RA-Apartment District. The present zoning permits, as of right, the use of the property for residential purposes. These include one-family, two-family and multi-family/apartment uses (approximately 160 apartments). The applicant is requesting a rezoning to C-Retail Business and the approval of a special permit for the sale and consumption on premises of alcoholic beverages.

15a The original rezoning application requested rezoning of the of the entire parcel to C-Retail Business. The application has since been amended to reflect rezoning of only a portion of the site to "C" with balance of the parcel, remaining RA-Apartment, intended as a landscaped "buffer" zone along the perimeter of the property. The amended rezoning application has been questioned both as to legality and good planning practices.

16. At present the existing uses in the immediate vicinity include a plaza located on the north side of William Street. This plaza includes a tavern, retail shops, bowling lanes. Also both east and west of the site along William Street, in no particular pattern, are located offices, personal service establishments (beauty shops, barber shops, tailors), a beverage distributor, gas stations and motor vehicle repair shops.

DRAINAGE MANAGEMENT PLAN

17. The development of any major complex such as the proposed Liberty Park Inn and Entertainment Center, raises the potential for significant affects on storm water runoff and drainage.

18. The development of the Liberty Park Inn and Entertainment Center will result in increased storm water runoff from the site as a result of the conversion of vegetated areas to the impervious surfaces of the building and paved parking area.

19. Drainage flows from abutting acreage, including Trudy Lane and Ceil Drive subdivision, and acreage west and south of the project site must be accepted into the project storm sewer system.

20. Cayuga Creek is located approximately 800 feet southeast of the development site. This waterway drainage system transports large volumes of surface runoff water through the Town. It is to this creek that the site drainage would be directed.

21. The site is traversed by a drainage easement granted to the New York State Thruway Authority in which storm water flows are conducted along the William Street frontage and along the east boundary of the site, being ultimately discharged to Cayuga Creek. None of the drainage from the project site shall be discharged into the NYSTA system.

22. The installation of the proposed on-site storm sewer system, in conjunction with a new 48 inch diameter outlet to Cayuga Creek to be constructed in a dedicated easement will significantly reduce existing flows to the NYSTA easement.

23. The design of the Liberty Park Inn and Entertainment Center has taken into account potential affects and the developer has proposed, as an integral part of its development, construction of storm water piping and related improvements. The piping will be constructed on land presently owned by the developer as well as on land for which there will be a Town easement for maintenance of the storm piping.

24. The design for the handling of storm water on the site is that the storm waters will be discharged into Cayuga Creek prior to any head waters arriving at this location from the upstream communities.

25. As part of this design, the proposed storm sewer system will accept storm water flows from the Trudy Lane and Ceil Drive subdivision and will also accept flows from the area immediately west and south of the site for discharge to Cayuga Creek to the proposed 48 inch diameter outlet. The 48 inch diameter outlet to Cayuga Creek will be constructed within a dedicated easement.

26. A 30 foot drainage easement will be granted to the Town of Cheektowaga by the project developer to permit maintenance activities by Town departments on those portions of the drainage system which convey storm waters to Cayuga Creek.

27. The construction of the proposed drainage system will provide drainage benefits to the currently vacant parcel west of the project site and provides an outlet enhancing said parcel for future development.

28. The project site will be completely regraded, which, together with storm drainage improvements, will prevent storm waters from draining onto adjacent properties, and also avoid discharge to existing NYSTA system.

29. A detailed site grading and drainage plan must be submitted to the Town Engineer for approval prior to construction of any sort on the site. It is during this project construction that the developer will institute erosion control measures to prevent the discharge of silt or sediment from the site.

AIR QUALITY

30. The developers' consultants had evaluated the Liberty Park site using data collected from the New York Department of Environmental Conservation (NYSDEC). The Town of Cheektowaga is located in the Niagara Frontier Air Quality Control region and the most recent NYSDEC report was compiled using 1987 observations.

31. The conclusion of the consultants was that the data indicated a steadily improving air quality for the area for the past decade, and since 1981 has met the federal standard for the cited pollutants.

32. There would be short term construction related air pollution. This would be in the form of fugitive dust generated during the site clearing and excavation phases of the project. Small amounts of fugitive dust would be expected during the actual construction of the structure itself. Some of this dust is expected to be carried by the wind to adjoining properties. Dust impacts on neighboring parcels would be expected to be greatest when construction activity occurs near a site boundary.

33. Construction vehicles and machinery would emit pollutants that are typical for internal combustion engine, both gasoline and diesel powered. The exhaust fumes would be most noticeable to adjoining properties where construction work is near the property boundaries.

34. Other air quality impacts would be expected to result from the normal operation of Liberty Park from the exhausts of motor vehicle traffic to and from the site and smaller amounts from the central heating ventilation and air conditioning systems from the complex. The HVAC and cooking systems are expected to be electric and gas fired and normally operate very cleanly with minimal amounts of air pollution.

35. Other airborne pollutants will be generated by the development of the William Street interchange and William Street reconstruction. These two (2) projects will contribute to the overall temporary discomfort of the nearby residents.

36. A number of mitigation measures can be instituted to reduce the short term and long term effects on air quality. Initially the construction generated fugitive dust may be reduced by spraying water and/or applying agglomerating agents.

37. The contractor would be required to keep their equipment well maintained and utilize all dust control measures for on-site and off-site construction.

38. Normal operations of the hotel will result in higher levels of vehicular traffic. These cars and trucks will emit pollutants for which there are national standards. Of the six (6) priority pollutants, carbon monoxide is the one most likely to be emitted in potentially significant amounts as the result of traffic congestion, should this occur near the site.

NOISE

39. The project will generate both short term and long term impacts on noise levels in the area. The short term noise impacts will be generated by motor vehicles, both trucks and cars, entering/exiting the site. This noise can be controlled to a certain extent by maintaining the construction equipment in proper condition and limiting the hours of operation of this equipment by days and hours of operation.

40. Other source generators of noise will be the exterior components of the HVAC and cooking equipment. The components most likely to generate noise will be various exhaust fans located on or around the building. The amount of noise emitted can be reduced by use of the newest and quietest equipment on the market and by baffling and other sound reducing measures where it is determined that it is needed.

41. Noise will also be generated by the operation of the dining lounge and dinner theater. They will be equipped with audio systems capable of generating high sound levels. The emission sound from these sources to the outside can be reduced through baffling and trapping air spaces between the sound environment and the rest of the building and by use of sound deadening materials and insulation.

42. This muffling of the sound systems will be necessary not only for the nearby residents but also for the occupants of the hotel so that they may not be disturbed.

43. Noise impacts will also be generated simultaneously by the Thruway/William Street Interchange construction work and by the William Street reconstruction project. When these projects are completed there will be an increase in background noise levels due to the increased vehicular traffic which will be a direct result of the interchange.

SOLID WASTE

44. Solid waste will be generated by the operation of the Liberty Park Inn and Entertainment Center. The waste would be expected to be contained in compacting dumpsters and large dumpsters located within the building. Since the Town of Cheektowaga does not provide service nor has equipment capable of handling the large dumpsters that would be required, the disposal of the solid waste would be expected to be handled through a private waste handling firm.

45. With dumpsters located in the building, the possibility of creation of a nuisance for adjacent residents will be minimized.

PUBLIC SAFETY

46. The developer has indicated that a private security force will be in place to maintain order within the complex as well as the parking areas.

47. The developer has indicated, in a recent discussion, that the nightclub will not be part of this project as it is being located in the City of Buffalo. The elimination of the nightclub aspect to the project should reduce the potential for security problems both within and outside the complex.

VEGETATION AND WILDLIFE

48. The area being proposed for the project has been the site of filling for approximately the last twenty (20) years. The developer has indicated that about four (4) acres of the thirteen (13) acre-site is unvegetated rock, earth or fill. The balance of approximately 9.9 acres is meadow or brush land. Neighbors have indicated that certain forms of wildlife (i.e. deer) have occasion to visit the project site. There is no indication that the site is home to endangered wildlife or vegetation and if any had existed, they have long since disappeared because of the filling operations conducted for approximately twenty (20) years.

TRAFFIC

49. The project site is located on William Street which is an east/west connection to downtown Buffalo. This road is presently being widened and resurfaced by the New York State Department of Transportation from the Buffalo city line to the new William Street interchange to the New York State Thruway (I-90). The Thruway Authority will be constructing the entrance and exits ramps at William Street. These two (2) highway projects are currently under construction.

50. Other primary arterial roads in the immediate vicinity of the project site are Harlem Road (CR240) a north/south highway located to the west of the site; Union Road (CR277) a north/south urban arterial highway located to the east of the site; Clinton Street (CR354) an urban arterial connecting Harlem Road and Union Road which travels generally east-west; Broadway (CR130) an east/west urban arterial that connects Harlem Road and Union Road; and Cayuga Creek Road (CR165) a street that travels generally northeast-southwest intersecting William Street immediately east of the project site and connecting Harlem Road at the far west end of this road.

51. The traffic analysis was conducted by E.M.S. Consultants and they concluded that Liberty Park will not have a significant impact on traffic levels-of-service and safety on adjacent public streets. The consultant also indicated that present traffic problems are the result of existing conditions and would not be the result of the Liberty Park traffic.

52. The consultant does not recommend any road improvements as the result of the Liberty Park Inn project other than stop signs at the driveways exiting the complex.

SOCIO-ECONOMIC EFFECTS

53. The Developer believes it has identified a need in the Western New York area and in this particular area of Town specifically, for a dinner/theater and banquet facility. Also in connection with the dinner/theater/banquet facility would be a hotel. The hotel would complement the dinner/theater/banquet facility in providing rooms for patrons.

54. The hotel was also identified as being needed since the new New York State Thruway Interchange with William Street will be another exit for travelers seeking lodging for the evening.

55. The complex will result in temporary construction jobs during the approximate fourteen (14) month construction time frame.

56. In addition to the temporary construction jobs, permanent and part-time, positions would be available within the complex itself. The Developer indicated the desire to hire back as many former employees as possible and must hire additional employees due to the increased size of the complex, when compared to the former operation on the north side of William Street.

57. Since the complex would be located some distance from any other hotels or dinner/theater/banquet facilities, any adverse impact upon competitors would be insignificant or non-existent.

58. The project will financially benefit both the local community in terms of tax revenues and additional employment opportunities. It is not possible at this time to predict the levels of expected tax revenue and employment.

SOCIAL EFFECTS AND COMMUNITY SERVICES

59. The water supply for the Liberty Park Inn and Entertainment Center will be provided by the Erie County Water Authority which has adequate capacity to supply the project.

60. Sewage disposal for the project is provided by the Erie County Sewer District #1 which has indicated that sufficient capacity exists in the main sewer lines in the area.

61. Fire protection is provided by the Doyle Fire District #1. In addition to this Fire Company, all Town of Cheektowaga fire districts have a mutual aid system which enables any chief to request additional pieces of fire apparatus or personnel in an emergency situation.

62. The Liberty Park Inn will not diminish any public or private recreation activity. The site is presently privately owned and has not been used in a recreational capacity at any time in the past.

GROWTH INDUCING EFFECTS

63. Due to the project's location on an east-west highway with existing commercial development located nearby, and with the completion of the New York State Thruway Interchange with William Street, it is anticipated that commercial growth may continue along William Street. This growth would most likely take the form of remodeling or additions to existing commercial structures. Although more expensive, it is possible that other developers may wish to completely demolish existing commercial structures and totally rebuild on any one site. The project is expected to induce revitalization of existing commercial establishments.

64. Because the project will induce no significant increase in the Town population, there will be no significant impact on the demand for housing, public community facilities, schools, water and sewage facilities, other than those site's specific impacts identified in the project documents.

UNAVOIDABLE IMPACTS AND IRREVERSIBLE COMMITMENTS OF RESOURCES

65. Development of Liberty Park Inn will generate increased traffic volumes in the vicinity of the site, however, the traffic consultant has indicated the increased traffic will not adversely effect the traffic in the area.

66. Construction activities at Liberty Park Inn may create short term unavoidable impacts. Land clearing and grading activities may increase dust and a potential for erosion from the property. These impacts will be mitigated through the use of standard construction practices designed to minimize such effects, including: water spraying of the construction roads and areas of dust and an application of agglomerating agents to reduce dust; use of temporary hay bales and filter fabrics to reduce erosion and sedimentation that may flow towards existing drainage systems.

67. The energy, labor and building materials used during the construction of the Liberty Park Inn are permanent commitments of resources that cannot be recovered. Also, the development will involve the conversion of undeveloped land presently zoned for residential use to commercial development. This conversion is an irreversible commitment of resources that cannot be avoided.

ENERGY CONSUMPTION

68. The operation of Liberty Park Inn will require energy for heating, cooling and transportation. All structures must comply with the New York State energy code, which requires the use of advanced techniques to reduce energy consumption.

69. Energy will be consumed in the construction of the complex and this energy is irretrievable.

RESPONSE TO PUBLIC COMMENTS

70. Correspondence was received from various sources during the course of the review process mandated by SEQRA regulations. The comments took the form of letters from various governmental agencies, letters from private individuals, as well as correspondence generated by legal counsel for the Cayuga Creek Homeowners Association.

71. These comments were listed and answered in the FEIS. The Developer has answered the comments in a variety of ways including the citing of applicable parts of the submitted documents, indicating the mitigation measures to be implemented and by further explanation for a particular item.

72. Changes were made to the overall concept and design in the form of modifications to proposed mitigation measures or the institution of a entirely new mitigation measures. These mitigation measures are intended to reduce or eliminate impacts on the community. In addition to the mitigation measures that are proposed in the documents, the Town Board would require the implementation of further mitigation measures as listed in this findings statement which would further safeguard the public and community.

ALTERNATIVES

73. There are no other available properties in the area that have the necessary size and road access needed for a project of this type. Because the Developer has operated a business in this area for twenty (20) years, the Developer believes that it is important to maintain continuity with the established clientele.

74. The alternatives that the Developer has proposed have been through a series of project design changes.

75. The original plan called for the construction of two (2), five (5) story hotel towers. In response to public comment, the south tower was reduced to three (3) stories. Further public concern, resulted in the north tower being reduced to four (4) stories.

76. The present design also shows access only to William Street. The original proposal showed an additional access drive to Cayuga Creek Road. Due to the concerns of various Town agencies as well as public comment, the Developer has totally eliminated the Cayuga Creek Road access driveway.

77. Under the "no-action alternative", the potential development of the site would be for multiple-family homes or one and two-family dwellings. The development could result in 173 to 242 apartments in a apartment complex atmosphere or possibly up to 67 single family homes. The impacts upon the existing community would have become greater since residential uses would place greater demands on services such as police, fire, medical, snow removal and garbage pickup.

MITIGATION MEASURES

78. The Developer, as well as various government agencies, have considered suitable mitigation measures to ensure that all foreseeable adverse environmental impacts are minimized to the maximum extent practicable for both the Town and the area residents who will be affected by the project. In addition to those mentioned elsewhere the Developer, Michael Desiderio, as part of the Liberty Park Inn and Entertainment Center project, and prior to the receipt of Certificate of Occupancy for the Liberty Park Inn and Entertainment complex, shall comply with the following conditions and implement the following mitigation measures:

- A) Prior to the commencement of site-preparation, the Developer shall submit detailed plans for the storm water drainage systems on the project site to the Town Engineer for approval, such plans must be approved by the Town Engineer prior to issuance of any building permits;

- B) Design and construct a storm sewer system which shall have the capacity to collect storm waters generated on-site and which shall also accept drainage flows from the west including the Trudy Lane/Ceill Drive subdivision and from acreage to the south of the project site conveying said flows to Cayuga Creek through a newly constructed system independent from any existing outlet;
- C) Preparation and execution of a drainage easement agreement in a form approved by the Town Attorney, Town Engineer and Town Highway Superintendent providing for easements to the Town of Cheektowaga for the on-site storm water drainage system that will intercept these storm waters;
- D) The Developer shall construct the storm sewer system that will be located within the dedicated easement in a fashion to comply with the provisions of the Town Public Improvement Permit Ordinance;
- E) Implementation of sedimentation and soil erosion control including hay bales, protective fences and other such protective measures to be utilized on the entire project site throughout construction periods;
- F) Implementation of good construction practices to control fugitive dust including, but not limited to, use of water spray trucks and application of agglomerating agents;
- G) Construction of a protective fence around any active construction area and provide continuous security for the entire site, until completion, to minimize safety hazards to any member of the public;
- H) The minimization of construction noise by requiring that all construction vehicles have mufflers which are in good working order and limiting the number of operating construction vehicles operating in the vicinity of the boundary lines to the maximum extent practicable for each of these construction activities;
- I) Obtain and convey to the Town, or other governmental agencies, a storm water drainage easement, in a form acceptable to the Town Attorney, Town Engineer and Town Highway Superintendent, on the south side of Cayuga Creek Road to a point where the drainage system will discharge storm waters into Cayuga Creek;
- J) Provide and implement a rodent control program acceptable to the Erie County Health Department and the Town of Cheektowaga prior to beginning site clearing;
- K) Submit to the Town of Cheektowaga Planning Board, for its approval, a landscaping plan including the areas along the west and east sides of project property commonly referred to in the documents as the "buffers";
- L) Post a "Hot Line" telephone number which local citizens and government personnel may call to deal with any unforeseen construction difficulties or problems;
- M) Obtain curb cuts from the Erie County Highway Department for the access drives to William Street;

- N) Preparation and execution of a covenant/deed restriction in a form acceptable to the Town Attorney that would be filed with the Erie County Clerks office stating that the "buffer" areas along the perimeter of the project property will be part of the entire parcel in perpetuity and left landscaped and otherwise undeveloped;
- O) Design and install exterior building and parking facility lighting which will prevent the intrusion of light onto neighboring properties;
- P) Confine or limit the activities of contractors during the construction of the project to Monday through Friday from 7:00 A.M. to 6:00 P.M. and Saturdays from 8:00 A.M. to 4:00 P.M.;
- Q) Provide and implement a security plan developed in coordination with the Town of Cheektowaga Police Department both during and after facility operation hours to protect and insure the safety of patrons, employees and others;
- R) Design and construct a hotel and entertainment center that will add a maximum three (3) stories for hotel portion with a maximum height of thirty-five (35) feet for the overall project;
- S) Limit the use of the roofs of the structure to mechanical systems,
- T) Preparation and execution of a covenant/deed restriction in a form acceptable to the Town Attorney that would be filed with the Erie County Clerk's office stating that at no time shall the Developer or his successors ever establish a use within the building or upon the premises whose primary purpose is the sale and consumption on the premises of alcoholic beverages, such uses known primarily as drinking establishments, nightclubs, discos, etc.;
- U) That the Developer implement the mitigation measures as outlined in the FEIS;
- V) That all solid waste disposal and storage be conducted within the building as indicated in project documents;
- W) The Developer shall secure any and all necessary permits or approvals required from all agencies having jurisdiction over the development and operation of the project;
- X) During the construction phase of the project, should the Town reach an agreement to enter on the lands to the west of the project site for the purpose of constructing a drainage ditch or other system from the outlet of the Trudy Lane storm sewer to the inlet to the project storm sewer system, the project developer shall be responsible for the construction of said drainage ditch or system as directed by the Town.
- Y) The Developer shall submit to the Town Board for its review and approval plans detailing the architectural design for the building(s);

- Z) The Developer shall erect landscaping along its east property line (subject to approval of the NYS Thruway Authority, if required) in a manner acceptable to the Town Planning Board, and if the necessary approval is not received from the NYS Thruway Authority, the Developer shall erect landscaping immediately to the east of its east property line (subject to the approval of the adjacent property owner) in a manner acceptable to the Town Planning Board;
- AA) The Developer shall conduct a traffic analysis along William Street in the area of its development in two (2) years and, if any traffic control devices are deemed warranted, Developer shall install such traffic control devices at its expense;
- BB) The Developer shall fully landscape, install a six (6) foot high wooden privacy/stockade fence, and place a berm a minimum of four (4) feet in height in the area designated as the "buffer zone";
- CC) Developer shall maintain all landscaped areas in accordance with the approved landscape plan;
- DD) The area designated as the "buffer area" shall be included in the area to be rezoned to C-Retail Business District if the results of a future public hearing determine such inclusion necessary;
- EE) Cause to be delivered to the Town a performance bond equal to the full estimated cost of the Project as may be approved by the Town Board.

Item No. 7 Motion by Councilman Kulyk, Seconded by Unanimous

WHEREAS, Michael J. Desiderio has petitioned for the rezoning from RA-Apartment District to C-Retail Business District of property owned by him and located at 2911 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 15th day of April, 1991 at 6:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Town Board, by resolution adopted prior hereto, adopted a Findings Statement under the State Environmental Quality Review Act for this project, NOW, THEREFORE, BE IT

RESOLVED, that the application of Michael J. Desiderio for the rezoning from RA-Apartment District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions and mitigation measures listed in the Findings Statement for this project, and BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

AMENDED DESCRIPTION

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said center line being also the north line of Lot No. 66, at its intersection with the east line of Lot No. 66; thence southerly along the east line of Lot No. 66, 574.77 feet to a point in the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife by deed recorded in Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence southwesterly along the northwest line of lands conveyed by said deed recorded in said Clerk's Office in Liber 6664 of Deeds at page 567, 345.07 feet to the most westerly corner of said lands; thence southeasterly along the southwest line of said lands, 305.40 feet to the northwest line of Cayuga Creek Road; thence southwesterly along the northwest line of Cayuga Creek Road, 60 feet to a point in the north line of lands conveyed to John Mysliwiec and Florence A., his wife, by deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence northwesterly along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, a distance of 200 feet to an angle in the said northerly line of land conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence continuing northwesterly and along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, 560.62 feet to the intersection thereof with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife by deed recorded in said Clerk's Office in Liber 4487 of Deeds at page 402; thence northerly along the easterly line of said lands conveyed to said Frank Lorzak and his wife and parallel with the west line of Lot No. 66, a distance of 556.83 feet to a point; thence easterly parallel with the center line of William Street, a distance of 160 feet to a point; thence northerly parallel with the west line of Lot No. 66, a distance of 240 feet to a point in the center line of William Street, distant 160 feet easterly from the northwest corner of lands conveyed to Stanley Senko by deed recorded in said Clerk's Office in Liber 7124 of Deeds at page 247; thence easterly along the center line of William Street, a distance of 567.67 feet to the point of beginning.

However, excluding therefrom the following:

Beginning at a point in the center line of William Street, said center line being also the north line of Lot 66 at its intersection with the east line of Lots 66; thence westerly 65 feet to the point of beginning then southerly on a line parallel with the east line of Lot 66 approximately 500.00± feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber

6664 of deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the north west line of lands conveyed by Deed aforementioned approximately 425± feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; Thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorzak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of Lorzak with the northerly line of lands conveyed to John Mysliwicz and Florence A., his wife by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578; Thence south-easterly along the north line of lands of Mysliwicz as aforesaid 560.62± feet to an angle in said northerly line thereof; thence southeasterly along said north line as aforesaid 200 feet to the northwest line of Cayuga Creek Road; Thence northeasterly along the northwest line of Cayuga Creek Road 60 feet to the southwest line of lands of Frederick E. Sloane and Arlene, his wife by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence northwesterly 305.40 feet along the southwesterly line of Frederick Sloane aforesaid to the most westerly corner thereof; thence easterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of center line of William Street as measured along the easterly line of Lot 66; Thence northerly along the easterly line of Lot 66 574.77 feet to the intersection of the easterly line of Lot 66 with the intersection of center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

It being intended to exclude from the original premises being rezoned the easterly 65 feet thereof; the southeasterly 100 feet thereof and the southerly 100 feet thereof.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....August 8, 1991.....;
last publication.....August 8, 1991.....;
and that no more than six days intervened be-
tween publications.

Melanie Wolf.....

Sworn to before me this8th.....

day ofAugust....., 1991...

Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 5th day of August 1991 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Kulyk and Seconded by Unanimous

WHEREAS, Michael J. Desiderio has petitioned for the rezoning from RA-Apartment District to C-Retail Business District of property owned by him and located at 2911 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal descrip-

LEGAL NOTICES

tion, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of April, 1991 at 6:00 o'clock P.M. after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Town Board, by resolution adopted prior hereto, adopted a Findings Statement under the State Environmental Quality Review Act for this project, NOW THEREFORE, BE IT

RESOLVED, that the application of Michael J. Desiderio for the rezoning from RA-Apartment District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions and mitigation measures listed in the Findings Statement for this project, and BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

AMENDED DESCRIPTION

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said center line being also the north line of Lot No. 66, at its intersection with the east line of Lot No. 66; thence southerly along the east line of Lot No. 66, 574.77 feet to a point in the northwesterly line of lands conveyed to Frederick E. Sloan and Arlene, his wife by deed recorded in Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence southwesterly along the northwest line of lands conveyed by said deed recorded in said Clerk's Office in Liber 6664 of Deeds at page 567, 345.07 feet to the most westerly corner of said lands; thence southeasterly along the southwest line of said lands, 305.40 feet to the northwest line of Cayuga Creek Road; thence southwesterly along the northwest line of Cayuga Creek Road, 60 feet to a point in the north line of lands conveyed to John Mysliwiec and Florence A., his wife, by deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence northwesterly along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, a distance of 200 feet to an angle in the said northerly line of land conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence continuing northwesterly and along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, 560.62 feet to the intersection thereof with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife by deed recorded in said Clerk's Office in Liber 4487 of Deeds at page 402; thence northerly along the easterly line of said lands conveyed to said Frank Lorzak and his wife and parallel with the west line of Lot No. 66, a distance of 556.83 feet to a point; thence easterly parallel with the center line of William Street, a distance of 160 feet to a point; thence northerly parallel with the west line of Lot No. 66, a distance of 240 feet to a point in the center line of William Street, distant 160 feet easterly from the northwest corner of lands conveyed to Stanley Senko by deed recorded in said Clerk's Office in Liber 7124 of Deeds at page 247; thence easterly along the center line of William Street, a distance of 567.67 feet to the point of beginning.

However, excluding therefrom the following:

Lorzak with the northerly line of lands conveyed to John Mysliwiec and Florence A., his wife by Deed recorded in the Erie county Clerk's Office in Liber 3969 of Deeds at Page 578; Thence south-easterly along the north line of lands of Mysliwiec as aforesaid 560.62 +/- feet to an angle in said northerly line thereof; thence southeasterly along said north line as northeasterly along the northwest line of Cayuga Creek Road; Thence north-easterly along the northwest line of Cayuga Creek Road 60 feet to the southwest line of lands of Frederick E. Sloane and Arlene, his wife by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence northwesterly 305.40 feet along the southwesterly line of Frederick Sloane aforesaid to the most westerly corner thereof; thence easterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of center line of William Street as measured along the easterly line of Lot 66; Thence northerly along the easterly line of Lot 66 574.77 feet to the intersection of the easterly line of Lot 66 with the intersection of center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

It being intended to exclude from the original premises being rezoned the easterly 65 feet thereof; the south-easterly 100 feet thereof and the south-easterly 100 feet thereof.

Upon roll call.....
Supervisor Swiatek Voting AYE
Councilman Blachowski Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Kulyk Voting AYE
Councilman Rogowski Voting AYE
Councilman Solecki Voting AYE
AYES: 7
NAYES: 0
ABSENT: 0
STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 5, 1991, and minutes of said meetings have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meeting of said Board, and such minutes appear at item No. 8, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 5th day of August, 1991.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 5, 1991

beginning at a point in the center line of William Street, said center line being also the north line of Lot 66 at its intersection with the east line of Lots 66; thence westerly 65 feet to the point of beginning then southerly on a line parallel with the east line of Lot 66 approximately 500.00 +/- feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloan and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the north west line of lands conveyed by Deed aforesaid approximately 425 +/- feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; Thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorzak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of

Item No. 8 Motion by Councilman Kulyk, Seconded by Unanimous

WHEREAS, Michael J. Desiderio applied for a Special Permit for an eating and drinking establishment serving alcoholic beverages on property located at 2911 William Street, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of April, 1991 at 6:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, this Town Board, by resolution adopted prior hereto adopted a Findings Statement under the State Environmental Quality Review Act, for this project, NOW, THEREFORE, BE IT

RESOLVED, that said Special Permit be and hereby is granted subject to the conditions and mitigation measures listed in the Findings Statement for this project.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

AMENDED DESCRIPTION

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said center line being also the north line of Lot No. 66, at its intersection with the east line of Lot No. 66; thence southerly along the east line of Lot No. 66, 574.77 feet to a point in the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife by deed recorded in Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence southwesterly along the northwest line of lands conveyed by said deed recorded in said Clerk's Office in Liber 6664 of Deeds at page 567, 345.07 feet to the most westerly corner of said lands; thence southeasterly along the southwest line of said lands, 305.40 feet to the northwest line of Cayuga Creek Road; thence southwesterly along the northwest line of Cayuga Creek Road, 60 feet to a point in the north line of lands conveyed to John Mysliwicz and Florence A., his wife, by deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence northwesterly along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, a distance of 200 feet to an angle in the said northerly line of land conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578; thence continuing northwesterly and along the north line of lands conveyed by said deed recorded in said Clerk's Office in Liber 3969 of Deeds at page 578, 560.62 feet to the intersection thereof with the easterly line of lands conveyed to Frank Lorczyk and Marie, his wife by deed recorded in said Clerk's Office in Liber 4487 of Deeds at page 402; thence northerly along the easterly line of said lands conveyed to said Frank Lorczyk and his wife and parallel with the west line of Lot No. 66, a distance of 556.83 feet to a point; thence easterly parallel with the center line of William Street, a distance of 160 feet to a point; thence northerly parallel with the west line of Lot No. 66, a distance of 240 feet to a point in the center line of William Street, distant 160 feet easterly from the northwest corner of lands conveyed to Stanley Senko by deed recorded in said Clerk's Office in Liber 7124 of Deeds at page 247; thence easterly along the center line of William Street, a distance of 567.67 feet to the point of beginning.

However, excluding therefrom the following:

Beginning at a point in the center line of William Street, said center line being also the north line of Lot 66 at its intersection with the east line of Lots 66; thence westerly 65 feet to the point of beginning then southerly on a line parallel with the east line of Lot 66 approximately 500.00+ feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber

6664 of deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the north west line of lands conveyed by Deed aforementioned approximately 425± feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; Thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorzak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of Lorzak with the northerly line of lands conveyed to John Mysliwicz and Florence A., his wife by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578; Thence south-easterly along the north line of lands of Mysliwicz as aforesaid 560.62± feet to an angle in said northerly line thereof; thence southeasterly along said north line as aforesaid 200 feet to the northwest line of Cayuga Creek Road; Thence northeasterly along the northwest line of Cayuga Creek Road 60 feet to the southwest line of lands of Frederick E. Sloane and Arlene, his wife by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at page 567; thence northwesterly 305.40 feet along the southwesterly line of Frederick Sloane aforesaid to the most westerly corner thereof; thence easterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of center line of William Street as measured along the easterly line of Lot 66; Thence northerly along the easterly line of Lot 66 574.77 feet to the intersection of the easterly line of Lot 66 with the intersection of center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

It being intended to exclude from the original premises being rezoned the easterly 65 feet thereof; the southeasterly 100 feet thereof and the southerly 100 feet thereof.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk.....of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....August 8, 1991.....;
last publication.....August 8, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this8th.....

day ofAugust....., 1991...

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

LEGAL NOTICES

LEGAL NOTICES

WHEREAS, this Town Board, by resolution adopted prior hereto, adopted a Findings Statement under the State Environmental Quality Review Act, for this project, NOW THEREFORE, BE IT

RESOLVED that said Special Permit be and hereby is granted subject to the conditions and mitigation measures listed in the Findings Statement for this project.

AMENDED DESCRIPTION

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

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However, excluding therefrom the following:

567; thence northwesterly 305.40 feet along the southwesterly line of Frederick Sloan aforesaid to the most westerly corner thereof; thence easterly along the northwest line of lands conveyed to Frederick Sloan aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of center line of William Street as measured along the easterly line of Lot 66; Thence northerly along the easterly line of Lot 66 574.77 feet to the intersection of the easterly line of Lot 66 with the intersection of center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

It being intended to exclude from the original premises being rezoned the easterly 65 feet thereof; the south-easterly 100 feet thereof and the south-erly 100 feet thereof.

Upon roll call.....
 Supervisor Swiatek Voting AYE
 Councilman Blachowski Voting AYE
 Councilman Jaworowicz Voting AYE
 Councilman Gabryszak Voting AYE
 Councilman Kulyk Voting AYE
 Councilman Rogowski Voting AYE
 Councilman Solecki Voting AYE

AYES: 7
 NAYES: 0
 ABSENT: 0
STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 5, 1991, and minutes of said meetings have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meeting of said Board, and such minutes appear at item No. 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 5th day of August, 1991.

RICHARD M. MOLESKI
 Town Clerk
 PUBLISH: August 8, 1991

Beginning at a point in the center line of William Street, said center line being also the north line of Lot 66 at its intersection with the east line of Lots 66; thence westerly 65 feet to the point of beginning then southerly on a line parallel with the east line of Lot 66 approximately 500.00 +/- feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloan and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the north west line of lands conveyed by Deed aforementioned approximately 425 +/- feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; Thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorzczak and Marie, his wife by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorzczak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of Lorzczak with the northerly line of lands conveyed to John Mysliwiec and Florence A., his wife by Deed recorded in the Erie county Clerk's Office in Liber 3969 of Deeds at Page 578; Thence south-easterly along the north line of lands of Mysliwiec as aforesaid 560.62 +/- feet to an angle in said northerly line thereof; thence southeasterly along said north line as aforesaid 200 feet to the northwest line of Cayuga Creek Road; Thence north-easterly along the northwest line of Cayuga Creek Road; Thence north-easterly along the northwest line of Cayuga Creek Road 60 feet to the southwest line of lands of Frederick E. Sloan and Arlene, his wife by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at page

August 8, 1991 CHI

**LEGAL NOTICE
 EXTRACTS FROM MINUTES
 OF CHEEKTOWAGA TOWN
 BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 5th day of August 1991 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:
 Supervisor Frank E. Swiatek
 Councilman Patricia A. Jaworowicz
 Councilman Dennis H. Gabryszak
 Councilman Andrew A. Kulyk
 Councilman Richard B. Solecki
 Councilman William P. Rogowski
 Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Kulyk and Seconded by Unanimous

WHEREAS, Michael J. Desiderio applied for a Special Permit for an eating and drinking establishment serving alcoholic beverages on property located at 2911 William Street, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of April, 1991 at 6:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

Item No. 9 Motion by Councilman Rogowski, Seconded by Unanimous

WHEREAS, Henry A. Orłowski is the owner of a vacant parcel of land (Assessor's S.B.L. #113.15-3-2 situated on the south side of William Street between Trudy Lane and 2911 William Street, the land where it is proposed that the Liberty Park Inn and Entertainment Center be built, and

WHEREAS, in order to ensure proper drainage of the Trudy Lane area, it is important that the Town have permission from Mr. Orłowski to traverse his property to connect the Trudy Lane drainage into the Liberty Park storm sewer inlet, and

WHEREAS, Mr. Orłowski has stated that he is willing to grant the Town permission to construct a drainage system across his land provided that the Town makes certain commitments to him, NOW, THEREFORE, BE IT

RESOLVED, that, in exchange for permission from Henry A. Orłowski to construct a drainage system across his property, as described hereinbefore, this Town Board hereby commits itself to the following items with respect to such property:

1. The Town shall hold Mr. Orłowski harmless from any liability due to the construction of the work on his property.
2. The storm sewer will not hinder any future development of his land.
3. The work shall be performed at no cost to him and the property is to be restored to no less than its present condition.
4. The Town shall grant him or any of his successors the right to discharge storm waters generated on his property into the Liberty Park sewer now or in the future.
5. The storm sewer along his property lines shall be no less than twenty-four (24) inch storm sewer lines.
6. The storm sewer shall be constructed along the westerly, southerly and easterly boundary lines of his land to be connected to the Liberty Park 42" storm sewer inlet at the Southeast corner of his land.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

II. FROM THE TABLE

Item No. 3 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, Chapter 23A of the Code of the Town of Cheektowaga (Environmental Impact Review Ordinance) was adopted by Town Board resolution dated August 27, 1979, and

WHEREAS, Subdivision B. of Section 23A-5 of such ordinance designates areas within the Town as critical environmental areas, under the State Environmental Quality Review Act, and

WHEREAS, the Friends of the Woods, Ltd., the Depew-Cheektowaga Taxpayers Association and the Cheektowaga Conservation Advisory Council, in a joint effort to preserve wildlife and green areas in the Town for our future generations, have recommended that the Town include John C. Stiglmeier Park and the portion of Cayuga Creek 100-Year Floodplain, and

WHEREAS, a public hearing was held on the 1st day of July, 1991 at 7:30 P.M. at the Cheektowaga Town Hall to consider the adoption of amendments to Chapter 23A of the Town Code to designate the following as critical environmental areas:

1. John C. Stiglmeier Park; and

Item No. 3 continued

2. That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

(hereinafter referred to as the "Properties"), and

WHEREAS, at such public hearing, support was shown for the designation of the Properties as critical environmental areas, and

WHEREAS, the Properties adjoin the Reinstein Woods, a State-operated nature preserve, and

WHEREAS, the uncontrolled development of the Properties and removal of trees and other natural foliage could result in an isolation of the Reinstein Woods, thereby restricting the wildlife to the Reinstein Woods and causing overgrazing, overcrowding and habitat destruction within the Reinstein Woods, and

WHEREAS, this Town Board wishes to ensure that development within the Properties does not adversely affect the character of the Reinstein Woods by damaging the green space and water resources upon which it depends, and

WHEREAS, the Town also wishes to control development within the Properties as a means to ensure flood protection for its residents, and

WHEREAS, this Town Board wishes to delay consideration of the designation of land within 400 feet of the Properties as critical environmental areas at this time, but will review same again in six months, and

WHEREAS, the Town of Cheektowaga is mostly developed and this is our opportunity to ensure sufficient green areas are left for future generations, NOW, THEREFORE, BE IT

RESOLVED, that Section 23A-5.B. of the Code of the Town of Cheektowaga is amended by adding thereto as critical environmental areas the following:

(3) John C. Stiglmeier Park.

(4) That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 5, 1991; and that a certified copy thereof be published in the Cheektowaga Times, the official Town newspaper; and that the affidavit of such publication be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that the SEQRA Intake Officer shall notify the Commissioner of the NYS DEC and the local NYS DEC office of the designation of these critical environmental areas by forwarding them copies of this resolution and copies of the maps depicting such areas, and BE IT FURTHER

RESOLVED, that the designation of these areas as critical environmental areas shall take effect 30 days after filing with the NYS DEC.

* * * * *

MOTION BY COUNCILMAN SOLECKI AND SECONDED BY COUNCILMAN KULYK TO TABLE THE ABOVE RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* * * * *

III. RESOLUTIONS

Item No. 4 Motion by Councilman Rogowski, Seconded by Councilman Kulyk

WHEREAS, the New York State Legislature adopted, and the Governor signed into law, Chapter 255 of the Laws of 1991, which authorizes towns to apportion the expense of building, relaying and repairing sidewalks in such towns between the town and property owners, and

WHEREAS, such State law requires that a town board enact a local law to authorize such cost apportionment, and

WHEREAS, this Town Board is interested in apportioning such costs on a 50/50 basis with Town property owners, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19th day of August, 1991 at 7:00 P.M., at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro 91-4 of the Year 1991, entitled "A Local Law Apportioning the Cost of Repairing Sidewalks", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Times, the official Town newspaper.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of August, 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the following proposed Local Law:

LOCAL LAW

APPORTIONING THE COST
OF REPAIRING SIDEWALKS

Section 1. Whenever the Cheektowaga Town Board shall have adopted an order pursuant to Section 200-a of the Town Law directing the owners of parcels abutting on any town, county or state highway, along which it is desired that sidewalks be relaid or repaired, to relay or repair such sidewalks, and the owner neglects or refuses to do so, the Town of Cheektowaga may cause such work to be done. The expense of relaying or repairing such sidewalks shall be apportioned and assessed as follows:

<u>Town Share</u>	<u>Owner's Share</u>
50%	50%

Section 2. The owner's share of the cost of relaying or repairing sidewalks shall be assessed against the owner's benefited property via two annual installments.

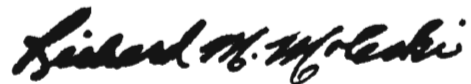
Section 3. This local law shall apply to all properties within the Town of Cheektowaga outside the corporate limits of the Villages of Depew and Sloan.

Section 4. This local law shall take effect on January 1, 1992.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE

COUNTY, NEW YORK.

Dated: Cheektowaga, New York
August 5, 1991



Richard M. Moleski
Town Clerk

**LEGAL NOTICE
NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of August, 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the following proposed Local Law:

**LOCAL LAW
APPORIONING THE COST
OF REPAIRING SIDEWALKS**

Section 1. Whenever the Cheektowaga Town Board shall have adopted an order pursuant to Section 200-a of the Town Law directing the owners of parcels abutting on any town, county or state highway, along which it is desired that sidewalks be relaid or repaired, to relay or repair such sidewalks, and the owner neglects or refuses to do so, the Town of Cheektowaga may cause such work to be done. The expense of relaying or repairing such sidewalks shall be apportioned and assessed as follows:

Town Share	Owner's Share
50%	50%

Section 2. The owner's share of the cost of relaying or repairing sidewalks shall be assessed against the owner's benefited property via two annual installments.

Section 3. This local law shall apply to all properties within the Town of Cheektowaga outside the corporate limits of the Village of Depew and Sloan.

Section 4. This local law shall take effect on January 1, 1992.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: Cheektowaga, New York
August 5, 1991
RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 8, 1991

Legals continued
on page 23

CHEEKTOWAGA TIMES 21

STATE OF NEW YORK
COUNTY OF ERIE } ss.
TOWN OF CHEEKTOWAGA }

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....August 8, 1991.....; last publication.....August 8, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this8th..... day ofAugust....., 19..91..

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 5 Motion by Supervisor Swiatek, Seconded by Councilman Jaworowicz

WHEREAS, the New York State Legislature adopted, and the Governor signed into law, Chapter 178 of the Laws of 1991, which authorizes local municipalities to provide a retirement incentive for certain town employees, and

WHEREAS, Chapter 178 of the Laws of 1991 requires the Town of Cheektowaga to enact a local law to provide such early retirement incentive, and

WHEREAS, a public hearing was held on the 5th day of August, 1991 at 7:30 P.M., at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the purpose of considering the adoption of Local Law No. 3 of the Year 1991, entitled "A Local Law enacting a retirement incentive program as authorized by Chapter 178, Laws of 1991, for the eligible employees of the Town of Cheektowaga", and

WHEREAS, at such public hearing, the public was given an opportunity to comment on such proposed local law, and

WHEREAS, this Town Board feels it is in the Town's interests to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 1991, entitled, "A Local Law enacting a retirement incentive program as authorized by Chapter 178, Laws of 1991, for the eligible employees of the Town of Cheektowaga", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in his office, three (3) certified copies with the Secretary of State and one (1) certified copy with the New York State and Local Retirement Systems, Employees' Retirement System, and BE IT FURTHER

RESOLVED, that Local Law No. 3 of the Year 1991 shall take effect on August 12, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXX~~
~~XXXX~~ of Cheektowaga
Town
~~XXXXX~~

Local Law No. 3 of the year 19 91

A local law enacting a retirement incentive program as authorized by Chapter 178, Laws of 1991, for the (Insert Title) eligible employees of the Town of Cheektowaga.

Be It enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~
~~XXXX~~ of Cheektowaga
Town
~~XXXXXX~~ as follows:

Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 178, Laws of 1991.

Section 2. The commencement date of the retirement incentive program shall be August 12, 1991.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be 82 days in length. (August 12, 1991 - November 1, 1991).

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be funded over a five year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.

Section 5. This act shall take effect upon filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

2. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1991 of the ~~(County)(City)~~(Town)(Village) of Cheektowaga was duly passed by the Town Board on August 5, 1991, in accordance with the applicable provisions of law. (Name of Legislative Body)

1. Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ the County of _____, State of New York, having been submitted to _____ electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1____, above.

Richard M. Moleski
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: August 5, 1991

Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James J. Krivits
Signature
Town Attorney
Title

XXXXXX
Town of Cheektowaga
XXXXXX

Date: August 5, 1991

Item No. 10 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received by this Town Board at a bid opening held on August 2nd, 1991 for the purchase of TIRES AND TUBES by various departments as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed now therefore, BE IT

RESOLVED, that the bids be awarded to D & D TIRE SALES & SERVICE INC., 1869 Harlem Road, Cheektowaga, New York 14212 and GOODYEAR TIRE & RUBBER CO., INC., 740 Young Street, Tonawanda, New York 14150 being the lowest responsible bidders in each category or size meeting specifications as set forth in tabulation attached and made a part hereof.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Minimum Tire Quality Grading as Follows: ALL BIDS SHALL BE COMPARED
 MAJOR DOMESTIC BRANDS.

ITEM 1: PASSENGER CAR TIRES (RADIAL PLY)

REGULAR THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>D&D</u>	<u>GOODYEAR</u>
P175/80R13		27.90	
P185/80R13		28.61	
P185/75R14		28.96	
P195/75R14		30.56	
P215/75R15		35.93	
P225/75R15		39.88	
P225/75R15 (Police, Speed Rated)			
P225/70R15 (Police, Speed Rated)			45.32
P235/75R15		40.41	

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>		
P175/80R13		27.90	
P185/80R13		29.14	
P185/75R14		29.20	
P195/75R14		30.97	
P215/75R15		35.93	
P225/75R15		39.64	
P225/75R15 (Police, Speed Rated)			
P225/70R15 (Police, Speed Rated)			46.62
P235/75R15		41.30	

SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>		
P175/80R13		30.38	
P185/80R13		31.44	
P185/75R14		32.86	
P195/75R14		33.09	
P215/75R15		37.81	
P225/75R15		39.76	
P225/75R15 (Police, Speed Rated)			
P225/70R15 (Police, Speed Rated) (Not made in Snow)			
P235/75R15		43.48	

Minimum Tire Quality Grading as Follows: ALL BIDS SHALL BE COMPARABLE TO MAJOR DOMESTIC BRANDS.

ITEM 2: LIGHT TRUCK TIRES (RADIAL PLY)

<u>REGULAR HIGHWAY THREAD (Tubeless, Black Sidewall, Belted)</u>			<u>D & D</u> <u>GOODYEAR</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8		55.18
LT235/85R16	8		62.93
LT235/85R16	10		63.86
LT245/75R16	10		71.05
7.50R16LT	8		58.71
8.75R16.5LT	8		55.30
9.50R16.5LT	8		60.94

<u>ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)</u>			<u>Price</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>
LT215/85R16	8		57.97
LT235/85R16	8		N/A
LT235/85R16	10		71.05
LT245/75R16	10		74.58
7.50R16LT	8		61.62
8.75R16.5LT	8		58.09
9.50R16.5LT	8		63.98

<u>MUD & SNOW THREAD (Tubeless, Black Sidewall, Belted)</u>			<u>Price</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>
LT215/85R16	8		60.69
LT235/85R16	8		69.19
LT235/85R16	10		72.29
LT245/75R16	10		78.12
7.50R16LT	8		64.58
8.75R16.5LT	8		60.82
9.50R16.5LT	8		67.02

Minimum Tire Quality Grading as Follows: ALL BIDS SHALL BE COMPARABLE TO MAJOR DOMESTIC BRANDS.

ITEM 3: LIGHT TRUCK TIRES & TUBES (BIAS PLY)

<u>REGULAR HIGHWAY THREAD (Tubeless, Black Sidewall)</u>			<u>D & D</u>	<u>GOODYEA</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Price</u>	
			<u>Per Tire</u>	
8-14.5LT	12			59.16
7.00-15LT	8		37.32	
7.50-16LT	8		48.48	
8.00-16.5LT	8		41.60	
8.75-16.5LT	8		45.01	
9.50-16.5LT	8		51.15	
10-16.5LT	8		75.83	

<u>MUD & SNOW THREAD (Tubeless, Black Sidewall)</u>			<u>Price</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>
7.50-16LT	8		51.70
8.00-16.5LT	8		41.03
8.75-16.5LT	8		46.00
9.50-16.5LT	8		52.45

<u>REGULAR HIGHWAY THREAD (Tube Type, Black Sidewall)</u>			<u>Tire w/tube</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	
7.50-16LT	8		55.96

<u>MUD & SNOW THREAD (Tube Type, Black Sidewall)</u>			<u>Tire w/tube</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	
7.50-16LT	8		59.18

Minimum Tire Quality Grading as Follows: ALL BIDS SHALL BE COMPARABLE TO MAJOR DOMESTIC BRANDS.

ITEM 4: TRUCK & BUS TIRES & TUBES (RADIAL PLY)

<u>REGULAR HIGHWAY THREAD (Tubeless, Belted)</u>			<u>D & D</u>	<u>GOODYEAR</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Price</u>	
			<u>Per Tire</u>	
215/75R17.5	12		137.33	-
8.25R20	12			148.8
9.00R20	12			166.1
10.00R20	14			179.9
10.00R20	16			191.3
11.00R20	16			207.6
12.00R20	18			258.5
11.00R22.5	14			197.1
385/65R22.5	20			341.6

<u>MUD & SNOW THREAD (Tubeless, Belted)</u>			<u>Price</u>	
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>	
8.25R20	12			151.7
9.00R20	12			169.3
10.00R20	14			184.3
10.00R20	16			195.0
11.00R20	16			211.7
12.00R20	18			N/A
11.00R22.5	14			203.7

<u>REGULAR HIGHWAY THREAD (Tube Type, Belted)</u>			<u>TIRE W/TUBE</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	
14/80R20	20		295.8
11.00R22	16		266.8

<u>MUD & SNOW THREAD (Tube Type, Belted)</u>			<u>TIRE W/TUBE</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	
11.00R22	16		287.26
11.00R24	16		328.2

Minimum Tire Quality Grading as Follows: ALL BIDS SHALL BE COMPARABLE TO MAJOR DOMESTIC BRANDS.

ITEM 6: OFF-THE-ROAD TRUCK, INDUSTRIAL, & FARM, TIRES & TUBES

<u>LOADER (Tubeless)</u>			<u>D & D</u>	<u>GOODYEAR</u>
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Price</u>	
			<u>Per Tire</u>	
17.5-25 L2 Sure Grip	12		399.50	
20.5-25 L2 Sure Grip	12		550.00	
20.5-25 L3 Hard Rock	12			778.57
20.5R25 L2 Sure Grip	12		1113.76	
20.5R25 L3 Hard Rock	12		1273.83	
 <u>GRADER (Tubeless)</u>			 <u>Price</u>	
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>	
14.00-24 G2 Sure Grip	12			305.02
 <u>FARM TRACTOR (Tubeless)</u>			 <u>Price</u>	
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>	
11L-16SL F3 Contractor	12		98.32	
16.9-24 R3 All Weather	6			244.71
18.4-26 R1 Torc Trac	10		378.77	
18.4-16.1 R1 Torc Trac	6			256.15
 <u>FARM TRACTOR (Tube Type)</u>				
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>		
9.00-10 Implement Rib	4			56.44
7.50-16 Implement Rib	8			53.68
14.9-24 R4 Sure Grip	6			200.51
16.9-28 R4 Sure Grip	8		301.31	
 <u>INDUSTRIAL (Tubeless)</u>			 <u>Price</u>	
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>Per Tire</u>	
4.80-12 Trailer	4		24.95	
 <u>INDUSTRIAL (Tube Type)</u>				
<u>Size</u>	<u>Ply Rating</u>			
6.50-10 Mine Xtra Trac	10			76.96
7.00-12 Mine Xtra Trac	14		117.95	

Minimum Tire Quality Grading as Follows: ALL BIDS SHALL BE COMPARABLE TO MAJOR DOMESTIC BRANDS.

ITEM 5: TRUCK & BUS TIRES & TUBES (BIAS PLY)

<u>REGULAR HIGHWAY THREAD (Tube Type,)</u>		<u>PRICE QUOTE W/TUBE</u>		
<u>Size</u>	<u>Ply Rating</u>	<u>MAKE & MODEL</u>	<u>D & D</u>	<u>GOODYEAR</u>
7.50-20	10			99.09
8.25-20	10			99.00
9.00-20	10			111.54
9.00-20	12			136.77
10.00-20	12			131.14
10.00-20	14		163.13	
11.00-20	12		175.78	
11.00-20	14		175.78	
12.00-20	14			275.52
12.00-20	16			314.56
13.00-22	14			221.37

<u>UD & SNOW THREAD (Tube Type)</u>		<u>MAKE & MODEL</u>	<u>D & D</u>	<u>GOODYEAR</u>
<u>Size</u>	<u>Ply Rating</u>			
13.25-20	10		113.86	
14.00-20	10		131.88	
14.00-20	12			160.44
15.00-20	12		168.63	
16.00-20	14		168.63	
17.00-20	12			198.09
18.00-20	14		206.60	
19.00-20	14		N/A	
20.00-20	16		N/A	
21.00-22	14		281.86	

- ° The south drive to be eliminated from Union Road to a point approximately 80 feet west and this area be landscaped.
- ° All parked vehicles and spare parts be stored inside the building.
- ° Property is to be re-graded to improve the drainage, with the approval of the Town Engineer.
- ° Dust control measures be instituted subject to the approval of Highway and Engineering.
- ° Landscaping be installed simultaneously with the blacktop as shown on the plans.

ITEM II Genesee Street At The - Proposed 3,300 Sq. Ft.
Northwest Corner Of Office Building
Louis Street

Applicant: Bernard and DeSimone

Determination: Non-Significant.

The corner at present is a vacant parcel and the applicant is proposing to construct an office building. The office building would be located on the portion of the property furthest from Genesee Street and Louis.

As part of the development, landscaping would be installed along Genesee Street as well as Louis Street. The landscaping as shown on the plan does not comply with the Landscaping Ordinance, but due to the location and site limitations, the Planning Board must make a determination as to adequacy.

As part of the construction, a new sidewalk would be installed along Genesee Street. This sidewalk would be an extension of an existing sidewalk and will maintain the continuity for pedestrian walkways along Genesee.

Drainage must be finalized with the Highway and Engineering Departments and the applicant must contact the New York State Department of Transportation since Genesee Street, which is a state highway, will be accepting the storm waters.

It was suggested to the applicant that he eliminate parking spaces 15 and 16 to provide additional landscaping and to provide a snow storage area. This would entail his applying for a variance from the Zoning Board of Appeals for which the committee had no objection.

Item No. 12 Support of "Calling on America Program"
This resolution was withdrawn in favor of a proclamation by
Supervisor Swiatek.

Item No. 13 Acceptance of Portion of Innsbruck Drive
This resolution was withdrawn.

Item No. 14 Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, by resolution dated March 7, 1988, Investment Policies and
Guidelines were adopted by the Cheektowaga Town Board, and

WHEREAS, it was suggested by the State Department of Audit and
Control that the Town revise its Investment Policies and Guidelines, NOW, THEREFORE,
BE IT

RESOLVED, that this Town Board hereby adopts the attached Investment
Policies and Guidelines to replace the Investment Policies and Guidelines adopted on
March 7, 1988.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA

INVESTMENT POLICIES AND GUIDELINES

The objectives of the Investment Policy of the Town of Cheektowaga are to minimize risk; to insure that investments mature when the cash is required to finance operations; and to insure a competitive rate of return. In accordance with this policy, the Chief Fiscal Officer is hereby authorized to invest all funds including proceeds of obligations and reserve funds in:

- Certificates of Deposit issued by a bank or trust company authorized to do business in New York State;
- Time Deposit Accounts in a bank or trust company authorized to do business in New York State;
- Obligations of New York State;
- Obligations of the United States Government;
- In Repurchase Agreements involving the purchase and sale of direct obligations of the United States.

The maximum amount to be invested in any one transaction shall not exceed \$15,000,000.

All funds except Reserve Funds may be invested in:

- Obligations of agencies of the federal government if principal and interest is guaranteed by the United States.

Only reserve funds may be invested in:

- Obligations of the Town.

All other Town officials receiving money in their official capacity must deposit such funds in negotiable order of withdrawal accounts.

All investments made pursuant to this investment policy shall comply with the following conditions:

1. COLLATERAL

- a. Certificates of deposit shall be fully secured by insurance of the Federal Deposit Insurance Corporation or by obligations of New York State or obligations of the United States or obligations of federal agencies the principal and interest of which are guaranteed by the United States, or obligations of New York State local governments. Collateral shall be held by the seller bank's trust department or its designate. The market value of collateral shall at all times equal or exceed the principal amount of the

certificate of deposit. Collateral shall be monitored no less frequently than quarterly and market value shall mean the bid or closing price as quoted in the Wall Street Journal or as quoted by another recognized pricing service.

- b. Securities purchased through a repurchase agreement shall be valued to market at least quarterly.
- c. Collateral shall not be required with respect to the direct purchase of obligations of New York State, obligations of the United States, and obligations of federal agencies the principal and interest of which are guaranteed by the United States Government.

2. WRITTEN CONTRACTS

Written contracts are required for Repurchase Agreements, certificates of deposit, and custodial undertakings. All purchases will be confirmed in writing to the Town.

It is therefore, the policy of the Town to require written contracts as follows:

- a. Written contracts shall be required for all Repurchase Agreements. Only credit worthy banks and primary reporting dealers shall be qualified to enter into a Repurchase Agreement with the Town. The written contract shall provide that only obligations of the United States may be purchased, and the Town shall make payment upon delivery of the securities or appropriate book-entry of the purchased securities. No specific repurchase agreement shall be entered into unless a master repurchase agreement has been executed between the Town and the trading partners. While the term of the master repurchase agreement may be for a reasonable length of time, a specific repurchase agreement shall not exceed one hundred eighty-five (185) days.
- b. Written contracts shall be required for the purchase of all certificates of deposit.

3. FINANCIAL STRENGTH OF INSTITUTIONS

All trading partners must be credit worthy. Their financial statements must be reviewed at least annually by the Chief Fiscal Officer to determine satisfactory financial strength or the chief fiscal officer may use credit rating agencies to determine credit worthiness of trading partners. Concentration of investments in financial institutions should be avoided.

Investments in time deposits and certificates of deposit are to be made with banks or trust companies. Their annual reports must be reviewed by the Chief Fiscal Officer to determine satisfactory financial strength.

Repurchase agreements, shall be entered into only with banks or trust companies or registered and primary reporting dealers in government securities. Sound credit judgments must be made with respect to trading partners in repurchase agreements. It is not assumed that inclusion on a list of the Federal Reserve is automatically adequate evidence of credit worthiness.

Repurchase agreements should not be entered into with undercapitalized trading firms.

A margin of 5% or higher of the market value of purchased securities in repurchase agreements must be maintained.

4. OPERATIONS, AUDIT AND REPORTING

The chief fiscal officer shall authorize the purchase and sale of all securities and execute contracts for Repurchase Agreements and certificates of depository on behalf of the Town. Oral directions concerning the purchase or sale of securities shall be confirmed in writing. The Town shall pay for purchased securities upon the delivery or book-entry thereof.

The Town will encourage the purchase and sale of securities and certificates of deposit through a competitive or negotiated process involving telephone solicitation of at least three bids for each transaction.

At the time independent auditors conduct the annual audit of the accounts and financial affairs of the Town the independent auditors shall audit the investments of the Town for compliance with the provisions of these Investment Guidelines.

At least annually, the Town Board shall review and amend, if necessary these Investment Guidelines.

The provisions of these Investment Guidelines and any amendments hereto shall take effect prospectively, and shall not invalidate prior investment.

Item No. 15a Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, Higgins-Kieffer, Inc. has submitted application for final payment of General Construction Work under the Alexander Community Center Phase #3 Construction, AND

WHEREAS, Higgins-Kieffer, Inc. has submitted per contract, Contractor's Affidavit of Payment of Debts & Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Asbestos Statement, and Consent of Surety Company to Final Payment, AND

WHEREAS, the date of Substantial Completion is established as April 30, 1991, which starts all warranties associated with said project, AND

WHEREAS, Scaffidi & Moore Architects has reviewed and approved said documents for compliance with the terms of the project specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approve Final Payment in the amount of \$2,440.95 to Higgins-Kieffer, Inc., 7350 Boston State Road, North Boston, New York 14110.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

WHEREAS, G & M Electrical Contracting, Inc. has submitted application for final payment of electrical work performed under the Alexander Community Center Phase #3 construction, AND

WHEREAS, G & M Electrical Contracting, Inc. has submitted per contract, Contractor's Affidavit of Payment of Debts & Claims, Contractor's Affidavit of Release of Liens, Wage and Supplemental Affidavit, Asbestos Statement, Simplex Statement and Fire Alarm Test, Underwriter's Certificate and Consent of Surety Company to Final Payment, AND

WHEREAS, the date of Substantial Completion is established as May 16, 1991 which starts all warranties associated with said project, AND

WHEREAS, Scaffidi & Moore Architects has reviewed and approved said documents for compliance with the terms of the project specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approve Final Payment in the amount of \$2,096.00 to G & M Electrical Contracting Inc., 4804 Transit Road, Depew, New York 14043.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Solecki, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located North of 530 Cayuga Road, Cheektowaga, New York, SBL #81.17-2-27.11 and according to the Assessor's Office is owned by 580 Incorporated, 3409 Broadway, Cheektowaga, New York 14227, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 16a continued

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16b Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 1561 East Delavan Avenue, East corner - East End, Cheektowaga, New York, SBL #90-84-2-1 and according to the Assessor's Office is owned by Samuel Tabone & One, 380 Connecticut Street, Buffalo, New York 14213, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16c Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 257 Evergreen Place, Cheektowaga, New York, SBL #91.20-7-14 and according to the Assessor's Office is owned by Lorraine A. Croce, 64 Brookedge Road, Depew, New York 14043, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16d Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1350 Harlem Road, Cheektowaga, New York, SBL #113.70-2-13 and according to the Assessor's Office is owned by John P. Thompson & One, c/o Southland Corporation Empire Trust, Tax Department #15878, 2711 North Haskell Avenue, Dallas, Texas 75204, AND

Item No. 16d continued

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

Item No. 16e Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on property located at 3325 Genesee Street, Cheektowaga, New York, SBL #91.19-3-3 and according to the Assessor's Office is owned by 325 Genesee Incorporated (Kelly), 3325 Genesee Street, Cheektowaga, New York 14225, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 16f Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located on Princeton Court, Sublots 57 and 58, Cheektowaga, New York, SBL #92.05-1-13 and according to the Assessor's Office is owned by 3567 Seneca Street Incorporated, c/o James Nelson, 36 Lehn Springs, Williamsville, New York 14221, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 16g Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1007 Walden Avenue, Cheektowaga, New York, SBL #101.60-8-6 and according to the Assessor's Office is owned by Ruth C. Lupka, c/o Kenneth A. DeGasper, Buffalo, New York 14202, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16h Motion by Councilman Kulyk, Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located on William Street, East corner of Frederick Street, Cheektowaga, New York, SBL #113.64-1-1 and according to the Assessor's Office is owned by Laura Josefiak, Buffalo, New York 14206, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 17a Motion by Councilman Rogowski, Seconded by Councilman Kulyk

WHEREAS, on occasion, the Town of Cheektowaga needs permits from the State Department of Environmental Conservation ("D.E.C.") to perform work on State Maintained Flood Control Lands, and

WHEREAS, the D.E.C. requires the Town to purchase insurance to protect the D.E.C. before such permits will be issued, and

WHEREAS, the D.E.C. also requires the Town to maintain insurance coverage for existing permits and easements the Town has from the D.E.C., and

WHEREAS, the D.E.C. has suggested that, in lieu of insurance, the Town enter into an indemnification agreement with the D.E.C., and

WHEREAS, the substitution of an indemnification agreement for insurance coverage will save the Town money while covering the D.E.C. for liability, NOW, THEREFORE, BE IT

Item No. 17a continued

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached indemnification agreement with the D.E.C., and BE IT FURTHER

RESOLVED, that the Town Engineer be and hereby is directed to forward this indemnification agreement to the D.E.C.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

INDEMNIFICATION AGREEMENT

WHEREAS, the undersigned TOWN OF CHEEKTOWAGA is a municipal corporation created and existing under the laws of the State of New York (hereinafter referred to as "the Town"); and

WHEREAS, the Department of Environmental Conservation of the State of New York (hereinafter referred to as "the DEC") has issued several permits to the Town allowing the Town to conduct certain activities within the flood control areas controlled by the DEC; and

WHEREAS, in lieu of providing public liability insurance policies to the state of New York which would indemnify the State and the DEC, the Town seeks to provide a general undertaking for defense and indemnification;

NOW, THEREFORE, the Town does hereby undertake to and with the State of New York and the Department of Environmental Conservation that the Town shall and will:

Be responsible for all damages resulting from bodily injury, including death at any time resulting therefrom, and/or for all damages arising out of injury to or destruction of property, due to the Town's activities or the activities of its contractors, sub-contractors of either or both, officers, agents and employees, arising out of or resulting from any act or omission in connection with the Town's activities pursued under the said permits; and the Town does hereby expressly agree to defend, indemnify and save harmless the State of New York and the Department of Environmental Conservation from all claims, suits, actions, judgments, damages, and costs of every name and description arising out of or resulting from any act or omission in connection with the Town's activities pursued under said permits; it being understood that this is an undertaking of defense and indemnification only and is not to be construed as an undertaking or obligation to pay claims for which there would not otherwise be a remedy at law and it being further understood that the Town's liability for damages shall not exceed the limits of liability insurance that would otherwise be required for each permit.

THIS AGREEMENT shall remain in full force and effect for all permits presently held by the Town as well as for all permits which the Town may acquire in the future for as long as each permit shall be valid until such time as the Town provides a public liability policy for its perations, or until such time as all of the Town's permits expire.

IN WITNESS WHEREOF, the Town of Cheektowaga has caused this instrument to be signed by a duly authorized officer and its corporate seal to be hereto affixed on the 6th day of August, 1991.

TOWN OF CHEEKTOWAGA

By Frank E. Swiatek
Frank E. Swiatek, Supervisor

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 6th day of August, 1991, before me personally came FRANK E. SWIATEK, to me personally known, who, being by me duly sworn did depose and say that he is the Supervisor of the Town of Cheektowaga, the corporation described in and which executed the within agreement;; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; and that he executed the above agreement and caused the seal to be affixed thereto pursuant to a resolution of the Town Board of said Town.

Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1993

Item No. 17b Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town Board is committed to pursuing economic development activities in order to preserve existing jobs, create new employment opportunities for Town residents and increase the Town's property tax base, and

WHEREAS, in accordance with these goals, the Town has created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development and growth in the Town, and

WHEREAS, use of Community Development Block Grant funds has been approved by the Department of Housing & Urban Development for economic development activities in the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with the Cheektowaga Economic Development Corporation for the purpose of allocating Community Development Block Grant funds to that agency for the 1991-1992 program year in an amount of up to \$751,000, which includes \$120,000 from the 1991-92 program year and \$630,000 from the 1988-90 program years.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 17c Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town of Cheektowaga, on July 17, 1986, gave Mr. & Mrs. Lynn A. Yaple a Housing Rehabilitation Community Development loan for property owned by them and located a 84 East Windwood Court, Cheektowaga, New York, and

WHEREAS, Mr. & Mrs. Yaple are now applying for a separate mortgage loan through Norstar Bank, and Norstar Bank is requesting the Town to execute a Subordination Agreement relating to the Town's Community Development Loan, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement relating to Mr. & Mrs. Yaple and the Town's Housing Rehabilitation Community Development loan for 84 East Windwood Court, Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 17d Motion by Supervisor Swiatek, Seconded by Councilman Blachowski

WHEREAS, by resolution dated March 18, 1991 this Town Board approved funding in an amount equivalent to 50% of the amount allocated in the 1991 budget for various cultural groups within the Town, and

WHEREAS, the State budget has now been approved and this Town Board is able to proceed with additional funding to such cultural groups for total funding of 87-1/2% of the budgeted funds, and

WHEREAS, this Town Board also wishes to provide \$1,000 to the Debonaires Drum & Baton Corps, NOW, THEREFORE, BE IT

RESOLVED, that additional funding in the following amounts be and hereby is authorized for the following referenced cultural groups from the 1991 budget:

Item No. 17d continued

CULTURAL GROUP

Cheektowaga Historical Society	\$ 548.25
Cheektowaga Cultural Society	1,012.50
Cheektowaga Symphony Orchestra	2,966.25
Cheektowaga Art Guild	519.75
Cheektowaga Patriotic Commission	4,650.00
Cheektowaga Community Chorus	4,466.25
Cheektowaga Stamp & Coin Society	207.75

and BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute addenda to the existing agreements with such cultural groups, and BE IT FURTHER

RESOLVED, that funding in the amount of \$1,000 is hereby approved for the Debonaires Drum & Baton Corps and the Supervisor be and hereby is directed to execute an agreement with such group for funding.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Supervisor Swiatek, Seconded by Councilman Kulyk

WHEREAS, funding is periodically available from miscellaneous public and private grant sources to assist the town with various projects, and

WHEREAS, this town is in need of an outside consultant to maintain current information on the availability of and to apply for such funding, and

WHEREAS, Robert J. Miller & Associates, a grant development firm has represented the town to the various granting agencies for proposed projects, and

WHEREAS, during the last 12 months a total of \$335,004 in approved grants were received by the town, and

WHEREAS, there is another \$1,272,629 in pending grant applications currently under review by funding agencies, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller & Associates be authorized to represent the Town of Cheektowaga and the Town of Cheektowaga execute the attached letter of agreement with Robert J. Miller & Associates for grant services for a period from August 16, 1991 to December 31, 1991, and BE IT FURTHER

RESOLVED, that funding for such services shall be appropriated from budget line item #0100-1220-4957.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

LETTER OF AGREEMENT BETWEEN

TOWN OF CHEEKTOWAGA

AND

ROBERT J. MILLER & ASSOCIATES
124 Delaware Avenue
Tonawanda, New York 14150
(716) 694-8181

GRANTS CONSULTANTS

It is hereby agreed that Robert J. Miller & Associates will render direct grants consultation services as described below to the Town of Cheektowaga, New York commencing August 16, 1991 and ending December 31, 1991.

Robert J. Miller and Associates will perform the following tasks:

- * Conduct comprehensive reviews of on-going and planned activities to identify potentially fundable programs.
- * Prepare narrative summaries of fundable programs to include statement of need, proposed methodology, anticipated benefits and budgets.
- * Conduct on-going search and survey of potential funding sources, both private and public, at the federal, state, and local levels.
- * Identify and establish direct contact with funding sources.
- * Prepare and submit formal letters of intent and full proposals in appropriate and final format to potential granting organizations.
- * Maintain liaison and follow-up with all granting organizations where formal application has been made.

* Conduct briefings with designated members of client staff and board to report on progress achieved and to develop additional fundable programs and proposals.

In consideration of \$7,000.00 for the first three month quarter of services payable in advance to Robert J. Miller & Associates, both parties agree to provisions contained herein. Fees for the continuation of services through December 31, 1991 shall be \$2,499.00 payable in advance.

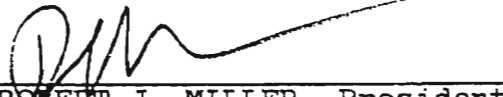
This agreement may be terminated by the Town of Cheektowaga provided that written notice is given to Robert J. Miller & Associates by the Town of Cheektowaga 30 days prior to the end of any three month quarter in progress. In the event of early termination, Robert J. Miller & Associates shall be paid for the quarter then in process.

TOWN OF CHEEKTOWAGA


FRANK E. SWIATEK, Supervisor

Date: 8/5/91

ROBERT J. MILLER
GRANTS CONSULTANTS


ROBERT J. MILLER, President

Date: 8/1/91

Item No. 19a Termination of Temporary Clerk-Typist in Assessor's Office
This resolution was withdrawn.

Item No. 19b Motion by Councilman Kulyk, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

EFFECTIVE

FACILITIES DEPARTMENT

David Manzella 7/25/91
John Skubinski 7/30/91

SANITATION DEPARTMENT

Peter Myhalenko 8/09/91
Lutz Ferguson Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town Board of the Town of Cheektowaga has previously created a corporation known as the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development within the Town, and

WHEREAS, By Resolution dated February 7, 1983, this Town Board approved the proposed By-Laws of the Cheektowaga Economic Development Corporation, and

WHEREAS, the aforesaid By-Laws provide that the Directors of the Cheektowaga Economic Development Corporation will be appointed by resolution of the Cheektowaga Town Board, and

WHEREAS, the Board of Directors of the Cheektowaga Economic Development Corporation have recommended the reappointment of the individuals listed below to the Board of Directors of the Cheektowaga Economic Development Corporation, and

WHEREAS, this Town Board is in agreement with the recommendations of the Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are reappointed to the Board of Directors of the Cheektowaga Economic Development Corporation, said term being effective immediately and until the successive reappointment of said Board positions subsequent to April 1, 1994.

Joseph Funk
Richard Cielinski
Robert Buczynski
William Scarafia
David Cutting

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 21 Appointment of Temporary Senior-Clerk in Assessor's Office
This resolution has been withdrawn.

Item No. 22 Appointment of Light Motor Equipment Operator in Sanitation/Recycling
This resolution has been withdrawn.

Item No. 23 Return Employee in Assessor's Office to Former Position
This resolution has been withdrawn.

Item No. 24 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED, that the following individual be hired as a seasonal employee, not to exceed 24 weeks, to aid the Cheektowaga Youth & Recreational Services Department in conducting its 1991 summer programs at the designated title and salary.

REGISTERED NURSE - 01-7310-0001-1802 - \$12/00/hr.

Kim Reinhardt

14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Solecki, Seconded by Councilman Kulyk

BE IT RESOLVED, that the following individuals be and hereby are hired as Part-Time Employees, not to exceed 19 hours on a weekly basis, in the various departments listed and in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

EFFECTIVE

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Shawn Pokorski

8/19/91

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26a Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	0100-3120-1591	Crossing Guards	\$ 5,000.00
	0100-3120-1501	Police Captain	6,000.00
	0100-3120-1581	Police Matron	4,300.00
	0100-1640-4446	Motor Equipment Maintenance & Repair	4,000.00
	0100-1910-4711	Contingencies	14,000.00
	0100-7620-4627	Activity Groups	8,500.00
TO:	0100-7550-4374	Polish Festival	8,500.00
	0100-1220-4957	Grant Development	14,000.00
	0100-1640-4072	Uniform Cleaning	4,000.00
	0100-3020-4203	Mobile Communications	4,300.00
	0100-3120-2204	Computer Equipment	6,000.00
	0100-3020-4431	Communication Equipment	4,000.00
	0100-3120-4093	Police Training	1,000.00

Item No. 26a continued

HIGHWAY

FROM:	0300-5141-1442	Auto Mechanics	\$14,839.50
TO:	0300-5141-1421	Auto Mechanic Helper	14,839.50

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26b Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

SPECIAL DISTRICT
Sanitation

FROM:	1500-8173-1202	Recycling Driver	\$15,000.00
	1500-8173-4596	MRF Processing	17,145.00
TO:	1500-8173-1410	Recycling Driver	15,000.00
	1500-8173-4475	Consultants (NOREC Board)	17,145.00

SEWER DISTRICT #5

FROM:	2500-8135-4431	Equipment Repair	4,000.00
	2500-8125-4438	Sewer Repair	5,000.00
TO:	2500-8135-4453	Building Repairs	4,000.00
	2500-8125-4964	Roycroft Maintenance and Utilities	5,000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following vouchers and warrants are submitted to the Town of Cheektowaga prior to August 2, 1991, are hereby approved and made a part hereof:

GENERAL FUND	\$ 297,818.12
HIGHWAY FUND	182,517.75
TRUST & AGENCY FUND	13,917.86
CDGB HUD FUND	60,609.43
PART TOWN FUND	8,186.11
RISK RETENTION FUND	34,328.34
HUD REHABILITATION FUND	3,836.21
SPECIAL DISTRICTS	181,833.49
CAPITAL FUND	<u>421,857.30</u>

\$1,204,904.61
=====

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

- Item No. 28 Building Permits
Received and Filed.
- Item No. 29 Supervisor's Statement of Funds - February 1991
Received and Filed.
- Item No. 30a Minutes of Cheektowaga Planning Board Meeting - June 13, 1991
Received and Filed.
- Item No. 30b Minutes of Cheektowaga Traffic Safety Commission Meeting -
July 16, 1991
Received and Filed.
- Item No. 31 Office of Disaster Preparedness Quarterly Report/April - June, 1991
Received and Filed.

V. GENERAL COMMUNICATION

- Item No. 32 Notice of Petition: Adcor Realty/May Department Store Co./Kaufmann's
vs the Board of Assessors and the Board of Assessment Review of the
Town of Cheektowaga
Received and Filed.
- Item No. 33a Notice of Claim: Larry Pilarz/Adam's Steak and Seafood Restaurant vs
the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Sanitation
Department; Allied Claims, Insurance Carrier.
Received and Filed.
- Item No. 33b Notice of Claim: John Barberio vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Highway
Department; Allied Claims, Insurance Carrier.
Received and Filed.

MOTION BY COUNCILMAN KULYK, SECONDED BY SUPERVISOR SWIATEK
TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S)
AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

VI. SUSPENSION OF RULES

- Item No. 34 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, Gemini Express Lines/Frank J. Wailand has made application
and requested a Special Use Permit to use property located at 3160 Union Road, for a
truck terminal and maintenance garage, NOW, THEREFORE, BE IT

Item No. 34 continued

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 19, 1991 at 7:00 o'clock P.M. Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call.....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 19th day of AUGUST, 1991 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of GEMINI EXPRESS/F. WAILAND for a Special Permit to operate a truck terminal & maintenance garage on property located at 3160 UNION ROAD pursuant to Article VI and Section 82-33 of the Zoning Ordinance of the Town of Cheektowaga, New York.
 BEGINNING at a point on the east line of Lot 15, said line also being the Centerline of Union Road at a distance

of 1232.00 feet south of the south line of Broadway as measured on said centerline of Union Road; running thence westerly at an angle of 92 degrees 01' 30" in the northwest quadrant with the westerly line of Union Road a distance of 400.00 feet; thence northerly and parallel the easterly line of Lot 15 a distance of 110.00 feet to a point; thence westerly and parallel the first described 400.00 foot course 438.86 feet to a point; thence southerly and parallel the easterly line of Lot 15, 350.00 feet to a point; thence westerly at an angle of 92 degrees 01' 30" in the northwest quadrant with the centerline of Union Road a distance of 838.86 feet to a point on the east line of Lot 15; thence northerly on the east line of Lot 15 being the Centerline of Union Road 240.00 feet to the point or place of beginning.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.
 BY ORDER OF THE TOWN BOARD
 Supervisor Frank E. Swiatek
 Councilman Patricia A. Jaworowicz
 Councilman Dennis H. Gabvryszak
 Councilman Andrew A. Kulyk
 Councilman Richard B. Solecki
 Councilman William P. Rogowski
 Councilman Jacqueline A. Blachowski
 RICHARD M. MOLESKI
 Town Clerk
 PUBLISH: August 8, 1991

**STATE OF NEW YORK
 COUNTY OF ERIE
 TOWN OF CHEEKTOWAGA** } ss.

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....August 8, 1991.....; last publication.....August 8, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....
 8th

Sworn to before me this

day ofAugust....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

**MARGARET J BOURDETTE
 NOTARY PUBLIC, STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/91**

Item No. 35 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by the Cheektowaga Highway Department.

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 A.M. and 3:30 P.M., Monday through Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on August 16th, 1991 at the Cheektowaga Town Hall Council Chambers

* * * * *

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of Motor Oils, Lubricants, Anti-freeze, Unleaded Gasoline and Diesel Fuel, etc. for use by the Cheektowaga Highway Department, at a public bid opening August 2nd, 1991 at 11:00 A.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBRICANTS, ANTI-FREEZE, DIESEL FUEL AND UNLEADED GASOLINE".

Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

Richard M. Moleski
Town Clerk

Dated: August 5, 1991

Published: August 8, 1991

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks:
first publication.....August 8, 1991.....;
last publication.....August 8, 1991.....;
and that no more than six days intervened be-
tween publications.

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE
TO BIDDERS
NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of Motor Oils, Lubricants, Anti-freeze, Unleaded Gasoline and Diesel Fuel etc, for use by the Cheektowaga Highway Department, at a public bid opening August 2nd, 1991 at 11AM to be held in the Council Chambers at the Cheektowaga Town Hall.
Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBRICANTS, ANTI-FREEZE, DIESEL FUEL AND UNLEADED GASOLINE".
Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.
RICHARD MOLESKI,
TOWN CLERK
Dated: August 5, 1991
PUBLISH: August 8, 1991

.....Melanie Wolf.....

Sworn to before me this8th.....
day ofAugust....., 1991.

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
NY COMMISSION EXPIRES 12/11/01

Item No. 36 Motion by Councilman Kulyk, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board, by resolution dated August 5, 1991, rezoned property located at 2911 William Street from RA-Residential District to C-Retail Business District, and

WHEREAS, excluded from rezoning decision were areas surrounding such site having widths of 65 feet and 100 feet, and

WHEREAS, this Town Board wishes to hold a public hearing on the issue of rezoning such excluded areas from RA-Apartment District to C-Retail Business District, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held regarding the rezoning of the aforementioned areas surrounding 2911 William Street from RA-Apartment District to C-Retail Business District on August 19, 1991 at 7:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road in the Town, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Times, the Town's official newspaper.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....August 8, 1991.....;
last publication.....August 8, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this8th.....

day ofAugust....., 1991...

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

(over

Legals continued

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 19th day of AUGUST, 1991 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of TOWN OF CHEEKTOWAGA to Rezone from RA-APARTMENT District to C-RETAIL BUSINESS District on property located at 2911 WILLIAM STREET and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10 and Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said point being 65 feet westerly from the northeast corner of Lot 66; thence southerly on a line parallel with the east line of Lot 66, 500 +/- feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the northwest line of lands conveyed by Deed aforementioned 425 +/- feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorezak and Marie, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorezak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of Lorezak with the northerly line of lands conveyed to John Mysliwicz and Florence A., his

wife, by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578; thence southeasterly along the north line of lands of Mysliwicz as aforesaid 410 +/- feet to an arc being a distance of 100 feet south of the intersection of the second and third courses hereinbefore mentioned; thence northeasterly at an arc being 100 feet south of such intersecting courses to a point being the northwest corner of lands of Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567; thence northeasterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of the center line of William Street as measured along the easterly line of Lot 66; thence northerly along the easterly line of Lot 66, 574.77 feet to the point of intersection

of the easterly line of Lot 66 with the center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI

Town Clerk

PUBLISH: August 8, 1991

BY ORDER OF THE TOWN BOARD
TOWN OF CHEEKTOWAGA
ERIE COUNTY, NEW YORK

L E G A L N O T I C E

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the
the Town Board of the Town of Cheektowaga, Erie County, New York
York at the Town Hall in the said Town of Cheektowaga, corner of
Broadway and Union Road on the 19th day of AUGUST,
1991 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING
Time of said day for the purpose of considering the application
of TOWN OF CHEEKTOWAGA to Rezone from
RA - APARTMENT District to
C - RETAIL BUSINESS District on
property located at 2911 WILLIAM STREET
and amend the Zoning Map and Ordinance accordingly, pursuant to
Article X and Section 82-70 of the Zoning Ordinance of the
Town of Cheektowaga, New York.

All parties in interest and citizens will be given an
opportunity to be heard in regard to such proposed application.

BY ORDER OF THE TOWN BOARD

Supervisor Frank E. Swiatek
Councilman Patricie A. Jawdrowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
Town Clerk

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10 and Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said point being 65 feet westerly from the northeast corner of Lot 66; thence southerly on a line parallel with the east line of Lot 66, 500± feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the northwest line of lands conveyed by Deed aforementioned 425± feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorzak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of Lorzak with the northerly line of lands conveyed to John Mysliwicz and Florence A., his wife, by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578; thence southeasterly along the north line of lands of Mysliwicz as aforesaid 410± feet to an arc being a distance of 100 feet south of the intersection of the second and third courses hereinbefore mentioned; thence northeasterly at an arc being 100 feet south of such intersecting courses to a point being the northwest corner of lands of Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567; thence northeasterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of the center line of William Street as measured along the easterly line of Lot 66; thence northerly along the easterly line of Lot 66, 574.77 feet to the point of intersection of the easterly line of Lot 66 with the center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

MEETING NO. 16
August 5, 1991

Item No. 37 Motion by Councilman Solecki, Seconded by Supervisor Swiatek to adjourn the meeting in honor of Cheryl Krajna of the Cheektowaga Times covering her last Town Board Meeting.

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th day of August, 1991 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Andrew A. Kulyk
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney; William Pugh, Assistant Town Engineer; Salvatore LaGreca, Chairman, Planning Board, Employee and Training Director; Christopher J. Kowal, Highway Superintendent; Bruce Chamberlin, Chief of Police and Leonard Szymanski, Facilities Foreman.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss, and if need be, act upon the following proposed Local Law:

LOCAL LAW

APPORTIONING THE COST

OF REPAIRING SIDEWALKS

Section 1. Whenever the Cheektowaga Town Board shall have adopted an order pursuant to Section 200-a of the Town Law directing the owners of parcels abutting on any town, county or state highway, along which it is desired that sidewalks be relaid or repaired, to relay or repair such sidewalks, and the owner neglects or refuses to do so, the Town of Cheektowaga may cause such work to be done. The expense of relaying or repairing such sidewalks shall be apportioned and assessed as follows:

<u>Town Share</u>	<u>Owner's Share</u>
50%	50%

Section 2. The owner's share of the cost of relaying or repairing sidewalks shall be assessed against the owner's benefited property via two annual installments.

Section 3. This local law shall apply to all properties within the Town of Cheektowaga outside the corporate limits of the Villages of Depew and Sloan.

Section 4. This local law shall take effect on January 1, 1992.

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

II. FROM THE TABLE

Item No. 3 Motion by Councilman Solecki Seconded by Councilman Gabryszak

WHEREAS, Chapter 23A of the Code of the Town of Cheektowaga (Environmental Impact Review Ordinance) was adopted by Town Board resolution dated August 27, 1979, and

WHEREAS, Subdivision B. of Section 23A-5 of such ordinance designates areas within the Town as critical environmental areas, under the State Environmental Quality Review Act, and

WHEREAS, the Friends of the Woods, Ltd., the Depew-Cheektowaga Taxpayers Association and the Cheektowaga Conservation Advisory Council, in a joint effort to preserve wildlife and green areas in the Town for our future generations, have recommended that the Town include John C. Stiglmeier Park and the portion of Cayuga Creek 100-Year Floodplain, and

WHEREAS, a public hearing was held on the 1st day of July, 1991 at 7:30 P.M. at the Cheektowaga Town Hall to consider the adoption of amendments to Chapter 23A of the Town Code to designate the following as critical environmental areas:

1. John C. Stiglmeier Park; and
2. That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

(hereinafter referred to as the "Properties"), and

WHEREAS, at such public hearing, support was shown for the designation of the Properties as critical environmental areas, and

WHEREAS, the Properties adjoin the Reinstein Woods, a State-operated nature preserve, and

WHEREAS, the uncontrolled development of the Properties and removal of trees and other natural foliage could result in an isolation of the Reinstein Woods, thereby restricting the wildlife to the Reinstein Woods and causing overgrazing, overcrowding and habitat destruction within the Reinstein Woods, and

WHEREAS, this Town Board wishes to ensure that development within the Properties does not adversely affect the character of the Reinstein Woods by damaging the green space and water resources upon which it depends, and

WHEREAS, the Town also wishes to control development within the Properties as a means to ensure flood protection for its residents, and

WHEREAS, this Town Board wishes to delay consideration of the designation of land within 400 feet of the Properties as critical environmental areas at this time, but will review same again in six months, and

WHEREAS, the Town of Cheektowaga is mostly developed and this is our opportunity to ensure sufficient green areas are left for future generations, NOW, THEREFORE, BE IT

RESOLVED, that Section 23A-5.B. of the Code of the Town of Cheektowaga is amended by adding thereto as critical environmental areas the following:

(3) John C. Stiglmeier Park.

(4) That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

and, BE IT FURTHER

Item No. 3 continued

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 19, 1991; and that a certified copy thereof be published in the Cheektowaga Times, the official Town newspaper; and that the affidavit of such publication be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that the SEQRA Intake Officer shall notify the Commissioner of the NYS DEC and the local NYS DEC office of the designation of these critical environmental areas by forwarding them copies of this resolution and copies of the maps depicting such areas, and BE IT FURTHER

RESOLVED, that the designation of these areas as critical environmental areas shall take effect 30 days after filing with the NYS DEC.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
TOWN BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 19th day of August, 1991 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

- Supervisor Frank E. Swiatek
- Councilman Patricia A. Jaworowicz
- Councilman Dennis H. Gabryszak
- Councilman Andrew A. Kulyk
- Councilman Richard B. Solecki
- Councilman William P. Rogowski
- Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by: Councilman Solecki
Seconded by: Councilman Gabryszak

WHEREAS, Chapter 23A of the Code of the Town of Cheektowaga (Environmental Impact Review Ordinance) was adopted by Town Board resolution dated August 27, 1979, and

WHEREAS, Subdivision B. of Section 23A-5 of such ordinance designates areas within the Town as critical environmental areas, under the State Environmental Quality Review Act, and

WHEREAS, the Friends of the Woods, Ltd., the Depew-Cheektowaga Taxpayers Association and the Cheektowaga Conservation Advisory Council, in a joint effort to preserve wildlife and green areas in the Town for our future generations, have recommended that the Town include John C. Stiglmeier Park and the portion of the Cayuga Creek 100-Year Floodplain, and

WHEREAS, a public hearing was held on the 1st day of July, 1991 at 7:30 P.M. at the Cheektowaga Town Hall to consider the adoption of amendments to Chapter 23A of the Town Code to designate the following as critical environmental areas:

1. John C. Stiglmeier Park; and
2. That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.

(hereinafter referred to as the "Properties"), and

WHEREAS, at such public hearing, support was shown for the designation of the Properties as critical environmental areas, and

WHEREAS, the Properties adjoin the Reinstein Woods, a State-operated nature preserve, and

WHEREAS, the uncontrolled development of the Properties and removal of trees and other natural foliage could result in an isolation of the Reinstein Woods, thereby restricting the wildlife to the Reinstein Woods and causing overgrazing, overcrowding and habitat destruction within the Reinstein Woods, and

WHEREAS, this Town Board wishes to ensure that development within the Properties does not adversely affect the character of the Reinstein Woods by damaging the green space and water resources upon which it depends, and

WHEREAS, the Town also wishes

to control development within the Properties as a means to ensure flood protection for its residents, and

WHEREAS, this Town Board wishes to delay consideration of the designation of land within 400 feet of the Properties as critical environmental areas at this time, but will review same again in six months, and

WHEREAS, the Town of Cheektowaga is mostly developed and this is our opportunity to ensure sufficient green areas are left for future generations, NOW THEREFORE, BE IT

RESOLVED, that Section 23A-5.B. of the Code of the Town of Cheektowaga is amended by adding thereto as critical environmental areas the following:

- (3) John C. Stiglmeier Park.
 - (4) That portion of the Cayuga Creek 100-Year Floodplain which lies within the corporate limits of the Town of Cheektowaga.
- and, BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 19, 1991; and that a certified copy thereof be published in the Cheektowaga Times, the official Town newspaper; and that the affidavit of such publication be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that the SEORA Intake Officer shall notify the Commissioner of the NYS DEC and the local NYS DEC office of the designation of these critical environmental areas by forwarding them copies of this resolution and copies of the maps depicting such areas, and BE IT FURTHER

RESOLVED, that the designation of these areas as critical environmental areas shall take effect 30 days after filing with the NYS DEC.

Upon roll call...
Supervisor Swiatek, Voting AYE
Councilman Jaworowicz, Voting

AYE
Councilman Gabryszak, Voting
AYE

Councilman Kulyk, Voting AYE
Councilman Solecki, Voting AYE
Councilman Rogowski, Voting

AYE
Councilman Blachowski, Voting
AYE

AYES: 7
NAYES: 0
ABSENT: 0

**STATE OF NEW YORK
COUNTY OF ERIE**

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on August 19, 1991, and minutes of said meeting have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meetings of said Board, and such minutes appear at item 3, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the member of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 19th day of August, 1991.

Richard M. Moleski
Town Clerk

PUBLISH: August 22, 1991

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA**

ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....August 22, 1991.....;
last publication.....August 22, 1991.....;
and that no more than six days intervened be-
tween publications.

Melanie Wolf

Sworn to before me this22nd.....

day ofAugust....., 1991..

Margaret J. Bourdette

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 4 Motion by Councilman Kulyk Seconded by Councilman Gabryszak

WHEREAS, Stradtman Associates, Inc. (the "Applicant") applied to the Town of Cheektowaga for the rezoning of 100 Warsaw Street, Cheektowaga, New York (the "Project") from R-Residence District to CM-General Commercial District and for environmental review of such application pursuant to the State Environmental Quality Review Act, and

WHEREAS, by resolution dated March 18, 1991, this Town Board determined that significant environmental effects relating to such Project existed (a/k/a positive declaration) and that a Draft Environmental Impact Statement ("DEIS") for same must be prepared, and

WHEREAS, after the request for the DEIS was made, the Applicant submitted documentation to the Town clarifying certain points of concern, and

WHEREAS, at its May 16, 1991 meeting, the Town Environmental Quality Review Advisory Committee recommended that the Town Board rescind its positive declaration and issue a conditional negative declaration for the Project, and

WHEREAS, a public hearing on such petition was held before this Board on the 15th of July, 1991 at 6:30 o'clock P.M. and the 5th day of August, 1991 after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended denial thereof based on the findings that such rezoning would represent an intrusion into a residential area and any expansion would prove detrimental to the surrounding neighbors, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rescinds its positive declaration for the Project, as issued at its March 18, 1991 Town Board meeting, and issues a negative declaration for such Project, and BE IT FURTHER

RESOLVED, that the application of Stradtman Associates, Inc. for the rezoning from R-Residence District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby denied based on the following reasons:

1. Reasons stated by the Cheektowaga Planning Board;
2. Rezoning would be incompatible with adjoining residential areas;
3. Potential for increase in noise affecting residential properties;
4. Potential for increase in traffic congestion and air pollution from automotive exhaust;
5. CM Zoning allows uses undesirable and not in harmony with a residential neighborhood, and
6. Other alternatives (i.e. expansion on applicant's M2-zoned property) are available to applicant.

* SEE ATTACHED LEGAL DESCRIPTION

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

4/

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 23, Township 11, Range 7 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under Cover No. 636 is known as subdivision lots numbers sixteen (16) to twenty-one(21) inclusive in Block "E"

Item No. 5a Motion by Councilman Rogowski Seconded by Councilman Kulyk

RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on September 3, 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road in said Town of Cheektowaga for the purpose of considering the advisability of adopting said amendments and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 22nd day of August, 1991, said amendments being set forth in the Notice of Hearing.

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on September 3, 1991 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE VII

Turning Movements

Article VII shall be amended by adding thereto the following sections:

§76-71 Left Lane Must Turn Left

AERO DRIVE eastbound at its approach to Youngs Road

§76-72 Thru Traffic Use Right Lane

AERO DRIVE eastbound at its approach to Youngs Road

ARTICLE VIII

Stop and Yield Intersections

Section 76-80 Stop intersections designated, shall be amended by adding thereto the following:

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
WHITNEY PLACE (south leg)	East-west	Towers Boulevard	Northbound	S.E. Corner
WHITNEY PLACE (south leg)	East-west	Towers Boulevard	Southbound	N.W. Corner

ARTICLE X

Parking, Standing and Stopping

§76-102 Parking prohibited in designated locations.

§76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

A. No parking this side or one side parking

BALBACH DRIVE North & east sides from the east curbline of Beach Road to the north curbline of Peinkofer Drive

Item No. 5a continued

§76-102 of the traffic ordinance shall be amended as follows:

F. Miscellaneous signs

Amend "(6) No Parking or Standing" to read - "(6) No Standing Anytime"

Amend "(15) No Stopping" to read - "(15) No Stopping Anytime"

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BALBACH DRIVE South & from the east curblines of Beach Road to the
 east sides north curblines of Peinkofer Drive

F. Miscellaneous signs

(15) No Stopping Anytime

LOSSON ROAD	North side	from the east curblines of Stiglmeier Park Road easterly 350 feet to a point
LOSSON ROAD	North side	from the west curblines of Stiglmeier Park Road westerly 350 feet to a point
LOSSON ROAD	South side	from the east curblines of Towers Boulevard easterly 350 feet to a point
LOSSON ROAD	South side	from the west curblines of Towers Boulevard westerly 350 feet to a point

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

DATED: August 19, 1991

Richard M. Moleski, Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on September 3, 1991 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

**ARTICLE VII
Turning Movements**

Article VII shall be amended by adding thereto the following sections:
§76-71 Left Lane Must Turn Left
AERO DRIVE eastbound at its approach to Youngs Road
§76-72 Thru-Traffic Use Right Lane
AERO DRIVE eastbound at its approach to Youngs Road

**ARTICLE VIII
Stop and Yield Intersections**

Section 76-80 Stop intersections designated, shall be amended by adding thereto the following:
The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

Street	Direction	Entrance Street	Traffic Stops	Sign Location
Whitney Place (south leg)	East-west	Towers Boulevard	Northbound	S.E. Corner
Whitney Place (south leg)	East-west	Towers Boulevard	Southbound	N.W. Corner

**ARTICLE X
Parking, Standing and Stopping**

§76-102 Parking prohibited in designated locations.
§76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

A. No parking this side or one-side parking

BALBACH DRIVE	North & east sides	from the east curbline of Beach Road to the north curbline of Peinkofer Drive
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§76-102 of the traffic ordinance shall be amended as follows:

F. Miscellaneous signs

Amend "(6) No Parking or Standing" to read "(6) No Standing Anytime"
Amend "(15) No Stopping" to read "(15) No Stopping Anytime"

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BALBACH DRIVE	South & east sides	from the east curbline of Beach Road to the north curbline of Peinkofer Drive
---------------	--------------------	---

F. Miscellaneous signs

(15) No Stopping Anytime

LOSSON ROAD	North side	from the east curbline of Stiglmeier Park Road easterly 350 feet to a point
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LOSSON ROAD	North side	from the west curbline of Stiglmeier Park Road westerly 350 feet to a point
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LOSSON ROAD	South side	from the east curbline of Towers Boulevard easterly 350 feet to a point
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LOSSON ROAD	South side	from the west curbline of Towers Boulevard westerly 350 feet to a point
-------------	------------	---

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTO-WAGA, ERIE COUNTY, NEW YORK.
Dated: August 19, 1991

**RICHARD M. MOLESKI
TOWN CLERK**

PUBLISH: August 22, 1991

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA** } ss.

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication.....August 22, 1991.....; last publication.....August 22, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this22nd..... day ofAugust....., 1991....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

**MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91**

Item No. 5b Motion by Councilman Solecki Seconded by Councilman Kulyk

WHEREAS, Local Law No. 5 of 1990, known as the "Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga, New York", governs the collection, storage and disposal of garbage, rubbish and refuse within the Town of Cheektowaga, and

WHEREAS, the Town Attorney has recommended certain revisions to the aforesaid Garbage, Rubbish and Refuse Collection Law,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on the 3rd day of September, 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, to consider the advisability of adopting a local law known as a Local Law to Amend Local Law No. 5 of the Year 1990, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Times.

* * * * *

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 3rd day of September 1991 at 7:30 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, enact a proposed local law entitled "A Local Law to Amend Local Law No. 5 of the Year 1990", which local law provides as follows:

Amending section 32-8F of the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga by adding the phrase "Except as provided in section 32-4E" at the beginning of such section, so that the prohibition on setting out building construction debris will be allowed if such debris results from work performed by an individual owner or resident on residential premises.

Amending section 32-7A of the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga by adding the phrase "as well as all recyclable rubbish" at the end of such section, so that the Town of Cheektowaga shall provide for the collection and disposal of both non-recyclable solid waste and all recyclable rubbish.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

DATED: August 19, 1991

Richard M. Moleski,
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

LEGAL NOTICE
NOTICE OF
PUBLIC HEARING
NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 3rd day of September, 1991 at 7:30 p.m. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, enact a proposed local law entitled "A Local Law to Amend Local Law No. 5 of the Year 1990", which local law provides as follows:
Amending section 32-8F of the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga by adding the phrase "Except as provided in section 32-4E" at the beginning of such section, so that the prohibition on setting out building construction debris will be allowed if such debris results from work performed by an individual owner or resident on residential premises.
Amending section 32-7A of the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga by adding the phrase "as well as all recyclable rubbish" at the end of such section, so that the Town of Cheektowaga shall provide for the collection and disposal of both non-recyclable solid waste and all recyclable rubbish.
BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.
Dated: August 19, 1991
RICHARD M. MOLESKI
Town Clerk
PUBLISH: August 22, 1991

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication..... August 22, 1991.....; last publication..... August 22, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this22nd..... day ofAugust....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 6a Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on Cayuga Creek Road, Sublots 35 and 36, Cheektowaga, New York, SBL #124.22-2-6 and according to the Assessor's Office is owned by A. W. Development Incorporated, 3320 Genesee Street, Cheektowaga, New York, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6b Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 934 Cleveland Drive, Cheektowaga, New York, SBL # 80.19-3-31 and according to the Assessor's Office is owned by Daniel M. Glaser, Williamsville, New York, 14221, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6c Motion by Councilman Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located between 200 and 204 Losson Road, Cheektowaga, New York, SBL # 114.13-2-1.11 and according to the Assessor's Office is owned by Losson-Green Incorporated, c/o Joseph M. Nasca, 405 Convention Tower, Buffalo, New York 14202, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Item No. 6c continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6d Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property 60' X 85.80' located East of 47 Starlight Avenue, Cheektowaga, New York, SBL #113.56-5-19.12 and according to the Assessor's Office is owned by Irene Michalik, Buffalo, New York 14206, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 6e Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1735-1745 Walden Avenue, Cheektowaga, New York, SBL # 102.03-2-21 and SBL #102.03-2-22 and according to the Assessor's Office is owned by Nelson E. Schule and One, Amherst, New York 14226, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 7a Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated February 19, 1991 this Town Board approved a 13-lot subdivision known as Losson Woods Subdivision, located at the south-east corner of Borden and Losson Roads, subject to certain conditions, and

WHEREAS, one of these conditions stated that the developer of Losson Woods Subdivision was required to have drainage easements accepted and filed, and

WHEREAS, the developer has submitted the required drainage easements in form acceptable to the Town Engineer and Town Attorney, NOW, THEREFORE, BE IT

Item No. 7a continued

RESOLVED, that this Town Board hereby accepts the drainage easement submitted for the Losson Woods Subdivision, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file such easement in the Erie County Clerk's Office

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 7b Motion by Councilman Rogowski Seconded by Councilman Blachowski

WHEREAS, Wegmans Food Markets, Inc. is the developer of property located at 2001 Walden Avenue in the Town, and

WHEREAS, by resolution dated September 4, 1990, this Town Board approved an environmental review of the proposal made by Wegmans Food Markets, Inc. (the "Developer") to develop this property, and

WHEREAS, one of the commitments made by the Developer was that the Developer would convey a drainage easement to the Town for the existing twin 36-inch storm sewers in a form acceptable to the Town Attorney, Town Engineer and Town Superintendent of Highways, and

WHEREAS, the Developer has submitted the attached drainage easement which is acceptable to the Town Attorney, Town Engineer and Town Superintendent of Highways, NOW, THEREFORE, BE IT

RESOLVED, that the attached easement be and hereby is accepted by the Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such easement on behalf of the Town, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file such easement in the Erie County Clerk's Office

* SEE ATTACHED EASEMENT

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Box #480

EASEMENT FILED

WEGMANS FOOD MARKETS, 1988 AUG 27 PM 4:07

TO ERIE COUNTY CLERK'S OFFICE

TOWN OF CHEEKTOWAGA 388

Dated: August 23, 1991

STATE OF NEW YORK
| ERIE COUNTY CLERK'S OFFICE

Recorded in Liber 10323 Page 194

of ... *1991* ...
on the ... *27* day of ... *Aug* ...
A.D., 19 *91*, at ... *10:07* o'clock ... *AM*
and examined.

David J. Swartz
CLERK

B/1835/19 31 - 7-7-0

APPD

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to
600*

16 17

THIS INDENTURE, made the 21st day of August, 1991, by and between WEGMANS FOOD MARKETS, INC. a New York corporation with its principal office at 1500 Brooks Avenue, Rochester, New York 14692, (hereinafter referred to as "Grantor") and THE TOWN OF CHEEKTOWAGA, having its principal office at Broadway & Union Road, Cheektowaga, New York 14225 (hereinafter referred to as "Grantee").

WITNESSETH that the Grantor, in consideration of One Dollar (\$1.00), and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, its successors and assigns forever:

A PERPETUAL EASEMENT to maintain the existing twin 36 inch storm sewer lines now constructed on those lands described in Exhibit "A" attached hereto, and from time to time reconstruct, repair, operate, maintain and improve those facilities, together with such other rights as may be necessary for the full enjoyment and use of the rights herein granted including, among others, the right to enter upon and pass along the permanent right of way or easement with equipment, men and materials at such time as the Grantee may elect, and the right to keep said permanent right of way free from obstructions that may endanger or interfere with the construction, operation and maintenance of said facilities. Notwithstanding the foregoing, the rights granted herein shall be subject to the following conditions:

1. The Grantor covenants as a covenant running with the land not to build any structures on said easement area without the Grantee's prior approval in writing, except for a loading dock to be constructed over the easement area in the approximate location shown on Exhibit "B" attached hereto, which loading dock may be modified, repaired or replaced so long as the operation of the storm sewer line is not adversely affected.

LIBER 10323 PG 194

RECEIVED
\$
REAL ESTATE
AUG 27 1991
TRANSFER TAX
ERIE COUNTY
2074

2. Except in the event of an emergency, Grantee shall not, so long as a Kids-R-Us store is open for business in the location shown on Exhibit "B", perform or cause to be performed any maintenance, repairs or replacements to the storm sewer line during the months of March or April of any year. Any maintenance, repair or replacement to the storm sewer line shall not effect the location of the loading dock to be constructed over the easement area and Grantee shall conduct any such work so as to minimize interference with the operation of the loading dock. Grantee shall promptly repair any damage to the loading dock and all work shall otherwise be done in a manner which would result in a minimum amount of interference with the operation of businesses in the Shopping Center. Twenty (20) days (or shorter period, if an emergency exists) prior to performing any maintenance, repair or replacement to the storm sewer line, Grantee shall notify Grantor in writing as to the nature of such work and the method and means for accomplishing same, which method and means shall be subject to Grantor's prior written approval, which approval shall not be unreasonably withheld. If Grantor does not respond to such notification within twenty (20) days after receipt thereof, Grantor shall be deemed to have consented to the method and means of such work.

3. Grantor accepts the consideration paid for this easement in full settlement of any and all claims of any nature whatsoever arising out of the granting and exercise of this easement.

4. The Grantee shall defend, protect, indemnify and hold harmless the Grantor and any tenants, assigns or successors in interest from any loss, damage, liability and expense for injuries, including death, to persons or damage to property directly or indirectly arising out of the exercise by the Grantee of the rights herein granted.

5. This grant and easement shall at all times be deemed to be and shall be a continuing easement and covenant running with the land and binding upon the Grantor, and its successors and assigns.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this agreement on the day and year first above written.

WEGMANS FOOD MARKETS, INC.
Grantor

Paul S. Speranza, Jr.

By: Paul S. Speranza, Jr.

TOWN OF CHEEKTOWAGA
Grantee

[Signature]

By:

STATE OF NEW YORK)
ss.:
COUNTY OF MONROE)

On this 21st day of August, 1991, before me personally came Paul S. Speranza, Jr. who being by me duly sworn, did depose and say: that he resides at 1500 Avenue 1000 Rochester, New York; that he is an officer of WEGMANS FOOD MARKETS, INC., the corporation described in and which executed the foregoing instrument; and that he signed his name thereto by order of the Board of Directors of said corporation.

Ralph A. Uttaro

Notary Public

RALPH UTTARO
Notary Public in the State of New York
MONROE COUNTY
Commission Expires September 30, 1992

STATE OF NEW YORK)
ss.:
COUNTY OF MONROE)

On this _____ day of _____, 1991, before me personally came _____, who being by me duly sworn, did depose and say that he/she executed the foregoing instrument.

Notary Public

STATE OF NEW YORK :
COUNTY OF ERIE : ss:

On this 23rd day of August, 1991, before me personally came FRANK E. SWIATEK, to me personally known, who, being by me duly sworn did depose and say that he resides at 22 Ely Road, Cheektowaga, New York, that he is Supervisor of the Town of Cheektowaga, the corporation described in and which executed the within instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Town Board of said corporation; that he signed his name thereto by like order.

Kevin G. Schenk

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1993

EXHIBIT A

Project No. 622
September 25, 1990
Page 1 of 1
Revised 1/17/91
Revised 4/09/91

WEGMANS SHOPPING CENTER - WALDEN AVENUE
STORM SEWER EASEMENT
TO THE TOWN OF CHEEKTOWAGA

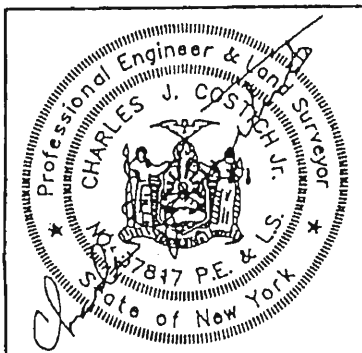
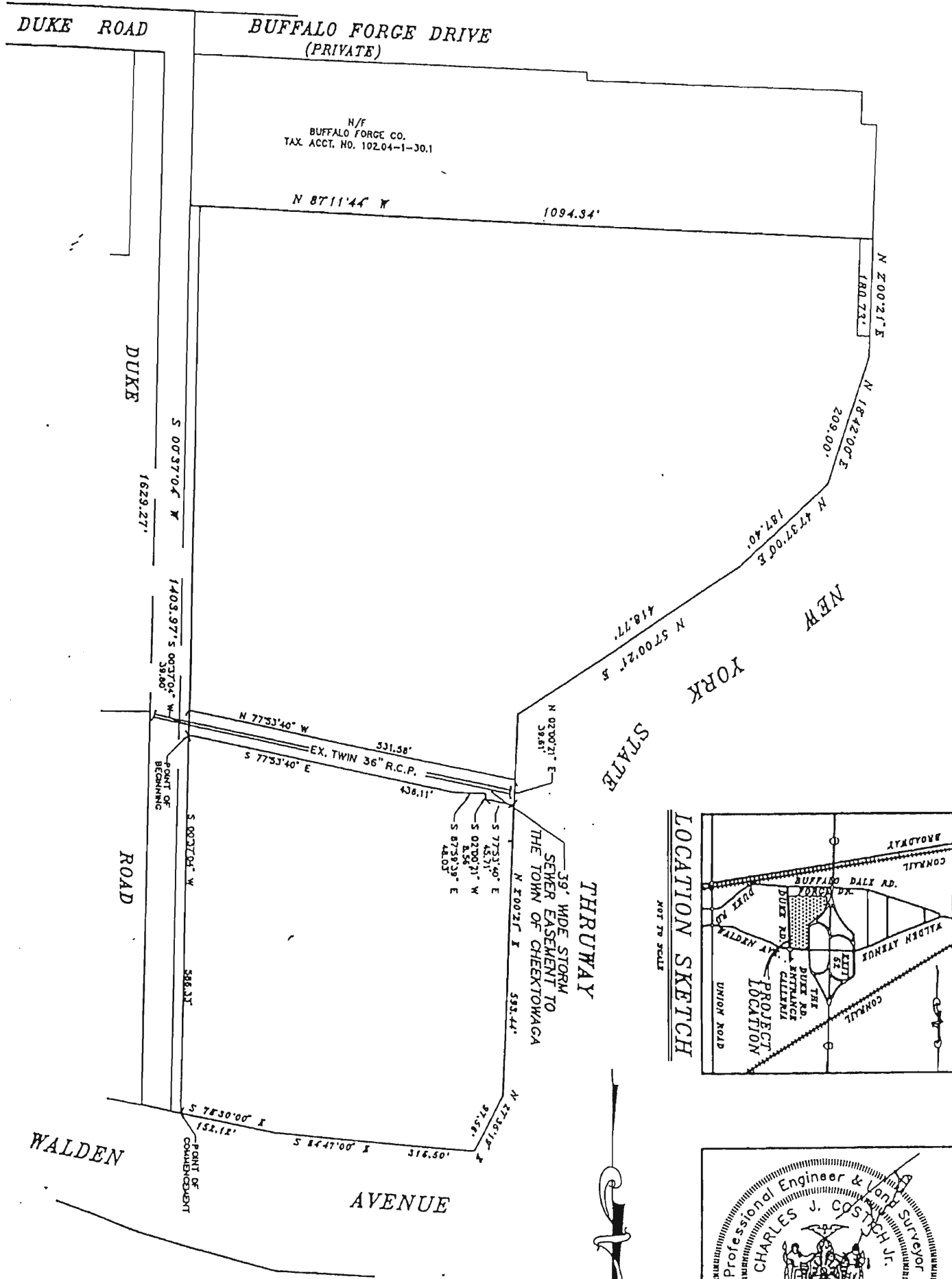
All that tract or parcel of land situate in part of Town Lot 16, Township 11, Range 7, part of the Holland Company's survey, Town of Cheektowaga, County of Erie, State of New York, all as shown on a map entitled, "Storm Sewer Easement to the Town of Cheektowaga", prepared by Charles J. Costich, P.E., L.S., P.C., having drawing number 622-61 and being more particularly bounded and described as follows:

Commencing at a point on the southerly right-of-way line of Walden Avenue, said point being the northeasterly property corner of lands owned now or formerly by Wegmans Food Markets, Inc.; thence

- (A) S 00°-37'-04" W, a distance of 586.33 feet to a point, said point being the point of beginning; thence
- (1) S 00°-37'-04" W, a distance of 39.80 feet to a point; thence
- (2) N 77°-53'-40" W, a distance of 531.58 feet to a point, said point being on the west property line of lands owned now or formerly by Wegmans Food Markets, Inc.; thence
- (3) N 02°-00'-21" E, along the aforesaid west property line, a distance of 39.61 feet to a point; thence
- (4) S 77°-53'-40" E, a distance of 45.71 feet to a point; thence
- (5) S 02°-00'-21" W, a distance of 8.56 feet to a point; thence
- (6) S 87°-59'-39" E, a distance of 48.03 feet to a point; thence
- (7) S 77°-53'-40" E, a distance of 436.11 feet to a point, said point being the point of beginning.

This easement is intended to describe the 39.00' wide easement over the existing twin 36" diameter storm pipes.

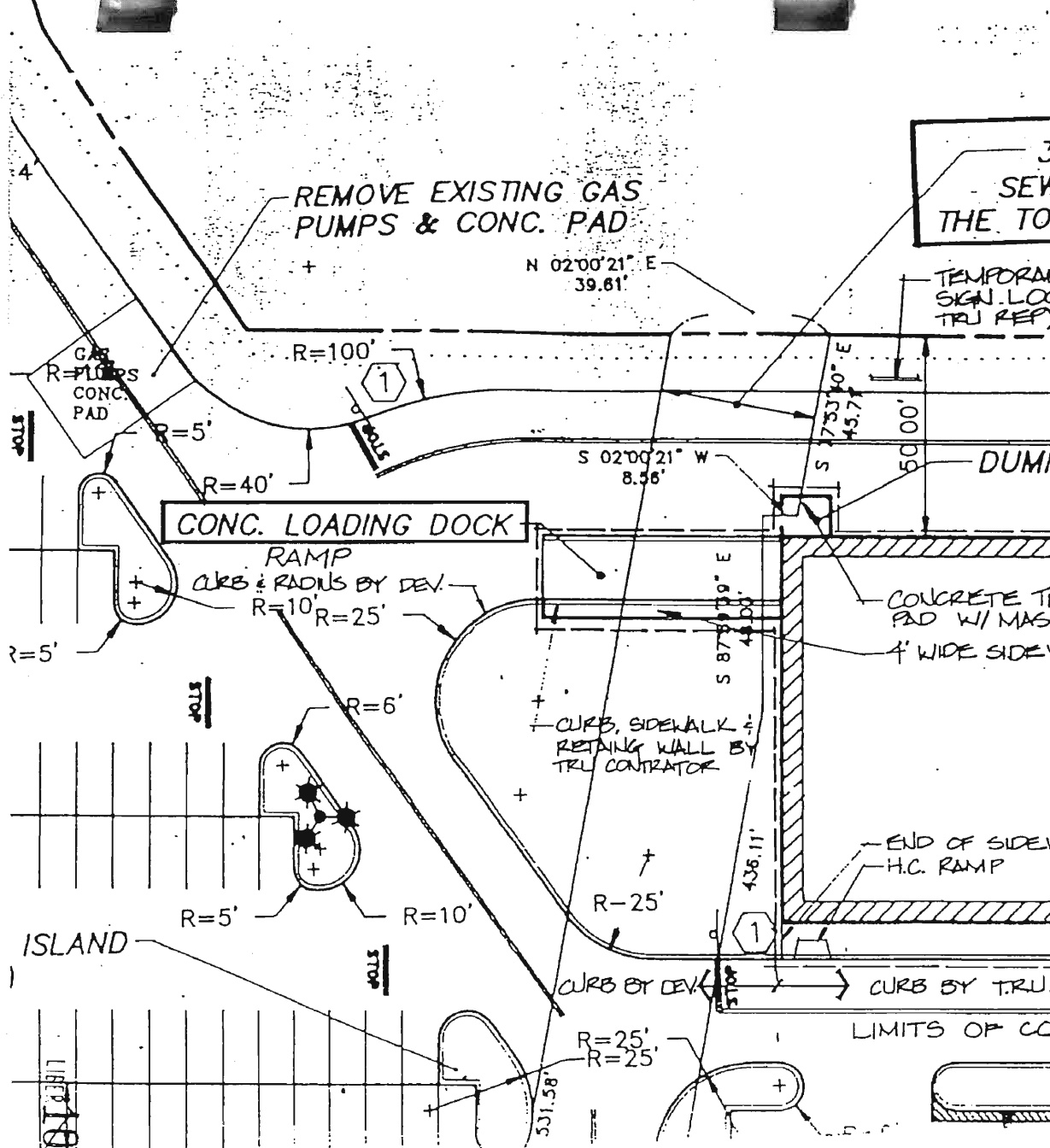
LIBER 10323 PG 198



LIBR 10323 199

91 REVISED STORM EASEMENT & R.O.W.
 91 REVISED 28' WIDE STORM SEWER EASEMENT
 91 REVISED STORM SEWER EASEMENT

PROJECT ENGINEER D.T.D. DRAWN BY D.J.L. DATE 9/25/90 SCALE 1"=200'	CHARLES J. COSTICH P.E., L.S., P.C. 217 LAKE AVENUE ROCHESTER, NEW YORK 14608 716-458-3020	TITLE OF PROJECT WEGMANS SHOPPING CENTER WALDEN AVENUE	
		TITLE OF DRAWING STORM SEWER EASEMENT TO THE TOWN OF CHEEKTOWAGA	
		LOCATION OF PROJECT 2001 WALDEN AVENUE CHEEKTOWAGA, NEW YORK	
		CLIENT WEGMANS FOOD MARKET INC. 1500 BROOKS AVE. ROCH., N.Y. 14624	DWG. NO. 622-61



REMOVE EXISTING GAS PUMPS & CONC. PAD

SEW THE TO

N 02°00'21" E
39.81'

TEMPORARY SIGN. LOC. TRU REP.

GAS PUMPS CONC. PAD

R=100'

S 73°30' E
45.7'

DUMPER

CONC. LOADING DOCK

RAMP CURB & RADII BY DEV.

S 02°00'21" W
8.56'

CONCRETE T. PAD W/ MAS. 4' WIDE SIDEWALK

R=5'

R=10' R=25'

CURB, SIDEWALK & RETAINING WALL BY TRU CONTRACTOR

S 87°30' E
100'

END OF SIDEWALK H.C. RAMP

R=5'

R=6'

R=25'

ISLAND

R=10'

CURB BY DEV. CURB BY TRU

LIMITS OF CO.

R=25' R=25'

LIB 18323M200

MEETING NO. 17
August 19, 1991

Item No. 7c Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, as part of the Phase II development of Innsbruck Drive in the Town, Robert E. Mariacher and others have submitted to the Town for its acceptance a warranty deed and maintenance bond for a portion of Innsbruck Drive, and

WHEREAS, the developer of Innsbruck Drive also submitted to the Town for its acceptance a temporary storm drainage easement until such time as it is determined where the permanent drainage easement should be located, and

WHEREAS, the Town Highway Superintendent, in his attached letter dated August 19, 1991, has recommended that Innsbruck Drive, Phase II, be accepted, and

WHEREAS, the Town Attorney and Town Engineer have reviewed and approved the temporary easement, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned deed, temporary easement and maintenance bond be and hereby are accepted by this Town Board, subject to proof of execution and recording of such deed and easement being submitted to the Town Attorney.

* SEE ATTACHED LETTER

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Highway Department

3145 Union Road
Cheektowaga, NY 14227-1083
716 / 686-3450
Mobile: 716 / 863-5867

Christopher J. Kowal
Superintendent of Highways



August 19, 1991

Honorable Supervisor, Frank Swiatek
and Honorable Town Board
Cheektowaga, NY 14227

Re: INNSBRUCK DRIVE
(Gardenville Industrial Park)
Acceptance of Phase II

Dear Honorable Members of the Board:

Please be advised that timely and effective inspection during all phases of construction has been performed by our Highway Engineer, T. R. Skowron, and myself. In conclusion, we find this 423' ± long, final phase of Innsbruck Drive conforms to the current specifications of the Town of Cheektowaga and is recommended for acceptance into our system of Highways.

The deed is in the office of the Town Attorney for approval and filing. The Maintenance Bond is in an amount commensurate with the Town's P.I.P. Ordinance. This Bond is also in the Town Attorney's Office for approval. A street lighting agreement is provided. All easements will be filed by the Town Attorney.

Trusting that this meets with your approval, I remain

Very truly yours,

CHEEKTOWAGA HIGHWAY DEPARTMENT

Christopher J. Kowal
Superintendent of Highways

CJK:nms

Enc.

cc: Town Attorney
Town Clerk
Town Engineer
Bldg. Inspector
Highway Engineer
Files

Residence: 50 Parktrail Lane + Cheektowaga, New York 14227 + 716 / 668-6827
Promoting Pride - Progress - Professionalism!

Item No. 8a Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the New York State Department of Transportation proposes the reconstruction of the Transit Road Bridge over Slate Bottom Creek, S.H. 9217, in the Town of Cheektowaga under P.I.N. 5209.27, AND

WHEREAS, the State will include as part of the reconstruction of the above mentioned project, the construction of sidewalks pursuant to Section 10, Subdivision 22, Section 46, or Section 349-c of the Highway Law, and will provide for the replacement and/or reconstruction of existing sidewalks pursuant to Section 10, Subdivision 24 of the Highway Law, as shown on the contract plans relating to the project, AND

WHEREAS, the service life of the relocated and/or replaced utilities has not been extended, AND

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga approves of the replacement and/or reconstruction of such existing sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project, and that the Town of Cheektowaga will maintain or cause to be maintained the constructed/reconstructed sidewalk, as above stated and as shown on the contract plans, including the control of snow and ice, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation, care of Mr. Robert J. Russell, Regional Director.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, the developer of the Tops Market and Retail Center and Foreststream Village Development, located on the east side of Transit Road at the intersection of French Road in the Town of Lancaster, are currently construction highway improvements on Transit Road, S.H. 9217, to enhance access to the developments and to mitigate potential traffic congestion as required by the New York State Department of Transportation and as detailed on drawings prepared by EMS Consulting, AND

WHEREAS, included as part of the aforesaid project is the construction of approximately 1000 L.F. of sidewalk on the west side of Transit Road in the Town of Cheektowaga, commencing approximately 400 feet south of French Road and extending approximately 600 feet north of French Road, AND

WHEREAS, this Town Board is in agreement that the provision of sidewalks for pedestrian safety is an important element in such a highway improvement project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga approves of the construction of sidewalks under the aforesaid highway improvement project and that the Town of Cheektowaga will maintain or cause to be maintained the sidewalks to be constructed as above stated and as shown on the project plans, including the control of ice and snow, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit five certified copies of the foregoing resolution to the New York State Department of Transportation, care of Mr. Robert J. Russell, Regional Director.

Item No. 8b continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 9a Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, on June 17, 1991, a collapse of the 8" sanitary sewer main on Dingens Street near South Hedley Street was reported necessitating immediate repair, AND

WHEREAS, it was necessary to undertake repairs utilizing an outside contractor since the repair conditions were beyond normal Sewer Maintenance repair capabilities, AND

WHEREAS, the Town Engineer delegated Tom Greenauer Development to make the necessary repair utilizing the 1991 Town Equipment and Operators bid agreement, NOW, THEREFORE, BE IT

RESOLVED, that payment to affect the sewer repair as submitted by Tom Greenauer Development in the total amount of \$3,992.13 for labor, equipment and materials required to make the necessary sewer repair be and hereby is accepted and approved for payment, AND, BE IT FURTHER

RESOLVED, that payment for said emergency repair be made from Sanitary Sewer District No. 3, Contracted Repairs, Account #2300-8123-4821.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, a deficiency in a service lateral connection to the 20" V.T.P. sanitary sewer main on William Street near Henry Street in Sanitary Sewer District No. 3 was discovered necessitating correction to prevent the pollution of surface water, AND

WHEREAS, it was necessary to expedite said repair in advance of the road reconstruction at the subject location on William Street currently being performed under a New York State Department of Transportation contract, AND

WHEREAS, the concrete pavement, utilities and equipment needs presented repair conditions beyond normal Sewer Maintenance Department repair capabilities, AND

WHEREAS, the Town Engineer delegated Tom Greenauer Development to make the necessary repairs utilizing the 1991 Town Equipment & Operators bid agreement, NOW, THEREFORE, BE IT

RESOLVED, that payment for the necessary repair as submitted by Tom Greenauer Development in the total amount of \$8145.32 for labor, equipment and materials required to make the necessary sewer repair be and hereby is accepted and approved for payment, AND, BE IT FURTHER

RESOLVED, that payment for said emergency repair be made from Sanitary Sewer District No. 3, Contracted Repairs, Account #2300-8123-4821.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 9c Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, Babinsky.Klein Engineering, P.C. has performed additional professional services in connection with the Energy Monitoring and Control Systems, AND

WHEREAS, said professional services were performed at the Senior Citizens Center, Town Park Recreational Center, Police and Court Building and Town Hall, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approve funds not to exceed \$1,500.00 for professional services performed by Babinsky.Klein Engineering, P.C., 150 Creekside Drive, Amherst, New York 14228-2087 relating to the Energy Monitoring and Control System Expansion, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Account #5912-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 10 Motion by Councilman Rogowski Seconded by Councilman Kulyk

WHEREAS, Losson Park Village, Inc., the developer of the Losson Park Village Subdivision, has completed the installation of the street lighting system in Phase II of the subject subdivision consisting of eleven (11) 5200 lumen post top luminaires and two (2) 14,400 lumen H.P.S. luminaires and related equipment, AND

WHEREAS, said street lighting system has been energized by the New York State Electric & Gas Corporation and is functioning properly, NOW, THEREFORE, BE IT

RESOLVED, that escrow funds in the amount of \$11,800 deposited by the developer, being held by the Town to guarantee the installation of the subject lighting system, be released to the person, or persons depositing same from Account #0600-0830, AND, BE IT FURTHER

RESOLVED, that the lighting system consisting of luminaires, standards and conductors, furnished and installed by the developer, is to be owned and maintained by the Town of Cheektowaga and the connections, energy and lamp replacements are to be supplied and maintained by the New York State Electric & Gas Corporation.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 11 Motion by Councilman Jaworowicz Seconded by Councilman Rogowski

WHEREAS, on or about the 9th day of January, 1990, Dell J. Jones caused a notice of claim to be served upon the Town of Cheektowaga on account of damage allegedly sustained due to negligence and/or assault, false arrest, unlawful imprisonment, and violation of civil rights, and

WHEREAS, on or about the 7th day of May, 1990, a summons and complaint on the aforesaid claim was served upon the Town, and

WHEREAS, the aforesaid lawsuit has been vigorously defended by attorneys for the Town under its self-insured liability claims program, and

Item No. 11 continued

WHEREAS, a pre-trial conference has been held on such lawsuit before the Hon. Norman A. Stiller, Justice of the Supreme Court, who has recommended that the payment of the sum of \$7,000.00 by the Town would be a fair and reasonable settlement of the matter in view of all of the disputed facts and circumstances surrounding same, and

WHEREAS, the said attorneys for the Town have requested authority to settle the aforesaid action for the sum recommended by Justice Stiller,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$7,000.00 be paid by the Town, from its self-insured liability claims fund, in full and final settlement of the aforesaid lawsuit, subject to the approval of the appropriate court wherein such lawsuit is pending, and BE IT FURTHER

RESOLVED, that the attorneys from the firm of Hurwitz & Fine, P.C. be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Jaworowicz Seconded by Councilman Blachowski

WHEREAS, Section 1224(6) of the Vehicle and Traffic Law of the State of New York authorizes the Town to convert abandoned vehicles held by the Town provided the Town has enacted a local law to that effect, and

WHEREAS, by resolution dated June 3, 1991, this Town Board enacted Local Law No. 2 of the Year 1991, which local law authorized the conversion of abandoned vehicles to Town use, and

WHEREAS, the Cheektowaga Police Department has impounded two vehicles which are not deemed abandoned vehicles under State law, and

WHEREAS, it is desired that such vehicles be converted to Town use, NOW, THEREFORE, BE IT

RESOLVED, that the following referenced abandoned vehicles be and hereby shall be converted to Town use, effective immediately:

1978 Ford	VIN NY39405
1984 Mercury	VIN MEBP9234EH681481

and, BE IT FURTHER

RESOLVED, that the Cheektowaga Police Department and Town Attorney's Office be and hereby are directed to prepare the necessary documents to ensure that such vehicles are registered in the name of the Town, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all papers necessary to effectuate the conversion of the aforementioned vehicles to Town use.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Gabryszak Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga Department of Youth and Recreational Services owns surplus football equipment and clothing, and

WHEREAS, this surplus football equipment and clothing is in need of reconditioning and has no value to the Town, and

WHEREAS, pursuant to the Town Law, this Town Board may dispose of surplus Town property, NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Department of Youth and Recreational Services be and hereby is directed to dispose of such surplus football equipment and clothing to the following organizations at no cost:

Cheektowaga Little Loop
Air Lanes Junior Football

and, BE IT FURTHER

RESOLVED, that this surplus equipment and clothing is given to such organizations with the condition that the Town shall not be responsible for reconditioning same.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, on the 7th day of May, 1984, this Town Board adopted an Ambulance Ordinance. The EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, and

NOW, THEREFORE, BE IT RESOLVED that the recommendations of EMS Board concerning the licensing of new/renewal driver(s)/attendant(s) shown on the attached list be and hereby are accepted and approved, for a period to expire upon the expiration of such ambulance driver(s)/attendant(s) Emergency Medical Technician ("EMT") card, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is authorized, empowered and directed to issue new/renewal licenses to the driver(s)/attendant(s) set forth on the annexed schedule, pursuant to the terms of this resolution.

* SEE ATTACHED LIST

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT EXPIRES</u>
O'Donnell, Kathleen	Buffalo, New York	Town's	5/31/92

MEETING NO. 17
August 19, 1991

Item No. 15 Motion by Councilman Kulyk Seconded by Councilman Rogowski

WHEREAS, by resolution dated April 18, 1988, the Town Board approved a preliminary plan for Losson Park Village, subject to the condition that, upon completion of 80% of the total lots of such subdivision, the new section of Towers Boulevard would be connected with the old section of Towers Boulevard and would be open to the public, and

WHEREAS, this Town Board feels that it would be in the best interests of the Town, public safety and good traffic control for Towers Boulevard to be opened for through traffic as soon as possible, and

WHEREAS, the developer of the Losson Park Village Subdivision, Patrick Marrano, met with this Town Board recently and agreed to waive the condition that 80% of the lots be developed before Towers Boulevard could be open to through traffic, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned condition stated in the April 18, 1988 Town Board resolution be and hereby is rescinded, and BE IT FURTHER

RESOLVED, that the Town Highway Superintendent be and hereby is requested and directed to coordinate the removal of the barriers on Towers Boulevard (in between the south leg of Whitney Place and LeHavre Drive) on the afternoon of Friday, August 30, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16 Direct Town Attorney and Town Engineer to research and draft legislation regarding dumping, filling in and stockpiling of materials in Stiglmeier Park
Resolution failed due to lack of second.

Item No. 17 Prohibit construction in portions of Stiglmeier Park where growth of Hawthorne trees are located.
Resolution failed due to lack of second.

Item No. 18a Motion by Councilman Solecki Seconded by Unanimous

WHEREAS, Como Park Boulevard is a County highway located within the Town of Cheektowaga running between Transit Road and Union Road, and

WHEREAS, such highway possesses special significance because it provides a gateway to the Reinstein Nature Preserve and Stiglmeier Park, one of the largest town parks in the State, and

WHEREAS, a portion of Como Park Boulevard is 200 feet wide and contains a large unpaved green area, and

WHEREAS, the County Legislature has designated Como Park Boulevard as a scenic highway because of its aesthetic value to the area, and

WHEREAS, this Town Board is desirous of ensuring that Como Park Boulevard remains designated as a scenic highway, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board memorializes the State of New York to take whatever steps are necessary to ensure that Como Park Boulevard is forever designated a scenic highway, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the County of Erie to continue its designation of Como Park Boulevard as a scenic highway, and BE IT FURTHER

Item No. 18a continued

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator Dale M. Volker and County Legislator Raymond K. Dusza.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18b Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, the State law, which required individual price stickers on food items sold in grocery stores, expired on June 30, 1991, and

WHEREAS, supermarket stores in Erie County have indicated that they will now cease placing individual price stickers on food items, and

WHEREAS, it has now been left to the localities to adopt individual item pricing laws if they so choose, and

WHEREAS, County Legislator Raymond K. Dusza has introduced a local law in the County Legislature to require individual price stickers on food items sold in grocery stores in Erie County, and

WHEREAS, such local law would impose penalties on food stores who do not comply with such individual item pricing, and

WHEREAS, a coalition of consumer-advocate groups, including the Consumer Protection Board, the State Department of Agriculture and Markets, the New York Public Interest Research Group, Inc., the American Association of Retired Persons and the AFL-CIO, are fighting for item pricing laws that will have teeth and will be enforced, and

WHEREAS, without an item price, a consumer cannot compare the prices of various items, verify the accuracy of the cashier or laser scanner at the checkout counter, compute the cost of a market basket of groceries or check the register receipt against the item price, and

WHEREAS, it is expected that Legislator Dusza will seek the support of the County Legislature at their meeting to be held on September 5, 1991 for this local law on item pricing and schedule a public hearing on same, and

WHEREAS, this Town Board feels that it is in the consumers' best interests for the County Legislature to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the Erie County Legislature to proceed with the adoption of the Erie County proposed local law entitled "A Local Law in relation to item pricing in retail food establishments" as expeditiously as possible, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Clerk of the Erie County Legislature and to County Legislator Raymond K. Dusza.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19 Request the County of Erie grant the Town of Cheektowaga "a green space" easement over unpaved areas of Como Park Boulevard between Transit and Union Road.
Resolution failed due to lack of second.

Item No. 20 Motion by Councilman Kulyk Seconded by Councilman Jaworowicz

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on August 7, 1991, rendered the determinations shown on the attached memo dated August 13, 1991, and

WHEREAS, this Town Board has reviewed the applications submitted and recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the August 13, 1991 memo attached hereto:

Item I 2065 Old Union Road

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

* SEE NEXT PAGE

Office of Building & Plumbing Inspections
Cheektowaga Town Hall
Broadway & Union Road
Cheektowaga, New York 14227
716 1686-3470



M E M O

TO: Supervisor Frank Swiatek
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: August 13, 1991

RECEIVED

AUG 13 1991

TOWN ATTORNEY

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on August 7, 1991, in the Town Hall Council Chambers.

ITEM I 2065 Old Union Road - Proposed Storage Building

Applicant: Richard Metz

Determination: Non-Significant With Condition.
The applicant was present with his Engineer to discuss the proposal with the committee. The applicant indicated that he would be attending the Planning Board meeting of August 8th to discuss the landscaping for the site. He was informed that the Town normally requires 25 feet of landscaping along a street property line, in this case Old Union Road. He indicated that at this point the right-of-way is very wide and would be seeking a reduction in the landscaping on his property.

In conjunction with the landscaping along Old Union Road, he would be creating a 6 foot high berm along the northeast property line and plant vegetation at the top. This would screen his site from the church property which is adjacent at this point.

He indicated that the property south of the railroad right-of-way will not be developed at this time but may be at some time in the future, depending on the economy.

The condition to be included in the resolution would state that when the owner intends to develop this property south of the railroad, he approach the Town with a new site plan.

Item No. 21 Motion by Councilman Kulyk Seconded by Councilman Blachowski

BE IT RESOLVED, that the Supervisor, on behalf of the Town of Cheektowaga, is hereby authorized to sign the attached Memorandum of Agreement between the Town and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski

NAYES: 0

ABSENT: 0

* SEE NEXT PAGE

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

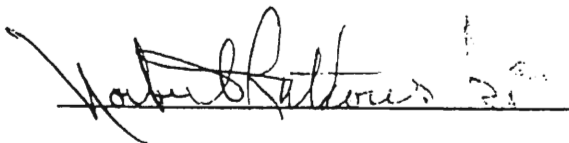
THE TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

Whereas, the parties are desirous of making a change in the collective bargaining agreement.

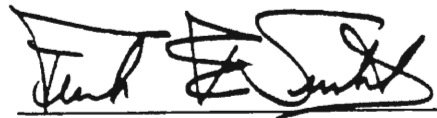
IT IS HEREBY AGREED, that the position of "Building and Zoning Clerk" is created at the following salary and that the appropriate appendices are amended:

	<u>START</u>	<u>12MO.</u>	<u>18MO.</u>	<u>2YRS.</u>
1991	19,486.31(9.332)	20,298.43(9.721)	21,110.54(10.110)	22,139.09(10.603)
1992	20,460.62(9.799)	21,313.35(10.207)	22,166.06(10.615)	23,246.04(11.133)

TOWN OF CHEEKTOWAGA



TOWN OF CHEEKTOWAGA



Dated: 8/19/91

js

Item No. 22 Motion by Councilman Jaworowicz Seconded by Councilman Blachowski

WHEREAS, the Town and the surrounding metropolitan areas have experienced an increase in criminal activity, AND

WHEREAS, crime prevention is always preferable to crime solving and knowing that crime prevention can only work with cooperation between the police department and the community, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby creates the position of Lieutenant in Charge of Community Service and Crime Prevention to serve as a liason between the Police Department and the general public in an effort to develop a centralized crime prevention unit that provides public education and information in an effort to reduce crime; this Community Service Officer will act as coordinator of community programs and drug resistance education efforts.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 23a Motion by Councilman Jaworowicz Seconded by Councilman Blachowski

WHEREAS, vacancies exist in the position of Police Officer in the Town of Cheektowaga, AND

WHEREAS, the Board is interested in Filling nine (9) positions at this time, AND

WHEREAS, the Civil Service eligible list for Police Officer has been canvassed and candidates were interviewed, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the position of Police Officer at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club, Inc.:

Pilat, Michael	Zimniewicz, Valentine
Filipski, Anthony	Prell, Scott
Bashaw, Joseph	Schmitt, Kevin
Sliwinski, Michael	Mossman, David
Laskowski, Robert	

AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective September 3, 1991 and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga, AND, BE IT FURTHER

RESOLVED, that said salaries are to be charged to Line Item 0100-3120-1541, AND, BE IT FURTHER

RESOLVED, that Robert Laskowski is a transferee from the department of Public Safety Dispatchers.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 23b Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, by resolution, this Town Board created the position of Building and Zoning Clerk in the Building Inspector's Office, AND

Item No. 23b continued

WHEREAS, this Town Board is interested in filling this position, AND

WHEREAS, said position has been posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no qualified permanent employees bid on said position, AND

WHEREAS, Carol K. Lonczak, a part-time employee in the Building Inspector's Office, bid on said position and appears on the current Civil Service list for said position, NOW, THEREFORE, BE IT

RESOLVED, that Carol K. Lonczak of _____, Cheektowaga, New York, 14225 be and hereby is appointed to the position of Building and Zoning Clerk in the Building Inspector's Office, effective August 20, 1991 and at a salary as set forth in the Memorandum of Agreement between the Town and the Town of Cheektowaga Employees Association dated August 19, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 23c Motion by Councilman Rogowski Seconded by Councilman Blachowski

WHEREAS, due to a promotion, a permanent vacancy exists in the position of Light Motor Equipment Operator in the Sanitation Department, AND

WHEREAS, said vacancy has been posted, as per the provisions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no qualified permanent employees bid on said vacancy, AND

WHEREAS, Michael Bratek, currently a seasonal employee in the Sanitation Department bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Michael Bratek of 200 Wagner Street, Sloan, New York 14212 be and hereby is appointed to the permanent vacancy of Light Motor Equipment Operator in the Sanitation Department, effective immediately, and at a salary in accordance with the terms of the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 23d Motion by Councilman Blachowski Seconded by Councilman Gabryszak

WHEREAS, in order to provide for the provisions of emergency medical services on a uniform basis, this Town Board, on May 7, 1984, adopted an Ambulance Services Ordinance ("Ordinance"), and

WHEREAS, said Ordinance provides for the establishment of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town in the implementation of the Ordinance, and

WHEREAS, the composition of the EMS Board is set forth in Section 4A-7 of the Ordinance, and

Item No. 23d continued

WHEREAS, the terms of the present individuals who were appointed to the EMS Board expired, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals shall be designated to serve as members of the EMS Board for a term of one year:

<u>DESIGNATE</u>	<u>ALTERNATE</u>	<u>REPRESENTING</u>
1. Vince Piasecki	Robert Neidermayer	Fork's Fire District
2. Edward Gooch	Michael Philipps	Cleveland Hill Fire Dist. No. 6
3. Ralph Collins	Jack Stablewski	South Line Fire Dist. No. 10
4. Stanley Pinski	Vince Osika	U-Crest Fire District No. 4
5. Joseph Wojtaszczyk	Joseph Stewart	Sloan Fire District
6. Roman Gawronski		Hy-View Fire District No. 8
7. Ordell Reitz	Walter Karaszewski	Bellevue Fire District
8. Leonard Andrzejewski	Ted Klosko	Doyle Fire District
9. Captain John Howlett		Chief of Police
10. Kenneth Paa		Police & Fire Communication
11. Natalie Ryan		Town Board Designate
12. Robert Schmitt		Town Board Designate

and, BE IT FURTHER

RESOLVED, that Robert Schmitt shall be appointed to serve as Chairman of the EMS Board.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, Nancy Scarafia, a Clerk-Typist in the Assessor's Office, has been serving as a temporary Senior Clerk in that department, AND

WHEREAS, per Erie County Department of Personnel, the Town now must fill this temporary vacancy from the Civil Service list for the position of Senior Clerk, NOW, THEREFORE, BE IT

RESOLVED, that Nancy Scarafia be and hereby is returned to her position of Clerk-Typist effective August 26, 1991

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Kulyk Seconded by Councilman Rogowski

WHEREAS, due to illness, a temporary position of Senior Clerk exists in the Assessor's Office, AND

WHEREAS, there is presently a Civil Service list for said temporary position, AND

WHEREAS, said list was canvassed and candidates were interviewed, AND

WHEREAS, Sherry A. Beback is interested in said position and appears on the current Civil Service list, NOW, THEREFORE, BE IT

Item No. 25 continued

RESOLVED, that Sherry A. Beback be and hereby is appointed to the temporary position of Senior Clerk in the Assessor's Office, effective, August 26, 1991, and at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26a Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, Sandra Trzaska has been serving as a temporary Clerk-Typist in the Assessor's Office, AND

WHEREAS, the term of this temporary appointment will expire on August 26, 1991, NOW, THEREFORE, BE IT

RESOLVED, that Sandra Trzaska be and hereby is terminated from the temporary position of Clerk-Typist in the Assessor's Office effective August 26, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26b Motion by Councilman Kulyk Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

	<u>EFFECTIVE</u>
<u>ASSESSOR'S OFFICE</u> Kristen Mulcahy	8/26/91
<u>FACILITIES DEPARTMENT</u> James Rogowski	8/12/91
<u>SANITATION DEPARTMENT</u> Paul Tadak	8/23/91
David Smith	8/19/91
Stephen Schottman	8/27/91
Kevin Wojtaszczyk	8/20/91
Peter Myhalenko	Immediately
Greg Klima	8/24/91

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 27a Motion by Councilman Kulyk Motion by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are hired as Part-Time Employees, not to exceed 19 hours on a weekly basis, in the various department listed and in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association:

Item No. 27a continued

EFFECTIVE

ASSESSOR'S OFFICE - \$5.00 per hour (Clerical)
Sandra Trzaska

8/27/91

POLICE DEPARTMENT - \$5.00 per hour (Clerical)
Judy A. Fenski

Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 27b Motion by Councilman Kulyk Seconded by Councilman Rogowski

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES in the various departments listed, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) weeks in a calendar Year:

EFFECTIVE

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Stanley Krzywowiaza

Immediately

Kenneth Kropski

"

Robert Rodzoch

"

Ronald Kurowski

"

Scott Parry

"

Joseph Rowland

"

Eric Fragale

"

Martin Gutowski

"

David Principato

"

Joseph Saskowski

"

Frank Cartonina

"

Wayne Bernhard, Jr.

"

James B. Lindman

"

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 28 Motion by Councilman Kulyk Seconded by Councilman Blachowski

WHEREAS, Nancy Szymkowiak, a Clerk-Typist in the Highway Department, has requested this Town Board to grant her an unpaid maternity leave of absence for a six (6) month period, AND

WHEREAS, Nancy Szymkowiak has requested this leave to begin on September 16, 1991 or on the ninth business day following the birth of her child, whichever comes first, through and including March 16, 1992, NOW, THEREFORE, BE IT

RESOLVED, that Nancy Szymkowiak be and hereby is granted an unpaid maternity leave of absence for the period stated above.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

MEETING NO. 17
August 19, 1991

Item No. 29 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, the Cheektowaga Youth Bureau is sponsoring a residential camping experience for developmentally disabled youngsters at the conclusion of its summer day camp, and

WHEREAS, this will necessitate multiple accounting transfers and payroll adjustments, BE IT

RESOLVED, that the following transactions take place:

That the following individuals be transferred from an hourly seasonal rate to a salary classification (01-7310-0001-1802) for the week of August 18th through August 24th, 1991 (see A), and revert back to their part-time hourly status in the Adapted Recreation Program (01-7310-0001-1803), effective August 25th, (see B).

<u>Name/Address</u>	<u>Rate</u>
Deborah Ann Fleetwood Depew, New York 14043	(A) \$315.00 (B) \$7.75/hr.
Paulette Mecca Cheektowaga, New York 14225	(A) \$240.00 (B) \$6.75/hr.
Amy Wetmore Cheektowaga, New York 14227	(A) \$200.00 (B) \$4.25/hr.
Carol Wichlacz Cheektowaga, New York 14227	(A) \$200.00 (B) \$4.25/hr.
Joanne Witakowski Cheektowaga, New York 14225	(A) \$200.00 (B) \$4.50/hr.
Christy Male Cheektowaga, New York 14225	(A) \$200.00 (B) \$5.00/hr.
Colleen Schaub Cheektowaga, New York 14227	(A) \$200.00 (B) \$5.00/hr.
Linda Mutka Cheektowaga, New York 14225	(A) \$200.00 (B) \$4.75/hr.
Kim McGuire Depew, New York 14043	(A) \$200.00 (B) \$4.50/hr.
Denise Jaskowiak Cheektowaga, New York 14206	(A) \$200.00 (B) \$4.50/hr.
Cindy Principato Cheektowaga, New York 14225	(A) \$200.00 (B) \$5.00/hr.
Laura Mutka Cheektowaga, New York 14225	(A) \$200.00 (B) \$4.75/hr.

MEETING NO. 17
August 19, 1991

Item No. 29 continued

Jen Tobolski	(A) \$200.00 (B) \$4.25/hr.
Cheektowaga, New York 14227	
Paul Marchewka	(A) \$215.00 (B) \$6.00/hr.
Cheektowaga	
Kathy Miller	(A) \$215.00 (B) \$6.00/hr.
Cheektowaga, New York 14227	

That the following individuals be transferred from the Day Camp for Developmentally Disabled (01-7310-0001-1802) (seasonal) to the Adapted Recreation Program (01-7310-0001-1803), (part-time) effective August 26th:

Barb Zielinski	\$6.00 per hour
Cheektowaga, New York 14225	
Anne Priester	\$5.00 per hour
Cheektowaga, New York 14225	
Angela Krause	\$4.50 per hour
Depew, New York 14043	
Lorianne Velez	\$4.75 per hour
Cheektowaga, New York 14225	
Doreen Skowron	\$4.75 per hour
Sloan, New York 14212	
Karen Noworyta	\$4.50 per hour
Depew, New York 14043	
Sarah Zebehazy	\$4.50 per hour
Cheektowaga, New York 14211	
Amy Furminger	\$4.50 per hour
Depew, New York 14043	
Cecelia Panek	\$4.25 per hour
Cheektowaga, New York 14227	

That the following individuals be terminated as seasonal employees from the Day Camp for Developmentally Disabled, effective August 17, 1991:

Grace Glenn	
Depew, New York 14043	
Marie Juergens	
Cheektowaga, New York 14225	
Craig Kornacki	
Depew, New York 14043	

Item No. 29 continued

Dawn Zilbauer

Cheektowaga, New York 14225

Maria Giangreco

Cheektowaga, New York 14225

Elizabeth Gagola

Cheektowaga, New York 14225

Kim Reinhardt

Cheektowaga, New York 14225

Carol Ciepiela

Sloan, New York 14212

Amanda Cieslak

Cheektowaga, New York 14206

That the following individuals be terminated as seasonal employees from the Day Camp for Developmentally Disabled, effective August 25, 1991:

Tom Jakubowicz

Cheektowaga, New York 14227

Steven Pierpaolo

Depew, New York 14043

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 30a Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, Oshex Associates, Inc. of Baldwinsville, NY will be conducting a Community Noise Measurement and Control Seminar in Rochester, New York on September 26, 1991 AND

WHEREAS, it is in the Towns best interest to have Ronald Marten, Supervising Building and Plumbing Inspector attend such Seminar, NOW, THEREFORE, BE IT

RESOLVED, that Ronald Marten is hereby authorized to attend the "Noise Measurement and Control Seminar", and BE IT FURTHER

RESOLVED, that the Town pay the registration fee of \$85.00 and provide a Town vehicle for travel to and from such seminar, and that the registration fee be paid from line item account #0800-3620-4088.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

MEETING NO. 17
August 19, 1991

Item No. 30b Motion by Councilman Blachowski Seconded by Councilman Rogowski

WHEREAS, the 1991 Disaster Preparedness Conference will be held in Albany, New York from September 16-18, 1991, and

WHEREAS, Earl Loder, the Town's Disaster Coordinator, has requested permission to attend this conference, and

WHEREAS, this conference will examine contemporary issues and technologies that will improve disaster preparedness strategies for the Town, and

WHEREAS, the total cost of the conference and related expenses is \$275.00, one-half of which will be paid by the State Emergency Management Office, NOW, THEREFORE, BE IT

RESOLVED, that Earl Loder be and hereby is authorized to attend the aforementioned Disaster Preparedness Conference, and BE IT FURTHER

RESOLVED, that the Town shall reimburse Earl Loder for his expenses in attending such conference in an amount not to exceed \$137.50 out of budget line item 0100-1910-4000-4082.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 31a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND:

FROM:	0100-1220-1340	Accountant	\$8500.00
	0100-1220-1341	Junior Accountant	3500.00
	0100-1410-4001	Office Supplies	190.00
	0100-3120-3810	Drug Grant Revenue	12678.70
	0100-7310-4689	Conservation Corp	1000.00
	0100-7310-4689	Conservation Corp	500.00
	0100-7310-4689	Conservation Corp	500.00
	0100-7140-4601	Aid to Youth	1000.00
	0100-7140-4025	Athletic Supplies	1416.00
	0100-3120-2625	Forfeiture Revenue	1806.00
TO:	0100-7140-4191	Miscellaneous	1000.00
	0100-7310-4061	Publication & Dues	500.00
	0100-7310-4001	Office Supplies	500.00
	0100-7310-4201	Telephone	1000.00
	0100-7140-4191	Miscellaneous	1416.00
	0100-3120-2501	Other Equipment	1806.00
	0100-1410-4431	Equipment Maint.	190.00
	0100-1220-1308	Chief Accountant	3000.00
	0100-1220-1374	Other Clerical	9000.00
	0100-3120-2501	Other Equipment	12678.70

TRUST & AGENCY:

FROM:	0600-0801	National Night Out	25.00
TO:	0100-3120-4005	Community Service Supties	25.00

SPECIAL DISTRICTS:

Sanitation

FROM:	1500-8173-4071	Uniform Replacement Recycling	3000.00
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MEETING NO. 17
August 19, 1991

Item No. 31a continued

TO: 1500-8173-4487 Recycling Equip. Rental 3000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 31b Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED that the following fund transfers are hereby approved
and made a part hereof:

<u>GENERAL FUND</u>	DEBIT	CREDIT
FROM:		
0100-1010-1361 Clerk Steno		70.00
0100-1010-4001 Office Supplies		80.00
0100-1100-4051 Microfilming		1500.00
0100-1110-4591 Juror Fees		500.00
0100-1110-1351 Senior Clerks		384.00
0100-1110-1374 Other Clerical		271.00
0100-1220-1351 Senior Clerk		128.00
0100-1220-1374 Other Clerical		273.00
0100-1220-1391 Part Time Clerical		2950.00
0100-1220-1340 Accountant		169.00
0100-1220-4011 Printed Forms		800.00
0100-1330-1392 Seasonal Clerical		3000.00
0100-1330-4001 Office Supplies		100.00
0100-1355-4561 Contracted Services		2100.00
0100-1410-1154 First Deputy Clerk		133.00
0100-1410-1155 Second Deputy Clerk		125.00
0100-1410-1361 Clerk Steno		518.00
0100-1410-1391 Part Time Clerical		4157.00
0100-1410-4431 Equipment Maintenance		536.00
0100-1420-1391 Part Time Clerical		500.00
0100-1430-1391 Part Time Clerical		194.00
0100-1430-4001 Office Supplies		100.00
0100-1440-4191 Miscellaneous		125.00
0100-1440-1361 Clerical		48.00
0100-1440-1402 Principal Engineer Asst.		825.00
0100-1440-1404 Senior Engineer Asst.		35.00
0100-1440-1405 Engineering Assistant		115.00
0100-1625-1203 Working Crew Chief		1610.00
0100-1625-1411 Cleaner		236.00
0100-1625-1422 General Mechanic		1145.00
0100-1625-1431 Maintenance Worker		237.00
0100-1625-1452 Building Maintenance Worker		131.00
0100-1625-2513 Monitoring Equipment		60.00
0100-1625-4001 Office Supplies		3.00
0100-1625-4021 Maintenance Supplies		104.00
0100-1625-4071 Uniform Replacements		22.00
0100-1625-4202 Telephone Townwide		1410.00
0100-1625-4217 Utilities		1630.00
0100-1625-4432 Repairs & Maintenance		616.00
0100-1625-4433 Police Front Desk Windows		27.00
0100-1625-4489 Maintenance Tool Replacement		14.00
0100-1625-1491 Part Time Laborer		3136.00
0100-1640-1391 Part Time Clerical		3100.00
0100-1640-4161 Gasoline		4000.00
0100-3120-1501 Captains		40000.00
0100-3120-1531 Detectives		85000.00
0100-3120-1541 Patrolmen		19500.00
0100-3120-1606 Graphic Artist		1500.00
0100-3310-1437 Sign Maintenance		1500.00
0100-3310-1492 Seasonal Traffic Control		2500.00

MEETING NO. 17
August 19, 1991

Item No. 31b continued

FROM:	DEBIT	CREDIT
0100-3510-1413 Dog Control Officer		3500.00
0100-3510-1491 Part Time Laborer		1500.00
0100-5132-4432 Repairs & Maintenance Garage		790.00
0100-6250-1953 Clerical		148.00
0100-6250-4001 Office Supplies		2350.00
0100-7110-1201 General Crew Chief		2672.00
0100-7110-1203 Working Crew Chief		2134.00
0100-7110-1376 Senior Clerk Typist		163.00
0100-7110-1411 Cleaner		474.00
0100-7110-1422 General Mechanic		2797.00
0100-7110-1431 Maintenance Worker		635.00
0100-7110-1391 Part Time Clerical		840.00
0100-7110-1491 Part Time Laborer		19635.00
0100-7110-4001 Office Supplies		16.00
0100-7110-4022 Park Supplies		342.00
0100-7110-4071 Uniform Replacements		35.00
0100-7110-4141 Chemicals		153.00
0100-7110-4162 Gasoline & Oil		260.00
0100-7110-4191 Miscellaneous Expense		9.00
0100-7110-4211 Electric		2650.00
0100-7110-4431 Equipment Repairs & Maintenance		270.00
0100-7110-4451 Bldg & Grounds Repairs & Maintenance		1134.00
0100-7110-4454 Portable Toilets		117.00
0100-7110-4458 Improvement Projects		360.00
0100-7110-4491 Special Events		90.00
0100-7140-1614 Rec. Playground Attendants		20000.00
0100-7140-4025 Athletic Supplies		1820.00
0100-7140-4601 Aid to Youth		2500.00
0100-7180-1902 Supervisors - Beach/Pool		1500.00
0100-7180-1903 Lifeguards		8500.00
0100-7310-1811 YCC-Supervision		3000.00
0100-7310-4677 Catholic Charities - Dropout		17282.00
0100-7310-4685 Youth Dept. Project YES		12141.00
0100-7310-4688 Cheektowaga United		5000.00
0100-7310-4689 Youth Conservation Corps		528.00
0100-7270-4381 Historical		181.75
0100-7270-4382 Art Guild		173.25
0100-7270-4383 Chorus		1488.75
0100-7270-4384 Symphony		988.75
0100-7270-4385 Garden Club		77.88
0100-7270-4386 Coin & Stamp		69.25
0100-7270-4389 Cultural Society		337.50
0100-7410-4451 Repairs & Maintenance		440.00
0100-7550-4371 Patriotic Observance		425.00
0100-7550-4372 July 4th Celebration		687.50
0100-7550-4373 Flag Day Celebration		187.50
0100-7550-4376 Patriotic Commission		250.00
0100-7270-4390 Debonaires	1000.00	
0100-7270-4388 Friends of the Woods	1000.00	
0100-7270-4387 Conservation Council	1000.00	
0100-1910-4710 Regular Contingency		60000.00
0100-1910-2799 Appropriated Fund Balance		300000.00
0100-1220-1982 Special District Alloc.		35000.00
0100-1420-1982 Special District Alloc.		10000.00
0100-1430-1982 Special District Alloc.		15000.00
0100-1330-1982 Special District Alloc.		40000.00
0100-1640-1982 Special District Alloc.		15000.00
0100-3310-1802 Special District Alloc. Traffic		10000.00
0100-1910-3001 Per Capita Restricted	502615.00	
0100-1910-3003 Per Capita Excess	124619.00	
0100-1910-3089 Special State Aid	339046.00	
0100-1910-3090 Needs Based Aid	241402.00	
0100-1910-4710 N.Y.S. Contingency		417812.87
	<u>1210682.00</u>	<u>1210682.00</u>

MEETING NO. 17
August 19, 1991

Item No. 31b continued

<u>PART TOWN</u>		DEBIT	CREDIT
	0800-3620-1401 Asst. Building Inspector		5800.00
	0100-1910-2799 Appropriated Fund Balance	5800.00	
 <u>HIGHWAY</u>			
	0300-5110-1701 Labor - General		18890.00
	0300-5141-1491 Part Time Laborer		18890.00
	0300-5141-1931 Less: Labor Allocations	18890.00	
	0300-5150-4178 Blacktop		50600.00
	0300-1910-1120 Sales Tax	69490.00	
 <u>SPECIAL DISTRICTS</u>			
	1500-8160-1412 Laborer		32100.00
	1500-8160-1804 Central Garage Allocation	15000.00	
	1500-8160-4469 Landfill Costs		50000.00
	1500-8160-2799 Appropriated Fund Balance	22100.00	
	1500-8160-4801 Supervisor Allocation	10000.00	
	1500-8160-4802 Personnel Allocation	10000.00	
	1500-8160-4803 Legal Allocation	5000.00	
	1500-8160-4808 Tax Receiver Allocation	20000.00	
	2500-8135-4356 Buffalo Sewer Authority		45000.00
	2500-8125-4801 Supervisor Allocation	25000.00	
	2500-8125-4802 Personnel Allocation (2500, 8125, 4802)	5000.00	
	2500-8125-4803 Law Dept. Allocation	5000.00	
	2500-8125-4808 Tax Receiver Allocation	10000.00	
	9000-5182-4808 Tax Receiver Allocation	10000.00	
	9000-5182-1809 Traffic Maint. Allocation	10000.00	
	9000-1910-2799 Appropriated Fund Balance		20000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 32 Motion by Supervisor Swiatek Seconded by Councilman Kulyk

BE IT RESOLVED that the following vouchers and warrants are submitted to the Town of Cheektowaga prior to August 16, 1991, are hereby approved and made a part hereof:

GENERAL FUND	\$1,636,669.91
HIGHWAY FUND	346,423.39
TRUST & AGENCY FUND	50,185.36
HUD CDBG FUND	21,598.76
PART TOWN FUND	37,100.60
RISK RETENTION FUND	58,048.83
STATE AHC FUND	1,948.00
HUD HOUSING REHABILITATION FUND	16,515.00
SPECIAL DISTRICTS FUND	869,783.34
CAPITAL PROJECTS	182,816.93
	<u>\$3,221,090.12</u>
	=====

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Kulyk, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, a vacancy currently exists in the office or position of Chairman of the Zoning Board of Appeals of the Town of Cheektowaga, and

WHEREAS, the Chairman of the Board of Appeals must possess both executive and judicial abilities, in that he may call and preside at meetings of the Board of Appeals, administer oaths and compel the attendance of witnesses, as well as participate in the interpretation of the provisions of the Zoning Ordinance, grant or deny applications for variances, and hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector, and

WHEREAS, this Town Board is charged with the responsibility of appointing a Chairman of the Board of Appeals, and such appointment should be made on the basis of merit and fitness, which includes knowledge of Town laws, rules and regulations, as well as knowledge and experience in the handling and resolution of diverse zoning and planning matters, and

WHEREAS, Andrew A. Kulyk is by reason of experience, temperament and training uniquely qualified for the position of Chairman of the Board of Appeals, in that, among other qualifications,

- he has served as a member of the Board of Appeals from 1983 to 1987
- he has served as Councilman from 1988 to present
- he has served as Chairman of the Petitions Committee, where he supervised the activities of the Planning Board, Board of Appeals, Environmental Quality Review Board and Building Inspections Department
- he has served as Chairman of the steering committee which is revising the Town's Zoning Ordinance and Master Plan

NOW, THEREFORE, BE IT RESOLVED, as the most qualified candidate, Mr. Andrew A. Kulyk, residing at Cheektowaga, New York, be and he hereby is appointed to the office or position of Chairman of the Zoning Board of Appeals of the Town of Cheektowaga until May 20, 1995, and BE IT FURTHER

RESOLVED, that this appointment shall take effect immediately, and the appointee shall be paid the salary budgeted for such position.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 34a Minutes of Cheektowaga Library Board/June, 1991
Received and Filed

Item No. 34b Minutes of Cheektowaga Planning Board/July, 1991
Received and Filed

V. GENERAL COMMUNICATIONS

Item No. 35a Summons & Complaint: Dan F. Hunt by Sharon A. Hunt, parent vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; Allied Claims Service, Insurance Carrier
Received and Filed

MEETING NO. 17
August 19, 1991

- Item No. 35b Summons & Complaint: Alicia D. Hunt by Sharon A. Hunt, parent vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 35c Summons & Complaint: Donald Shaw by Michael Ficarra, parent vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Police Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 36a Notice of Claim: Louis Manko vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Sanitation Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 36b Notice of Claim: Richard A. Peterson, Sr. vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Facilities Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 36c Notice of Claim: Robert Dauman vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Sewer Maintenance Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 36d Notice of Claim: Eleanor A. Tonucci vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 36e Notice of Claim: John B. Murphy vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Facilities Department; Youth & Recreation Department; Allied Claims Service, Insurance Carrier
Received and Filed
- Item No. 37 Notice of Petition: Bill Benton d/b/a Transamerican Partners III vs Casimir A. Kozminski as Assessor and Board of Assessment Review
Received and Filed
- Item No. 38 Request to speak regarding "enforcement of conditions at Union Consumer Square".
Copies were sent to: Frank E. Swiatek, Supervisor; Town Board Members; Ron Marten, Building Inspector.

* * * * *

MOTION BY SUPERVISOR SWIATEK AND SECONDED BY COUNCILMAN GABRYSZAK TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING ITEMS AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* * * * *

VI. SUSPENSION OF RULES

Item No. 39 Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received by this Town Board at a bid opening held on August 16, 1991, for the furnishing of fuel, oil, gas, lubricants etc. for use by the various Town of Cheektowaga departments as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been completed,
NOW, THEREFORE, BE IT

RESOLVED, the bids be awarded to American Lubricants, Inc., 619 Bailey Avenue, Buffalo, N.Y. 14206 and Superior Lubricants Co., Inc., 32 Ward Road, North Tonawanda, N.Y. 14120 as per tabulation attached, and

BE IT FURTHER RESOLVED, due to the fact none of the bidders submitted bid for bulk delivery of unleaded gasoline and #2 diesel fuel, by price per gallon, no bid is herein awarded for such items.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* SEE ATTACHED TABULATION

MOTOR OILS, LUBRICANTS, ANTI-FREEZE, ETC.

BID AWARD AUGUST 19, 1991

	American Lub. Inc	Superior Lub Inc
#2 Diesel Fuel (supplied as a winterized blend during cold weather) Price per Gallon Bulk Delivery	N/B	N/B
#1 Fuel Oil (Kerosene) Price per 55 gal. drum	<u>76.45</u>	<u>76.45</u>
Premium Unleaded Gasoline (with an Octane rating of at least 92) Price per gallon bulk delivery.	N/B	N/B
Hydraulic Oil #1432 AW, R&O, Anti-wear, rust and oxidation resistant Price per 55 gal drum	<u>92.40</u>	<u>103.95</u>
Hydraulic Oil #1446 AW, R&O, Anti wear, rust and oxidation resistant. Price Gallon Bulk and Drum	<u>92.40</u>	<u>103.95</u>
Universal transmission-hydraulic fluid, (meets or exceeds Ford's specs #134 for hydraulic oil 55 gal drum	<u>146.30</u>	<u>147.95</u>
Automatic transmission fluid, Dextron/Mercon type. Price per gallon bulk and drum delivery (state size)	<u>137.50</u>	<u>153.45</u>
Motor Oil, Reg SAE 30, SA-SE, non detergent, (for use where additive oil are not required or desired 55 ga drum	<u>108.90</u>	<u>125.95</u>
Motor Oil, SAE 30, SG-CE. Super C heavy duty motor oil (meets or exceeds Detroit diesel specs) Price Gal/Bulk	<u>124.30</u>	<u>125.95</u>
Motor oil, SAE 10W-30, SG-CD (for use in gas engines Price per 55 gal drum	<u>125.95</u>	<u>125.95</u>
Motor Oil, SAE 15W-40, SG-CE, Super C heavy duty motor oil, meets or exceeds Macks's EO-K2 specs. Bulk & Drum	<u>2.29/ 125.95</u>	<u>2.39 131.45</u>
Gear Oil, DSL APGO 80/90 GL-5. Price per 120# can	<u>55.20</u>	<u>59.00</u>
Gear Oil, DSL APGO 140, GL-5. Price per 120# can	<u>55.20</u>	<u>59.00</u>
Multi-purpose lube #2, DSL Extreme pressure lithium based grease. Price per 120# can.	<u>73.20</u>	<u>80.00</u>
Heavy duty wheel bearing grease, lubriplate or equal. Price per 120 # can	<u>80.40</u>	<u>N/B</u>
Multi-purpose permanent anti-freeze, (for both low and high silicate uses) Price per 55 gal drum	<u>169.95</u>	<u>153.45</u>

Item No. 40 Motion by Councilman Gabryszak Seconded by Councilman Rogowski

WHEREAS, Kevin Burke (A7410.1613) has been unable to perform his duties as a supervisor in the Youth and Recreational Services Department due to a non-work related injury and

WHEREAS, Amy Sieczkarek, Recreation Attendant, (A7140.1614) in the Youth and Recreational Services Department, has been performing his duties since July 15th, BE IT HEREBY

RESOLVED, that Amy Sieczkarek be elevated to the position of Playground Supervisor - Sports (A7140.1613), at a salary rate of \$6.00 per hour, retroactive to July 15th.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 41 Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of #2 diesel fuel and unleaded gasoline for use by various departments in the Town of Cheektowaga in the Cheektowaga Times.

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York, 14227, between the hours of 8:00 A.M. and 3:30 P.M. Monday through Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 A.M. on August 30th, 1991, at the Cheektowaga Town Hall Council Chambers.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of Unleaded Gasoline and Diesel Fuel for use by various departments in the Town of Cheektowaga at a public bid opening August 30th, 1991 at 11:00.M. to be held in the Council Chambers at the Cheektowaga Town Hall.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga, New York. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR DIESEL FUEL AND UNLEADED GASOLINE".

Non-collusion forms must be signed and submitted with each bid, The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI, TOWN CLERK

DATED: August 19, 1991

PUBLISHED: August 22, 1991

Item No. 41 continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....Clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication..... August 22, 1991..... ;
last publication..... August 22, 1991..... ;
and that no more than six days intervened be-
tween publications.

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE
TO BIDDERS
NOTICE IS HEREBY GIVEN in compliance with Section 103 of the General Municipal Finance Law, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of Unleaded Gasoline and Diesel Fuel for use by various departments in the Town of Cheektowaga at a public bid opening August 30th, 1991 at 11:00 AM to be held in the Council Chambers at the Cheektowaga Town Hall.
Information for bidders and specifications may be obtained from the office of Christopher J. Kowal, Superintendent of Highways at his office located at 3145 Union Road, Cheektowaga, NY. Proposals must be enclosed and sealed in an opaque envelope plainly marked "BIDS FOR DIESEL FUEL AND UNLEADED GASOLINE".
Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.
RICHARD MOLESKI
TOWN CLERK
DATED: August 19, 1991
PUBLISH: August 22, 1991

.....Melanie Wolf.....

Sworn to before me this22nd.....

day ofAugust....., 1991.....

.....Margaret J Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

MEETING NO. 17
August 19, 1991

Item No. 42 Motion by Supervisor Swiatek and seconded by Councilman Jaworowicz to adjourn the meeting.

Richard M. Moleski
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of September, 1991 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney; Chester L. Bryan, Town Engineer; Ronald Marten, Building Inspector; Bruce Chamberlin, Chief of Police; John Schaller, Assistant Chief of Police and Salvatore LaGreca, Chairman of Planning Board.

I. PUBLIC HEARING

Item No. 2a

This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

ARTICLE VII

Turning Movements

Article VII shall be amended by adding thereto the following sections:

§76-71 Left Lane Must Turn Left

AERO DRIVE eastbound at its approach to Youngs Road

§76-72 Thru Traffic Use Right Lane

AERO DRIVE eastbound at its approach to Youngs Road

ARTICLE VIII

Stop and Yield Intersections

Section 76-80 Stop intersections designated, shall be amended by adding thereto the following:

The following intersections are designated as stop intersections and stop signs shall be erected on the following entrance streets:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
WHITNEY PLACE (south leg)	East-west	Towers Boulevard	Northbound	S.E. Corner
WHITNEY PLACE (south leg)	East-west	Towers Boulevard	Southbound	N.W. Corner

Item No. 2a continued

ARTICLE X

Parking, Standing and Stopping

§76-102 Parking prohibited in designated locations.

§76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

A. No parking this side or one side parking

BALBACH DRIVE	North & east sides	from the east curbline of Beach Road to the north curbline of Peinkofer Drive
---------------	-----------------------	--

§76-102 of the traffic ordinance shall be amended as follows:

F. Miscellaneous signs

Amend "(6) No Parking or Standing" to read - "(6) No Standing Anytime"

Amend "(15) No Stopping" to read - "(15) No Stopping Anytime"

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BALBACH DRIVE	South & east sides	from the east curbline of Beach Road to the north curbline of Peinkofer Drive
---------------	-----------------------	--

F. Miscellaneous signs

(15) No Stopping Anytime

LOSSON ROAD	North side	from the east curbline of Stiglmeier Park Road easterly 350 feet to a point
-------------	------------	--

LOSSON ROAD	North side	from the west curbline of Stiglmeier Park Road westerly 350 feet to a point
-------------	------------	--

LOSSON ROAD	South side	from the east curbline of Towers Boulevard easterly 350 feet to a point
-------------	------------	--

LOSSON ROAD	South side	from the west curbline of Towers Boulevard westerly 350 feet to a point
-------------	------------	--

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

Item No. 2b

This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the following proposed local law entitled "A Local Law to Amend Local Law No. 5 of the Year 1990", which provides as follows:

Amending section 32-8F of the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga by adding the phrase "Except as provided in section 32-4E" at the beginning of such section, so that the prohibition on setting out building construction debris will be allowed if such debris results from work performed by an individual owner or resident on residential premises.

Item No. 2b continued

Amending section 32-7A of the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga by adding the phrase "as well as all recyclable rubbish" at the end of such section, so that the Town of Cheektowaga shall provide for the collection and disposal of both non-recyclable solid waste and all recyclable rubbish.

The Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

II. RESOLUTIONS

Item No. 3 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, the New York State Legislature adopted, and the Governor signed into law, Chapter 255 of the Laws of 1991, which authorizes towns to apportion the expense of building, relaying and repairing sidewalks in such towns between the town and property owners, and

WHEREAS, such State law requires that a town board enact a local law to authorize such cost apportionment, and

WHEREAS, this Town Board is interested in apportioning such costs on a 50/50 basis with Town property owners, and

WHEREAS, a public hearing was held on the 19th day of August, 1991 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro 91-4 of the Year 1991, entitled "A Local Law Apportioning the Cost of Repairing Sidewalks", and

WHEREAS, this Town Board feels that the adoption of such local law is in the best interests of the Town, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 1991, entitled "A Local Law Apportioning the Cost of Repairing Sidewalks", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that, within five (5) days of its adoption, the Town Clerk shall file one (1) certified copy of this local law in his office and three (3) certified copies with the Secretary of State.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~
~~XXXX~~ of Cheektowaga
Town
~~XXXXXX~~

Local Law No. 4 of the year 19 91

A local law Apportioning the Cost of Repairing Sidewalks
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~XXXXXX~~
~~XXXX~~ of Cheektowaga
Town as follows:
~~XXXXXX~~

Section 1. Whenever the Cheektowaga Town Board shall have adopted an order pursuant to Section 200-a of the Town Law directing the owners of parcels abutting on any town, county or state highway, along which it is desired that sidewalks be relaid or repaired, to relay or repair such sidewalks, and the owner neglects or refuses to do so, the Town of Cheektowaga may cause such work to be done. The expense of relaying or repairing such sidewalks shall be apportioned and assessed as follows:

<u>Town Share</u>	<u>Owner's Share</u>
50%	50%

Section 2. The owner's share of the cost of relaying or repairing sidewalks shall be assessed against the owner's benefited property via two annual installments.

Section 3. This local law shall apply to all properties within the Town of Cheektowaga outside the corporate limits of the Villages of Depew and Sloan.

Section 4. This local law shall take effect on January 1, 1992.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 91 of the ~~(County)(City)(Town)(Village)~~ of Cheektowaga was duly passed by the Town Board on September 3, 19 91, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)~~

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 ____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19 ____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19 ____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)~~

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Richard M. Moleski
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: September 3, 1991

Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

James J. Kusko
Signature

Town Attorney
Title

~~XXXXXX~~
~~XXXX~~
Town of Cheektowaga
~~XXXXXXXX~~

Date: September 3, 1991

(3)

Item No. 4 Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, by resolution dated August 5, 1991, this Town Board initiated the rezoning from RA-Apartment District to C-Retail Business District of property owned by Michael J. Desiderio and located at 2911 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of August, 1991 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, environmental review of this proposal has been conducted under the State Environmental Quality Review Act and the Town Environmental Impact Review Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renders a determination of environmental non-significance (negative declaration) with respect to this rezoning, and BE IT FURTHER

RESOLVED, that the rezoning from RA-Apartment District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10 and Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said point being 65 feet westerly from the northeast corner of Lot 66; thence southerly on a line parallel with the east line of Lot 66, 500± feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the northwest line of lands conveyed by Deed aforementioned 425± feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578 and a distance of 100 feet northerly therefrom; thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Lorzak and Marie, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 402; thence southerly along the east line of Lorzak's land aforesaid 100 feet to the point of intersection of the easterly line of lands of Lorzak with the northerly line of lands conveyed to John Mysliwicz and Florence A., his wife, by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578; thence southeasterly along the north line of lands of Mysliwicz as aforesaid 410± feet to an arc being a distance of 100 feet south of the intersection of the second and third courses hereinbefore mentioned; thence northeasterly at an arc being 100 feet south of such intersecting courses to a point being the northwest corner of lands of Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567; thence northeasterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 at a point 574.77 feet southerly of the intersection of the center line of William Street as measured along the easterly line of Lot 66; thence northerly along the easterly line of Lot 66, 574.77 feet to the point of intersection of the easterly line of Lot 66 with the center line of William Street (being also the north line of Lot 66); thence westerly 65 feet to the point or place of beginning.

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....September 12, 1991.....;
last publication.....September 12, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Way.....

Sworn to before me this12th.....

day ofSeptember....., 1991..

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

(over)

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 3rd day of September 1991 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Jaworowicz and Seconded by Councilman Blachowski

WHEREAS, by resolution dated August 5, 1991, this Town Board initiated the rezoning from RA-Apartment District to C-Retail Business District of property owned by Michael J. Desiderio and located at 2911 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of August, 1991 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

WHEREAS, environmental review of this proposal has been conducted under the State Environmental Quality Review Act and the Town Environmental Impact Review Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renders a determination of environmental non-significance (negative declaration) with respect to this rezoning, and BE IT FURTHER

RESOLVED, that the rezoning from RA-Apartment District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance of the Town of Cheektowaga be amended in accordance with the above.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lots Nos. 65 and 66, Township 10 and Range 7 of the Buffalo Creek Reservation, described as follows:

BEGINNING at a point in the center line of William Street, said point being 65 feet westerly from the northeast corner of Lot 66; thence southerly on a line parallel with the east line of Lot 66, 500+/- feet to a point in a line drawn parallel with the northwesterly line of lands conveyed to Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 567 and located one hundred feet northwesterly therefrom; thence southwesterly and parallel to the northwest line of lands conveyed by Deed aforementioned 425 +/- feet to a point in said line at its intersection with a line drawn parallel to the northerly line of lands conveyed by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 178 and a distance of 100 feet northwesterly therefrom; thence northwesterly along said last described line to the intersection of said line with the easterly line of lands conveyed to Frank Orczak and Marie, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 4487 of Deeds at Page 2; thence southerly along the easterly line of Lorczak's land aforesaid 100

feet to the point of intersection of the easterly line of lands of Lorczak with the northerly line of lands conveyed to John Mysliwiec and Florence A., his wife, by Deed recorded in the Erie County Clerk's Office in Liber 3969 of Deeds at Page 578; thence southeasterly along the north line of lands of Mysliwiec as aforesaid 410+/- feet to an arc being a distance of 100 feet south of the intersection of the second and third courses hereinbefore mentioned; thence northeasterly at an arc being 100 feet south of such intersecting courses to a point being the northwest corner of lands of Frederick E. Sloane and Arlene, his wife, by Deed recorded in the Erie County Clerk's Office in Liber 6664 of Deeds at Page 67; thence northeasterly along the northwest line of lands conveyed to Frederick Sloane aforesaid 345.07 feet to a point in the easterly line of Lot 66 a point 374.77 feet southerly of the intersection of the center line of William Street as measured along the easterly line of Lot 66; thence southerly along the easterly line of Lot 66, 4.77 feet to the point of intersection of the easterly line of Lot 65 with the center line of William Street (being the north line of Lot 66); thence southerly 65 feet to the point or place of beginning.

Upon roll call.....

Supervisor Swiatek Voting AYE
Councilman Blachowski Voting
E
Councilman Jaworowicz Voting
E
Councilman Gabryszak Voting
E

Councilman Rogowski Voting
AYE
Councilman Solecki Voting AYE
AYES: 6
NAYES: 0
ABSENT: 0
STATE OF NEW YORK
COUNTY OF ERIE
I, RICHARD M. MOLESKI, Town
Clerk of the Town hereinafter de-
scribed, DO HEREBY CERTIFY as
follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 3, 1991, and minutes of said meetings have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meeting of said Board, and such minutes appear at item 4, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 3rd day of September, 1991.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 12, 1991

Item No. 5a Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, this Town Board has retained the services of Scaffidi & Moore Architects for the provision of professional services for Roof and Sash Replacement at the North Branch Library, AND

WHEREAS, the Director of Facilities, James J. Matecki advises that plans and specifications have been completed by Scaffidi & Moore Architects for the Roof and Sash Replacement at the North Branch Library, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Roof and Sash Replacement at the North Branch Library, said Notice to be published in the Cheektowaga Times, AND BE IT FURTHER

RESOLVED, that sealed bids will be received and opened on the 13th day of September, 1991 at 10:00 A.M. local time at a public bid opening to be held in the Council Chambers of Cheektowaga Town Hall.

NOTICE TO BIDDERS

Separate sealed bids for Roof and Sash Replacement are invited and will be received, publicly opened and read on behalf of the Cheektowaga Town Board on September 13, 1991 at 10:00 A.M. in the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for reconstruction projects at the North Branch Library, Maryvale Drive.

Specifications (including Information for Bidders and Form of Bid) and Plans for each project may be examined at the office of Scaffidi & Moore, Architects, 4535 Bailey Avenue, Buffalo, New York 14226, and a copy may be obtained upon payment of \$50.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Cheektowaga Town Board reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Information for Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for 45 days subsequent to the opening thereof.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI, TOWN CLERK

Dated: September 3, 1991

FILE NO. 9116

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
 COUNTY OF ERIE
 TOWN OF CHEEKTOWAGA } ss.

**LEGAL NOTICE
 NOTICE TO BIDDERS**

Separate sealed bids for Roof & Sash Replacement are invited and will be received, publicly opened and read on behalf of the Cheektowaga Town Board on September 13, 1991 at 10:00 AM in the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for reconstruction projects at the North Branch Library, Maryvale Drive.

Specifications (including Information for Bidders and Form of Bid) and Plans for each project may be examined at the office of Scaffidi & Moore, Architects, 4535 Bailey Avenue, Buffalo, New York 14226, and a copy may be obtained upon payment of \$50.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Cheektowaga Town Board reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Information for Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for 45 days subsequent to the opening thereof.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD
 RICHARD M. MOLESKI, TOWN CLERK

Dated: September 3, 1991
 PUBLISH: September 5, 1991

.....Melanie Wolf....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
clerk..... of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for1..... weeks;
 first publication.....September 5, 1991.....;
 last publication.....September 5, 1991.....;
 and that no more than six days intervened be-
 tween publications.

.....Melanie Wolf.....

Sworn to before me this5th.....

day ofSeptember....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
 NOTARY PUBLIC, STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/91

Item No. 5b Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, this Town Board has retained the services of Scaffidi & Moore Architects for the provision of professional services for Sash Replacement at the Alexander Community Center, AND

WHEREAS, the Director of Facilities, James J. Matecki advises that plans and specifications have been completed by Scaffidi & Moore Architects for Sash Replacement at the Alexander Community Center, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Sash Replacement at the Alexander Community Center, said Notice to be published in the Cheektowaga Times, AND BE IT FURTHER

RESOLVED, that sealed bids will be received and opened on the 23rd day of September, 1991 at 10:00 A.M. local time at a public bid opening to be held in the Council Chambers of Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed bids for Sash Replacement are invited and will be received, publicly opened and read on behalf of the Cheektowaga Town Board on September 23, 1991 at 10:00 A.M. in the Cheektowaga Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for a reconstruction project at the Alexander Community Center, Alexander Avenue, Cheektowaga, New York.

Specifications (including Information for Bidders and Form of Bid) and Plans for each project may be examined at the office of Scaffidi & Moore, Architects, 4535 Bailey Avenue, Buffalo, New York 14226, and a copy may be obtained upon payment of \$50.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Cheektowaga Town Board reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Information for Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for 45 days subsequent to the opening thereof.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD

RICHARD M. MOLESKI, TOWN CLERK

Dated: September 3, 1991

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
 COUNTY OF ERIE
 TOWN OF CHEEKTOWAGA } ss.

**LEGAL NOTICE
 NOTICE TO BIDDERS**

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Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for 45 days subsequent to the opening thereof.

BY ORDER OF THE CHEEKTOWAGA TOWN BOARD
 RICHARD M. MOLESKI, TOWN CLERK

Dated: September 3, 1991
 PUBLISH: September 5, 1991

.....Melanie Wolf....., of the town
 of Cheektowaga, in said County of Erie, being
 duly sworn, deposes and says that he (she) is
Clerk..... of the Cheek-
 towaga Times, a public newspaper published
 weekly in said town; that the notice, of which
 the annexed printed slip, taken from said news-
 paper is a copy, was inserted and published in
 said paper once a week for1..... weeks;
 first publication.....September 5, 1991.....;
 last publication.....September 5, 1991.....;
 and that no more than six days intervened be-
 tween publications.

Melanie Wolf

Sworn to before me this5th.....

day ofSeptember....., 1991..

Margaret J. Bourdette

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
 NOTARY PUBLIC, STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/91

Item No. 6 Motion by Councilman Solecki, Seconded by Councilman Blachowski

WHEREAS, the Town Sanitation Department will be purchasing a new wheel loader for its use, and

WHEREAS, the existing wheel loader will become surplus property and of no use to the Town, and

WHEREAS, this Town Board wishes to solicit purchase offers for this used wheel loader, and

WHEREAS, Mecca-Kendall Corporation has already committed itself to purchasing such wheel loader for a price of \$53,215, thereby guaranteeing the Town this as a minimum price, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Sale in the Cheektowaga Times.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

2011

NOTICE OF SALE

TAKE NOTICE that the Town of Cheektowaga Recycling Department will be offering for sale the following referenced piece of equipment:

One (1) John Deere 544E Wheel Loader
1990/91 Model (Used)
Included: General Purpose Bucket
New 20.5 Tires

Terms of Sale:

Minimum Bid Accepted: \$53,215

No Delivery by Town; Purchaser must pick up wheel loader.

Payment due upon pick up.

TOWN MAKES NO WARRANTIES, EXPRESS OR IMPLIED, ABOUT THE USE OF THIS EQUIPMENT.


Sealed offers shall be delivered to the Town of Cheektowaga Recycling Department, Sanitation Department Garage, Broadway & Union Road, Cheektowaga, New York 14227 no later than 12:00 P.M. (noon) on Friday, September 13, 1991.

Equipment may be viewed by prospective purchasers at the Recycling Department on Mondays through Fridays, 8:00 A.M. - 2:00 P.M. or by calling (716)686-3426.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY,
NEW YORK

Dated: September 3, 1991

Published: September 5, 1991.



RICHARD M. MOLESKI
Town Clerk

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

**LEGAL NOTICE
NOTICE OF SALE**
TAKE NOTICE that the Town of Cheektowaga Recycling Department will be offering for sale the following referenced piece of equipment:
One (1) John Deere 544E Wheel Loader
1990/91 Model (Used) Included:
General Purpose Bucket
New 20.5 Tires
Terms of Sale:
Minimum Bid Accepted: \$53,215
No Delivery by Town; Purchaser must pick up wheel loader.
Payment due upon pick up.
TOWN MAKES NO WARRANTIES, EXPRESS OR IMPLIED, ABOUT THE USE OF THIS EQUIPMENT.
Sealed offers shall be delivered to the Town of Cheektowaga Recycling Department, Sanitation Department Garage, Broadway & Union Road, Cheektowaga, New York 14227 no later than 12:00 P.M. (noon) on Friday, September 13, 1991.
Equipment may be viewed by prospective purchasers at the Recycling Department on Mondays through Fridays, 8:00 A.M. - 2:00 P.M. or by calling (716) 686-3426.
BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
Dated: September 3, 1991
Richard M. Moleski
Town Clerk
PUBLISH: September 5, 1991

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isClerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....September 5, 1991.....; last publication.....September 5, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this5th.....

day ofSeptember....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 7 Motion by Councilman Solecki, Seconded by Councilman Blachowski

WHEREAS, the Town Recycling Department presently owns and uses a John Deere 544E Wheel Loader, and

WHEREAS, the Town Recycling Department wishes to sell such wheel loader and purchase a new wheel loader, and

WHEREAS, John Deere Industrial was awarded the State Contract for 1991 for wheel loaders/tractor shovels, and

WHEREAS, Mecca-Kendall Corporation is the local distributor for John Deere Industrial, and

WHEREAS, Mecca-Kendall Corporation has also offered to purchase the Town's used wheel loader for \$53,215 (after publicly offering same for sale), thus resulting is a net cost to the Town for a new wheel loader of only \$5,000, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to purchase from the State Contract No. 000480 one (1) John Deere Wheel Loader from John Deere Industrial (Mecca-Kendall Corporation being the local distributor) at a cost of \$58,215, and BE IT FURTHER

RESOLVED, that the money for such purchase shall be appropriated from the Recycling Department Budget, line item #1500-8160-2501.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilman Rogowski, Seconded by Councilman Solecki

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee reviews various applications for building permits, rezonings, special permits, etc. and renders its determination of environmental significance of such applications, and

WHEREAS, the Town Board pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the lead agency in most instances, and

WHEREAS, since the Town Board is the lead agency, it must affirm or reject the recommendations submitted to it by the Advisory Committee, and

WHEREAS, the Advisory Committee, at its meeting held on August 22, 1991, rendered the determinations shown on the attached memo dated August 27, 1991, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the items listed below, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby affirms the recommendations (including stipulations, if any) made by the Advisory Committee with respect to the following referenced items which appear on the August 27, 1991 memo attached hereto:

August 27, 1991 - Item I 2755 Broadway

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections
Cheektowaga Town Hall
Broadway & Union Road
Cheektowaga, New York 14227
716/686-3470



M E M O

TO: Supervisor Frank Swiatek
Honorable Town Board Members
Richard Moleski, Town Clerk
James Kirisits, Town Attorney

FROM: Thomas Adamczak
Building Inspector

DATE: August 27, 1991

RECEIVED

AUG 28 1991

TOWN ATTORNEY

The following is a summary of the proposals which have been reviewed by the Town Environmental Quality Review Advisory Committee at a meeting held on August 22, 1991, in the Town Hall Council Chambers.

ITEM I 2775 Broadway - Proposed Airborne Express

Applicant: Zaepful-Krog Group

Determination: Non-Significant With Conditions.
The applicant submitted a new site plan with additional drainage information and calculations.

The applicant indicated that most traffic consists of small vans. Most movement is at night and early morning.

The use is consistent with uses in the area and is compatible with the Master Plan.

The conditions are that landscaping be approved by the Planning Board and drainage be approved by the Town Engineer.

ITEM II 64 Hedley - Proposed Rezoning From R To RA

Applicant: W. Jendrasik

Determination: Non-Significant.
The applicant wishes to convert the house into a two-family dwelling. The house is set up for a two-family, but the previous owner had used it as a one-family.

Item No. 9 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, the Public Improvement Permit Ordinance requires that all improvements that are to be dedicated to the Town and be maintained by the Town be installed under a Public Improvement Permit, AND

WHEREAS, the developer of the Losson Woods Subdivision, P.K. Development Company, has submitted the required Public Improvement Permit Application, plans and specifications and permit fee for drainage improvements to be constructed within the subject residential subdivision, AND

WHEREAS, this Town Board, by resolution dated June 17, 1991, approved the subject subdivision with the requirement that drainage improvements be constructed prior to issuance of building permits, AND

WHEREAS, the developer has submitted a Performance Bond equal to the estimated construction cost of the required drainage improvements, in accordance with the provisions of the Public Improvement Permit Ordinance, in a form acceptable to the Town Attorney, the submission of which shall guarantee the construction of the drainage improvement and shall enable the issuance of building permits prior to completion of said drainage improvements, NOW, THEREFORE, BE IT

RESOLVED, that this Public Improvement Permit be and hereby is approved for the construction of drainage improvements within the Losson Woods Subdivision, AND, BE IT FURTHER

RESOLVED, that the subject permit fee amounting to \$333.00 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of public improvement permit fees, AND, BE IT FURTHER

RESOLVED, that the drainage improvements detailed on the approved plans be installed by the developer prior to November 1, 1991, and BE IT FURTHER

RESOLVED, that the Performance Bond submitted by the developer be and hereby is accepted as satisfying the June 17, 1991 resolution condition requiring the installation of rear yard drainage, and the Building Inspector is hereby authorized to issue building permits for lots within such subdivision.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 10 Councilman Blachowski, Seconded by Councilman Gabryszak

WHEREAS, the Town administers a housing rehabilitation program for eligible Town homeowners to make necessary repairs and improvements to their home, AND,

WHEREAS, the Town has previously established loan limits of up to \$25,000 for said housing rehabilitation loans, AND

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 75 Pinehurst in an amount not to exceed \$33,000 due to the amount of work to be done, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in the amount not to exceed \$33,000 to the owner of 75 Pinehurst, Cheektowaga, New York, and authorizes the Supervisor to execute a loan agreement and any other necessary related documents.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, U & S Services has submitted application for final payment for Energy Monitoring and Control Systems at various town buildings, AND

WHEREAS, Babinsky-Klein Engineering, P.C. has reviewed and approved U & S Services Application and Certificate For Final Payment, Wage & Supplement Affidavit, Asbestos Statement, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Certificate of Substantial Completion and Consent and Surety Company of Final Payment, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes final payment in the amount of \$8,760.00 to U & S Services Inc., Suite 11, 233 Fillmore Avenue, Tonawanda, New York 14150, AND, BE IT FURTHER

RESOLVED, that funds for said action are available from Account #5912-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, All Weather Contractors, Inc. has submitted application for final payment for Roof Replacement at the Reinstein Memorial Library, AND

WHEREAS, Scaffidi & Moore Architects has reviewed and approved All Weather Contractors, Inc. Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Statement indicating no asbestos containing materials were used on the project, Executed Contractor's Warranty, Manufacturers Warranty and Consent of Surety Company to Final Payment, AND

WHEREAS, the Certificate of Substantial Completion establishes the 8th day of April, 1991 as the date warranties take effect, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approve final payment to All Weather Contractor's Inc., 510 Ellicott Road, Cheektowaga, New York, 14227 in the amount of \$7,393.00 for Roof Replacement at the Reinstein Memorial Library and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5811-7410-1103.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 11c Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, Bosch Enterprises Inc. has submitted application for final payment for Heating and Ventilating Work at the Alexander Community Center, AND

WHEREAS, Scaffidi & Moore Architects has reviewed and approved Bosch Enterprises, Inc. Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Statement indicating no asbestos containing materials were used on the project and Consent of Surety Company to Final Payment, AND

WHEREAS, the Certificate of Substantial Completion for Heating and Ventilating Work at the Alexander Community Center establishes the 16th day of May, 1991 as the date all warranties start, NOW, THEREFORE, BE IT

Item No. 11c continued

RESOLVED, that the Cheektowaga Town Board hereby approve final payment to Bosch Enterprises, Inc., 1978 South Park Avenue, Buffalo, New York, 14220 in the amount of \$2,571.70 for Heating and Ventilating Work at the Alexander Community Center, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5012-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilman Blachowski, Seconded by Unanimous

WHEREAS, the volunteer firemen of the Town of Cheektowaga provide valuable and necessary services to the Town and our residents, and

WHEREAS, the recruitment, retention and training of said Volunteers is of vital interest to the citizens of the Town of Cheektowaga, and

WHEREAS, the Office of Fire Prevention and Control provides the necessary training for our Volunteer Firemen, and

WHEREAS, the Department of State of New York has cut the budget of the Office of Fire Prevention and Control,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Cheektowaga does request the restoration of funds to the Office of Fire Prevention and Control, so that proper and necessary training of our Volunteer Firemen may continue, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to Governor Cuomo, Assemblyman Tokasz, Senator Volker and the Secretary of State.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilman Rogowski, Seconded by Councilman Gabryszak

WHEREAS, this Town Board was concerned about the structural and sub-structural deterioration of the 50-60 year old Ledyard Bridge located across Scajaquada Creek in the Village of Depew, AND

WHEREAS, in furtherance of the Board's attempt to replace said Ledyard Bridge, Robert J. Miller & Associates was engaged to assist the Town in obtaining grant monies that might be available through the 1988 New York State Transportation Bond Act, State Aid Local Bridge Program, AND

WHEREAS, as a result of this application, a State grant for the replacement of the Ledyard Street Bridge has been granted to the Town in the Maximum amount of \$300,000 of which 80% is to be funded through the State and the remainder is to be locally funded, AND

WHEREAS, it is necessary to proceed with the replacement program immediately so as not to lose the grant monies, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for provision of technical services, as submitted by the consulting firm of Krehbiel Associates, Inc., and recommended by the Town Engineer, is approved and accepted for Sections A, B and C of said agreement at this time, AND, BE IT FURTHER

Item No. 13a continued

RESOLVED, that the Supervisor is directed and authorized to sign said agreement, AND BE IT FURTHER

RESOLVED, that the costs for professional services in the total amount of \$31,460.00 for Section A (Surveying), Section B (Design) and Section C (Plans and Specifications) shall be chargeable to Account #5014-5132-0315.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, grant monies are available through the National Endowment for the Arts - Folk Arts program to support activities associated with the 1992 Cheektowaga Polish-American Festival, and

WHEREAS, the Town is in need of financial assistance to enhance activities offered in conjunction with the folk arts component of the Cheektowaga Polish-American Festival; and

WHEREAS, the Town desires to submit two grant applications in amounts not to exceed \$15,000 each, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to enable the Town to apply for two grants from this program,

RESOLVED, that should the grant applications be awarded, the Town's share of required matching funds, not to exceed a total of \$10,000.00, is available from the General Fund-Celebrations, Polish Festival Celebration budget line #0100-7550-4374 and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application of this grant.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13c Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga was awarded a grant from the New York State Energy Office to conduct a Technical Assistance Study for the Alexander Street Community Center, and

WHEREAS, the New York State Energy Office will provide 50% funding to retain an engineering firm to perform said Technical Assistance Study, and

WHEREAS, Babinsky, Klein Engineering, P.C. has considerable experience preparing Technical Assistance Studies, and

WHEREAS, Babinsky, Klein Engineering, P.C. submitted a proposal to provide site surveys, condition and configuration of existing energized systems, systems performance test on mechanical equipment, analysis of renewable energy source applications, lighting surveys, identification of all possible energy conservation measures, and preparation of the final report, NOW, THEREFORE, BE IT

RESOLVED, that, contingent upon approval from the New York State Energy Office, the firm of Babinsky, Klein Engineering, P.C., 150 Creekside Drive, Amherst, New York 14150 is hereby retained to prepare a Technical Assistance Study for the Alexander Street Community Center at a fee not to exceed \$6,295, and BE IT FURTHER

Item No. 13c continued

RESOLVED, that the Supervisor be and hereby is authorized to sign said agreement with Babinsky, Klein Engineering, P.C., and BE IT FURTHER

RESOLVED, that funds for said action are available from Energy Conservation Projects, Account #5912-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13d Motion by Councilman Rogowski, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga was awarded a grant from the New York State Energy Office to conduct a Technical Assistance Study for the Highway Garage, and

WHEREAS, the New York State Energy Office will provide \$1,072 of the \$4,560 necessary to retain an engineering firm to perform the Technical Assistance Study, and

WHEREAS, Babinsky, Klein Engineering, P.C. has considerable experience preparing Technical Assistance Studies, and

WHEREAS, Babinsky, Klein Engineering, P.C. submitted a proposal to provide site surveys, condition and configuration of existing energized systems, systems performance test on mechanical equipment, analysis of renewable energy source applications, lighting surveys, identification of all possible energy conservation measures, and preparation of the final report; NOW, THEREFORE, BE IT

RESOLVED, that, contingent upon approval from the New York State Energy Office, the firm of Babinsky, Klein Engineering, P.C., 150 Creekside Drive, Amherst, New York 14150 is hereby retained to prepare a Technical Assistance Study for the Highway Garage at a fee not to exceed \$4,560, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said agreement with Babinsky, Klein Engineering, P.C., and BE IT FURTHER

RESOLVED, that funds for said action are available from Energy Conservation Projects, Account #5912,1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13e Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the Town of Cheektowaga was awarded a grant from the New York State Energy Office to install energy conservation measures at the Sanitation Garage, and

WHEREAS, the New York State Energy Office will provide 50% of the monies necessary to design, purchase, and install energy conservation measures, and

WHEREAS, Babinsky, Klein Engineering, P.C. has considerable experience designing and installing energy conservation measures, and

WHEREAS, Babinsky, Klein Engineering, P.C. submitted a proposal to provide plans and specifications for the purchase and installation of energy conservation measures; NOW, THEREFORE, BE IT

Item No. 13e continued

RESOLVED, that, contingent upon approval from the New York State Energy Office, the firm of Babinsky, Klein Engineering, P.C., 150 Creekside Drive, Amherst, New York 14150 is hereby retained to prepare plans and specifications for the installation of energy conservation measures at the Sanitation Garage at a fee not to exceed \$4,600, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said agreement with Babinsky, Klein Engineering, P.C., and BE IT FURTHER

RESOLVED, that funds for said action are available from Energy Conservation Projects, Account #5912-1625-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Solecki, Seconded by Councilman Gabryszak

WHEREAS, subsequent to the completion and filing of the assessment roll for the current year, a number of special proceedings for the review of the assessment of certain real properties were commenced against the Town, and

WHEREAS, assessments and assessment review proceedings involve a specialized area of law, accounting and economics, and

WHEREAS, Joseph G. Sacco and David Jones, attorneys at law, are experience practitioners in the aforementioned specialized field; and, in fact, have represented the Town on such proceedings for the past several years, and

WHEREAS, in addition, the Town Assessor has recommended the retention of Messrs. Sacco and Jones for advise and representation on pending assessment proceedings, NOW, THEREFORE, BE IT

RESOLVED, that Joseph G. Sacco and David Jones be and hereby are retained to represent the Assessor, the Board of Assessment Review and the Town of Cheektowaga in all assessment review proceedings based on the current assessment roll for the 1991 calendar year ending December 31, 1991, and BE IT FURTHER

RESOLVED, that their reasonable fees and expenses, in an amount not to exceed \$20,000.00, as audited by the Town Assessor and/or Town Attorney be paid from budget line item number 01-1355-0004-4561.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

MOTION BY COUNCILMAN GABRYSZAK, SECONDED BY COUNCILMAN ROGOWSKI TO DISPENSE WITH READING OF THE NAMES IN ITEM NO. 15a AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

MEETING NO. 18
September 3, 1991

Item No. 15a Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be terminated from the Youth and Recreational Services Department, effective immediately:

POOL DIRECTOR \$350 per week - A7180.1902

Brian Hansen 14043

SPECIAL EVENTS SUPERVISOR - \$275 per week - A7180.1902

John Hartman 14227

POOL SUPERVISOR I - \$7.65 per hour - A7180.1902

Catherine Giles 14206
Kevin Kuehmeier 14225

POOL SUPERVISOR II - \$7.25 per hour - A7180.1902

Kathleen Bobeck 14227
Pamela Miller 14225
Michelle Kunkel 14225

ASSISTANT POOL SUPERVISOR I - \$6.00 per hour - A7180.1903

Douglas Kenjockety 14206
Todd Roland 14227
Denise Szalasny 14206
Deborah Hartman 14227

WATER SAFETY INSTRUCTOR I - A7180.1903

Ann Marie Gorski 14225
Keith Stachura 14225

LIFEGUARD I - \$5.00 per hour - A7180.1903

Melissa Bialkowski 14225
Andrea Lynn Bitterman 14225
Michael Callahan 14227
Christine Elizabeth Conley 14227
Rebecca Lynn Dziewa 14212
Renee Gajewski 14211
Jacqueline Houser 14225
Suzanne Johnson 14225
Jennifer Kemp 14225
Jill Kinney 14225
William J. Kolasa 14043
Karen Kuehmeier 14225
Jared Daniel Martin 14043
Michael Mekarski 14225
Andrea Nietopski 14225
Dawn Marie Pszczolkowski 14211
Keith Sokolowski 14206
Kelly Marie Sweeney 14225
Denise Tasca 14206

LIFEGUARD III - \$4.50 per hour - A7180.1903

Gregory Bean 14225
Amy Dauscher 14206
Kathleen Kinney 14206
Michele M. Olewnik 14227
Keith Polanski, III 14043
Derek Prellwitz 14206
Amber Lynn Gorzynski 14206
Erica Olandt 14086
Amy M. Owens 14227

Item No. 15a continued

Eric Kazukiewicz 14043
Brenda Makuch 14086
Denee Lynne Schallmo 14225

GYMNASTICS INSTRUCTOR I - \$5.50 per hour - A7140.1615

Jenny Mae Krier 14225

GYMNASTICS RECREATION ATTENDANT I - \$4.75 per hour - A7140.1615

Mark Monaco 14225
Kimberly Orschek 14225

GYMNASTICS ATTENDANT II - \$4.50 per hour - A7140.1615

Maria DiGiancomo 14225

TENNIS COURT SUPERVISOR - \$190.00 per week - A7140.1613

Amy Beth Skretny 14227

TENNIS COURT INSTRUCTORS - \$6.50 per hour - A7140.1613

Jeffrey J. Schneider 14227

TENNIS COURT INSTRUCTORS - \$160.00 per week - A7140.1613

Andrew W. Boczkowski 14227
Anthony Lorigo 14227
Donald E. Nowak, Jr. 14227
Mark Szymusiak 14043

PLAYGROUND SUPERVISORS - \$6.00 per hour - A7140.1613

Kevin Burke 14206
Deborah Braniecki 14206
Mary Lou Czajka 14225
Peter Odrobina 14043
Bernard Ruda 14227
Jill Sam 14225
Mary Pat Speyer 14043

THEATRE SUPERVISOR - \$6.00 per hour - A7140.1613

Thomas Kazmierczak, III 14225

TINY TOTS SUPERVISOR - \$6.00 per hour - A7140.1613

Carol Ann Belke 14225

TINY TOTS INSTRUCTOR I - \$5.50 per hour - A7140.1613

Carol Ann Belke 14225
Faye Hertel 14215

TINY TOTS INSTRUCTOR II - \$5.00 per hour - A7140.1613

Renee Klein 14206

AEROBICS INSTRUCTORS - \$5.50 per hour - A7140.1612

Laila Desjardins 14227
Beverly Nowicki 14225

Item No. 15a continued

RECREATION ATTENDANT I - \$4.75 per hour - A7140.1614

Thomas Minorczyk 14206
Amy Sieczkarek 14227

RECREATION ATTENDANT II - \$4.50 per hour - A7140.1614

Tammie Acquisto 14227
Donna Bartochowski 14227
Keith Bova 14225
Jennifer Krajna 14227
Christopher Mahalic 14206
Kelly Moreno 14043
Wendy Sala 14043
Renee Rzepecki 14225
Andrea Rzeski 14211

RECREATION ATTENDANT III - \$4.25 per hour - A7140.1614

Jason Cwiklinski 14206
Tracy Gielinski 14227
Joanne Haas 14225
David Isch 14225
James Lacki 14227
Irene Leary 14225
Shawn Mesler 14225
Mark Ostempowski 14206
Kevin Poplawski 14043
Jeffrey Rogowski 14212
John Rogowski 14212
Erica Staszak 14225
Leanne Ventura 14225
Kimberly A. Williams 14227

WORK CREW SUPERVISOR - \$7.65 per hour - A7310.1811

Alan Miano 14225

YOUTH LEADERS - \$4.25 per hour - A7130.1811

Barbara Mederski 14043
Kirk Wilde 14227

SUMMER TRAINEES - \$4.25 per hour - A7310.1812

Edward D. Andrzejewski 14227
Jerel J. Bogdan 14206
Fawn Bova 14225
Jay Brady 14212
Jeff Breton 14225
Christopher Calamita 14227
Russ Ciruolo 14227
Kevin Corcoran 14043
Scott Corcoran 14043
Craig Gangloff 14227
Jennifer Garcea 14043
Sarah Garcea 14043
Claude Gillman 14227
Lori Herdzik 14043
Jeff Kramer 14227
Thomas M. Matyjakowski 14212
Ronald Obringer 14227
Tamara Ozolins 14043
Jason Ozolins 14043
David F. Pajak, Jr. 14227
Kevin Sweeney 14227
Peter Tonsoline 14043

Item No. 15a continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the below listed individuals be terminated from the Cheektowaga Youth & Recreational Services Department (01-7140-1611), effective September 15, 1991:

SOCCER PROGRAM DIRECTOR - \$6.00 per hour

Paul Dennis 14225

YOUTH SOCCER COORDINATOR - \$5.25 per hour

Anthony Perino 14043

YOUTH SOCCER SUPERVISOR - \$5.25 per hour

Maurice Desjardins 14227
Matt Haberl 14225

SOCCER INSTRUCTOR - LEVEL I - \$4.75 per hour

Roy Schneiderman 14225
Paul Lutz 14225
Ben Dennis 14225
Heather Chapp 14206
Tim Kronenwetter 14225

SOCCER INSTRUCTOR - LEVEL II - \$4.50 per hour

Gregory DeWald 14225
Mark Perino 14043
Susan Ring 14043
Robert Kowalewski 14227
Mark P. Wanat 14211

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15c Motion by Councilman Rogowski, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

EFFECTIVE

COUNCIL OFFICE (Administrative Assistant)

Beth Kuerzdoerfer Immediately

SANITATION DEPARTMENT

Joseph Saskowski Immediately
James Lindman "
Jomark Garbatowicz "

Item No. 15c continued

POLICE DEPARTMENT

Kenneth Stoller	9/5/91
Jacqueline Radwanski	9/3/91
Sherry Beback	9/3/91

AND BE IT FURTHER RESOLVED, that Beth Kuerzdoerfer of Cheektowaga, New York, be and hereby is transferred to the Cheektowaga Police Department as a part-time employee at a rate of \$5.00 per hour, effective 9/3/91.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15d Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED that the following individuals be and hereby are terminated as employees in the Department of Senior Services: Paul Burke and Geraldine Kempton.

FUNDING SOURCE: 0100-7620-1639

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, a permanent vacancy exists in the position of Captain in the Police Department, AND

WHEREAS, candidates from the existing Civil Service list were interviewed and their resumes and work performance were studied, AND

WHEREAS, Lieutenant Richard Chamberlin, whose name appears on said list, has been serving as Acting Captain since May 6, 1991, AND

WHEREAS, the Chief of Police and his screening committee recommend that Richard Chamberlin be made permanent, NOW, THEREFORE, BE IT

RESOLVED, that Richard Chamberlin be and hereby is appointed to the position of Captain (permanent) effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, a permanent vacancy exists in the position of Lieutenant in the Police Department, AND

WHEREAS, candidates from the existing Civil Service list were interviewed and their resumes and work performance were studied, AND

WHEREAS, Sergeant Mark Nacke, whose name appears on said list, has been serving as Acting Lieutenant since May 6, 1991, AND

Item No. 16b continued

WHEREAS, the Chief of Police and his screening committee recommend that Mark Nacke be made permanent Lieutenant, NOW, THEREFORE, BE IT

RESOLVED, that Mark Nacke be and hereby is appointed to the position of Lieutenant (permanent) effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16c Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, a permanent vacancy exists in the position of Sergeant in the Police Department, AND

WHEREAS, candidates from the existing Civil Service list were interviewed and their resumes and work performance were studied, AND

WHEREAS, Officer Craig Moriarity, whose name appears on said list, has been serving as Acting Sergeant since May 6, 1991, AND

WHEREAS, the Chief of Police and his screening committee recommend that Craig Moriarity be made permanent, NOW, THEREFORE, BE IT

RESOLVED, that Craig Moriarity be and hereby is appointed to the position of Sergeant (permanent) effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 16d Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, five (5) vacancies exist in the position of Detective in the Police Department, AND

WHEREAS, in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc., such positions were posted and interested candidates were interviewed, AND

WHEREAS, the Chief of Police has recommended that Officers Richard Kozell, Raymond Nowicki, Russell Paul, Harry Bollman and Gary Martz be appointed to the positions of Detective, NOW, THEREFORE, BE IT

RESOLVED, that Officers Richard Kozell, Raymond Nowicki, Russell Paul, Harry Bollman and Gary Martz be appointed to the positions of Detective in the Police Department, effective immediately, and at a salary in accordance with the collective bargaining agreement between the Town and the Town of Cheektowaga Police Club, Inc.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, by resolution, this Town Board created the position of Zoning Enforcement Officer/Part-Time and appointed Jerome Bauer thereto, AND

Item No. 17 continued

WHEREAS, the Erie County Department of Personnel will not certify this title and has suggested that we use the title of Zoning Inspector/Part-Time, AND

WHEREAS, according to the records of the Erie County Department of Personnel, the Town currently shows a vacancy in the position of Zoning Inspector/Part-Time, NOW, THEREFORE, BE IT

RESOLVED, that the position of Zoning Enforcement Officer/Part-Time be and hereby is reclassified to Zoning Inspector/Part-Time and Jerome Bauer is hereby appointed to this position effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the following individuals be hired as part-time employees, effective immediately, at the designated titles and salaries:

RECREATION SUPERVISOR I - A7100.0000 - \$6.25 per hour

Mary Beth Seivert 14043

RECREATION SUPERVISOR II - A7140.1612 - \$6.00 per hour

Laila Desjardins 14227
Thomas Kazmierczak, II 14225
Michelle Kunkel 14225

RECREATION SUPERVISOR III - A7140.1611 - \$5.50 per hour

Matthew Bean 14225
Norbert Rzeski 14211

RECREATION ATTENDANT - A7140.1614 - \$4.50 per hour

Andrea Rzeski 14211

PROGRAM COORDINATOR - A7140.161 - \$6.00 per hour

Michael Bogdan 14225

FIGURE SKATING INSTRUCTOR - A7140.1611 - \$10.00 per hour

Mary Sue Lesniak 14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Councilman Solecki, Seconded by Supervisor Swiatek

WHEREAS, the New York State Assessor's Association is holding its annual meeting and seminar on assessment administration in Ellenville, New York on September 30, October 1 & 2, 1991 and

WHEREAS, said program is given at no cost to the Town of Cheektowaga, NOW, THEREFORE, BE IT

MEETING NO. 18
September 3, 1991

Item No. 19a continued

RESOLVED, that Assessor, Casimir A. Kozminski be and hereby is authorized to attend said Program on September 30, October 1 & 2, 1991.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the State Office of Court Administration will be sponsoring a continuing Judicial Education Program for Town Justices from October 6th-9th, 1991 at the Nevele Hotel in Ellenville, New York, and

WHEREAS, such program may be used towards satisfying the judicial education requirements for Town Justices, and

WHEREAS, the Cheektowaga Town Justices have requested permission for Town Justice Thomas S. Kolbert to attend this program, NOW, THEREFORE, BE IT

RESOLVED, that the Honorable Thomas S. Kolbert be and hereby is authorized to attend the aforementioned Judicial Education Program, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable and necessary costs associated with Justice Kolbert's attendance at this program at a cost not to exceed \$500.00 from budget line item 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19c Motion by Councilman Solecki, Seconded by Supervisor Swiatek
Chairman of Sanitation Committee

WHEREAS, the Third Annual Recycling Conference will be held in Rochester, New York on November 12th and 13th, 1991, and

WHEREAS, during such meeting, sessions covering numerous municipal-related topics of interest to Town officials are held, and

WHEREAS, at such Annual Conference a session featuring a Waste Reduction Workshop, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are authorized to attend the 1991 Third Annual Recycling Conference:

Ronald C. Zoeller, Foreman Sanitation/Recycling Department
David J. Kulik, Foreman Recycling Department

and BE IT FURTHER

RESOLVED, that the Town shall reimburse the above-named individuals for their reasonable and necessary expenses incurred in attending such meeting out of the following referenced budget line item, not to exceed \$600.00:

Line Item #15-8173-4000-4088

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

MEETING NO. 18
September 3, 1991

Item No. 19d Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the Office of Court Administration will be conducting a seminar for Town and Village Court Clerks from October 6th - 9th, 1991 at the Fallsview Hotel in Ellenville, New York, and

WHEREAS, topics to be discussed at such seminar include forms used in Justice Court, recordkeeping, criminal disposition reporting, new legislation and procedures pertaining to vehicle and traffic, criminal, small claims and civil matters in the Town Courts, and

WHEREAS, the Town Justices have requested permission for court clerks Robert Kapron, Florence Walentynowicz and Cheryl Wasielewski to attend this seminar, and

WHEREAS, the attendance of Town court clerks at this seminar is important to maintain an efficient court system and to comply with changing administrative rules promulgated by the Unified Court System, NOW, THEREFORE, BE IT

RESOLVED, that Town court clerks Robert Kapron, Florence Walentynowicz and Cheryl Wasielewski be and hereby are authorized to attend the aforementioned seminar, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable and necessary costs associated with such court clerks attending said seminar in an amount not to exceed \$1,500.00 from budget line item number 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Councilman Gabryszak, Seconded by Supervisor Swiatek

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND

FROM:	0100-9010-8121	Social Security	\$ 3,000.00
	0100-7310-1803	Adapted Recreation Program	9,000.00
	0100-1410-4001	Office Supplies	536.00
	0100-3120-2625	Drug Revenue Account	5,000.00
	0100-3310-4471	Signs & Markings	10,000.00
	0100-3120-1501	Police Captains	10,000.00
TO:	0100-3120-4093	Police Training	10,000.00
	0100-3310-4476	Signal Repairs	10,000.00
	0100-3120-2205	Drug Expense Account	5,000.00
	0100-1410-4431	Equipment Maintenance	536.00
	0100-7310-1802	Developmentally Disabled Day Camp	9,000.00
	0100-1220-1391	Part-Time Clerical	3,000.00

TRUST & AGENCY

FROM:	0600-0881-	Drug Forfeiture Account	5,000.00
TO:	0100-3120-2625	General Fund Drug Asset Act.	5,000.00

RISK RETENTION

FROM:	1000-1935-4703	Losses - Auto Liability Claims	50,000.00
TO:	1000-1710-4523	Claims Administration	30,000.00
		Workers Compensation Access	
	1000-1710-4523	Claims Administration	20,000.00
		Workers Compensation Access	

MEETING NO. 18
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Item No. 20 continued

PART TOWN

FROM:	0800-3620-1401	Assistant Building Inspector	8,500.00
TO:	0800-3620-1374	Building & Zoning Clerk	8,500.00

SPECIAL DISTRICTS

FROM:	1500-8160-1414	MEO "B"	80,000.00
	2500-8125-4543	Contracted Sewer Repairs	7,000.00
TO:	1500-8173-1410	Recycling Drivers	80,000.00
	2500-8125-4475	Root Control	7,000.00

CAPITAL

FROM:	5014-5132-0315	Highway Input Bond 1990	32,000.00
TO:	5014-5132-1315	Ledyard Street Bridge	32,000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Swiatek, Seconded by Councilman Gabryszak

BE IT RESOLVED that the following vouchers and warrants are submitted to the Town of Cheektowaga prior to August 30, 1991, are hereby approved and made a part hereof:

GENERAL FUND	\$ 99,192.01
HIGHWAY FUND	23,079.83
TRUST & AGENCY FUND	16,196.17
HUD CDBG FUND	52,371.15
PART TOWN FUND	770.69
RISK RETENTION FUND	17,294.64
STATE AHC FUND	1,640.00
HUD HOUSING REHABILITATION FUND	2,254.00
SPECIAL DISTRICTS FUND	410,729.49
CAPITAL PROJECTS	<u>272,197.12</u>
	\$895,725.10
	=====

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATION

Item No. 22 Building Permits.
Received and filed.

IV. GENERAL COMMUNICATION

Item No. 23a Notice of Claim: Andrew Golebiowski vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits,
Town Attorney; Sylvia Slawiak, Accounting Department; Highway Dept.
and Allied Claims Insurance Carrier.
Received and Filed.

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- Item No. 23b Notice of Claim: Robert C. and Joan L. Hayman vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 23c Notice of Claim: Maria Serafin vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Sewer Maintenance Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 23d Notice of Claim: Weaver Metal & Roofing Co., Inc. vs the Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Sewer Maintenance Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 24a Notice of Petition: Robert J. Bradley vs the Board of Assessment Review and the Assessor of the Town of Cheektowaga
Copies were sent to: Assessor
Received and Filed.
- Item No. 24b Notice of Petition: Buffalo Forge Company vs the Town of Cheektowaga, Its Assessor and Its Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.
- Item No. 24c Notice of Petition: Cook Moving Systems, Inc. vs the Board of Assessors and the Board of Assesement Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24d Notice of Petition: Joseph M. DiPizio and Anne M. DiPizio vs the Town Assessor and the Office of Assessment Services
Copies were sent to: Assessor
Received and filed.
- Item No. 24e Notice of Petition: Firestone Tire and Rubber Company vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24f Notice of Petition: First Lancer Court Apartment vs the Town of Cheektowaga Assessor and the Board of Assessment Review
Copies were sent to: Assessor
Received and filed.
- Item No. 24g Notice of Petition: Flanigan's Furniture Showrooms vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.

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September 3, 1991

- Item No. 24h Notice of Petition: Leica, Inc. vs the Assessor and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24i Notice of Petition: Robert J. Bradley & Manor Oak Skilled Nursing Facilities, Inc. vs the Town Assessor and the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24j Notice of Petition: Mary Ann Miller, Trustee, Schectman Children's Trust vs the Town of Cheektowaga Office of Assessment Review and the Assessor
Copies were sent to: Assessor
Received and filed.
- Item No. 24k Notice of Petition: New Erie Industrial Center vs the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24l Notice of Petition: New York State Electric & Gas vs the Board of Assessor of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24m Notice of Petition: New York Telephone vs the Town of Cheektowaga and Its Assessor and the Board of Assessment Review
Copies were sent to: Assessor
Received and filed.
- Item No. 24n Notice of Petition: Peter Gfroerer, as Agent for NOCO Energy Corporation vs the Board of Assessment Review and the Assessor of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24o Notice of Petition: Orange Valley Associates, a Limited Partnership vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24p Notice of Petition: The Price Company vs the Assessor and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24q Notice of Petition: Silo Inc. #15 vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24r Notice of Petition: The Southland Corporation, Lessee vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.

MEETING NO. 18
September 3, 1991

- Item No. 24s Notice of Petition: The Southland Corporation, Lessee vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24t Notice of Petition: The Southland Corporation, Lessee vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24u Notice of Petition: The Southland Corporation, Lessee vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24v Notice of Petition: The Southland Corporation, Lessee vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24w Notice of Petition: Southland Employees' Trust vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24x Notice of Petition: Marvin Spindelman vs the Assessor and Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24y Notice of Petition: Stroehmann Bakeries Company vs the Board of Assessors and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor
Received and filed.
- Item No. 24z Notice of Petition: 2525 Walden Associates vs the Town of Cheektowaga Assessor and the Office of Assessment Review
Copies were sent to: Assessor
Received and filed.

* * * * *

MOTION BY SUPERVISOR SWIATEK, SECONDED BY COUNCILMAN GABRYSZAK TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION(S) AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* * * * *

V. SUSPENSION OF RULES

Item No. 25 Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, Kenneth Stoller has unexpectedly resigned his position as Dog Warden, AND

WHEREAS, due to unforeseen circumstances, the need has arisen to hire a qualified person to perform the duties of a Dog Warden, AND

WHEREAS, Thomas Gagliardo has applied for and is qualified to handle the duties of a Dog Warden, NOW, THEREFORE, BE IT

RESOLVED, that Thomas Gagliardo of _____ in Cheektowaga, New York 14225 be and hereby is hired as a part-time Dog Warden to be paid \$5.00 per hour and not to work more than 19 hours per week, AND BE IT

FURTHER RESOLVED, that this appointment is effective immediately, AND BE IT

FURTHER RESOLVED, that this position is funded out of Line Item #0100-3510-1491.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 26 Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, Joan L. Cyrankowski is currently employed as a School Crossing Guard for the Town of Cheektowaga, AND

WHEREAS, she has requested a one year unpaid leave of absence, NOW, THEREFORE, BE IT

RESOLVED, that Joan L. Cyrankowski of _____ in Cheektowaga is hereby granted a one year unpaid leave of absence from September 3, 1991 to September 3, 1992.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 27 Motion by Councilman Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Church World Service (CWS) and Cheektowaga Clergy Association (CCA) desire to sponsor a fund-raiser and consciousness-raising event in the Town of Cheektowaga in celebration of World Food Day and to help hungry people nationally and internationally through emergency food assistance and development projects, AND

WHEREAS, Robert C Hutchinson, Pastor, Cleveland Hill Evangelical Lutheran Church has requested permission from this Town Board to plan and supervise a ten kilometer "CROP Walk" on Sunday, October 20, 1991 beginning at 1:30 p.m. in the Town, and

WHEREAS, such CROP Walk is planned to begin at the Stiglmeier Park Community Center and will proceed down Losson Road to Union Road to Bennett Road to Como Park Boulevard to Borden Road to Losson Road and will conclude at the Stiglmeier Park Community Center, and

WHEREAS, CWS and CCA have insurance coverage to protect even participants against accidental injury or death, and

Item No. 27 continued

WHEREAS, up to 25% of the funds raised by CWS and CCA may be returned to local agencies for programs such as the Meals on Wheels and other programs involved with feeding hungry people, and

WHEREAS, Cheektowaga's CROP Walk held on October 14, 1990 raised \$8,308.94 to help hungry people around the world and approximately \$2,072.25 was returned to the Town for the Town's Meals on Wheels and other local programs, and

WHEREAS, this Town Board feels that monies raised through CROP Walks make significant contributions to the alleviation of hunger throughout the world and that a CROP Walk is an endeavor worthy of the Town Board's attention and approval, NOW, THEREFORE, BE IT

RESOLVED, that CWS and CCA be and hereby are given permission to hold its October 20, 1991 ten kilometer walk along Losson Road, Union Road, Bennett Road, Como Park Boulevard and Borden Road in the Town, and BE IT FURTHER

RESOLVED, that the Town Board hereby formally requests that CWS and CCA return 25% of the funds collected through the aforementioned CROP Walk to the Town of Cheektowaga and/or County of Erie to be used for the Town of Cheektowaga Meals on Wheels Program and other local programs involved with feeding the hungry people, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Robert C. Hutchinson, Pastor, Cleveland Hill Evangelical Lutheran Church, 261 Cleveland Drive, Cheektowaga, New York.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz to adjourn this meeting.

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 20 October 7, 1991

- 1 Rezoning of 22.9+ acres of vacant land on Sonwil Drive from R-Residential and RA-Apartment Districts to M1-Light Manufacturing District
- 2 Rezoning of 64 Hedley Street from R-Residential District to RA-Apartment District

PUBLIC HEARINGS

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3	Award of Bid: Disposition of Recyclable Material Collected Within the Town of Cheektowaga	1

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16th day of September, 1991 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

Also present were: Richard M. Moleski, Town Clerk; Robert Kaczmarek, Chief Accountant; James Kirisits, Town Attorney; Chester L. Bryan, Town Engineer; Ronald Marten, Building Inspector; Bruce Chamberlin, Chief of Police; Christopher J. Kowal, Highway Superintendent, Patricia Wojcik, Senior Services Board; Salvatore LaGreca, Chairman of Planning Board, and Leonard Szymanski, Facilities Foreman.

I. RESOLUTIONS

Item No. 2a Motion by Councilman Rogowski Seconded by Councilman Blachowski

WHEREAS, this Town Board held a public hearing on September 3, 1991 at 7:30 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the following amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE VII

Turning Movements

Article VII shall be amended by adding thereto the following sections:

§76-71 Left Lane Must Turn Left

AERO DRIVE eastbound at its approach to Youngs Road

§76-72 Thru Traffic Use Right Lane

AERO DRIVE eastbound at its approach to Youngs Road

ARTICLE X

Parking, Standing and Stopping

§76-102 Parking prohibited in designated locations.

Item No. 2a continued

§76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

A. No parking this side or one side parking

BALBACH DRIVE	North & east sides	from the east curbline of Beach Road to the north curbline of Peinkofer Drive
---------------	-----------------------	--

§76-102 of the traffic ordinance shall be amended as follows:

F. Miscellaneous signs

Amend "(6) No Parking or Standing" to read - "(6) No Standing Anytime"

Amend "(15) No Stopping" to read - "(15) No Stopping Anytime"

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

BALBACH DRIVE	South & east sides	from the east curbline of Beach Road to the north curbline of Peinkofer Drive
---------------	-----------------------	--

F. Miscellaneous signs

(15) No Stopping Anytime

LOSSON ROAD	North side	from the east curbline of Stiglmeier Park Road easterly 350 feet to a point
LOSSON ROAD	North side	from the west curbline of Stiglmeier Park Road westerly 350 feet to a point
LOSSON ROAD	South side	from the east curbline of Towers Boulevard easterly 350 feet to a point
LOSSON ROAD	South side	from the west curbline of Towers Boulevard westerly 350 feet to a point

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

MEETING NO. 19
September 16, 1991

Item No. 2a continued

AND BE IT FURTHER RESOLVED, that a copy of this resoluton be forwarded to the Erie County Department of Public Works, Division of Highways, 95 Franklin Street, Buffalo, New York 14202.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK }
COUNTY OF ERIE } ss.
TOWN OF CHEEKTOWAGA }

.....Melanie Wolf....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
towaga Times, a public newspaper published
weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
paper is a copy, was inserted and published in
said paper once a week for1..... weeks;
first publication.....September 19, 1991.....;
last publication.....September 19, 1991.....;
and that no more than six days intervened be-
tween publications.

.....Melanie Wolf.....

Sworn to before me this19th.....

day ofSeptember....., 1991.....

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/01

**LEGAL NOTICE
EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16th day of September 1991 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

- Supervisor Frank E. Swiatek
- Councilman Patricia A. Jaworowicz
- Councilman Dennis H. Gabryszak
- Councilman Richard B. Solecki
- Councilman William P. Rogowski
- Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Rogowski and Seconded by Councilman Blachowski

WHEREAS, this Town Board held a public hearing on September 3, 1991 at 7:30 P.M. to consider the advisability of adoption of proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof.

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1.

That this Town Board determine that it is in the public interest to adopt the follow amendments to Chapter 76 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

**ARTICLE VII
Turning Movements**

Article VII shall be amended by adding thereto the following sections:

- §76-71 Left Lane Must Turn Left
- AERO DRIVE eastbound at its approach to Youngs Road
- §76-72 Thru Traffic Use Right Lane
- AERO DRIVE east bound at its approach to Youngs Road

**ARTICLE X
Parking, Standing and Stopping**

§76-102 Parking prohibited in designated locations
§76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

- A. No parking this side of one-side parking
- BALBACH DRIVE North & east sides from the east curbline of Beach Road to the north curbline of Peinkofer Drive

§76-102 of the traffic ordinance shall be amended as follows:

- F. Miscellaneous signs
- Amend "(6) No Parking or Standing" to read-"(6) No Standing Anytime"
- Amend "(15) No Stopping" to read-"(15) No Stopping Anytime"
- §76-102 of the traffic ordinance shall be amended by adding thereto the following:

- B. No parking anytime
- BALBACH DRIVE South & east sides from the east curbline of Beach Road to the north curbline of Peinkofer Drive

F. Miscellaneous signs
(15) No Stopping Anytime

- LOSSON ROAD North side from the east curbline of Stiglmeier Park Road easterly 350 feet to a point
- LOSSON ROAD North side from the west curbline of Stiglmeier Park Road westerly 350 feet to a point
- LOSSON ROAD South side from the east curbline of Towers Boulevard easterly 350 feet to a point
- LOSSON ROAD South side from the west curbline of Towers Boulevard westerly 350 feet to a point

Section 2. Time to take effect

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Erie County Department of Public Works, Division of Highways, 95 Franklin Street, Buffalo, New York 14202.

Upon roll call.....

- Supervisor Swiatek Voting AYE
- Councilman Blachowski Voting AYE
- Councilman Jaworowicz Voting AYE
- Councilman Gabryszak Voting AYE
- Councilman Rogowski Voting AYE
- Councilman Solecki Voting AYE

AYES: 6

NAYES: 0

ABSENT: 0

STATE OF NEW YORK

COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 16, 1991, and minutes of said meetings have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meeting of said Board, and such minutes appear at item 2A, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of September, 1991.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 19, 1991

Item No. 2b Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, Gemini Express Lines applied for a Special Permit for a truck terminal and maintenance garage on property located at 3160 Union Road, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 19th day of August, 1991 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit subject to the following conditions:

1. There is to be no outside storage of any vehicle used for parts and only vehicles used by Gemini Express can be repaired on the premises; this operation is not to be open to the general public.
2. A "One Way" out sign should be prominently posted on the south driveway.
3. All Town approved landscaping and blacktopping to a depth of 80 feet from the front line shall be installed immediately.
4. The area is to be immediately dust-proofed to a depth of 245 feet, commencing at the rear of the aforementioned 80 foot strip, with a method acceptable to the Town Building Inspector and/or Highway Department. Blacktopping of this area must be completed within one (1) year after the date of Town Board approval of the special permit.

and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga", has also duly considered the application for the Special Permit for the above-referenced property located at 3160 Union Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided the following conditions are complied with:

1. A 10 foot wide landscaping strip be established along the north property line from Union Road to a depth the same as the landscaping proposed for Don's Collision (i.e., to the rear of the Don's Collision building).
2. The landscaping be curbed with concrete curbing.
3. The south drive be eliminated from Union Road to a point approximately 80 feet west, and this area be landscaped.
4. All parked vehicles and spare parts be stored inside the building.
5. Property be re-graded to improve the drainage, with the approval of the Town Engineer.
6. Dust control measures be instituted subject to the approval of the Town Highway and Engineering Department.
7. Landscaping be installed simultaneously with the blacktop, as shown on the plans.

and,

WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee,

Item NO. 2b continued

NOW, THEREFORE, BE IT RESOLVED, that said Special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Town Planning Board and Environmental Advisory Committee.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* See Next Page For Legal Description

AFFIDAVIT - NEXT PAGE

PROPOSED LEGAL DESCRIPTION
3160 UNION ROAD

BEGINNING at a point on the east line of Lot 15, said line also being the Centerline of Union Road at a distance of 1232.00 feet south of the south line of Broadway as measured on said centerline of Union Road; running thence westerly at an angle of $92^{\circ}01'30''$ in the northwest quadrant with the westerly line of Union Road a distance of 400.00 feet; thence northerly and parallel the easterly line of Lot 15 a distance of 110.00 feet to a point; thence westerly and parallel the first described 400.00 foot course 438.86 feet to a point; thence southerly and parallel the easterly line of Lot 15, 350.00 feet to a point; thence westerly at an angle of $92^{\circ}01'30''$ in the northwest quadrant with the centerline of Union Road a distance of 838.86 feet to a point on the east line of Lot 15; thence northerly on the east line of Lot 15 being the Centerline of Union Road 240.00 feet to the point or place of beginning.

**LEGAL NOTICE
EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD**

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of September 1991 at 7:30 o'clock p.m. Eastern Daylight Savings Time there were:

PRESENT:

Supervisor Frank E. Swiatek
Councilman Patricia A. Jaworowicz
Councilman Dennis H. Gabryszak
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski

ABSENT: 0

Motion by Councilman Gabryszak and Seconded by Councilman Solecki

WHEREAS, Gemini Express Lines applied for a Special Permit for a truck terminal and maintenance garage on property located at 3160 Union Road, Cheektowaga, New York pursuant to Section 82-33 of the Code of the Town of Cheektowaga ("Zoning Ordinance"); said property being further described in the attached copy of the legal description thereto, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 19th day of August, 1991 at 7:00 o'clock P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Ordinance and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval of the Special Permit subject to the following conditions:

1. There is to be no outside storage of any vehicle used for parts and only vehicles used by Gemini Express can be repaired on the premises; this operation is not to be open to the general public.

2. A "One Way" out sign should be prominently posted on the south driveway.

3. All Town approved landscaping and blacktopping to a depth of 80 feet from the front line shall be installed immediately.

4. The area is to be immediately dust-proofed to a depth of 245 feet, commencing at the rear of the aforementioned 80 foot strip, with a method acceptable to the Town Building Inspector and/or Highway Department. Blacktopping of this area must be completed within one (1) year after the date of Town Board approval of the Special permit.

and WHEREAS, the Environmental

Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the Special Permit for the above-referenced property located at 3160 Union Road, and has rendered a determination that the Special Permit will not have a significant effect on the environment provided the following conditions are complied with:

1. A 10 foot wide landscaping strip be established along the north property line from Union Road to a depth the same as the landscaping proposed for Don's Collision (i.e., to the rear of the Don's Collision building).

2. The landscaping be curbed with concrete curbing.

3. The south drive be eliminated from Union Road to a point approximately 80 feet west, and this area be landscaped.

4. All parked vehicles and spare parts be stored inside the building.

5. Property be re-graded to improve the drainage, with the approval of the Town Engineer.

6. Dust control measures be instituted subject to the approval of the Town Highway and Engineering Departments.

7. Landscaping be installed simultaneously with the blacktop, as shown on the plans.

and WHEREAS, this Town Board agrees with the determination made by the Environmental Advisory Review Committee.

NOW, THEREFORE, BE IT RESOLVED that said Special Permit be and hereby is granted subject to the aforementioned conditions recommended by the Town Planning Board and Environmental Advisory Committee.

Upon roll call.....
Supervisor Swiatek Voting AYE
Councilman Blachowski Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Gabryszak Voting AYE
Councilman Rogowski Voting AYE
Councilman Solecki Voting AYE

AYES: 6
NAYES: 0
ABSENT: 0

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town hereinafter described, DO HEREBY CERTIFY as follows:

1. A regular meeting of the Town Board of the Town of Cheektowaga, a town located in the County of Erie, State of New York, was duly held on September 16, 1991, and minutes of said meetings have been duly recorded in the Minute Book by me in accordance with law for the purpose of recording the minutes of meeting of said Board, and such minutes appear at item 2B, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of September, 1991.

RICHARD M. MOLESKI
Town Clerk
PUBLISH: September 19, 1991

28

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isClerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication.....September 19, 1991.....; last publication.....September 19, 1991.....; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this19th..... day ofSeptember....., 19..91..

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 3a Motion by Councilman Rogowski Seconded by Councilman Blachowski

WHEREAS, Wayne F. Jendrasik has made application and requested the rezoning of property located at 64 Hedley Street from R-Residential to RA-Apartment District said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 7, 1991 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

* SEE LEGAL DESCRIPTION NEXT PAGE

AFFIDAVIT - NEXT PAGE

All that Tract or Parcel of Land, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Great Lot Nos. ~~Seventy-Two (72)~~ and Seventy-Three (73), in Township Ten (10), of the Seventh (7th) Range of the Buffalo Creek Indian Reservation so-called and being the South Two (2) feet of Subdivision Lot No. Thirty-One (31) and all of Subdivision Lot Nos. Thirty-Two (32) Thirty-Three (33), and Thirty-Four (34) in Block No. Two (2) in a subdivision map of said Lot Nos. Seventy-Two (72) and Seventy-Three (73) made by William J. White, Surveyor, and filed in Erie County Clerk's Office under map cover no. 311, to which reference is hereby made for greater certainty, and being situate on the Westerly side of Hedley Street.

91645-19

Lot 73 10/7 Sect + 2E11

SENIOR CITIZEN FUND

RECEIVED
26800
REAL ESTATE
24745
JUN 26 1991
TRANSFER TAX
ERIE
COUNTY

LIRP 10301 PG 515

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 7th day of OCTOBER, 1991 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of WAYNE F. JENDRASIK to Rezone from R-RESIDENTIAL District to RA-APARTMENT District on property located at 64 HEDLEY STREET and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Great Lot Seventy-Three (73), in Township Ten (10), of the Seventh (7th) Range of the Buffalo Creek Indian Reservation so-called and being the South Two (2) feet of Subdivision Lot No. Thirty-One (31) and all of Subdivision Lot Nos. Thirty-Two (32) Thirty-Three (33), and Thirty-Four (34) in Block No. Two (2) in a subdivision map of said Lot Nos. Seventy-Two (72) and Seventy-Three (73), made by William J. White, Surveyor, and filed in Erie County Clerk's Office under map cover no. 311, to which reference is hereby made for greater certainty, and being situate on the Westerly side of Hedley Street.

BY ORDER OF THE TOWN BOARD

- Supervisor Frank E. Swiatek
- Councilman Patricia A. Jaworowicz
- Councilman Dennis H. Gabryszak
- Councilman Richard B. Solecki
- Councilman William P. Rogowski
- Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI

Town Clerk

PUBLISH: September 19, 1991

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA** } ss.

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication September 19, 1991; last publication September 19, 1991; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this 19th

day of September, 1991

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

Item No. 3b Motion by Councilman Blachowski Seconded by Councilman Solecki

WHEREAS, Sonwil Distribution Center, Inc. has made application and requested the rezoning of 22.96+ acres of vacant land on Sonwil Drive from R-Residential and RA-Apartment Districts to M1-Light Manufacturing District said applicant being the owner of property aforementioned, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 7, 1991 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

* See Next Page For Legal Description

AFFIDAVIT - NEXT PAGE

October 29, 1990

PROPOSED RE-ZONING
R to M1

ALL THAT CERTAIN PLOT, PIECE, PARCEL OF LAND situate, lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 74, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the south line of the Town of Cheektowaga with the east line of lands conveyed to Edward Mader, Jr. by Deed recorded in Erie County Clerk's Office in Liber 6965 of Deeds at page 349; thence northerly along the east line of said lands 2213.67 feet to the north line of said Lot No. 74; thence easterly along the north line of said lot, 196.68 feet to the east line of lands conveyed to Louis Maignet by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at page 472; thence southerly along the east line of said lands 2217.32 feet to the south line of the Town of Cheektowaga; thence westerly along the south line of said Town 196.68 feet to the POINT OR PLACE OF BEGINNING.

Containing 10.00 acres more or less.

LEGAL NOTICE
 NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 7th day of OCTOBER, 1991 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of SONWIL DISTRIBUTION CENTER, INC. to Rezone from R-RESIDENTIAL & RA-APARTMENT District to M1-LIGHT MANUFACTURING District on property located on 22.96 acres of vacant land on Sonwil Drive and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Ordinance of the Town of Cheektowaga, New York.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed application.

**PROPOSED RE-ZONING
 RA TO M1**

ALL THAT CERTAIN PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 74, Township 11, and Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at a point in the southerly line of said Lot 74, where same is intersected by the easterly line of that parcel of land described and designated Parcel No. 3 in Deed from New York State Realty and Terminal Company, Predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the Clerk of said County of Erie in Liber 1970 of Deeds, at page 156; and running thence northerly, along the easterly line of that parcel of land described and designated Parcel No. 3 in Deed dated and recorded as aforesaid, said line also being the westerly line of lands described in a Deed to Lawrence Reger et al, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at page 233, 1184.47 feet to the northwest corner of said land conveyed to Reger pursuant to the aforesaid Deed to the principal POINT OF BEGINNING; thence 1370.43 feet along the east line of Parcel 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly, continuing along the easterly line of that parcel of land described and designated Parcel No. 3 in Deed dated and recorded as aforesaid 844.82 feet to the

northeasterly corner thereof; thence easterly along the northerly line of Lot 74, 344.16 feet, more or less, to the easterly line of that parcel of land described in Deed from Catherine Gangloff (also known as Katharina Gangloff) to New York State Realty and Terminal Company, dated July 1, 1925, recorded in the Office of the Clerk of said County of Erie in Liber 1691 of Deeds, at page 244; said line also being the west line of lands conveyed by deed from Ross Wagner to Conthru, Inc. dated December 15, 1986 recorded in the Office of the Erie County Clerk in Liber 9688 of Deeds of page 474 on December 31, 1986; thence southerly along the easterly line of that parcel of land described in Deed from Catherine Gangloff to New York State Realty and Terminal Company dated and recorded as aforesaid, 2213.67 feet to a point in the north line of the Deed to Lawrence Reger et al recorded as aforesaid; thence westerly along the aforesaid northerly line of Reger's land 159.42 feet to the principal POINT AND PLACE OF BEGINNING.

Containing 12.96 more or less acres.

**PROPOSED RE-ZONING
 R TO M1**

ALL THAT CERTAIN PLOT, PIECE, PARCEL OF LAND situate, lying and being in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 74,

Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the intersection of the south line of the Town of Cheektowaga with the east line of lands conveyed to Edward Mader, Jr. by Deed recorded in Erie County Clerk's Office in Liber 6965 of Deeds at page 349; thence northerly along the east line of said lands 2213.67 feet to the north line of said Lot No. 74; thence easterly along the north line of said lot, 196.68 feet to the east line of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at page 472; thence southerly along the east line of said lands 2217.32 feet to the south line of the Town of Cheektowaga; thence westerly along the south line of said Town 196.68 feet to the POINT OR PLACE OF BEGINNING.

Containing 10.00 acres more or less.

OF THE TOWN BOARD
 Supervisor Frank E. Swiatek
 Councilman Patricia A. Jaworowicz
 Councilman Dennis H. Gabryszak
 Councilman Richard B. Solecki
 Councilman William P. Rogowski
 Councilman Jacqueline A. Blachowski

RICHARD M. MOLESKI
 Town Clerk
 PUBLISH: September 19, 1991

**STATE OF NEW YORK
 COUNTY OF ERIE
 TOWN OF CHEEKTOWAGA** } ss.

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isClerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks: first publication September 19, 1991; last publication September 19, 1991; and that no more than six days intervened between publications.

.....Melanie Wolf.....

Sworn to before me this 19th

day of September, 1991

.....Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
 NOTARY PUBLIC, STATE OF NEW YORK
 QUALIFIED IN ERIE COUNTY
 MY COMMISSION EXPIRES 12/11/91

MEETING NO. 19
September 16, 1991

Item No. 3c Motion by Supervisor Swiatek Seconded by Councilman Solecki

Order calling for public hearing on petition for Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

* See attached pages

AFFIDAVIT - NEXT PAGE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 16th day of September, 1991.

PRESENT:

Hon. Frank E. Swiatek,	Supervisor
Patricia A. Jaworowicz,	Councilperson
Dennis H. Gabryszak,	Councilperson
Richard B. Solecki,	Councilperson
William P. Rogowski,	Councilperson
Jacqueline A. Blachowski,	Councilperson
	Councilperson

In the Matter
of the

Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law).

ORDER CALLING PUBLIC
HEARING TO BE HELD ON
OCTOBER 7, 1991

WHEREAS, the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

WHEREAS, certain municipalities have been invited by the Council to enter into agreements for the development, acquisition, construction, financing, operation and maintenance of the Joint Facility by execution of the Agreement for Reconstitution of Northern Recycling Council dated as of September 10, 1991 (hereinafter called the "Reconstitution Agreement") pursuant to Sections 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the execution of the Transition Agreement, dated as of September 10, 1991 (hereinafter called the "Transition Agreement") by each Member Municipality (as defined therein) and

by the Council, and by the execution of the Reconstitution Agreement by the Village of Depew and of a sufficient number of other municipalities with an aggregate population of not less than 200,000 (such accepted municipalities other than the Village of Depew to be hereinafter referred to as the "Participating Municipalities"), for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

WHEREAS, each Participating Municipality expects to adopt resolutions either appropriating current funds or authorizing the contracting of several indebtedness of its allocated share of an aggregate amount not to exceed \$3,500,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of each Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

WHEREAS, the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis;

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town," respectively), in the County of Erie, New York on behalf of the Cheektowaga Consolidated Refuse and Garbage District, in the Town (herein called "District"), proposes to increase and improve the facilities of the District by authorizing the joint construction and acquisition of the joint facility to be located in the Village of Depew and by committing to be bound by the Transition Agreement and the Reconstitution Agreement for the development, acquisition, construction, financing, operation and maintenance of the Joint Facility, and has estimated the total maximum capital cost to the District of said increase and improvement of facilities to be \$1,477,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway & Union Road, Cheektowaga, New York in the Town, on the 7th day of October 1991 at 7:30 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District as hereinafter above referred to and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

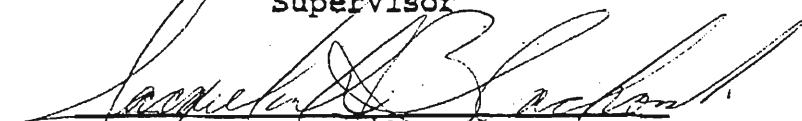
FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in the Town, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: SEPTEMBER 16, 1991

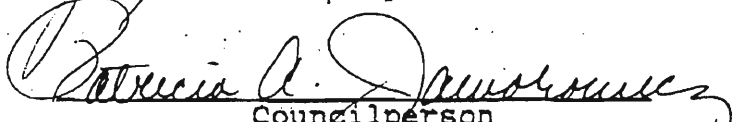
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA



Supervisor



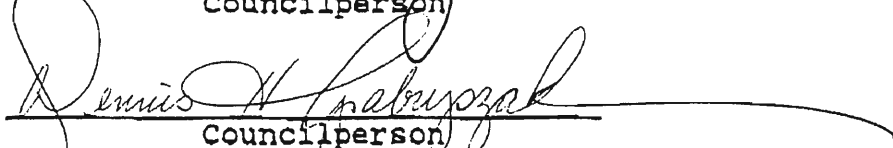
Councilperson



Councilperson



Councilperson



Councilperson

Councilperson



Councilperson

(SEAL)

Members of the Town Board of the
Town of Cheektowaga, New York

STATE OF NEW YORK)
 : ss.:
COUNTY OF ERIE)

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 16th day of September, 1991, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 16th day of September, 1991.

Richard M. Moleski
Town Clerk

(SEAL)

LEGAL NOTICE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 16th day of September, 1991.

PRESENT:

- Hon. Frank E. Swiatek, Supervisor
- Patricia A. Jaworowicz, Councilperson
- Dennis H. Gabryszak, Councilperson
- Richard B. Solecki, Councilperson
- William P. Rogowski, Councilperson
- Jacqueline A. Blachowski, Councilperson

In the Matter of the Increase and Improvement of Facilities of Cheektowaga Consolidated Refuse and Garbage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON

OCTOBER 7, 1991

WHEREAS, the Northern Recycling Council ("Council"), a joint board, was provided for pursuant to an intermunicipal agreement, dated as of June 20, 1990, to administer the development, acquisition, construction, financing, operation and maintenance of a joint materials recovery facility (the "Joint Facility") including the sale of recovered materials therefrom;

WHEREAS, certain municipalities have been invited by the Council to enter into agreements for the development, acquisition, construction, financing, operation and maintenance of the Joint Facility by execution of the Agreement for Reconstitution of Northern Recycling Council dated as of September 10, 1991 (hereinafter called the "Reconstitution Agreement") pursuant to Sections 120-w and 120-aa of the General Municipal Law, constituting Chapter 24 of the Consolidated Laws of the State of New York, and other applicable laws to become effective upon the execution of the Transition Agreement, dated as of September 10, 1991 (hereinafter called the "Transition Agreement") by each Member Municipality (as defined therein) and by the Council, and by the execution of the Reconstitution Agreement by the Village of Depew and of a sufficient number of other municipalities with an aggregate population of not less than 200,000 (such accepted municipalities other than the Village of Depew to be hereinafter referred to as the "Participating Municipalities"); for the joint construction, acquisition, operation, maintenance and financing of the Joint Facility to service the Participating Municipalities and such Participating Municipalities expect to duly authorize the joint construction, acquisition, operation, maintenance and financing of the Joint Facility;

WHEREAS, each Participating Municipality expects to adopt resolutions either appropriating current funds or authorizing the contracting of several indebtedness of its allocated share of an aggregate amount not to exceed \$3,500,000 to finance the estimated total capital cost of the Joint Facility by the issuance of bonds, for which the faith and credit of each Participating Municipality would be pledged, as evidence of its allocated share of such capital cost;

WHEREAS, the Council has applied for and expects to receive a grant of State funds pursuant to the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Quality Bond Act, Article 51, Title 9 of the Environmental Conservation Law and which upon receipt will be applied to reduce debt service on the secured indebtedness or to repay appropriations of current funds on an allocated share basis;

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town," respectively), in the County of Erie, New York on behalf of the Cheektowaga Consolidated Refuse and Garbage District, in the Town (herein called "District"), proposes to increase and improve the facilities of the District by authorizing the joint construction and acquisition of the joint facility to be located in the Village of Depew and by committing to be bound by the Transition Agreement and the Reconstitution Agreement for the development, acquisition, construction, financing, operation and maintenance of the Joint Facility, and has estimated the total maximum capital cost to the District of said increase and improvement of facilities to be \$1,477,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway & Union Road, Cheektowaga, New York in the Town, on the 7th day of October, 1991 at 7:30 o'clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District as hereinafter above referred to and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law;

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES", a newspaper published in the Town, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: SEPTEMBER 16, 1991
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

- Frank E. Swiatek, Supervisor
- Jacqueline A. Blachowski, Councilperson
- Patricia A. Jaworowicz, Councilperson
- William P. Rogowski, Councilperson
- Dennis H. Gabryszak, Councilperson
- Richard B. Solecki, Councilperson

Members of the Town Board of the Town of Cheektowaga, New York

STATE OF NEW YORK
COUNTY OF ERIE

I, RICHARD M. MOLESKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 16th day of September, 1991, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have

hereunto set my hand and affixed the corporate seal of said Town on this 16th day of September, 1991.

Richard M. Moleski
Town Clerk

PUBLISH: September 19, 1991

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA** } ss.

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isclerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....September 19, 1991.....; last publication.....September 19, 1991.....; and that no more than six days intervened between publications.

Melanie Wolf

Sworn to before me this19th..... day ofSeptember....., 1991.

Margaret J. Bourdette

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

MEETING NO. 19
September 16, 1991

Item No. 4a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, bid proposals for Roof and Sash Replacement at the North Branch Library were received at a public bid opening at Cheektowaga Town Hall on the 13th day of September, 1991, AND

WHEREAS, Scaffidi & Moore Architects has reviewed said proposals for compliance with the terms of the project specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby award the Roof and Sash Replacement Contract for the North Branch Library to:

JEMCO ROOFING CO., INC.
1800 Broadway
Buffalo, New York 14212

Base Bid	\$61,250
Alt. Bid No. GC-2	(+) 4,200
Alt. Bid No. GC-3	(+) 3,500
Recommended Contract Amount	\$68,950

Reject Alt. Bid No. GC-1, and

BE IT FURTHER RESOLVED, that funds for said action are available from Account #5815-7410-1100.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 4b Motion by Councilman Rogowski Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated August 19, 1991, this Town Board invited sealed bids for the purchase of diesel fuel and regular unleaded gasoline for use by the various departments in the Town, and

WHEREAS, one bid was received and opened at a public bid opening held on August 30, 1991 at 11:00 a.m., NOW, THEREFORE, BE IT

RESOLVED, that the bid for #2 Diesel Fuel and regular unleaded gasoline be awarded to T. F. KURK INC., 2130 Clinton Street, Buffalo, New York 14206.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 5 Motion by Councilman Solecki Seconded by Councilman Blachowski

WHEREAS, this Town Board previously adopted the Garbage, Rubbish and Refuse Collection Law of the Town of Cheektowaga, and

WHEREAS, pursuant to such local law, recyclable solid waste shall be collected separately from non-recyclable solid waste, and

WHEREAS, the Solid Waste Management Act of 1988 was adopted by the State Legislature to encourage source separation and recycling of solid waste, and

WHEREAS, bid specifications for "Disposition of Recyclable Materials Collected Within the Town of Cheektowaga" have been prepared, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders in the Cheektowaga Times and the Buffalo News, and BE IT FURTHER

Item No. 5 continued

RESOLVED, that the Town Clerk be and hereby is designated as the officer to open sealed bids for "Disposition of Recyclable Materials Collected Within the Town of Cheektowaga" at 11:00 A.M. on October 1, 1991 in the Council Chambers of the Cheektowaga Town Hall.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Law of the State of New York, that the Town of Cheektowaga will receive proposals for "Disposition of Recyclable Materials Collected Within the Town of Cheektowaga" at a public bid opening to be held on October 1, 1991 at 11:00 A.M. in the Council Chambers of the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York.

Information for bidders and specifications may be obtained from the Office of the Town Clerk, Town Hall, corner of Broadway and Union Road, Cheektowaga, New York during regular business hours, Monday through Friday, 9:00 A.M. to 4:30 P.M.

By means of this bid, the Town of Cheektowaga seeks to contract with a reliable and qualified vendor who will accept, market and transport all recyclable material collected within the Town of Cheektowaga.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: September 16, 1991

Richard M. Moleski
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

LEGAL NOTICE
NOTICE IS HEREBY GIVEN, in compliance with Section 103 of the General Municipal Law of the State of New York, that the Town of Cheektowaga will receive proposals for "Disposition of Recyclable Materials Collected Within the Town of Cheektowaga" at a public bid opening to be held on October 1, 1991 at 11:00 A.M. in the Council Chambers of the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York.

Information for bidders and specifications may be obtained from the Office of the Town Clerk, Town Hall, corner of Broadway and Union Road, Cheektowaga, New York during regular business hours, Monday through Friday, 9:00 A.M. to 4:30 P.M.

By means of this bid, the Town of Cheektowaga seeks to contract with a reliable and qualified vendor who will accept, market and transport all recyclable material collected within the Town of Cheektowaga.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: September 16, 1991

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 19, 1991

.....Melanie Wolf....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) isClerk..... of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for1..... weeks; first publication.....September 19, 1991.....; last publication.....September 19, 1991.....; and that no more than six days intervened between publications.

Melanie Wolf.....

Sworn to before me this19th.....

day ofSeptember....., 1991.....

Margaret J. Bourdette.....

Notary public in and for Erie County, N. Y.

MARGARET J BOURDETTE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/91

NOTICE TO BIDDERS
 NOTICE IS HEREBY GIVEN
 in compliance with Section 103
 of the General Municipal Law
 of the State of New York,
 that the Town of Cheektowaga
 will receive proposals for
 "Disposition of Recyclable Ma-
 terials Collected Within the
 Town of Cheektowaga" at a
 public bid opening to be held
 on October 1, 1991 at 11:00
 A.M. in the Council Chambers
 of the Cheektowaga Town
 Hall, corner of Broadway and
 Union Road, Cheektowaga,
 New York.
 Information for bidders and
 specifications may be obtained
 from the Office of the Town
 Clerk, Town Hall, corner of
 Broadway and Union Road,
 Cheektowaga, New York dur-
 ing regular business hours,
 Monday through Friday, 9:00
 A.M. to 4:30 P.M.
 By means of this bid, the
 Town of Cheektowaga seeks
 to contract with a reliable and
 qualified vendor who will ac-
 cept, market and transport all
 recyclable material collected
 within the Town of Cheektowaga.
 BY ORDER OF THE TOWN
 BOARD OF THE TOWN OF
 CHEEKTOWAGA, ERIE
 COUNTY, NEW YORK.
 RICHARD M. MOLESKI
 Town Clerk
 Dated: September 16, 1991

DATA OBTAINED

of the City of Buffalo, New York,
 being duly sworn, deposes and says
 that she/he is Principal Clerk of THE
 BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY
 INC., Publisher of THE BUFFALO NEWS, a
 newspaper published in said city,
 that the notice of which the annexed
 printed slip taken from said newspaper
 is a copy, was inserted and published
 therein 1 time, the insertion
 being on the 19th day of September 1991

Dates Ad Ran : 9/19

Sworn to before me this 20th day
 of SEPTEMBER 19 91

Law E. Belman
 Notary Public, Erie County, New York

NOTARY PUBLIC
 STATE OF NEW YORK
 My Comm. Expires 9/1

Item No. 6 Motion by Councilman Blachowski Seconded by Supervisor Swiatek

WHEREAS, Sonwil Distribution Center, Inc. (the "Developer") applied to the Town of Cheektowaga for an environmental review of its request to rezone 22.96+ acres of land at the terminus of Sonwil Drive from R-Residential District and RA-Apartment District to M1-Light Manufacturing District for the Construction of warehouse, distribution and light manufacturing buildings (the "Project") under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, there was agreement between the various governmental agencies that the Town Board of the Town of Cheektowaga was to act as lead agency in matters concerning this Project, and

WHEREAS, by resolution dated December 6, 1990, this Town Board determined that significant environmental effects relating to the Project (a/k/a positive declaration) existed and that a Draft Environmental Impact Statement ("DEIS") for same must be prepared by the Developer, and

WHEREAS, the Developer submitted documentation to the Town stating that the environmental impacts the Town Board anticipated would not occur, and

WHEREAS, the Developer has made the following listed commitments with respect to the development of the Project site:

1. The Developer must present plans for each phase of construction or development of the site.
2. Prior to the issuance of building permits, the U.S. Army Corps of Engineers shall issue a determination regarding the effect of the wetlands upon the Project (and vice versa).
3. Should the Developer not begin construction or any development of the site within one year of the approval of the rezoning, the rezoning will be considered null and void.
4. The emergency access road (extension of Airport Drive) is to be installed by Developer at Developer's expense at a time mutually agreed upon between the Developer and Hy-View Fire District.
5. The existing private roadway known as Sonwil Drive (from Genesee Street to its terminus at the southerly property line of Sonwil Distribution Center's property), and the new sections of Sonwil Drive be constructed at Developer's expense to Town specifications and be dedicated to the Town prior to the issuance of any building permits for development of the Project site.
6. All utilities be installed or their installation be "guaranteed" prior to the issuance of any building permit.

and,

WHEREAS, based on the aforementioned commitments made by the Developer, the Town Environmental Review Advisory Committee has reviewed this matter and has recommended that this Town Board rescind its request for a DEIS for the Project and issue a negative declaration for same, NOW, THEREFORE, BE IT

RESOLVED, that, based on the aforementioned commitments made by the Developer, this Town Board hereby rescinds the positive declaration for the Project issued at the December 3, 1990 Town Board meeting, and BE IT FURTHER

RESOLVED, that the Building Inspector prepare the necessary negative declaration as indicated above and file same with the NYS DEC, interested and involved agencies and the Developer.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Councilman Gabryszak Seconded by Councilman Blachowski

WHEREAS, Wittburn Enterprises, Inc. has submitted Change Order #2 in

Item No. 7 continued

the amount of \$3,133.24 to add two (2) lighting fixtures each to pole #7 and #8 at the Stiglmeier Park Sports Lighting Project, AND

WHEREAS, R. P. Morrow Associates, P.C. and Facilities Department Director, James J. Matecki have reviewed said proposal as submitted by Wittburn Enterprises, Inc. as being in the best interest of the Town and safety of the athletic participants, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order #3 in the amount of \$3,133.24 as submitted by Wittburn Enterprises, Inc. 36 Cypress Street, Buffalo, New York 14204, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Account #5818-7110-1102.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located on 3525 Union Road, Cheektowaga, New York, SBL # 102.12-6-60.1 and according to the Assessor's Office is owned by Richard C. Anna and Margaret D. Anna, Cheektowaga, New York 14225, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 5090 Genesee Street, Cheektowaga, New York, SBL 93.01-1-8.1 and according to the Assessor's Office is owned by Michael Geiger, President, d/b/a Qual-Econ Lease Company Incorporated, 2320 West Oakfield, Grand Island, New York 14072, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing the debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Item No. 8b continued

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Rogowski Seconded by Councilman Blachowski

BE IT RESOLVED, that New York State Electric & Gas Corporation be and hereby is authorized to install four (4) 14400 lumen high pressure sodium lamps on Transit Road, at an annual increase to the General Lighting District of \$532.24 in accordance with the attached New York State Electric & Gas proposal dated September 3, 1991, which is hereby made a part of this resolution.

* See next pages

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0



September 3, 1991

STREET LIGHTING PROPOSAL

TOWN OF CHEEKTOWAGA

Transit Rd.

Install 4 - 14400 lumen HPS lamp @ \$133.06 ea.	= \$ 532.24
Poles - 35,37,40,44, Line - 217	
ANNUAL INCREASE	= \$ 532.24

This work is necessary based on existing electrical facilities located in the Town of Lancaster. They are being relocated to the west side of Transit Rd. (Cheektowaga Town). The relocation is in compliance with NYS DOT road job for Transit Rd.

Existing 20 ft. brackets will be revised on road job. This will eliminate bracket charges to the Town of Cheektowaga.

(This proposal is made contingent upon the terms and conditions covered in NYSEG's street lighting filed tariff agreement with the Town of Cheektowaga).

MEETING NO. 19
September 16, 1991

Item No. 10a Motion by Councilman Blachowski Seconded by Councilman Solecki

WHEREAS, on July 6, 1989, the Town of Cheektowaga entered into a Lease Agreement with the Cheektowaga Economic Development Corporation ("CEDC") for the lease of Town-owned land near the intersection of Walden Avenue and Harlem Road, and

WHEREAS, by resolution dated July 15, 1991, this Town Board approved an addendum to such Lease Agreement, and

WHEREAS, there is a need for the Town and the CEDC to clarify items in such agreements pertaining to the sharing of profits and expenses, and

WHEREAS, a Memorandum of Understanding has been prepared to help clarify such terms in the Lease Agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Memorandum of Understanding between the Town and the CEDC.

* See attached pages

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into this 18th day of September, 1991, by and between the TOWN OF CHEEKTOWAGA, NEW YORK (hereinafter the "Lessor") and the CHEEKTOWAGA ECONOMIC DEVELOPMENT CORPORATION (hereinafter the "Lessee").

WITNESSETH:

WHEREAS, the Lessor and the Lessee have entered into a certain Lease Agreement covering premises located south of Walden Avenue and west of Harlem Road in the Town of Cheektowaga, New York, consisting of 55 acres, more or less, whereby a leasehold interest in such premises was granted by the Lessor to the Lessee in order to facilitate the Lessee's ability to take action necessary for the development of the premises as an industrial and commercial park for the general betterment of the local community at large, which Lease Agreement is dated July 6, 1989, and was subsequently modified by Addendum thereto, adopted by resolution of the Town Board of the Town of Cheektowaga, New York on July 15, 1991, and made effective August 15, 1991 (the said Agreement and Addendum together referenced herein as the "Lease Agreement"); and

WHEREAS, the Lessee, in accordance with the general purposes of such Lease Agreement, and pursuant to the powers

and authority granted to the Lessee under Paragraph 5 (as renumbered by the Addendum and originally Paragraph 6) of the Lease Agreement, has entered into negotiations with CIMINELLI DEVELOPMENT COMPANY, INC., a New York Business Corporation with offices for the conducting of its business in the Village of Williamsville, New York, for purposes of reaching agreements for the participation of CIMINELLI DEVELOPMENT COMPANY, INC., in the overall development of the premises as an industrial and commercial park, resulting in a proposed Joint Venture Agreement between the Lessee and CIMINELLI DEVELOPMENT COMPANY, INC. to undertake development of the premises in accordance with the provisions of the Lease Agreement, copies of such proposed Joint Venture Agreement having been provided to the Lessor by the Lessee; and

WHEREAS, finalization of the Joint Venture Agreement between the Lessee and CIMINELLI DEVELOPMENT COMPANY, INC. cannot be effected without clarification of the understanding of the Lessor and the Lessee regarding the sharing of profit generated from Lessee's actions in development of the premises as set forth in Paragraph 13 (as renumbered by the Addendum and originally Paragraph 14) of the Lease Agreement;

NOW, THEREFORE, the Lessor and the Lessee do hereby make and enter into this Memorandum of Understanding for purposes

of clarifying and memorializing their agreement regarding the sharing of profit generated from Lessee's actions in development of the premises set forth in Paragraph 13 of the Lease Agreement, as follows:

1. The term "Profit generated from the Lessee's actions in development of the premises" in Paragraph 13 of the Lease Agreement is intended by the parties to mean: (a) monies paid to the Lessee for services rendered and for actions taken by the Lessee in the furtherance of development and management of the premises, after deduction of all costs and expenses paid by or incurred by the Lessee in rendering such services and in taking such actions; and (b) monies paid to the Lessee under any and all agreements that the Lessee may enter into to effectuate development of the premises in its corporate capacity, including but not limited to the aforementioned Joint Venture Agreement. The term is not, however, intended by the parties to cover or include the entire amount of net profits accruing to any joint ventures, partnerships, corporations or associations in which Lessee holds an interest which shall be created for purposes of effectuating development of the premises, not to monies generated as profits arising in the course of the development of the premises which are retained by any such joint ventures, partnerships, corporations or associations for

purposes of funding the continuing development of the premises by such entities, it being the intention of the parties that monies generated during the course of development of the premises be dedicated to the fullest extent possible to completion of the full and final development of the premises as an industrial and commercial park in accordance with the purposes of the Lease Agreement, and it being further the intention of the parties that only such portions of net profits accruing to any such joint venture, partnership, corporation or association as are paid over to the Lessee as holder of an interest in same shall be considered as "Profit generated from Lessee's actions in development of the premises."

2. The term "Expenses incurred by the Lessee in undertaking such development" in Paragraph 13 of the Lease Agreement is intended by the parties to mean both costs and expenses paid or incurred by the Lessee in pursuit of development of the premises, and any fees, commissions, or portions or shares of profit which the Lessee shall be obligated to pay, transfer, or attribute to a third party pursuant to any agreement into which it may enter to effectuate development of the premises in accordance with the provisions of the Lease Agreement. However, no item intended to constitute "Expenses incurred by the Lessee in undertaking

such development" shall be subtracted from "Profit generated from Lessee's actions in development of the premises" in determining the level of funds subject to sharing between the Lessor and the Lessee under Paragraph 13 of the Lease Agreement where such expense is deducted under the provisions of any agreement to which Lessee is party in determining the amount of profit due or payable to the Lessee under such Agreement.

3. The parties further acknowledge their intention that the operation of Paragraph 13 of the Lease Agreement is in no way intended to have any effect upon issues of determination of real property tax assessment or negotiation of agreements for payments in lieu of taxes for structures and improvements constructed on the premises during the course of the development of same.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their proper representatives thereunto duly authorized.

TOWN OF CHEEKTOWAGA, NEW YORK, "Lessor"

By: Frank E. Swiatek
Town Supervisor

STATE OF NEW YORK)
COUNTY OF ERIE) ss

On this 18th day of September, 1991, before me personally came Frank E. Swiatek, to me known, and who, being duly sworn, did depose and say that he resides in the Town of

Cheektowaga, New York; that he is the supervisor of the Town of Cheektowaga, the municipal corporation described in and which executed the within memorandum; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this memorandum is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.

Kevin G. Schenk

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1993

CHEEKTOWAGA ECONOMIC DEVELOPMENT CORPORATION, "Lessee"

By: Robert R. Pietrzak
President

STATE OF NEW YORK)
COUNTY OF ERIE) ss

On this 13th day of NOVEMBER, 1991, before me personally came Robert R. Pietrzak, to me known and who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, New York; that he is the president of the Cheektowaga Economic Development Corporation, the corporation described in and which executed the within memorandum; that he knows the seal of such corporation; that the seal affixed to this memorandum is such corporate seal; that it was so affixed by order of the Board of Directors of the corporation; and that he signed his name hereto by like order.

James F. Watterlain

JAMES F. WATTERLAIN
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 2/29, 1992

MEETING NO. 19
September 16, 1991

Item No. 10b Motion by Councilman Gabryszak Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga presently operates a Nutrition Program at 5 sites in the Town, including 3 churches and 2 private sites, and

WHEREAS, the County of Erie, pursuant to an agreement with the Town, reimburses the Town 15 cents per meal for the Nutrition Program, and

WHEREAS, the Town, pursuant to agreements, remits 15 cents per meal to each church for the use of their buildings, and

WHEREAS, these churches have experienced increased costs associated with making their nutrition sites available to the Town, and

WHEREAS, the Town has revenues available from the County resulting from the non-payment of the 15 cents per meal to the private nutrition sites, NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby agrees to amend its nutrition site agreements with St. John Gualbert Church, Maryvale Presbyterian Church and Infant of Prague Church to authorize the payment of an additional 5 cents per meal (for a total reimbursement of 20 cents per meal) to each of such churches, effective October 1, 1991, and BE IT FURTHER

RESOLVED, that these moneys shall be appropriated from Town Budget, line item number 7620-0004-4193, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate the increased reimbursement to the aforementioned churches.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

Item No. 10c Motion by Councilman Jaworowicz Seconded by Councilman Rogowski

BE IT RESOLVED, that the Supervisor be and hereby is authorized to sign, on behalf of this Town Board, the attached 1991-92 collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club, Inc.

* See attached agreement

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski

NAYES: 0

ABSENT: 0

AGREEMENT

between

THE TOWN OF CHEEKTOWAGA, NEW YORK

and

THE TOWN OF CHEEKTOWAGA POLICE CLUB, INC.

January 1, 1991 - December 31, 1992

Negotiations Committee:

Lee O. Ruth, Chairman

Jerome Imiola/John Cyrankowski

Gary Gawron

Philip Williams

Mark Petruniak

Robert Mossman

Charles Shields

DIXON, DE MARIE & SCHOENBORN, P.C.

Attorneys for

THE TOWN OF CHEEKTOWAGA POLICE CLUB

930 Convention Tower

Buffalo, New York 14202

Telephone: 856-0024

THIS AGREEMENT, entered into by and between the TOWN OF CHEEKTOWAGA, NEW YORK hereinafter referred to as the "Town" and the TOWN OF CHEEKTOWAGA POLICE CLUB, hereinafter referred to as the "Club".

ARTICLE I

SECTION 1.01 - PURPOSE OF AGREEMENT

The parties hereto desire to provide, through this Agreement: methods for orderly collective bargaining between the Town and the Club; to secure prompt and equitable disposition of grievances that may arise; to establish fair wages, fringe benefits and working conditions for police personnel in the negotiating unit; and to promote, to the highest degree, efficiency in providing service to the public.

In consideration of the mutual covenants and agreements, herein contained, the Town and the Club, through their authorized representatives, agree as follows:

SECTION 1.02 - APPLICABLE LAW

This Agreement has been negotiated pursuant to the provisions of the Public Employees Fair Employment Act and is governed by the provisions of the New York State Law and also non-conflicting local laws of the Town.

SECTION 1.03 - LEGISLATIVE REQUIREMENTS

IT IS AGREED BY AND BETWEEN THE PARTIES THAT ANY PROVISION OF THIS AGREEMENT REQUIRING LEGISLATIVE ACTION TO PERMIT ITS IMPLEMENTATION BY AMENDMENT OF LAW OR BY PROVIDING THE ADDITIONAL FUNDS THEREFORE, SHALL NOT BECOME EFFECTIVE UNTIL THE APPROPRIATE LEGISLATIVE BODY HAS GIVEN APPROVAL.

ARTICLE II

SECTION 2.01 - RECOGNITION

The Town recognizes the Club as the sole and exclusive representative and collective bargaining agent for all police personnel in the negotiating unit who are hereinafter referred to, individually as "police officer" and collectively as "police officers".

The negotiating unit is defined as: all police officers, employed by the Town of Cheektowaga, New York, pursuant to the New York State Civil Service Law, excepting police officers holding the rank of Chief of Police, Assistant Chief of Police, Captain or Lieutenant.

This recognition shall extend for the maximum period of time allowed by law and until the expiration of this Agreement, according to its terms. The Town shall not negotiate, during this Agreement, with any organization, on behalf of the police officers, defined herein, other than the Club and, unless notified by the Town, the Club will undertake to negotiate and represent the same unit for a successive agreement.

The Town agrees to employ only civil service police officers to do police work, in any capacity, except routine clerical work, now being performed by clerks in the Town. The Town agrees that it will not enter into any private contracts that eliminate police connected services or work now being performed by members of the police department, except as hereinafter set forth.

The Town reserves the right to negotiate with the Club the implementation of civilian bailiffs.

ARTICLE III

SECTION 3.01 - DUES CHECKOFF

Upon written authorization from a police officer, on a form provided by the Club, the Town will deduct from the salary of such police officer, on a weekly basis, membership dues as the police officer may specify, and the Town will transmit said sums, promptly to the Club, within five (5) days from the end of each month.

The Town agrees to deduct from the wage or salary of police officers, represented by the Club, who are not members of the Club, an amount equivalent to the dues levied by the Club on its members, and such sum shall be transmitted by the Town to the President or Treasurer of the Club.

The Club, pursuant to such deductions, hereby affirms that it has established and will maintain a procedure providing for the refund of any non-member police officer demanding the return of any part of such agency fee deduction which represents his pro rata share of the expenditures by the Club in aid of activities or causes of a political or ideological nature, only incidentally related to terms and conditions of employment.

SECTION 3.02 - NEW JOB CLASSIFICATIONS

The Town agrees that in the event it establishes any new classifications, recognized within the negotiating unit, the Town will furnish the Club with the new job description and will confer and negotiate with the Club the basic annual salaries for each such position.

SECTION 3.03 - NON-COMPETITIVE JOB CLASSIFICATIONS

In the event the Town decides to fill a vacancy, falling under this Section, assignment shall be made by the Town from the five (5) most senior officers, requesting assignment and providing that the officer(s) involved is (are) qualified as determined by the Town.

(a) A non-competitive job classification is defined as: the assignment to duties not ordinarily performed by patrol officers, within the Department, on a regular or routine basis.

(b) When a vacancy exists in a non-competitive job classification or a temporary assignment as Detective, Juvenile Detective, VGN Detective, SIU Detective, K-9 Officer, Field Training Officer, Range Officer, Crossing Guard Officer, Arson Investigator, SWAT Officer, Communications Unit Officer, Traffic Unit Officer, CPS Records Officer, Front Desk Officer, CPS Records Sergeant, Traffic Unit Sergeant, Juvenile Sergeant, or Training Sergeant, notice of the existence of such vacancy shall be conspicuously posted on a bulletin board in the police station for a period of twenty (20) days and police officers of qualified rank may affix their name thereto, indicating their desire to be considered for the filling of such vacancies.

(c) Officers who elect and are assigned to a non-competitive job as defined in this Section, shall remain in such position for a period of twelve (12) months. Assignment to such position shall begin and end on the first Monday in May and/or the first Monday in November, each year.

Officers who are assigned to such positions based upon inverse seniority, will remain in the positions for a six month period. Beginning and ending as stated above.

Notice of vacancy of such position shall be posted on March 15 and September 15 and filled in accordance with this Section.

Notice of appointment to such position shall be posted at least fifteen (15) days before the scheduled schedule change.

Assignments to such positions after the first Monday in May and before October 31 shall terminate on the first Monday in November and assignment to such positions after the first Monday in November and before April 30 shall terminate on the first Monday in May.

(d) An officer in a non-competitive position, for more than one year, will not be removed from the position without cause, unless the position is abolished.

(e) The Town will decide when a vacancy exists and whether or not it will be filled.

(f) Vacancies filled to date will not be disturbed by this Agreement.

SECTION 3.04 - MOVEMENT OF DETECTIVES

When a vacancy exists in a position of Detective, in any of the following units: General Unit (Detective Bureau), Juvenile Unit, Identification Unit or Gambling, Vice, Narcotics Division, an assignment to such vacancy shall be based upon seniority pursuant to Section 3.03, as a Detective, so that an officer assigned to one of these divisions will have the right to be assigned to a vacancy, in any other of these divisions, before a uniformed officer can be considered. Additionally, notice of the vacancy will be posted within the Detective Division, for ten (10) days during the time it is posted as notice to uniformed officers.

If no officer, so eligible, requests to be so assigned, the position shall be filled in accordance with Section 3.03(b).

During an officer's first six months after his appointment as a Detective, temporary assignments, for training purposes, to other units within the Detective Bureau can be made by the Chief of Police. Reassignments in these instances will not circumvent provisions of this agreement.

SECTION 3.05 - FILLING OF VACANCIES

If the Town declares a vacancy, the same must be filled within thirty (30) days after the vacancy exists.

SECTION 3.06 - ASSIGNMENTS

When a police officer is assigned to a job classification, which is not a temporary classification, assignment to such classification shall be made permanent at the end of 6 months.

All appointments shall be probationary for the aforementioned 6 month period.

SECTION 3.07 - SERGEANTS

The position of the sergeant is to be a competitive civil service position by competitive examination. A police officer must have three (3) years of service before he is qualified to take the sergeants' examination. The officer's three (3) years of service must be completed prior to the date of the sergeants' examination.

ARTICLE IV

SECTION 4.01 - UNIFORM ALLOWANCE

Each police officer shall be paid the sum of \$775.00 for the year 1991, for the purchase, maintenance and cleaning of police clothing, uniforms and equipment. This sum will be \$875.00 for the year 1992.

Officers assigned to motorcycle, honor guard, mounted division, SWAT, K-9 and range shall be paid the additional sum of \$50.00 per year.

Newly appointed officers will receive the additional sum of \$400.00 for the initial purchase of uniforms.

Bullet proof vest covers that become worn and unserviceable will be replaced by the Town at no expense to the officer.

Uniforms and equipment unintentionally damaged by an officer in the performance of duty will be replaced by the Town at no expense to the officer.

Uniform allowance will be paid by January 30th of each year.

Each officer will be responsible for maintenance of his uniforms and equipment and failure to reasonably maintain the same may be the subject of disciplinary action.

The Town will negotiate with the Club, regarding the impact of changes in articles of clothing or equipment.

ARTICLE V

SECTION 5.01 - SENIORITY

Seniority shall be based entirely upon a police officer's uninterrupted service in the department and shall be broken if he leaves active service, for any period of time, for any reason, except authorized sick leave, military leave or authorized leave of absence.

Seniority shall be within rank and based upon date of appointment and position on the Civil Service List, where more than one (1) appointment was made on the same date. An up-to-date seniority list, showing the officer's rank and date of appointment to such position shall be made available to all police officers. Seniority in the Detective Division shall be based upon the time of appointment to the Detective Division. The Detective Division shall include the General Unit of the Detective Bureau, the Juvenile Unit, the Identification Unit and the Vice-Gambling-Narcotics Unit.

When a tie exists because two officers, or more, have the same position on the Civil Service List, seniority shall be determined by badge number with the lower badge number constituting the senior officer for purposes of seniority within this Agreement.

SECTION 5.02 - SHIFT PREFERENCE

Each police officer shall have the right to choose his own shift, based upon seniority. Shift changes must be requested in writing, to the commanding officer of the platoon, shift or bureau, at least two (2) weeks prior to shift change. Shift change meetings will be held with two (2) representatives of the Club, selected by its members, every twenty-four (24) weeks and notice of said meetings will be posted at least fifty (50) days prior to the meetings. Each police officer shall remain on an assigned shift for the twenty-four (24) week shift schedule.

The results of shift change meetings must be posted at least ten (10) days prior to the effective date of changes resulting from the meeting.

Effective each six (6) month period thereafter, each police officer, in accordance with this Section, shall have the right to choose his/her own shift, based upon seniority.

Every six (6) or twelve (12) months, each police officer shall have the right to choose assignment to a non-competitive job, as defined in Section 3.03, based upon seniority on his assigned shift. Appointment to those positions will be subject to the Town's prerogative of selecting from the five (5) most senior officers requesting such assignment.

Shift changes will take place on the first Monday in May and the first Monday in November, each year and requests for the shifts and assignments, as stated above, must be submitted to the Office of the Chief of Police no later than two (2) weeks prior to the semi-annual or annual schedule change.

See Section 7.01, below, regarding shift assignments.

ARTICLE VI

SECTION 6.01 - SALARIES

Each police officer shall be paid pursuant to the following salary schedule:

RANK	JAN. 1, 1991	JAN. 1, 1992
Recruit	\$25,975.47	\$25,975.47
Patrol Officer 1st	27,144.98	28,502.23
Patrol Officer 2nd	32,989.37	34,638.84
Patrol Officer 3rd	33,935.08	35,631.83
Patrol Officer 4th	35,861.86	37,654.95
Patrol Officer 5th	37,184.86	39,044.10
Detective 1st	38,689.00	40,623.45
Detective 2nd	39,261.99	41,225.09
Sergeant	40,390.88	42,410.42

A new officer will receive recruit pay rate for the first 90 days of employment.

Officers regularly assigned to the afternoon shift will be paid the additional sum of \$0.30 per hour and officers regularly assigned to the midnight shift will be paid the additional sum of \$0.40 per hour. This shift-differential will not apply to court pay or training time and will not be paid to officers who are not regularly assigned to those shifts.

Sergeants assigned to the Detective Bureau shall be paid the additional sum of \$200.00 per year, added to their weekly salary.

SECTION 6.02 - LONGEVITY

Each police officer shall be paid the following, cumulative, longevity increments, each year:

After 5 years of service	\$450.00
After 10 years of service	375.00
After 15 years of service	550.00
After 25 years of service	300.00

Longevity pay will be paid within thirty (30) days after an officer's anniversary date and will be included in salary for all purposes, including retirement purposes. Payment will be in a check separate from the officers regular payroll check.

Upon termination of service, prior to the anniversary date, accrued longevity shall be paid to the officer, or his estate, on a pro-rata basis.

SECTION 6.03 - RATE OF PAY

The hourly rate of pay shall be obtained by dividing the annual salary by 2080.

SECTION 6.04 - OVERTIME

Overtime shall be all work beyond a normally scheduled eight-hour tour of duty and any work beyond a normally scheduled forty (40) hour work week and such overtime shall be paid at the rate of time and one-half.

SECTION 6.05 - OUT OF RANK

When a police officer is required and assigned by the Chief of Police or by the officer in charge, to perform the duties of a higher paid job classification or rank for one hour or more, the officer shall be paid the salary for the higher paid job classification or rank for the actual hours worked.

If the officer is performing the duties of the higher paid job classification or rank for more than 30 consecutive days, then the higher salary shall apply to all authorized time-off, of any kind, except sick bank time, pursuant to Section 13.03.

If an absent Lieutenant, is replaced, he will be replaced by a sergeant who is assigned to the shift and who is working.

In the event a sergeant is absent (or a sergeant's absence is the result of a sergeant replacing an absent lieutenant) and the chief of police or the officer in charge decides to appoint an officer as "acting sergeant", then the most senior officer who is working and who is assigned to the unit affected, shall first be offered the assignment. If that officer declines the assignment, then the next most senior officer who is working and is assigned to the unit will be offered the assignment, in order of seniority. However, the assignment will not be offered to an officer with less than two years experience unless that officer has been approved for acting sergeant status by the chief of police or his designee.

If no officer accepts the assignment, then the chief of police or the officer in charge may require an officer to fill the "acting position" on the basis of inverse seniority, from among officers, as defined above.

Officers who are appointed as acting lieutenant or acting sergeant shall be notified at least 24 hours prior to the assignment. This notice will be waived in the event of emergency or illness.

If an officer is assigned to an out-of-rank position, and the assignment is cancelled on less than 24 hours notice, the officer will receive out-of-rank pay for that tour of duty.

SECTION 6.06 - WAIVER

If an officer is eligible for overtime or out of rank work and is aware that an officer with less seniority is being granted such overtime or out of rank assignment, it is his responsibility to notify his supervisor and his failure will constitute a waiver of his right to the overtime or assignment.

SECTION 6.07 - CALL-IN

1. If an officer is requested to report to the police station for duty or ordered to report for duty, during other than regularly scheduled hours (except for reasons of his own neglect) and more than two (2) hours prior to the beginning of his regularly scheduled work shift, he shall be paid a minimum of three (3) hours pay at the rate of time and one-half. Court appearances and training schedules will not be considered call-in, and this Section will not apply in those instances.

In the event of a general call to duty, unless otherwise detailed in this Section, call-in will be on a seniority basis, based upon seniority within the Department.

2. In the event police officers are called to duty because of manpower shortages, call-in, on each shift, shall be accomplished in the following manner:

Patrol Division:

1. On a seniority basis of assigned patrol officers.
2. On a combined seniority basis of the assigned traffic and communication officers.
3. On a seniority basis, using a general call-in, of patrol officers.

Traffic Unit:

1. Notify the Traffic Unit sergeant.
2. On a seniority basis of assigned traffic officers.
3. On a seniority basis, using a general call-in, of traffic unit officers.
4. Traffic Unit sergeant.

Communications Unit,-when a Sergeant is working:

1. On a seniority basis of assigned communications officers.
2. On a seniority basis, using a general call-in, of communications officers.
3. On a seniority basis of communication sergeants.

Communications Unit, when a Sergeant is not working:

1. Assigned sergeant (if on regular day off).
2. On a seniority basis of communication sergeants.
3. On a seniority basis of assigned communications officers.
4. On a seniority basis, using a general call-in, of communications officers.

Field Training Officers, during a training program:

1. If on their regular day off, within their regular assignment
2. Will be considered for all applicable general call-ins.

Detective Division:

1. On a seniority basis of assigned detectives within the specific unit (General, VGN, Juvenile, etc...).
2. On a seniority basis, using a general call-in, of detectives.
3. 3rd platoon Bureau covers a call-in need from 2400-0400, on a seniority basis.
4. 2nd platoon Bureau covers a call-in need from 0400-0800, on a seniority basis.

In the event a detective or detectives are assigned a specific investigation, and a need arises which creates an overtime situation solely related to that specific investigation, the detectives assigned to the investigation shall be called first. If additional manpower is required it shall be filled as stated above. For purposes of call-in, beyond or before the normal shift, the above shall apply except that the 1600-2400 detectives shall be called until 0400, and the 0800-1600 detectives shall be called after 0400.

The Detective Division currently consists of:

General Detective Bureau	VGN
Juvenile	SIU
Arson	Sex Crimes Unit

Sergeants:

After each sergeant, assigned to the Communications Unit, has had the opportunity to work overtime, during a month, then when a sergeant so assigned is absent, the vacancy can be filled by an officer of lower rank who will be assigned as acting sergeant for that shift.

In the event no sergeant desires to fill the vacancy it will be filled in accordance with the provisions of Section 6.05, above.

In the event of a general call-to-duty, due to an anticipated or unanticipated emergency, the sergeant will be called for overtime in accordance with seniority, within rank, and in accordance with the needs of the department for sergeants.

3. When manpower shortage requires, officers will be offered, based upon seniority, the opportunity to work beyond the end of their shift, for not more than two (2) hours. This will not deprive such officers of the right to be included under Paragraphs 1 or 2 above.

When the shortage is filled under Paragraphs 1 or 2 above, the officer who was held-over will be relieved from duty.

SECTION 6.08 - K-9 OFFICERS

Each police officer, assigned to K-9 duty, shall be paid the sum of \$120.00 per month, for the care, maintenance and feeding of the K-9 dog assigned to him. The Town will pay all medical expenses for the dog and will install a dog-run on the premises of the K-9 officer, and will post reasonable and necessary warning signs on the premises, concerning the dog.

The Town will reimburse the officer the cost of boarding and kenneling of the K-9 dog when the K-9 officer is on authorized vacation of one week or longer and is out of town, in an amount not to exceed \$10.00 plus tax per day.

SECTION 6.09 - OFF DUTY ARRESTS

An officer will be paid for the time spent for booking and court time for necessary court appearances for arrests made during other employment, unless he is paid by another employer, or the arrest is solely related to the other employer's business and no additional, unrelated charges flow from the original arrest.

SECTION 6.10 - REDEMPTION OF ACCUMULATED TIME

The Town may redeem all or part of the compensatory time, in excess of 120 hours credited to an officer, upon payment for the value of such time, or the granting of time-off in lieu thereof. The option must be exercised between November 15th and December 15th of each year.

SECTION 6.11 - EDUCATION INCENTIVE PAY

Police officers shall receive annual incentive payments per the following schedule for the degrees from a state accredited college or university in a relevant field:

Associate Art and Science Degree (Officers appointed prior to 1/1/87)	\$200.00
Bachelor of Science or Arts	\$500.00
Masters Degree	\$600.00

The Chief of Police will be the sole determinate of fields of study relevant to the Police Department and the Town of Cheektowaga. "Relevant Fields" of study will include, but not necessarily limited to, Police Science, Sociology, Psychology, Computer Science, Management, Business Administration and Criminal Justice.

Once a relevant field of study has been identified by the Chief of Police, all officers with degrees in that area of study will be awarded the appropriate educational incentive pay.

SECTION 6.12 - SHOOTING INCENTIVE PAY

Each officer, who qualifies with his handgun, pursuant to the 1988 test standard, as established by the Cheektowaga Range Officer, will be paid the additional sum of \$225.00 in 1991 and \$250.00 in 1992. Which sum will be added to salary for establishing the hourly rate of pay.

The sum will be divided equally and paid in the regularly weekly pay.

Any officer who does not qualify will be afforded the opportunity to qualify, as in the past.

For all purposes herein, annual salary shall mean salary plus shooting incentive pay.

SECTION 6.13 - STAFF/SERGEANT/F.T.O./S.E.Q.R. MEETINGS

Officers required to attend a staff meeting, an F.T.O. meeting, Sergeants or S.E.Q.R. (State Environmental Quality Review) meeting during their off duty hours will be paid a minimum of 3 hours at straight time.

SECTION 6.14 - COMMUNITY SERVICE OFFICERS

Officers assigned as Community Service Officers will be paid straight time for all Cheektowaga Police Department related community service projects.

ARTICLE VII

SECTION 7.01 - WORK DAY AND WORK WEEK

The standard work day shall be eight (8) hours and the standard work week shall be forty (40) hours. The work day and work week shall be pursuant to existing New York State Law. Whenever practicable, two (2) consecutive days-off shall be provided within a seven (7) day calendar period. Each officer shall be entitled to a thirty (30) minute lunch period in each eight (8) hour tour of duty. When practicable, each police officer shall work a three (3) platoon system.

Each police officer shall sign-in at the start of his tour of duty and sign-out at the end of his tour of duty in order to be compensated. A daily record shall be kept by the Chief of Police or his agent, which record shall be collected, daily, and be made part of the officer's personnel record. Each officer shall observe the scheduled work hours that are posted in all reports of duty, according to the posted time and date.

Officers assigned to patrol, traffic and communications shall be assigned and work 4 days followed by 2 consecutive days off, followed by 4 days work and 2 consecutive days off, followed by 5 days work and 2 consecutive days off and the cycle shall then be repeated, continually, to provide rotating days-off to officers so assigned. This schedule shall be referred to as the 4-2/5-2 work schedule.

Officers assigned as detective, crossing guard officer, CPS records officer, CPS records sergeant and training sergeant shall be assigned and work 5 days, followed by 2 consecutive days off. This shall be referred to as the 5-2 work schedule. Officers assigned to the 5-2 work schedule will be assigned the same number of days-off as officers who work the 4-2/5-2 work schedule. The granting of any such additional days-off will be made in such a manner as to avoid the necessity to work officers -overtime.

Officers shall not be arbitrarily removed from their selected and assigned work schedules.

Officers who elect to change shifts shall be assigned a schedule by the commanding officer.

SECTION 7.02 - INTERRUPTED LUNCH

In the event an officer is precluded from eating his meal by headquarters or as a result of an offense being committed in the officer's presence, which requires the officer's action, said officer shall be compensated at the rate of time and one-half for the unused part of the officer's thirty (30) minute lunch period.

SECTION 7.03 - SPECIAL LUNCH LEAVE

An officer assigned to duty at a facility without food preparation facilities shall be permitted to leave said facility to secure food at a location of his choice, within the Town limits, provided said officer is properly relieved. An officer so assigned will be granted forty-five (45) minutes for lunch leave.

ARTICLE VIII

SECTION 8.01 - COURT PAY

When a police officer is required to make a court appearance, within the Town of Cheektowaga, at any time other than his regularly scheduled work hours, he shall be paid a minimum of three (3) hours salary at his regular hourly rate. If an officer is required to appear outside of the Town of Cheektowaga, he shall be paid a minimum of four (4) hours pay at his regular hourly rate of pay. If the appearance exceeds the minimum hours, the officer shall be entitled to payment for all actual time spent at his regular hourly rate of pay.

An officer scheduled to appear will be paid the minimum appearance time in the event of an adjournment, unless he is given notice of the adjournment, at least ten (10) hours prior to the scheduled appearance.

The Town will provide verification court appearance forms, to be signed by the presiding judge, justice, administrative officer, court clerk, or other appropriate personnel and the Town will make reasonable efforts to pay court pay in the pay period immediately following the period during which it was earned.

SECTION 8.02 - RANGE OFFICER

An officer assigned as range officer, shall be paid the same rate of salary as a detective, first year.

Officers assigned to assist the range officer shall be paid the same rate as detective, first year, for the hours worked in that assignment.

SECTION 8.03 - CROSSING GUARD OFFICER

An officer assigned in charge of the crossing guards shall be paid the same rate of salary as a detective, first year.

The Town may eliminate the Crossing Guard Officer classification upon the retirement of its current incumbent. The duties of the position shall be assigned to a non-bargaining civilian employee at the discretion of the Town.

SECTION 8.04 - FIELD TRAINING OFFICER

An officer assigned as a field training officer shall be paid the same rate of salary as a detective, first year, for all hours, so assigned.

SECTION 8.05 - ARSON INVESTIGATOR

Officers assigned as arson investigators will be paid at the same rate as a detective for all hours worked in such assignment.

ARTICLE IX

SECTION 9.01 - HOLIDAYS

Each police officer shall be given compensatory time-off or be paid the value of the following holidays, whether he works the holiday or not:

New Year's Day	Columbus Day
Lincoln's Birthday	Veteran's Day
Washington's Birthday	Election Day
Good Friday	Thanksgiving Day
Memorial Day	December 24th
Independence Day	Christmas Day
Labor Day	January 2nd

Each police officer shall notify the Chief of Police, or his designee, by December 1st, as to the holidays he elects to be paid for and the holidays he elects for compensatory time-off, during the following year. An officer who requests to be paid holiday-pay, will be paid in a lump sum, no later than the third pay period week of October, each year.

In addition to the above holidays, each police officer shall be given compensatory time-off for any holiday granted to other employees of the Town of Cheektowaga by resolution of the Town Board or declaration of the Town Supervisor, outside of their respective collective bargaining agreements. An officer who elects to be paid for a holiday may be granted the day off which shall be charged against the officer's accumulated compensatory time-off, without loss of the holiday pay.

ARTICLE X

SECTION 10.01 - VACATIONS

Each police officer shall be entitled to an annual vacation, with pay, during each calendar year as follows:

After 1 year	12 working days
After 5 years	19 working days
After 10 years	23 working days
After 15 years	27 working days
After 20 years	30 working days

Vacation periods will be divided into the following:

Winter	December through February
Spring	March through May
Summer	June through September
Fall	October through November

A police officer shall not be entitled to more than 10 or 13 consecutive work days of vacation, as described below, during any of the above vacation periods, unless, in the opinion of the commanding officer, additional vacation days, during any such period, will not interfere with the smooth operation of the department. The commanding officer shall have the sole right to designate the number of police officers who will be on vacation at any time, but a minimum of four (4) police officers will be permitted vacation during any vacation period.

Vacation schedules shall be posted for sixty (60) days prior to the beginning of a vacation period, and during the first forty-five (45) days, vacation scheduling shall be determined based upon seniority, within each shift or bureau concerned. At the end of the said forty-five (45) days, vacation scheduling shall be determined in order of date or request and not by seniority. The choice of vacations, during the first forty-five (45) days for each vacation period will be based upon seniority.

Police officers shall not be permitted to split vacations during any of the vacation periods, for periods of time less than one (1) calendar week.

In the event an officer decides not to utilize the vacation time he selected, notice will be given to less senior officers and they will be entitled to use the vacation time not used with selection based upon seniority for that shift or bureau.

Nothing contained herein shall prevent the granting of vacations one day at a time.

Except as herein provided, no police officer will be permitted to carry-over or to accumulate more than 60 days annual vacation.

Officers assigned to work on a 4-2/5-2 work schedule shall have the right to select vacation in accordance with seniority as follows: a minimum of 4 consecutive working days and a maximum of 13 consecutive working days during each vacation period.

Officers assigned to the 5-2 work schedule shall have the right to select vacation in accordance with seniority as follows: a minimum of 5 consecutive working days and a maximum of 10 consecutive working days during each vacation period.

Nothing contained herein shall prohibit the taking of more vacation leave, if, in the opinion of the commanding officer, there is sufficient manpower to warrant additional vacation leave during any of the vacation periods.

If an officer has been granted vacation leave, during any of the vacation periods, and then requests additional leave during the same vacation period, for purposes of selecting the second leave period, his seniority will not count and he will be treated as junior, in seniority, to all other officers requesting vacation leave during the same vacation period and who have not been granted vacation leave during that same period.

Once a vacation leave has been granted, if the officer changes shift or work schedule his vacation assignment will not be changed.

SECTION 10.02 - UNUSED VACATION

Each police officer shall be paid, at the time of retirement, the monetary value of any unused vacation time and overtime, standing to his credit, on the date of retirement. In the event of death, the value of such time, standing to his credit, will be paid to his estate or his heirs at law.

Police officers intending to retire may notify the Town two (2) years in advance and will be permitted to accumulate time-off and vacations for one and one-half years, the value of which will be paid as salary during the final year of employment and included as wages for pension purposes insofar as permitted by law.

Upon termination of employment, for any reason, an officer will be paid the value of all accumulated vacation or other time-off, including sick leave. However, in the event termination is as a result of discharge or dismissal, there would be no payment for accumulated sick leave.

An officer who has at least 17 years of service may elect to be paid the value of not more than 10 days of accumulated vacation, each year, in lieu of leave. Payment will be made the first pay period in February.

SECTION 10.03 - VACATION PAY ADVANCE

Upon written request, at least two (2) weeks prior to vacation time, a police officer will be paid the estimated amount due him for his vacation period, not later than the Friday before he begins his vacation.

ARTICLE XI

SECTION 11.01 - BEREAVEMENT LEAVE

Upon request, a police officer shall be granted a leave of absence because of death in his immediate family. Such leave shall be taken, without loss of pay or other benefits, and shall begin on the date of death.

Such leave shall consist of 4 working days if the officer is assigned to a 4 day work week. The leave shall consist of 5 working days if the officer is assigned to a 5 day work week.

Immediate family, for the purposes of this Section, shall mean: mother, father, spouse, child, grandchild, grandparent, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law.

In the event of death of a relative, not included in immediate family, the police officer, upon request, shall be granted time-off, without loss of pay or other benefits, for the day of the funeral, which time shall be charged against accumulated time-off or sick leave, at the officer's choice.

ARTICLE XII

SECTION 12.01 - PERSONAL LEAVE

Each police officer shall be entitled to five (5) non-cumulative personal leave days each year. Personal leave shall be used at the police officer's discretion. In order to enable the department to maintain necessary manpower requirements, personal leave must be requested at least twenty-four (24) hours in advance of the requested time-off. This will not preclude the granting of personal leave on less than twenty-four (24) hours notice, upon the approval of the commanding officer. Personal leave will not be granted if the granting of such leave will seriously hamper or impede the operation of the police department. Personal leave requested in case of emergency, however, will not be denied.

Personal leave will not be used in less than one-half day increments.

Personal leave will be granted based upon the priority of the emergency and if no emergency exists, upon the chronological time requested.

For non-emergency, request for personal leave on Saturday, Sunday, or holiday will not be denied unless determined at the time the leave is requested that the granting of such leave would reduce manpower below the minimum manpower standards as set by the Chief of Police, without resort to overtime or call-in.

At the end of each year or upon retirement an officer shall elect to credit unused personal leave days to vacation time or to accumulated sick leave, at the officer's option.

SECTION 12.02 - PROBATIONARY POLICE OFFICERS

During civil service probation, police officers will accumulate sick leave and personal leave on a pro-rata basis, per month, which leave cannot be used during the probationary period.

At the end of probation, police officers will continue to accumulate sick leave at the same rate for the balance of that calendar year and will be granted such leave in the same manner as is granted to other police officers.

Newly appointed police officers will be granted the uniform allowance, for their first year of service herein provided, immediately, upon appointment.

SECTION 12.03 - AUTHORIZED LEAVE

Authorized leave means: personal leave, accumulated compensatory time-off, all vacation time and all other authorized time-off.

Request for authorized leave shall not unreasonably be denied. Once granted, authorized leave will not be cancelled except in the event of a community disaster or unanticipated emergency. If authorized leave is otherwise cancelled, the affected officer will be paid for the time he is then required to work, at the rate of time and one-half, with the option of receiving salary or compensatory time-off, at the same rate.

Requests for authorized leave for accumulated compensatory time and single vacation days shall not be made more than 45 days prior to the time leave is sought and shall be granted, based upon chronological order (in order of request).

ARTICLE XIII

SECTION 13.01 - SICK LEAVE

Each police officer, except as otherwise provided, shall be entitled to accumulate one and one-half sick days per month to a maximum accumulation of 300 days.

An officer who has accumulated the maximum number of sick days, may redeem up to 9 unused sick days which exceed the maximum number. Payment shall be at the officers regular rate of pay, and be made in November, each year.

A female police officer who is incapable of performing her duties because of maternity disability may utilize accumulated sick leave credits and continue all other benefits under this Agreement during such absence.

Maternity leave shall be considered to commence on the date that the officer is no longer capable of performing her duties and shall end on the date the officer can resume the performance of her regular duties. The officer will be requested or required to bring in a doctor's note to verify the date when she is not capable of performing her duties or when she is capable of returning to work. In addition, she may be required to submit to a physical examination by a doctor of the Town's choice to verify the starting and ending date of such maternity leave.

SECTION 13.02 - NOTIFICATION

A police officer will not be granted sick leave, unless he notifies his commanding officer that he will be absent and the reason for the same, at least one (1) hour prior to the time he is scheduled to report for duty. In cases of emergency, the one (1) hour notice requirements will be waived.

SECTION 13.03 - SICK BANK

Except for new members, an officers yearly contributions (see paragraph 3 below) to the sick bank is suspended for the life of this agreement.

In order to aid police officers who have suffered a prolonged illness and whose regular sick leave has been exhausted, a sick bank has been established.

1. Each officer who participates in the sick bank has contributed two (2) accumulated sick-leave days from his current accumulated sick-leave. An officer who elected not to participate will not be allowed to enter the sick bank, except between January 1 and January 30 each year.

2. The Town has contributed twenty-five (25) sick-leave days to the sick bank.

3. Each year, officers who participate shall contribute one (1) additional sick-day to the bank, between January 1 and January 30, in order to continue as a participant.

4. If at any time, the accumulated number of sick days in the sick bank falls below seventy-five (75) the Town will contribute a sufficient number of days to bring the total number of sick-days, in the sick bank, to seventy-five (75) days.

5. An officer who elects to participate and who is otherwise qualified, must elect, in writing, between January 1 and January 30 each year. Officers who become qualified after January 30, in any year, must submit their election in writing, within 30 days after the time they become qualified to participate and thereafter will submit their election, in writing, between January 1 and January 30, each year.

6. Officers who enter the sick bank after January 1, 1983, and who have been previously qualified to participate, will be required to contribute the same number of accumulated sick-days as they would have contributed had they become a participant when first qualified to enter the sick-leave-bank.

7. An officer who is a participant in the sick bank and who has exhausted all of his accumulated sick-leave and any other accumulated time, may apply for additional sick-leave from the sick bank, created herein, to a committee consisting of the President of the Police Club and the Supervisor of the Town of Cheektowaga, or their designees.

8. An applicant may be allowed sick-leave of absence, debited from the sick bank, provided the committee consents to the application.

9. In the event both members of the committee cannot agree to accept or reject the granting of such sick leave, then, in that event, the committee shall select a third person, in accordance with the procedure for the selection of an arbitrator, as provided in the Grievance Procedure in this Agreement. The decision of the sick leave bank committee shall be final and binding upon the Town and the applicant.

10. The Town will provide the Club with an accounting of the number of accumulated sick-days in the sick-leave bank by March 1, of each year.

11. If the sick-leave bank is discontinued, unused sick days shall be equally distributed to those members of the sick-leave bank, who are members at the time.

SECTION 13.04 - WORKER'S COMPENSATION BENEFITS

A police officer, who is entitled to receive Worker's Compensation Benefits, shall be paid full pay and the benefits under Worker's Compensation, to which he is entitled, shall be assigned to the Town. Absence from duty in this event will not be chargeable against sick leave and no other benefits, provided by this Agreement, will be lost during that period of time. Absence from duty for work-related disability will not be chargeable against sick leave and no other benefits, provided by this Agreement, will be lost during such absence.

In the event of a third-party claim, payment of medical expenses and wages will be made pursuant to General Municipal Law, Section 207 c. and not pursuant to Worker's Compensation Law, thereby reserving the right of the Town to pursue reimbursement for sums paid to or on behalf of the affected officer, directly from the third-party and not from the officer.

SECTION 13.05 - SICK LEAVE RECORDS

Each police officer will be provided with a record of his accumulated sick leave within sixty (60) days after the beginning of each calendar year.

SECTION 13.06 - ILLNESS OF FAMILY MEMBERS

Sick leave shall apply to absence due to illness of a police officer's immediate family, residing in his household.

Immediate family means parents, spouse, children and step-children.

SECTION 13.07 - SICK LEAVE UPON TERMINATION

1. Upon termination of employment, except by discharge, an officer or his estate, shall be paid the present value of accumulated sick days, pursuant to this Section.

2. In the event of retirement a police officer may convert accumulated sick days into value by written application, signifying his intention, on a form provided by the Town.

3. Upon receipt of such notification, the Town will convert such accumulated sick days into value by taking the actual cash value of the accumulated sick days and multiplying by the rate of 65%. The resulting sum shall be paid to the officer, as directed in writing, or to his estate, in the following manner:

(a) The sum shall be paid to the officer as part of his final year's average salary by dividing the sum by the number of pay periods so as to allow for equal distribution over his last year of employment, or

(b) The sum shall be paid to the officer on the date of his retirement or termination, or to his estate, within a reasonable time after his death.

4. If an officer shall notify the Town of his intention to retire and such notice is given less than one year prior to the date of retirement, the Town will have the option of making a one-time lump sum payment or of dividing the sum by the number of pay periods remaining, so as to allow for equal distribution during the remaining time of employment.

(a) If the notice exceeds six months, the conversion shall be in accordance with Paragraph 3(a), above.

(b) If the notice is six months or less, the officer's accumulated sick leave shall be converted into value in accordance with Paragraph 3(b), above.

ARTICLE XIV

SECTION 14.01 - EXPENSES

A police officer, who is required to leave the Town, by reason of his employment or as part of his official duty, shall be reimbursed for all actual, reasonable and necessary expenses incurred, including meals, if he is absent from the Town during normal meal time at the following scale, breakfast \$5.00, lunch \$5.00, and dinner \$7.50.

A police officer on official police business will be provided with transportation by the Town and if he is required to use his own vehicle on police business, the officer shall be paid at the current rate per mile for each mile driven. In no event will a police officer be required to use his own motor vehicle during the normal course of his employment.

ARTICLE XV

SECTION 15.01 - LIFE INSURANCE

The Town will provide each officer with a \$25,000 group life insurance policy, insuring the officer, without cost, pursuant to the life insurance plan offered through the Police Conference of New York, Inc. and it will allow officers to exercise the options provided in that program, through weekly payroll deductions, and will comply with the requirements of the same.

SECTION 15.02 - HEALTH INSURANCE

The Town will provide, at its own expense, the following health insurance benefits:

Blue Shield Health Insurance, at least equivalent to the 82-83 plan; (Traditional Choice Extra), together with the following riders or their equivalent.

Major medical, \$50 deductible;

\$3.00 co-pay prescription rider;

Blue Shield, Basic Rider 8 (Insuring dependents to age 23 years);

Major Medical Rider 8 (\$50 deductible);

Prescription Drug Rider 8 (covering dependents to age 23 years);

Option Two, Vision Care, with Rider 8;

Blue Shield, Basic Rider 4 (covering emergency, accidents, etc.);

Blue Shield, Basic Rider 22; (Ambulatory Care)

Blue Shield Rider 21; (Psychiatric Care)

Blue Shield Dental Plan No. 3 with all riders including Rider No. 8.

If an officer dies, while employed by the Town, the Town will provide and pay for health insurance for the officers surviving spouse and dependents until the spouse remarries or obtains comparable coverage.

The Town will continue to provide health insurance for officers who retired after December 31, 1982, and before June 29, 1985, up to age 65 years. Officers who retire prior to that date have the option of participating in the health insurance coverage plan, at their own expense.

The Town will continue to provide health insurance for officers who retire after June 29, 1985, including all present health insurance benefits up to age 55 years. Upon reaching age 55 retirees shall receive the same benefits as officers who retire at age 55 or older.

Officers who retire at age 55 years or older will be provided, without expense, Blue Shield Health Insurance at least equivalent to the 82-83 Plan, or comparable plan, including, the \$1 million Major Medical with \$50 deductible and \$1.00 co-pay prescription rider and Blue Shield Rider No. 21, plus any additional coverage or riders provided to other retired Town employees.

At age 65 years retirees will be provided with Blue Shield Supplemental Coverage with \$1.00 co-pay prescription rider plus those riders which are provided to other retired Town employees.

The Town may select a different carrier or carriers as long as the benefits provided are substantially the same and the issue, if any, of substantially the same benefits, is agreed to by the Club. In the event such agreement is not had, the issue shall be submitted directly to arbitration pursuant to the grievance procedure herein.

SECTION - 15.03 - INDEMNIFICATION

The Town will indemnify each police officer for claims made against him based upon false arrest, false imprisonment, civil rights violations and other torts within indemnification coverage pursuant to the provisions of Section 50-j of the General Municipal Law and Section 1983 et seq of the United States Code.

ARTICLE XVI

SECTION 16.01 - RETIREMENT BENEFITS

The Town will provide and maintain a non-contributory retirement plan of benefits for police officers, pursuant to the following provisions of the New York State Retirement and Social Security Law:

The benefits provided in Section 384 f, g and h to provide what is commonly known as the 1/60th, 25-year retirement plan;

The benefits pursuant to Section 375(i), more commonly known as the Improved Retirement Benefits;

The benefits pursuant to Section 302, 9-d, more commonly referred to as the Final Average Salary, and Section 360-b, Death Benefit; and

The benefits pursuant to Section 384-d, more commonly known as the 20-Year Retirement Plan.

ARTICLE XVII

SECTION 17.01 - CLUB REPRESENTATIVES

Police officers, who are designated by the Club as representatives, for the purpose of adjusting grievances or assisting in the negotiation or administration of this or future agreements, shall be permitted a reasonable amount of time from their regular duty to fulfill these obligations, when and if so required; however, not more than two officers will be named per shift and not more than one officer may investigate a specific grievance at any one time. Reasonable advance notice shall be given to the head of the department, or his representative, stating, in brief, the reason for such absence. The President of the Club shall be allowed ten (10) hours per week for these purposes.

The President of the Club, upon request, will be assigned to the 8 A.M. to 4 P.M. shift, within the division he is presently assigned to, irrespective of the seniority provisions contained in this Agreement.

The Club agrees that no more than seven (7) members of the Executive Board, plus the President and Vice President, will request time-off, with pay, to conduct the affairs of the Club, including attendance at Executive Board and Club meetings.

Whenever possible, a request for time-off shall be submitted at least five (5) days prior to the required date, but the parties agree that circumstances may arise which will not permit such notice and in that event time-off will be granted upon reasonable request.

Police officers who are designated by the Club, may attend state-wide conventions and meetings of the Police Conference of New York, Inc., Western New York Police Association, Inc., and the National Association of Police Officer, Inc., in pursuance of their profession as police officers. Attendance at these affairs shall be without loss of time or salary. This privilege will be extended to officers of the Western New York Police Association and the New York State Police Conference, Inc. Not more than seven (7) officers covered by this Agreement, plus the President, and the Vice President may be relieved from duty to attend these meetings. Up to three (3) additional officers may be granted the privilege to attend, by the Town, without pay, if the functioning of the Police Department is not placed in jeopardy and if approval is granted by the head of the department.

SECTION 17.02 - CLUB OFFICE

The Town will allow the Club to install its own telephone at its own expense, which telephone will not be connected, in any manner, with present police telephone communication system.

ARTICLE XVIII

SECTION 18.01 - DISCIPLINARY ACTIONS

A police officer will be given a copy of any warning, reprimand, suspension or disciplinary action entered into his personnel record within two (2) weeks of the action taken.

SECTION - 18.02 - RECORD OF COMPLAINTS

No record or reference to a complaint, either departmental or external, lodged against a police officer, will be entered into his record if after investigation the complaint is decided, by the Town, to be unfounded.

SECTION 18.03 - SUBSTANCE OF COMPLAINTS

A police officer who has a complaint lodged against him by a citizen shall have the substance of the complaint presented to him in writing.

ARTICLE XIX

SECTION 19.01 - IN-SERVICE TRAINING

Any police officer required to attend in-service training on his off-duty time, shall be compensated for such time at his regular rate of pay with a minimum of two (2) hours.

The Town will notify all police officers, by posting, of law enforcement educational and training opportunities being offered by other departments or other police or educational agencies, so that police officers who are eligible and who desire to attend may notify their superiors of their interest or desire. The Town will provide the same notice and opportunity as to training opportunities being offered by the Town Police Department.

SECTION 19.02 - TUITION

The Town will pay the full costs of all tuition, books and other fees for all police officers, authorized by the Town or the Chief of Police, who attend school or seminars relating to Police Science courses.

SECTION 19.03 - PROMOTIONAL EXAMS/SCENARIO EXERCISE

The Town may request from the Civil Service Commission a new examination to be held after the expiration date of each promotional list. All existing promotional vacancies are to be filled within a reasonable time after the vacancy occurs and the promotional list is available.

Officers attending interviews or exercises for consideration to an assignment to a non-competitive job classification will be compensated in accordance with Section 19.01.

A Detective scenario will be held at least every 3 years. Any officer not promoted at the end of the three years must re-take the scenario.

SECTION 19.04 - TABLE OF ORGANIZATION

The Town agrees to establish a Table of Organization, which will include a job description of each job within the department, copies of which will be available for examination by police officers.

ARTICLE XX

SECTION 20.01 - BULLETIN BOARD

The Town will provide one bulletin board at the police station which will be used exclusively for Police Club notices.

SECTION 20.02 - MEETING ROOM

The Town will continue to provide a meeting room in the police station for use by the Club, without cost, where the Club may transact business and engage in other activities and also store its records and equipment. The meeting room will be furnished by the Club and the location of the same will be mutually agreed upon by the Town and the Club.

SECTION 20.03 - FUND RAISING

The Club may engage in fund raising activities, provided, that said activities do not interfere with the efficient operation of the department and do not violate any law, rule or regulation.

The Club may purchase and maintain vending machines, to be installed and used, in the section of the building frequented solely by police officers and the revenues derived therefrom shall be funds of the Police Benevolent Fund and will not be used for union purposes.

The Club will indemnify the Town against any claims arising out of installation or use of such machines.

SECTION 20.04 - SAFETY

After officers are assigned to duty singly to each of six (6) patrol vehicles and at least one (1) officer is assigned to duty in the accident car, additional officers, on duty, will be assigned so that additional patrol vehicles, are manned by two (2) patrol officers.

All patrol and detective vehicles, purchased for and assigned to officers, shall be equipped with air conditioning, front seat airbags and a standard police package. The Town will discuss proposed equipment changes with the Club before such changes are made.

ARTICLE XXI

SECTION 21.01 - GRIEVANCE PROCEDURE

A grievance shall mean any difference or dispute, between the parties hereto, as to the interpretation or application of any portion of this Agreement or any administrative act affecting general working condition.

Step 1 - Any police officer may present a grievance, orally or in writing, to his immediate supervisor within twenty (20) days of the occurrence and attempt to adjust the matter. If the matter is not satisfactorily adjusted the police officer may request a representative of the Club meet with him and his immediate supervisor for the purpose of adjusting the grievance.

Step 2 - If the grievance is not satisfactorily settled, under Step 1, above, the Club representative may forward a copy of the grievance to the Club President. After review of the grievance, the Club President will forward a copy of the grievance to the Chief of Police. The Chief of Police will, within five (5) calendar days of presentation to him, discuss the matter with the Club Grievance Committee in an attempt to settle the grievance.

Step 3 - In the event the grievance is not settled, under Step 2, above, a report of the grievance will be made by the Club President to the Coordinator of Employee Relations who will discuss the grievance with the Club President, within fifteen (15) calendar days after receipt of the written report.

Step 4 - In the event the matter is not satisfactorily settled, either party may take the matter to arbitration, upon service of written notice to the other party of intention to do so. The notice must be served within twenty (20) calendar days after the close of discussion and in the event a notice of intention to arbitrate is not filed within thirty (30) days, the matter will be considered closed and not subject to further prosecution.

The arbitration proceeding shall be conducted by an arbitrator to be selected by the Town and the Club within thirty (30) days after notice has been given from a panel of arbitrators supplied by the New York State Public Employment Relations Board.

The decision of the arbitrator shall be final and binding on the parties and the arbitrator shall issue his decision within thirty (30) calendar days after the conclusion of testimony and argument unless such time is mutually extended. The arbitrator shall not have the power to amend, modify or delete any provision of this Agreement.

Expenses for arbitration shall be born equally by the Town and the Club. However, each party shall be responsible for compensating its own representatives who appear. Police officers who appear during their work hours will not suffer any loss of salary or other benefits. If either party desires a recording of the proceedings it must pay for the cost of the same and make a copy of the same available, without charge, to the other party and to the arbitrator.

SECTION 21.02 - GRIEVANCE COMMITTEE

The Grievance Committee shall consist of nine (9) members selected by the Club who shall be permitted to leave work after reasonable notice to their respective supervisors, for the purpose of adjusting grievances and to attend required meetings or arbitrations in connection with the same.

SECTION 21.03 - EXTENSIONS

The parties may mutually extend all time limitations herein.

ARTICLE XXII BILL OF RIGHTS

The provisions of this Article shall not apply to criminal investigations or investigations or possible criminal activity or violations.

SECTION 22.01 - TIME OF INTERROGATION

The interrogation of police officers shall be conducted at reasonable hours, preferably, when the officer is on duty and if not on duty during daylight hours, unless the exigencies of the investigation dictate otherwise.

SECTION 22.02 - IDENTIFICATION OF INVESTIGATING OFFICERS

A police officer who is under investigation for a matter, which would not constitute a crime, must be informed of the name of the officer in charge of the investigation and the names of the officers who will be conducting any portion of interrogation or investigation.

SECTION 22.03 - INFORMATION REGARDING INVESTIGATION

An officer must be informed of the nature of an investigation before any interrogation begins. The information must be sufficient to reasonably inform him of the investigation which is being conducted.

SECTION 22.04 - LENGTH OF INTERROGATION

Interrogation shall be completed with reasonable dispatch. Reasonable rest periods will be allowed and time will be provided for personal necessities, meals, telephone calls and rest periods as reasonably required.

SECTION 22.05 - COERCION

A police officer shall not be subjected to offensive language and shall not be threatened with transfer, dismissal or other disciplinary punishment. No promise or reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating from informing an officer that his conduct may be subject to other disciplinary action with resultant disciplinary punishment.

SECTION 22.06 - RIGHT TO COUNCIL

A police officer who is under investigation has the right to have a representative of the Police Club present and also has the right to the presence of an attorney, with him, during any questioning, hearing or interrogation.

The right to counsel shall not delay the questioning or interrogation for more than 3 business days if the officer is suspended with pay, except that said time may be mutually extended.

SECTION 22.07 - RECORDING OF INTERROGATION

Interrogation of a police officer for any disciplinary investigation will be recorded, either mechanically or by a stenographer, and there will be no off-the-record statements.

SECTION 22.08 - ADVICE OF CONSTITUTIONAL RIGHTS

If a police officer is the subject or target of a disciplinary investigation he shall be advised of his constitutional rights.

SECTION 22.09 - FURNISHING OF COPIES

A police officer under investigation will be furnished with a copy of any statement he has signed or made or of any proceedings that have been recorded, in any manner.

SECTION 22.10 - POLYGRAPH

Police officers will not be given polygraphic examinations.

SECTION 22.11 - NON-WAIVER OF CONSTITUTIONAL RIGHTS

No police officer will be required to or requested to waive constitutional rights granted under the United States or the New York State Constitution.

SECTION 22.12 - HEARING OFFICER

In the event the Town elects to select a hearing officer, pursuant to Section 75 of the Civil Service Law, who is not either a Town employee or Town official, then, in that event, the hearing officer will be mutually selected by the Town and by the police officer who is charged. If the parties are unable to agree upon a hearing officer or if the hearing officer agreed upon is, or becomes unable to or unwilling to act, then the parties shall mutually apply to Special Term of the New York State Supreme Court for the appointment of a hearing officer.

ARTICLE XXIII

SECTION 23.01 - LEAVE OF ABSENCE

Police officers may be granted leave of absence, with or without pay, as provided for in the Civil Service Law of the State of New York.

SECTION 23.02 - NON-DISCRIMINATION

There will be no discrimination with respect to the race, color, creed, sex, political persuasion or because a police officer is engaged in Police Club activities. All police officers shall receive the full protection of all of the provisions herein.

SECTION 23.03 - PAYROLL DEDUCTIONS

The Town will provide a payroll savings and U.S. Savings Bond deduction plan and make it available for all police officers who desire the same.

SECTION 23.04 - RESIDENCY

After 15 years of employment as a police officer, the officer may reside within the County of Erie.

ARTICLE XXIV

SECTION 24.01 - MANAGEMENT RIGHTS

All of the authority, right and responsibilities possessed by the Board and not covered by this Agreement are retained by it, including, but not limited to, the right to determine the mission, purposes, objectives and policies of the Board; to determine the facilities, methods, means and number of personnel required for conduct of Board programs; to administer the examination, selection, recruitment, hiring, appraisal, training, retention, promotions, assignments or transfer of employees, pursuant to law; to direct, deploy and utilize the work force; to establish specifications for each class of positions, and to classify or reclassify and to allocate or reallocate new or existing positions, in accordance with the law; and to discipline or discharge employees, in accordance with law, and within the provisions of the Agreement.

SECTION 24.02 - SAVINGS CLAUSE

If any section, sub-section, sentence, clause, phrase or any portion of this Agreement is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this Agreement.

SECTION 24.03 - PROFESSIONAL CONDUCT

In order to maintain good order and moral, each supervising officer shall treat other officers with proper respect and accord. Failure to comply will not be grounds for grievance against the Town.

SECTION 24.04 - TERMS OF AGREEMENT

This Agreement, except as may be hereafter modified in writing, by both parties, shall become effective January 1, 1991 (retroactively) and remain in force until December 31, 1992, or until such time as a subsequent agreement becomes effective.

SECTION 24.05 - RENEWAL OF AGREEMENT

The parties agree that negotiations for renewal of this Agreement shall commence on or about August 1, 1992, or on such other date as shall be mutually agreed upon.

SECTION 24.06 - PAST PRACTICE

This Agreement shall supersede conflicting rules, regulations or practices heretofore existing. Established practices, not specifically covered herein, shall continue in force and effect.

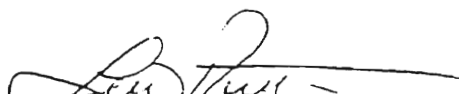
SECTION 24.07 - ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 16 day of Sep 1991.



Town Supervisor



President, Cheektowaga
Police Club, Inc.

MEETING NO. 19
September 16, 1991

Item No. 10d Motion by Councilman Gabryszak Seconded by Councilman Blachowski

BE IT RESOLVED that the Supervisor be authorized to execute an amended agreement on behalf of the Youth and Recreational Services Department and the New York State Office of Mental Retardation and Developmental Disabilities for 1991 in the amount of \$22,752.00.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 10e Authorize Supervisor to sign Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.
This item was withdrawn.

Item No. 10f Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED, that the Supervisor be and hereby is authorized to sign, on behalf of this Town Board, the attached Memorandum of Agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

* See attached pages

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF CHEEKTOWAGA

AND

THE TOWN OF CHEEKTOWAGA EMPLOYEES ASSOCIATION

1.) There shall be nine (9) residential garbage routes on the first shift, two (2) residential garbage routes on the second shift and three (3) container routes on the second shift. This route configuration shall continue for the duration of the collective bargaining agreement. Upon expiration, the Town reserves the right to make changes in the number, shift and types of routes restricted only by the collective bargaining agreement and not this Memorandum.

2.) All shifts for drivers and laborers shall be bid and selection shall be by seniority. All routes shall be fully described prior to bidding. The number of drivers on the first shift, for the purpose of bidding this round, shall be 18 and the number of drivers on the second shift shall be 10.

3.) Employees who currently have the title of MEO-B shall not be demoted in title because of the reorganization.

4.) Garbage pick-up on all holidays shall continue for the duration of the collective bargaining agreement. The Town reserves the right to schedule overtime. Upon expiration of this Memorandum, the Town may elect not to schedule pick-ups on holidays restricted only by the collective bargaining agreement and not this Memorandum.

5.) Drivers shall receive MEO-A rate of pay for all time spent driving to and from the dumping station (Niagara Falls), which shall include waiting time.

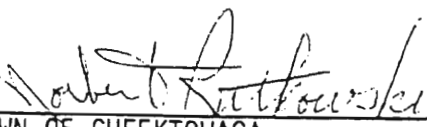
6.) Sanitation Department employees shall not be required to pick up separated recyclable materials (grass, leaves, papers, glass, etc.) after July 1, 1991.

7.) Separate trucks for "jackpot" pick-ups shall continue to be provided pursuant to the current practice.

8.) All Sanitation trucks are normally to be empty of all garbage at the start of each shift.

MEMORANDUM OF AGREEMENT
Page 2

9.) Trucks larger than thirty (30) yard capacity shall normally be assigned to the Sanitation Department rather than the Recycling Department.



TOWN OF CHEEKTOWAGA



TOWN OF CHEEKTOWAGA
EMPLOYEES ASSOCIATION

Dated:

MEETING NO. 19
September 16, 1991

Item No. 11 Motion by Councilman Rogowski Seconded by Councilman Solecki

BE IT RESOLVED, that the following individuals be and hereby are terminated as listed:

FACILITIES DEPARTMENT
Dolores Booker

EFFECTIVE
Immediately

SANITATION DEPARTMENT
Carol Weber
Kenneth Krupski

Immediately
Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

WHEREAS, by resolution, this Town Board appointed Bettina Viverto to the position of Outreach Worker-Senior Citizens, on a provisional basis, pending the establishment of a valid competitive Civil Service list for said position, AND

WHEREAS, such competitive Civil Service list has now been established by the Erie County Department of Personnel, AND

WHEREAS, Bettina Viverto appears on said eligible list, NOW,
THEREFORE, BE IT

RESOLVED, that Bettina Viverto, 105 East End, Cheektowaga, New York 14225, be and hereby is permanently appointed to the position of Outreach Worker-Senior Citizens effective immediately and in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilman Jaworowicz Seconded by Councilman Blachowski

WHEREAS, a permanent vacancy exists in the position of Clerk-Typist in the Police Department, AND

WHEREAS, said vacancy was posted in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, AND

WHEREAS, said vacant position falls within the competitive class of Civil Service, AND

WHEREAS, according to the Rules of Classified Civil Service of the County of Erie, subject to approval by the Erie County Department of Personnel, any individual serving in a competitive class position as a permanent appointee may be permanently appointed to another competitive position, AND

WHEREAS, Roslyn Surdej is currently employed in the competitive Civil Service position of Clerk-Typist by a local school district and has applied for said vacancy with the Town of Cheektowaga, AND

WHEREAS, the Employee Relations Department has submitted the necessary paperwork and obtained said approval from the Erie County Department of Personnel, AND

Item No. 12b continued

WHEREAS, Roslyn Surdej has been interviewed for such position and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Roslyn Surdej of Sloan, New York be and hereby is appointed to the position of Clerk-Typist in the Police Department, effective September 17, 1991, at a salary in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 12c Appointment of Disposal Service Representative in Sanitation Dept. This item was withdrawn.

Item No. 12d Motion by Councilman Jaworowicz Seconded by Councilman Rogowski

WHEREAS, due to illness, a temporary vacancy exists in the position of Traffic Maintenance Worker in the Police Department, AND

WHEREAS, said vacancy was posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, Gene Dudek, currently employed as a Motor Equipment Operator with the Town, bid on said position, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Gene Dudek of Cheektowaga, N.Y. be and hereby is appointed to the temporary position of Traffic Maintenance Worker in the Police Department at a salary in accordance with the terms and conditions of the collective bargaining agreement between the Town and the Town of Cheektowaga Employees Association, effective immediately.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are hired as Seasonal Employees in the various departments listed, in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, for a period not to exceed twenty-four (24) weeks in a calendar year:

<u>SANITATION DEPARTMENT - \$5.00 per hour</u>	<u>EFFECTIVE</u>
Robert Pierson	(Laborer) Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki, Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14a Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED that the following individuals be hired as part-time employees, effective immediately, at the designated titles and salaries:

Item No. 14a continued

RECREATION INSTRUCTOR I - A7140.1612 - \$5.50 per hour

Beverly Nowicki 14225

RECREATION INSTRUCTOR II - A7140.1612 - \$5.00 per hour

Deborah Braniecki 14206
Jill Sam 14225
Jeffrey Schneider 14227

RECREATION ATTENDANT I - A7140.1612 - \$4.50 per hour

Tammy Acquisto 14227
Kelly M. Moreno 14043

RECREATION ATTENDANT II - A7140.1612 - \$4.25 per hour

Tammy Tucholski 14227

RECREATION SUPERVISOR II - A7140.1615 - \$6.00 per hour

Kathleen Bobeck 14227

WATER SAFETY INSTRUCTOR I - WSI -A7140.1615 - \$5.50 per hour

Keith Stachura 14225
Denise A. Szalasny 14206

LIFEGUARD I - A7140.1615 - \$5.00 per hour

Keith Sokolowski 14206

LIFEGUARD III - A7140.1615 - \$4.50 per hour

Amy M. Owens 14227
Denee Lynne Schallmo 14225

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 14b Motion by Councilman Rogowski Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are hired as Part-Time Employees, not to exceed 19 hours on a weekly basis, in the various departments listed and in compliance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association.

SANITATION DEPARTMENT - \$5.00 pr hour

EFFECTIVE

Thomas LoCurcio (Laborer) Immediately
Jeffrey Bobeck (Laborer) Immediately
James Florek (Laborer) Immediately

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Rogowski Seconded by Councilman Gabryszak

WHEREAS, the New York State Association of Approved Environmental

NO. 20

NO. 21

MEETING NO. 19
September 16, 1991

Item No. 17 Motion by Councilman Gabryszak Seconded by Councilman Blachowski

WHEREAS, representatives from John F. Kennedy High School have requested permission to hold their Fifth Annual Cross-Country Meet in Stiglmeier Park on Saturday, September 28, 1991, and

WHEREAS, representatives from John F. Kennedy High School have also requested permission to hold two of their other cross-country meets in Stiglmeier Park on September 17, 1991 and September 24, 1991, and

WHEREAS, permission has been granted in the past for such track meets and they have been conducted without interference to others using the park, NOW, THEREFORE, BE IT

RESOLVED, that the John F. Kennedy Cross-Country teams be and hereby are granted permission to hold their September 17th, 24th and 28th, 1991 track meets in Stiglmeier Park, and BE IT FURTHER

RESOLVED, that the coaches of such teams be requested to contact the Directors of the Facilities and Youth and Recreational Services Departments to make arrangements for such track meets, and BE IT FURTHER

RESOLVED, that the Town Clerk be directed to forward copies of this resolution to the Facilities and Youth and Recreational Services Department Directors.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Councilman Gabryszak Seconded by Supervisor Swiatek

BE IT RESOLVED, that the following fund transfers are hereby approved and made a part hereof:

GENERAL FUND:

FROM:	0100-1356-4001	Assessment Review Board - Office Supplies	\$131.90
	0100-1356-4511	Assessment Review Board - Transcript Services	350.00
	0100-3510-4532	Veterinarian Services	2000.00
	0100-3120-1541	Patrolmen	500.00
	0100-1910-4711	Contingency	3388.00
	0100-1640-1982	Special District Allocation	12000.00
TO:	0100-1640-1201	General Crew Chief	2000.00
	0100-1640-1202	Automotive Crew Chief	2000.00
	0100-1640-1442	Mechanics	8000.00
	0100-7110-4451	Building & Grounds Repair & Maintenance	3388.00
	0100-3120-4073	Police Uniforms	700.00
	0100-3120-2501	Other Equipment	1300.00
	0100-1110-1374	Other Clerical - Justices	500.00
	0100-1355-4001	Office Supplies - Assessor	481.90

HIGHWAY FUND:

FROM:	0300-5150-4178	Special Roads Blacktop	75000.00
	0300-5140-1701	Labor - General	25000.00
TO:	0300-5142-4029	Salt	75000.00
	0300-5140-1379	Clerical	25000.00

RISK RETENTION:

FROM:	1000-1935-4703	Losses - Auto Liability Claims	5000.00
TO:	1000-1710-4529	Loss Control Liability Administration	5000.00

Item No. 18 continued

CONSOLIDATED DISTRICTS:

FROM: 1500-8160-4469 Landfill Costs 12000.00
TO: 1500-8160-1804 Central Garage Allocated 12000.00

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

BE IT RESOLVED, that the following vouchers and warrants are submitted to the Town of Cheektowaga prior to August 13, 1991, are hereby approved and made a part hereof:

GENERAL FUND	\$1,583,644.15
HIGHWAY	460,875.91
TRUST & AGENCY FUND	23,130.66
HUD CDBG FUND	81,809.99
PART TOWN FUND	32,582.03
RISK RETENTION FUND	87,456.92
STATE AHC FUND	3,278.00
DEBT SERVICE FUND	2,062.50
HUD HOUSING REHABILITATION FUND	17,803.21
SPECIAL DISTRICTS FUND	778,090.15
CAPITAL PROJECTS	556,825.41
	<u>\$3,627,558.93</u>
	=====

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Minutes of Cheektowaga Planning Board: August 8, 1991
Received and Filed

III. GENERAL COMMUNICATIONS

Item No. 21a Notice of Claim: Allstate Insurance Co./J. R. Wszalek, Jr. vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Chris Kowal, Highway Department; Allied Claims Service, Insurance Carrier.

Item No. 21b Notice of Claim: James L. Zelanis vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Bruce Chamberlin, Police Department; Allied Claims Service, Insurance Carrier.

Item No. 21c Notice of Claim: Janet C. & John Odachowski vs Town of Cheektowaga
Copies were sent to: Frank E. Swiatek, Supervisor; James Kirisits, Town Attorney; Sylvia Slawiak, Accounting Department; Chris Kowal, Highway Department; Allied Claims Service, Insurance Carrier.

Item No. 22a Notice of Petition: Value Home Centers, Inc. & Rossler Associates vs
Town Assessor, Board of Assessment Review and Town of Cheektowaga
Copies sent to Town Assessor
Received and Filed

Item No. 22b Notice of Petition: Manufacturers and Traders Trust Co. vs Town
Assessor, Board of Assessment Review
Copies sent to Town Assessor
Received and Filed

Item No. 22c Notice of Petition: Tops Markets Inc. (lessee) for itself and as
agent-in-fact for Benderson Development Co., Inc., (owner) vs Town
Assessor, Board of Assessment Review and Town of Cheektowaga
Copies sent to Town Assessor
Received and Filed

Item No. 23a Petition from residents of Nugget Drive
Copies sent to Supervisor Swiatek and Town Board Members
Received and Filed

Item No. 23b Petition from residents of Williamstowne Apartments
Copies sent to Supervisor Swiatek and Town Board Members
Received and Filed

Item No. 24 Correspondence regarding historical marker for school crossing guard
Copies sent to Supervisor Swiatek and Town Board Members
Received and Filed

Item No. 25 Correspondence from Legislator Dusza regarding proposed "Item Pricing
Local Law"
Received and Filed

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MOTION BY SUPERVISOR SWIATEK AND SECONDED BY COUNCILMAN GABRYSZAK TO SUSPEND THE
RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski

NAYES: 0

ABSENT: 0

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IV. SUSPENSION OF RULES

Item No. 26a Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, a Drug Abuse Resistance Education Training ("D.A.R.E.")
seminar will be conducted from September 16-27, 1991 in Saratoga Springs, New York,
and

WHEREAS, the Chief of Police has requested permission for Officer
Kenneth Jezioro to attend this seminar, and

WHEREAS, it is necessary that Office Jezioro attend the D.A.R.E.
seminar so that the Town can conduct D.A.R.E. programs in our schools, NOW,
THEREFORE, BE IT

Item No. 26a continued

RESOLVED, that Officer Jezioro be and hereby is authorized to attend the aforementioned D.A.R.E. training seminar, and BE IT FURTHER

RESOLVED, that the cost for such seminar, \$500.00, be paid from budget line item 0100-3120-4000-4085, and BE IT FURTHER

RESOLVED, that other miscellaneous expenses (gas, tolls, etc.), in an amount not to exceed \$100.00 be paid from budget line item number 0100-1910-4000-4082, and BE IT FURTHER

RESOLVED, that Officer Jezioro be and hereby is authorized to utilize a Town vehicle to travel to and from such seminar.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 26b Motion by Councilman Jaworowicz Seconded by Councilman Gabryszak

WHEREAS, the Bureau of Municipal Police will be holding a firearms instructor course in Saratoga Springs, New York from September 16-26, 1991, and

WHEREAS, the Chief of Police has requested permission for Officer Thomas Dryja to attend this course, and

WHEREAS, Officer Dryja's attendance at this course will enable the Town to have an additional certified firearms instructor, and

WHEREAS, there is no cost to the Town for this course, NOW,
THEREFORE, BE IT

RESOLVED, that Officer Thomas Dryja be and hereby is authorized to attend the aforementioned firearms instructor course, and BE IT FURTHER

RESOLVED, that the Town shall pay Officer Dryja's expenses associated with attending this course (gas and tolls) in an amount not to exceed \$100 from budget line item number 0100-1910-4000-4082, and BE IT FURTHER

RESOLVED, that Officer Dryja be and hereby is authorized to utilize a Town vehicle to travel to and from such course.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 27 Motion by Supervisor Swiatek Seconded by Councilman Gabryszak

WHEREAS, the Town is interested in acquiring title to lands lying in between the terminus of Wedgewood Drive and Losson Road in order to construct a roadway expansion to alleviate traffic congestion, and

WHEREAS, the Town acquired an appraisal from Kushman Appraisal Service Inc. indicating that the property in question is valued at \$17,500.00, and

WHEREAS, an appraisal prepared on behalf of the owners of the property states that the property is worth \$42,500.00, an

WHEREAS, this Board wishes to have an independent appraisal firm evaluate these two appraisals and advise the Town as to the value of this property, and

Item No. 27 continued

WHEREAS, GAR Associates, Inc. has offered to provide the Town with a letter-type appraisal/analysis of the two appraisals of this property for \$750.00, NOW, THEREFORE, BE IT

RESOLVED, that GAR Associates, Inc., One Towne Centre, Audubon-Amherst, Buffalo, New York be and hereby is retained to provide the aforementioned appraisal/analysis at a cost of \$750.00, and BE IT FURTHER

RESOLVED, that moneys for such appraisal/analysis shall be appropriated from budget line item number #0100-1355-4575.

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Supervisor Swiatek Seconded by Councilman Blachowski

WHEREAS, the Erie County Industrial Development Agency ("ECIDA") is in the process of applying for an expansion of the Foreign Trade Zone near the Greater Buffalo International Airport ("GBIA"), and

WHEREAS, such Foreign Trade Zone expansion would benefit the Town of Cheektowaga, and

WHEREAS, preliminary mapping required to be submitted with the application requesting expansion of the Foreign Trade Zone would cost \$1,800.00, and

WHEREAS, the Niagara Frontier Transportation Authority and the Amherst Industrial Development Agency have agreed to each pay one-third of the cost for such mapping, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the aforementioned expansion of the Foreign Trade Zone near the GBIA and authorizes the payment by the Town to the ECIDA of \$600.00 to cover one-third of the cost of the necessary mapping work, and BE IT FURTHER

RESOLVED, that such moneys shall be appropriated from budget line item number #0100-1910-1089

Upon Roll Call....

AYES: Supervisor Swiatek, Councilmen Jaworowicz, Gabryszak, Solecki,
Rogowski and Blachowski
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Supervisor Swiatek and Seconded by Councilman Gabryszak to adjourn the meeting.

RICHARD M. MOLESKI,
Town Clerk