

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 6th day of July, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; Chet Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; James Kirisits, Town Attorney; Kevin Schenk, Deputy Town Attorney; Bruce Chamberlin, Chief of Police; Robert Kaczmarek, Supervising Accountant.

I. RESOLUTIONS

Item No. 2 Approve P.I.P. for Sonwil Drive
This item was withdrawn.

Item No. 3 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is proposing the construction of an 18-hole municipal golf course (the "Project") in the northeast section of the Town, and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA), an environmental review of the Project was conducted, with the Town acting as lead agency, and

WHEREAS, after review by interested and involved agencies and the Town Environmental Review Advisory Committee ("EAC") the Town Board, by resolution dated April 16, 1990, issued a negative declaration under SEQRA for the Project, and

WHEREAS, subsequent to the aforesaid April 16, 1990 resolution, additional environmental review accomplished under the direction of Ken Kloeber Consulting Engineers covering, but not limited to the following items, was done:

1. wetlands delineation
2. tree preservatrion survey and plan
3. stormwater management
4. Phase I and II environmental site evaluation
5. endangered species and archaeological impact review
6. soil borings for preliminary building and detention pond design
7. pumping test for irrigation water supply
8. F.A.A. Concerns
9. Sewer extension, public roadway (Sonwil Drive) and water access

and

WHEREAS, Ken Kloeber Consulting Engineers has issued a letter, a copy of which is attached hereto, listing mitigation measures to be implemented in connection with the Project, and

MEETING NO. 13
July 6, 1993

Item No. 3 cont'd

WHEREAS, there has now been a commitment from Sonwil Distribution Center, Inc. (see attached agreement) that it will reconstruct and dedicate Sonwil Drive, the golf course access road, to the Town, and

WHEREAS, Hurdzan Golf Course Design has revised the golf course design and specifications to incorporate the results from the aforementioned environmental review studies and mitigation plans, and

WHEREAS, the EAC has reviewed the aforementioned environmental studies and golf course modifications and mitigation plans and has recommended that the Town Board reaffirm the negative declaration for the golf course, and

WHEREAS, the Cheektowaga Conservation Advisory Council ("CCAC") has also reviewed the proposed Cheektowaga Municipal Golf Course and mitigation plans and has agreed that this Town Board should reaffirm the negative declaration for same, NOW, THEREFORE, BE IT

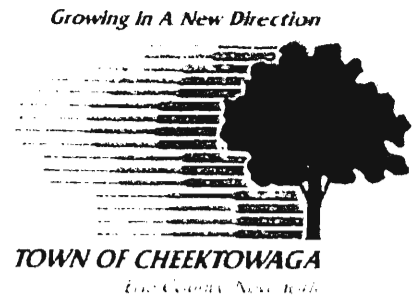
RESOLVED, that this Town Board hereby reaffirms that the proposed Cheektowaga Municipal Golf Course will not have a significant effect on the environment, and hereby issues a negative declaration with respect to the Project.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
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 Dennis Gabryszak
and Members of the Town Board

FROM: Thomas Adamczak
Building Inspector

DATE: July 6, 1993

RE: Municipal Golf Course -
Reaffirmation of NEG-DEC

The EAC held a special meeting on July 6, 1993 to review with Heidi Reed, of Ken W. Kloeber Consulting Engineers, the outstanding issues for the golf course.

In their letter of July 6, 1993 they have outlined the status and recommendation for each issue.

The various issues of concern with this committee or others have been identified and analyzed.

The design of the course is being revised to minimize or avoid impacts. There are a number of alternatives available for mitigating impacts. These will be selected as design progresses.

An issue that should be addressed immediately is the question of archeological sensitivity. In 1990 the NYSDEC did not indicate the need for any type of survey. They have, however, updated their maps and now require that this issue be addressed.

The CCAC has reviewed the project and they concur that the issues have been adequately addressed.

The committee recommends that the Town Board reaffirms the Negative-Declaration for the golf course.

TA:ckl

Attachments

**Ken W. Kloeber
Consulting Engineers**

ENVIRONMENTAL STUDIES • CIVIL & SANITARY ENGINEERING • PLANNING & DESIGN

8397 BOSTON STATE ROAD BOSTON, NEW YORK 14025

716 941-5544

FAX 716 941-5586

July 6, 1993

Bill Pugh
Assistant Town Engineer
Town of Cheektowaga
Alexander Community Center
275 Alexander Avenue
Cheektowaga, New York 14211

Action Plan to Address Outstanding SEQR Issues

Dear Bill:

As authorized by resolution of the Cheektowaga Town Board, we evaluated outstanding SEQR issues to determine their status and what the town must do to satisfy its obligation under SEQR. To obtain current site information we engaged:

- SJB Services, Inc., to do a subsurface investigation for proposed construction of structures and ponds and to advance one hole into bedrock to 100 feet to determine the availability of an underground water source for irrigation
- Wilson Environmental Technologies, Inc., to delineate site wetlands and to prepare a vegetation community survey
- Nussbaumer & Clarke, Inc., to prepare a detailed tree survey

We have also done an Environmental Site Evaluation and investigated storm water management for the site. These studies were undertaken to determine present site conditions and to evaluate impact avoidance, minimization and mitigation alternatives.

The town has addressed five important issues that required a second look since the 1990 Negative Declaration:

- Wetlands impact
- Tree preservation
- Storm water management
- Irrigation for the course
- Endangered species

11002/EN/1/5

Bill Pugh
July 6, 1993 -- Page 3

• **ISSUE: Archeological Survey**

NYS DEC can require review under its storm water and sewer line permit authority.

Status: The March 1992 NYS Office of Parks Recreation and Historic Preservation map shows the site in an archeologically sensitive area. Steven Doleski, NYS DEC Region 9 Permit Administrator, has told us the NYS DEC "flagged" the site during its 1990 review of the project, but neglected to tell the town when it responded to the town's request for Lead Agency. Further, Mr. Doleski said he would expect a Cultural Resources Survey ("CRS") on a site this size. He suggested the extent of the CRS could be limited by excluding previously disturbed areas and areas which will not be disturbed during construction.

Recommended Action: Do a Stage 1-A site screening, consisting of a walkover and historical review by July 14. If the Stage 1-A, reveals no concerns, the town has taken its hard look. If further investigation is needed, a Stage 1-B plan will be prepared. An alternative will be provided to allow for a segmented investigation, which will proceed in advance of construction stages. The Stage 1-B plan will exclude:

- Wetlands, which will be preserved
- Established tree communities, which will be preserved
- Previously disturbed areas, such as the abandoned railroad right-of-way and topsoil removal areas

The NYS DEC does not define "previously disturbed" as you or I would. Therefore, to ensure NYS DEC agreement with the Stage 1-B plan, the plan will be submitted to, and approved by, the NYS DEC.

The golf course construction program will incorporate the following if the Stage 1-B reveals areas of significance:

- Preserve the areas through design and/or covering with fill
- Call for the recovery of significant materials in cooperation with the NYS Office of Parks Recreation and Historic Preservation
- Provide for construction monitoring

Bill Pugh

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• **ISSUE: Potential Bird Hazard**

Status: In response to the town's request for Lead Agency and the 1990 EAF, the NFTA/FAA raised its concern over a potential bird hazard, based on findings of a USDA expert and the Air Transport Association's strong opposition to golf courses within five nautical miles of airports. Due to these concerns, Hurdzan was instructed to:

1. Minimize open water
2. Leave the northeast area (the area directly in line with the southeast or crosswinds runway and within the projected corridor) as is

It is understood that existing wetlands will remain unaltered from their present condition and will be incorporated in the course design.

Recommended Action: Hire a wildlife expert to determine the true waterfowl impact and to work with Hurdzan during final design of any new water/detention areas. We have used Dr. Robert Andrle in similar situations and recommend his service. The Walden Galleria FEIS will be used as a reference.

• **ISSUE: Tree Preservation**

The town has a tree preservation ordinance and authority to issue tree cutting permits.

Status: Wilson Environmental Technologies completed a community survey and Nussbaumer & Clarke completed a detailed survey. Hurdzan is using the surveys during design. Dana Zwolinski, a child who lives at 85 Rehm Road, wrote a letter expressing worry that wildlife will be harmed. Dana was also saddened by trees being knocked down by equipment on the site. We determined the equipment belonged to a well drilling crew operating during early June. Councilman Johnson responded with a letter, telling Dana the town is saving as many trees as possible and it is the town's intention that the wildlife will not be displaced by the golf course.

Bill Pugh
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Recommended Action: Continue with design to ensure preservation by:

- Avoiding established communities and significant trees
 - Using existing vegetation as backdrop for the fairways
 - Selective cutting
 - Trimming and pruning to allow playthrough (versus cutting down)
 - Relocating where possible and planting new trees to compensate for any necessary removal and to enhance course aesthetics
- **ISSUE:** Irrigation of the golf course

Groundwater pumping is the most environmentally appropriate source due to waterfowl concerns.

Status: Drilling by SJB Services, Inc., found no water to 100 feet during exploration to determine the availability of an underground water source for irrigation.

Recommended Action: We believe there is a sound basis to drill to a deeper depth at the same location. If groundwater is still determined to be unavailable or inadequate, the following alternatives will be pursued:

1. Maximizing onsite storage without increasing surface areas
 - Creating underground storage
 - Deepen proposed ponds and allow for greater change in design freeboard
 - Lining ponds to secure onsite collection
 - Pumping from onsite reserves
2. Capturing the storm water currently diverted along the southern edge of Sky Harbor
3. Using operation guidelines (i.e. conservative use)
 - Watering at night
 - Watering stressed areas only

Bill Pugh
July 6, 1993 -- Page 6

• **ISSUE: Water Pollution Prevention**

Water quality will be maintained, or improved, for flows to Scajaquada Creek.

Status: Pre-established hard-look via Erosion and Sedimentation Control Plan ("E & SCP") required by NYS DEC. Hurdzan has a standard E & SCP.

Recommended Action: Review Hurdzan's standard E & SCP and modify it, if necessary, for inclusion in final construction bid specifications by July 14. Submit E & SCP to NYS DEC for approval before bid award. Provide professional inspection to ensure compliance.

• **ISSUE: Traffic Generation**

Status: The 1990 EAF projected 30 vehicle trips per hour. Sonwil Drive, Genesee Street, and portions of Transit Road will be reconstructed before course opening.

Recommended Action: Study impact of golf course on the Sonwil Drive and Genesee Street intersection by committing to preparing a study in one to two years after course opening to fully assess impact upon Genesee, Transit, and Sonwil improvements

• **ISSUE: Town Drainage**

Status: Drainage parameters are identified and are being incorporated, under the supervision of the town engineer and Ken Kloeber, P.E., into a Unified Storm Water Management Plan. Waterfowl concerns are included. Parwood subdivision capacity will be dictated by final golf course design.

Recommended Action: Maximize onsite detention capacity by:

- Creating stepped marshes
- Deepening proposed ponds and increasing design freeboard

Also, the existing problems in the Buffalo-Depew culvert area will be addressed in the plan.

Bill Pugh
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• **ISSUE: Endangered Species**

Status: Resolved.

The NYS DEC has confirmed the 1990 EAF. The site contains no endangered or threatened species or significant habitats.

• **ISSUE: Public Safety**

Status: Public safety is being addressed in the golf course design through accepted design criteria for minimizing distances to residential property lines and using natural vegetation for screening where appropriate.

We commend the EAC, the CCAC, and Councilman Johnson for putting these environmental concerns in the forefront and re-evaluating the 1990 EAF. By establishing the foregoing impact avoidance, minimization and mitigation plan, the town now has a diligent record for making its Environmental Determination. By adhering to an avoidance and minimization strategy during design and construction, we believe all identified environmental impacts will be managed to justify a Negative Declaration.

Sincerely,
KEN W. KLOEBER CONSULTING ENGINEERS



Heidi L. Reed
Compliance Manager

cc: Tom Adamczak, Cheektowaga EQR Intake Office
Bill Kerman, Hurdzan Golf Design
Michael Rippey, North American Golf

HLR/nmj

11002/EN/1/5

#1
IDENTIFY
ISSUE

- WETLANDS ON SITE
- STATUS: USA COE HAS JURISDICTION

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SIGNIFICANT AD

- DELINEATION
- ENSURE GOLF DESIGN MA PRESERVATION

* PREFERRED ACTION OR STEP

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- ARCHEOLOGICAL SENSITIVITY STATUS: NYS DEC HAS AUTHORITY TO REQUIRE REVIEW FOR STORM WATER & SEWER LINE PERMITS

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- ASCERTAIN IF SENSITIVE AD
- IF SO, DO A CULTURAL SURVEY
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2. IF IMPACT
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* PREFERRED ACTION OR STEP

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ISSUE

- TREE PRESERVATION STATUS: TOWN HAS ORDINANCE & PERMIT AUTHORITY

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SIGNIFICANT AD

- DETAILED AND SURVEYS ARE
- RESPONDING CONCERNS ARE AD WOODS

* PREFERRED ACTION OR STEP

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ISSUE

- IRRIGATION of GOLF COURSE

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SIGNIFICANT AD

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- * • PERFORM AN TEST IN SAME
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 2. IF INADE ANALYZE OBTAINING WATER. G

* PREFERRED ACTION OR STEP

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ISSUE

- WATER POLLUTION PREVENTION STATUS: PRE-ESTABLISHED HARD LOOK IN EROSION & SEDIMENTATION CONTROL PLAN FOR NYS DEC

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SIGNIFICANT AD

- FOLLOW NYS FOR E: SC
 1. LOOK @ STANDARD SEDIMENT
 2. MODIFY PROGRAM GUIDELIN
 3. PUT E: IN BID
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* PREFERRED ACTION OR STEP

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- TRAFFIC
GENERATION

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TO RESIDE
AND USING
VEGETATION

* PREFERRED ACTION OR STEP

MEMORANDUM

TO: Mr. Tom Adamczak, EQR Intake Officer

FROM : Mr. John Marriott, Cheektowaga Conservation Advisory Council

DATE: July 3, 1993

RE: Reaffirmation of Negative Declaration for Golf Course

The CCAC has reviewed information supplied regarding the environmental impact aspects of the golf course. We have met on several occasions with Ken Kloeber and Heidi Reed of Kloeber and Associates, Consultants coordinating the golf course environmental impact responses.

The CCAC views the golf course as an environmental enhancement for the Town and believes the following issues have been adequately addressed.

1. Wetlands

Less than 1 acre of existing wetlands will be impacted based on course redesign.

2. Trees

A diligent effort is to be made to preserve more than wetlands area trees as assets to the course. The course re-design will be supplemented by a wetlands and tree preservation overlay.

3. Archeological

It is proposed that areas other than wetlands and previously disturbed railroad property could be sample surveyed in advance of construction.

4. FAA

It is proposed that minimal expansion occurs with respect to already watered areas in the path of the southeast or crosswinds flight corridor. Planned pond hazards in the remaining course will be final, designed with the assistance of a waterfowl expert to address FAA concerns.

5. Public road access (with water supply)

This has been guaranteed by written agreement with Sonwil Industries.

6. Sanitary Sewer Extension

Clubhouse facilities will tie into the new Sonwil Drive sewer, which capacity will be approved by the Town Engineer for the Town SSD #8 and/or SSD#7 Lydia extension, to meet N.Y.S.D.E.C. requirements. Flow impacts from the clubhouse will be minor.

7. Storm Water Management

Detention is being designed to meet the outlet limitation of the railroad culvert and ditch to Scajaquada. Ponds in the southwest sector will be sized accordingly, and establish the parameters for the Parwood Subdivision drainage. The non-storm condition surface area and water level of these features will be kept at an aesthetic minimum.

8. D.E.C./ Federal Storm Water Permits

An erosion and siltation management plan will be submitted and implemented during construction. Wetlands vegetation will be maintained in advance of the culvert outlet to the southwest, for water quality enhancement.

9. Hazardous Materials

Sample testing has been accomplished and the property has been deemed clean.

10. Irrigation

The plan calls for deeper drilling to tap the underlying aquifer. This will reduce the necessity for longer storm water detention with accompanying bird hazards. The pumping operation will be secured from contamination of the aquifer. In the alternative, deeper ponds and for an underground reservoir can be utilized.

11. Traffic Impacts

Sonwil Drive will be improved, Genesee Street and portions of Transit Road will have been reconstructed by the N.Y.S. D.O.T., before the course opens. The project will stipulate a re-study of traffic impacts 1 to 2 years after opening together with any necessary mitigation

12. Endangered species.

It has been determined that there are no endangered plant or animal species to be affected in the golf course acreage.

13. Public Safety

The golf course design will apply accepted criteria for minimum distance from residential property lines and utilizing natural vegetative screening.

John R. ...
J. R. ...

Item No. 4a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Town golf course, and

WHEREAS, this Town Board is interested in utilizing the provisions of section 109-b of the General Municipal Law to finance the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, by resolutions dated March 15, 1993, this Town Board determined that a private negotiated sale is to be utilized by the Town with respect to the sale of such certificates of participation and appointed First Albany Corporation to serve on behalf of the Town as underwriter for such sale, and

WHEREAS, by resolution dated April 19, 1993, this Town Board appointed Manufacturers and Traders Trust Company ("M & T Bank") as trustee for the financing of the Cheektowaga Golf Course under Section 109-b of the General Municipal Law, and

WHEREAS, a Lease Purchase Agreement between M & T Bank, as Lessor, and the Town, as Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, and

WHEREAS, a Trust Agreement between the Town, as Lessee, and M & T Bank, as Lessor/Trustee, has also been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, and

WHEREAS, an evaluation of financing alternatives was prepared for the proposed golf course project and this Town Board took into account such evaluation and, based on the following reasons, this Town Board hereby determined that it is in the best interests of the Town to finance the golf course capital improvements pursuant to an installment purchase contract in the form of Lease Purchase Agreement:

First and foremost, the use of certificates of participation (COP's) to finance the project allows the Town the flexibility to structure the financing and the repayment schedule to meet the projected revenue streams of the project, thus preserving the golf course as a self-supporting enterprise; general obligation debt, which must be structured and repaid in accordance with Article VIII of the State Constitution and the various statutes incorporated in the Local Finance Law, does not provide the Town with this flexibility. Second, the use of COP's does not require the Town to add to its tax-supported debt or pledge its full faith and credit to the project, thus preserving this important asset for other projects which do not have the benefit of a defined revenue stream and are more appropriately financed with general obligation debt. Third, the COP's may be sold at a private sale, on a negotiated basis with the selected underwriter, which provides much more flexibility with respect to choosing the date of sale than a general obligation issue, which must be sold at competitive sale on a date selected weeks in advance; in addition, there is much less risk to the Town with respect to the costs of issuance in a negotiated sale than in a competitive sale - if the COP's are not sold due to market conditions, the Town is not liable for any costs of issuance, but if all bids are rejected or if market conditions dictate a cancellation or postponement of a competitive sale, the Town would still have to pay certain issuing expenses.

and

Item No. 4a cont'd

WHEREAS, execution of the Lease Purchase Agreement will not cause the Town to exceed the limits prescribed by paragraph c of subdivision 6 of section 109-b of the General Municipal Law, and

WHEREAS, this Board has reviewed such agreements and finds same acceptable and proper, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned Lease Purchase Agreement and Trust Agreement are authorized and the Supervisor be and hereby is authorized and directed to execute such Lease Purchase Agreement and Trust Agreement on behalf of the Town in substantially the form submitted at this meeting and on file with the Town Clerk, and with such amendments and modifications as may be approved by the Supervisor, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and execute any and all other papers and documents necessary to be taken or executed to give effect to these agreements, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

PLEASE TAKE NOTICE that, on July 6, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York adopted a resolution in the following form:

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Town golf course, and

WHEREAS, this Town Board is interested in utilizing the provisions of Section 109-b of the General Municipal Law to finance the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, by resolutions dated March 15, 1993, this Town Board determined that a private negotiated sale is to be utilized by the Town with respect to the sale of such certificates of participation and appointed First Albany Corporation to serve on behalf of the Town as underwriter for such sale, and

WHEREAS, by resolution dated April 19, 1993, this Town Board appointed Manufacturers and Traders Trust Company ("M & T Bank") as trustee for the financing of the Cheektowaga Golf Course under Section 109-b of the General Municipal Law, and

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Item No. 4a cont'd

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First and foremost, the use of certificates of participation (COP's) to finance the project allows the Town the flexibility to structure the financing and the repayment schedule to meet the projected revenue streams of the project, thus preserving the golf course as a self-supporting enterprise; general obligation debt, which must be structured and repaid in accordance with Article VIII of the State Constitution and the various statutes incorporated in the Local Finance Law, does not provide the Town with this flexibility. Second, the use of COP's does not require the Town to add to its tax-supported debt or pledge its full faith and credit to the project, thus preserving this important asset for other projects which do not have the benefit of a defined revenue stream and are more appropriately financed with general obligation debt. Third, the COP's may be sold at a private sale, on a negotiated basis with the selected underwriter, which provides much more flexibility with respect to choosing the date of sale than a general obligation issue, which must be sold at competitive sale on a date selected weeks in advance; in addition, there is much less risk to the Town with respect to the costs of issuance in a negotiated sale than in a competitive sale - if the COP's are not sold due to market conditions, the Town is not liable for any costs of issuance, but if all bids are rejected or if market conditions dictate a cancellation or postponement of a competitive sale, the Town would still have to pay certain issuing expenses.

and

WHEREAS, execution of the Lease Purchase Agreement will not cause the Town to exceed the limits prescribed by paragraph c of subdivision 6 of section 109-b of the General Municipal Law, and

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WHEREAS, that the aforementioned Lease Purchase Agreement and Trust Agreement are authorized and the Supervisor be and hereby is authorized and directed to execute such Lease Purchase Agreement and Trust Agreement on behalf of the Town in substantially the form submitted at this meeting and on file with the Town Clerk, and with such amendments and modifications as may be approved by the Supervisor, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and execute any and all other papers and documents necessary to be taken or executed to give effect to these agreements, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum, and BE IT FURTHER

Item No. 4a cont'd

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.

BY ORDER OF THE TOWN BOARD

Dated: July 6, 1993

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, and Johnson
NAYES: Councilman Wielinski
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Melissa Gugliuzza, 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 8, 1993.....;
last publication.....July 8, 1993.....;
and that no more than six days intervened be-
tween publications.

.....Melissa Gugliuzza
.....
.....

Sworn to before me this
.....

day ofJuly....., 1993.....

.....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 12/11/93

LEGAL NOTICE

NOTICE OF ADOPTION OF
RESOLUTION

SUBJECT TO PERMISSIVE
REFERENDUM

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WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Town golf course, and

WHEREAS, this Town Board is interested in utilizing the provisions of Section 109-b of the General Municipal Law to finance the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, by resolutions dated March 15, 1993, this Town Board determined that a private negotiated sale is to be utilized by the Town with respect to the sale of such certificates of participation and appointed First Albany Corporation to serve on behalf of the Town as underwriter for such sale, and

WHEREAS, by resolution dated April 19, 1993, this Town Board appointed Manufacturers and Traders Trust Company ("M & T Bank") as trustee for the financing of the Cheektowaga Golf Course under Section 109-b of the General Municipal Law, and

WHEREAS, a Lease Purchase Agreement between M & T Bank, as Lessor, and the Town, as Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, and

WHEREAS, a Trust Agreement between the Town, as Lessee, and M & T Bank, as Lessor/Trustee, has also been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, and

WHEREAS, an evaluation of financing alternatives was prepared for the proposed golf course project and this Town Board took into account such evaluation and, based on the following reasons, this Town Board hereby determined that it is in the best interests of the Town to finance the golf course capital improvements pursuant to an installment purchase contract in the form of Lease Purchase Agreement.

First and foremost, the use of certificates of participation (COP's) to finance the project allows the Town the flexibility to structure the financing and the repayment schedule to meet the projected revenue streams of the project, thus preserving the golf course as a self-supporting enterprise; general obligation debt, which must be structured and repaid in accordance with Article VIII of the State Constitution and the various statutes incorporated in the Local Finance Law, does not provide the Town with this flexibility. Second, the use of COP's does not require the Town to add to its tax-supported debt or pledge its full faith and credit to the project, thus preserving this important asset for other projects which do not have the benefit of a defined revenue stream and are more appropriately financed with general obligation debt. Third, the COP's may be sold at a private sale, on a negotiated basis with the selected underwriter, which provides much more flexibility with respect to choosing the date of sale than a general obligation issue, which must be sold at competitive sale on a date selected weeks in advance; in addition, there is much less risk to the Town with respect to the costs of issuance in a negotiated sale than in a competitive sale - if the COP's are not sold due to market conditions, the Town is not liable for any costs of issuance, but if all bids are rejected or if market conditions dictate a cancellation or postponement of a competitive sale, the Town would still have to pay certain issuing expenses.

and

WHEREAS, execution of the Lease Purchase Agreement will not cause the Town to exceed the limits prescribed by paragraph c of subdivision 6 of section 109-b of the General Municipal Law, and

WHEREAS, this Board has reviewed such agreements and finds same acceptable and proper, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned Lease Purchase Agreement and Trust Agreement are authorized and the Supervisor be and hereby is authorized and directed to execute such Lease Purchase Agreement and Trust Agreement on behalf of the Town in

substantially the form submitted at this meeting and on file with the Town Clerk, and with such amendments and modifications as may be approved by the Supervisor, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and execute any and all other papers and documents necessary to be taken or executed to give effect to these agreements, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.

BY ORDER OF THE TOWN
BOARD

DATED: JULY 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: JULY 8, 1993

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

.....Melissa Gugliuzza, 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 8, 1993.....;
last publication.....July 8, 1993.....;
and that no more than six days intervened be-
tween publications.

.....Melissa Gugliuzza
8th

Sworn to before me this

day ofJULY....., 1993...

.....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 12/11/93

LEGAL NOTICE

**NOTICE OF ADOPTION OF
RESOLUTION
SUBJECT TO PERMISSIVE
REFERENDUM**

PLEASE TAKE NOTICE that on July 6, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York adopted a resolution in the following form:

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Town golf course, and

WHEREAS, this Town Board is interested in utilizing the provisions of Section 109-b of the General Municipal Law to finance the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, by resolutions dated March 15, 1993, this Town Board determined that a private negotiated sale is to be utilized by the Town with respect to the sale of such certificates of participation and appointed First Albany Corporation to serve on behalf of the Town as underwriter for such sale, and

WHEREAS, by resolution dated April 19, 1993, this Town Board appointed Manufacturers and Traders Trust Company ("M & T Bank") as trustee for the financing of the Cheektowaga Golf Course under Section 109-b of the General Municipal Law, and

WHEREAS, a Lease Purchase Agreement between M & T Bank, as Lessor, and the Town, as Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, and

WHEREAS, a Trust Agreement between the Town, as Lessee, and M & T Bank, as Lessor/Trustee, has also been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, and

WHEREAS, an evaluation of financing alternatives was prepared for the proposed golf course project and this Town Board took into account such evaluation and, based on the following reasons, this Town Board hereby determined that it is in the best interests of the Town to finance the golf course capital improvements pursuant to an installment purchase contract in the form of Lease Purchase Agreement.

First and foremost, the use of certificates of participation (COP's) to finance the project allows the Town the flexibility to structure the financing and the repayment schedule to meet the projected revenue streams of the project, thus preserving the golf course as a self-supporting enterprise; general obligation debt, which must be structured and repaid in accordance with Article VIII of the State Constitution and the various statutes incorporated in the Local Finance Law, does not provide the Town with this flexibility. Second, the use of COP's does not require the Town to add to its tax-supported debt or pledge its full faith and credit to the project, thus preserving this important asset for other projects which do not have the benefit of a defined revenue stream and are more appropriately financed with general obligation debt. Third, the COP's may be sold at a private sale, on a negotiated basis with the selected underwriter, which provides much more flexibility with respect to choosing the date of sale than a general obligation issue, which must be sold at competitive sale on a date selected weeks in advance; in addition, there is much less risk to the Town with respect to the costs of issuance in a negotiated sale than in a competitive sale - if the COP's are not sold due to market conditions, the Town is not liable for any costs of issuance, but if all bids are rejected or if market conditions dictate a cancellation or postponement of a competitive sale, the Town would still have to pay certain issuing expenses.

and

WHEREAS, execution of the Lease Purchase Agreement will not cause the Town to exceed the limits prescribed in paragraph c of subdivision 6 of Section 109-b of the General Municipal Law, and

WHEREAS, this Board has reviewed such agreements and finds them acceptable and proper, NOW, HEREOF, BE IT

RESOLVED, that the aforementioned Lease Purchase Agreement and Trust Agreement are authorized and the Supervisor be and hereby is authorized and directed to execute such Lease Purchase Agreement and Trust Agreement on behalf of the Town in

substantially the form submitted at this meeting and on file with the Town Clerk, and with such amendments and modifications as may be approved by the Supervisor, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and execute any and all other papers and documents necessary to be taken or executed to give effect to these agreements, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.

BY ORDER OF THE TOWN BOARD

DATED: JULY 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: JULY 8, 1993

Item No. 4b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, this Town Board, by resolution dated July 6, 1993, has previously authorized the Town to enter into a Lease Purchase Agreement and Trust Agreement with Manufacturers & Traders Trust Company ("M & T Bank"), as Lessor/Trustee for financing the cost of construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, in addition to the lease purchase agreement and trust agreement, it is necessary for the Town, as Site Lessor, to enter into a Facility Site Lease with M & T Bank, as Site Lessee, to provide certain additional security for the repayment of moneys to M & T Bank, as Trustee on behalf of such investors, and

WHEREAS, special state legislation (S.1766-B) was adopted by the State Senate and Assembly and forwarded to the Governor for his signature to authorize this Town Board to enter into the Facility Site Lease with respect to these portions of the proposed golf course which are considered dedicated park land, and

WHEREAS, a Facility Site Lease between the Town, as Site Lessor, and M & T Bank, as Site Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, NOW, THEREFORE, BE IT

RESOLVED, that, subject to the Governor signing S.1766-B into law, the Supervisor be and hereby is authorized and directed to execute the aforementioned Facility Site Lease, in substantially the same form submitted at this meeting with such amendments and modifications as may be approved by the Supervisor, on behalf of the Town, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and to execute any and all other papers and documents necessary to be taken or executed to give effect to such Facility Site Lease, and BE IT FURTHER

RESOLVED, that this resolution shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of resolution Subject to Permissive Referendum in the Cheektowaga Times.

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

PLEASE TAKE NOTICE that, on July 6, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York adopted a resolution in the following form:

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

Item No. 4b cont'd

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, this Town Board, by resolution dated July 6, 1993, has previously authorized the Town to enter into a Lease Purchase Agreement and Trust Agreement with Manufacturers & Traders Trust Company ("M & T Bank"), as Lessor/Trustee for financing the cost of construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, in addition to the lease purchase agreement and trust agreement, it is necessary for the Town, as Site Lessor, to enter into a Facility Site Lease with M & T Bank, as Site Lessee, to provide certain additional security for the repayment of moneys to M & T Bank, as Trustee on behalf of such investors, and

WHEREAS, special state legislation (S.1766-B) was adopted by the State Senate and Assembly and forwarded to the Governor for his signature to authorize this Town Board to enter into the Facility Site Lease with respect to these portions of the proposed golf course which are considered dedicated park land, and

WHEREAS, a Facility Site Lease between the Town, as Site Lessor, and M & T Bank, as Site Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, NOW, THEREFORE, BE IT

RESOLVED, that, subject to the Governor signing S.1766-B into law, the Supervisor be and hereby is authorized and directed to execute the aforementioned Facility Site Lease, in substantially the same form submitted at this meeting with such amendments and modifications as may be approved by the Supervisor, on behalf of the Town, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk; Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and to execute any and all other papers and documents necessary to be taken or executed to give effect to such Facility Site Lease, and BE IT FURTHER

RESOLVED, that this resolution shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of resolution Subject to Permissive Referendum in the Cheektowaga Times.

BY ORDER OF THE TOWN BOARD

July 6, 1993

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, and Johnson
NAYES: Councilman Wielinski
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

PLEASE TAKE NOTICE that, on July 6, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York adopted a resolution in the following form:

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, this Town Board, by resolution dated July 6, 1993, has previously authorized the Town to enter into a Lease Purchase Agreement and Trust Agreement with Manufacturers & Traders Trust Company ("M & T Bank"), as Lessor/Trustee for financing the cost of construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, in addition to the lease purchase agreement and trust agreement, it is necessary for the Town, as Site Lessor, to enter into a Facility Site Lease with M & T Bank, as Site Lessee, to provide certain additional security for the repayment of moneys to M & T Bank, as Trustee on behalf of such investors, and

WHEREAS, special State legislation (S.1766-B) was adopted by the State Senate and Assembly and forwarded to the Governor for his signature to authorize this Town Board to enter into the Facility Site Lease with respect to those portions of the proposed golf course which are considered dedicated park land, and

WHEREAS, a Facility Site Lease between the Town, as Site Lessor, and M & T Bank, as Site Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, NOW, THEREFORE, BE IT

RESOLVED, that subject to the Governor signing S. 1766-B into law, the Supervisor be and hereby is authorized and directed to execute the aforementioned Facility Site Lease, in substantially the same form submitted at this meeting with such amendments and modifications as may be approved by the Supervisor on behalf of the Town, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and to execute any and all other papers and documents necessary to be taken or executed to give effect to such Facility Site Lease, and BE IT FURTHER

RESOLVED, that this resolution shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of resolution Subject to Permissive Referendum in the Cheektowaga Times.

BY ORDER OF THE TOWN BOARD

DATED: JULY 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 8, 1993

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

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication July 8, 1993; last publication July 8, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza
844

Sworn to before me this

day of July, 1993

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 12/11/93

LEGAL NOTICE

NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

PLEASE TAKE NOTICE that, on July 6, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York adopted a resolution in the following form:

WHEREAS, the Town of Cheektowaga is interested in constructing an 18-hole municipal golf course on Town-owned property located south of Genesee Street and west of Transit Road in the Town, and

WHEREAS, Section 109-b of the General Municipal Law of the State of New York authorizes the Town to enter into a lease purchase agreement pursuant to which the Town will annually appropriate lease payments securing the repayment of tax-exempt certificates of participation sold to investors for the purpose of financing the construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, this Town Board, by resolution dated July 6, 1993, has previously authorized the Town to enter into a Lease Purchase Agreement and Trust Agreement with Manufacturers & Traders Trust Company ("M & T Bank"), as Lessor/Trustee for financing the cost of construction of the Cheektowaga Municipal Golf Course, and

WHEREAS, in addition to the lease purchase agreement and trust agreement, it is necessary for the Town, as Site Lessor, to enter into a Facility Site Lease with M & T Bank, as Site Lessee, to provide certain additional security for the repayment of moneys to M & T Bank, as Trustee on behalf of such investors, and

WHEREAS, special State legislation (S.1766-B) was adopted by the State Senate and Assembly and forwarded to the Governor for his signature to authorize this Town Board to enter into the Facility Site Lease with respect to those portions of the proposed golf course which are considered dedicated park land, and

WHEREAS, a Facility Site Lease between the Town, as Site Lessor, and M & T Bank, as Site Lessee, has been prepared and reviewed in substantially the form submitted at this meeting and on file in the Town Clerk's Office, NOW, THEREFORE, BE IT

RESOLVED, that subject to the Governor signing S. 1766-B into law, the Supervisor be and hereby is authorized and directed to execute the aforementioned Facility Site Lease, in substantially the same form submitted at this meeting with such amendments and modifications as may be approved by the Supervisor on behalf of the Town, and BE IT FURTHER

RESOLVED, that the Supervisor, Town Attorney, Town Clerk, Supervising Accountant and other involved Town officers be and hereby are authorized and directed to take any further action and to execute any and all other papers and documents necessary to be taken or executed to give effect to such Facility Site Lease, and BE IT FURTHER

RESOLVED, that this resolution shall be subject to permissive referendum, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of resolution Subject to Permissive Referendum in the Cheektowaga Times.

BY ORDER OF THE TOWN BOARD

DATED: JULY 6, 1993

RICHARD M. MOLES Town Clerk

PUBLISH: July 8, 1993

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

.....Melissa Gugliuzza, 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 8, 1993.....; last publication.....July 8, 1993.....; and that no more than six days intervened between publications.

.....Melissa Gugliuzza
84u

Sworn to before me this day ofJuly....., 1993

.....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 12/11/93

Item No. 5a Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town has proposed the construction of an 18-hole municipal golf course in the northeast section of Town, and

WHEREAS, Hurdzan Golf Course Design has prepared bid specifications and documents for the construction of such golf course, and

WHEREAS, it is in order that bids be advertised for the construction of this golf course, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders for the construction of the Cheektowaga Municipal Golf Course in the Cheektowaga Times, and BE IT FURTHER

RESOLVED, that sealed bids for such project will be received and opened on the 2nd day of August, 1993 at 12:00 P.M. at a public bid opening held in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

CONSTRUCTION OF MUNICIPAL GOLF COURSE

TOWN OF CHEEKTOWAGA

Sealed proposals will be received by the Town of Cheektowaga on August 2, 1993 at 12:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the construction of an 18-hole municipal golf course in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from Hurdzan Golf Course Design (Att'n: Bill Kerman) 1270 Old Henderson Road, Columbus, Ohio 43220, or by telephone at (614) 457-9955 on or after July 14, 1993.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidders, should it be in the best interest of the Town, or reject any and all bids.

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

Dated: July 6, 1993

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, and Johnson
NAYES: Councilman Wielinski
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE

2 NOTICE TO BIDDERS

CONSTRUCTION OF
MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA

Sealed proposals will be received by the Town of Cheektowaga on August 2, 1993 at 12:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the construction of an 18-hole municipal golf course in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from Hurdzan Golf Course Design (Att'n: Bill Ker-man) 1270 Old Henderson Road, Columbus, Ohio 43220, or by telephone at (614)457-9955 on or after July 14, 1993.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidders, should it be in the best interest of the Town, or reject any and all bids.

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

Dated: July 6, 1993.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 8, 1993

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk 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 for 1 weeks: first publication JULY 8, 1993; last publication JULY 8, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza
8th

Sworn to before me this

day of JULY, 1993.

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 12/11/93

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

LEGAL NOTICE
NOTICE TO BIDDERS
CONSTRUCTION OF
MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA
Sealed proposals will be received by the Town of Cheektowaga on August 2, 1993 at 12:00 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York for the construction of an 18-hole municipal golf course in the Town of Cheektowaga.
Information for bidders and specifications may be obtained from Hurdzan Golf Course Design (Att'n: Bill Kerman) 1270 Old Henderson Road, Columbus, Ohio 43220, or by telephone at (614)457-9955 on or after July 14, 1993.
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidders, should it be in the best interest of the Town, or reject any and all bids.
BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.
Dated: July 6, 1993
RICHARD M. MOLESKI
Town Clerk
PUBLISH: July 8, 1993

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk 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 for 1 weeks: first publication JULY 8, 1993; last publication JULY 8, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza
Jm

Sworn to before me this
day of JULY, 1993.

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 12/11/93

Item No. 5b Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak
Councilman Johnson

WHEREAS, it is in order that bids be advertised for the furnishing and installation of playground equipment at Firemen's Park, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and the Town Clerk be directed to publish a Notice to Bidders for the furnishing and installation of playground equipment at Firemen's Park, said notice to be published in THE CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on July 19, 1993 at 11:00 A.M., Local Time, at the Town Hall, at which time they will be publicly opened and read.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on July 19, 1993 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of Playground Equipment at Firemen's Park in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk in his office in said Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town of reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

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

RICHARD M. MOLESKI
Town Clerk

Dated: July 6, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on July 19, 1993 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the Furnishing and Installation of Playground Equipment @ Firemen's Park in the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk in his office in said Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
Town Clerk

DATED: July 6, 1993

PUBLISH: July 8, 1993

Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk..... 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 8, 1993.....; last publication..... July 8, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza
sw

Sworn to before me this

day of July....., 1993.....

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 12/11/93

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

LEGAL NOTICE

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Information for bidders and specifications may be obtained from the Town Clerk in his office in said Town Hall.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York.

The successful bidder will be required to furnish a Performance Bond acceptable to the owner, in an amount equal to the contract award.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
Town Clerk

DATED: July 6, 1993

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Melissa Gugliuzza
gth

Sworn to before me this

day of July, 1993

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 12/11/93

Item No. 5c 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 various departments in the Town.

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, NY 14227, between the hours of 8:00 AM and 3:30 PM, Monday thru 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 AM on July 19, 1993.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 19, 1993 at 11:00 AM.

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. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL, ETC".

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

DATE: July 6, 1993

PUBLISHED: July 8, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
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
LEGAL NOTICE TO
BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 19th, 1993 at 11 AM.
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. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL, ETC".
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

DATE: July 6, 1993

PUBLISH: July 8, 1993

.....Melissa Gugliuzza, 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 8, 1993.....;
last publication.....July 8, 1993.....;
and that no more than six days intervened be-
tween publications.

.....Melissa Gugliuzza
8th

Sworn to before me this

day ofJuly....., 1993...

.....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 12/11/93

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

.....Melissa Gugliuzzi, of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
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and that no more than six days intervened be-
tween publications.

.....Melissa Gugliuzzi
8th

Sworn to before me this

day ofJuly....., 1993...

.....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 12/11/93

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO
BIDDERS
NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 19th, 1993 at 11 AM.
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. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL, ETC".
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
DATE: July 6, 1993
PUBLISH: July 8, 1993

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

WHEREAS, Canaan Ministries, Inc. has petitioned for the rezoning from R-Residential District to C-Retail Business District to CF-Community Facilities District of property owned by Most Holy Redeemer Parish and Located at 30 Alpine Place, 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 21st day of June, 1993 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 Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, 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 aforementioned rezoning, and has recommended that this Town Board conduct a public hearing and make a decision after receiving final public comments,

NOW, THEREFORE BE IT RESOLVED that the application of Canaan Ministries, Inc. for the rezoning of the aforesaid property is denied for, including but not limited to, the following reasons:

1. the subject property can be used for the uses permitted in its currently zoned zoning district and/or.
2. the proposed rezoning is not in accordance with the Town's comprehensive plan for the general welfare of the community, and/or
3. some of the uses allowed in the proposed district are not compatible with a residential neighborhood, and/or.
4. the proposed rezoning would result in a substantial increase in vehicular and pedestrian traffic, and/or.
5. insufficient off-street parking is available, and/or.
6. the proposed rezoning would tend to depreciate the value of adjacent residential properties, and/or
7. the proposed rezoning would alter the residential character of the neighborhood, and/or
8. the applicant was unwilling or unable to provide various requested security measures, and/or
9. the proposed rezoning is otherwise detrimental to the general public health, safety, convenience and welfare of the community.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

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 6th day of July, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryzak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT:

Motion by Supervisor Gabryzak
Councilman Blachowski

seconded by Unanimous

WHEREAS, Canaan Ministries, Inc. has petitioned for the rezoning from R-Residential District and C-Retail Business District to CF-Community Facilities District of property owned by Most Holy Redeemer Parish and located at 30 Alpine Place, 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 21st day of June, 1993 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 Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, 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 aforementioned rezoning, and has recommended that this Town Board conduct a public hearing and make a decision after receiving final public comments,

NOW, THEREFORE, BE IT RESOLVED, that the application of Canaan Ministries, Inc. for the rezoning of the aforesaid property is denied for, including but not limited to, the following reasons;

1. the subject property can be used for the uses permitted in its currently zoned zoning district, and/ or,
2. the proposed rezoning is not in accordance with the Town's comprehensive plan for the general welfare of the community, and/or,
3. some of the uses allowed in the proposed district are not compatible with a residential neighborhood, and/or,
4. the proposed rezoning would result in a substantial increase in vehicular and pedestrian traffic, and/ or,
5. insufficient off-street parking is available, and /or,

6. the proposed rezoning would tend to depreciate the value of adjacent residential properties, and/ or,
 7. the proposed rezoning would alter the residential character of the neighborhood, and/ or,
 8. the applicant was unwilling or unable to provide various requested security measures, and/or,
 9. the proposed rezoning is otherwise detrimental to the general public health, safety, convenience and welfare of the community.
- Upon roll call...

Supervisor Gabryzak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

Legal Description: Most Holy Redeemer Church Convent
30 Alpine Place
Cheektowaga, NY 14225

Lots 103 and 104

Beginning on Alpine Place 348.5 feet from Genesee Street, east 103 feet, north 60 feet, west 103 feet and south 103 feet.

PUBLISH: July 8, 1993

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

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk 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 for 1 weeks; first publication July 8, 1993; last publication July 8, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza
Clerk

Sworn to before me this

day of July, 1993...

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 12/11/93

LEGAL NOTICE

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 6th day of July, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryzak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT:

Motion by Supervisor Gabryzak
Councilman Blachowski

seconded by Unanimous

WHEREAS, Canaan Ministries, Inc. has petitioned for the rezoning from R-Residential District and C-Retail Business District to CF-Community Facilities District of property owned by Most Holy Redeemer Parish and located at 30 Alpine Place, 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 21st day of June, 1993 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 Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, 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 aforementioned rezoning, and has recommended that this Town Board conduct a public hearing and make a decision after receiving final public comments,

NOW, THEREFORE, BE IT RESOLVED, that the application of Canaan Ministries, Inc. for the rezoning of the aforesaid property is denied for, including but not limited to, the following reasons;

1. the subject property can be used for the uses permitted in its currently zoned zoning district, and/or,
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 7. the proposed rezoning would alter the residential character of the neighborhood, and/or,
 8. the applicant was unwilling unable to provide various request security measures, and/or,
 9. the proposed rezoning is otherwise detrimental to the general public health, safety, convenience and welfare of the community.

Upon roll call...

Supervisor Gabryzak Voting AYE
 Councilman Jaworowicz Voting AYE
 Councilman Solecki Voting AYE
 Councilman Rogowski Voting AYE
 Councilman Blachowski Voting AYE
 Councilman Johnson Voting AYE
 Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

Legal Description: Most Holy Redeemer Church Convent
30 Alpine Place
Cheektowaga, NY 14225

Lots 103 and 104

Beginning on Alpine Place 348.5 feet from Genesee Street, east 103 feet, north 60 feet, west 103 feet and south 103 feet.

PUBLISH: July 8, 1993

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

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.....Melissa Gugliuzza.....
JK

Sworn to before me this

day ofJuly....., 1993....

.....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 12/11/93

Item No. 7a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, Local Law No. 1 of the Year 1992 entitled "A Local Law Relating to Rezoning" was adopted on January 21, 1992, and

WHEREAS, it has been proposed by the Engineering and Building Inspections Departments of the Town that such Zoning Law be amended to control the filling of lands within the Town, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19th day of July, 1993 at 7:30 P.M. to consider the advisability of amending the Zoning Law by means of adopting a local law known as "A Local Law to Amend the Zoning Law," 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, pursuant to the laws of the State of New York, a public hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of July, 1993 at 7:30 P.M., at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposal to amend "A Local Law Relating to Rezoning" (Local Law No. 1 of the Year 1992) by adoption of Local Law Intro No. 93-1 of the Year 1993, entitled "A Local Law to Amend the Zoning Law". A brief description of Local Law Intro No. 93-1 of the Year 1993 is as follows:

Town of Cheektowaga

Local Law Intro No. 93-1 of the Year 1993

A local law to amend "A Local Law Relating to Zoning" to control the filling of lands within the Town of Cheektowaga. This local law would limit the type of material to be used to fill and would require the owner of the property to fill properly and seed within a specific period of time.

A copy of the complete text of "Local Law Intro No. 93-1 of the Year 1993" shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

Richard M. Moleski
Town Clerk

Dated: July 6, 1993

Published: July 8, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

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 pursuant to the laws of the State of New York, a public hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of July, 1993 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 proposal to amend "A Local Law Relating to Zoning" (Local Law No. 1 of the Year 1992) by adoption of Local Law Intro No. 93-1 of the Year 1993, entitled "A Local Law to Amend the Zoning Law". A brief description of Local Law Intro No. 93-1 of the Year 1993 is as follows:

Town of Cheektowaga

Local Law Intro No. 93-1
of the Year 1993

A local law to amend "A Local Law Relating to Zoning" to control the filling of lands within the Town of Cheektowaga. This local law would limit the type of material to be used to fill and would require the owner of the property to fill properly and seed with in a specific period of time.

A copy of the complete text of "Local Law Intro No. 93-1 of the Year 1993" shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

Dated: July 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 8, 1993

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk 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 for 1 weeks: first publication JULY 8, 1993; last publication JULY 8, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 8th

day of JULY, 1993.

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 12/11/93

Item No. 7b Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, Tops Markets, Inc., as part of its Kids Week Celebration, wishes to sponsor a softball game at the Alexander Community Center ball diamond on July 27, 1993 at 6:00 P.M. to benefit the Cradle Beach Camp, and

WHEREAS, in conjunction with such softball game, Tops Markets, Inc. has requested permission to sell soft drinks and hot dogs on the Town property, and

WHEREAS, pursuant to Section 64 (7) of the Town Law of the State of New York, this Town Board must hold a public hearing before it can allow a concession to operate on Town property, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19th day of July, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, to discuss and, if need be, act upon the aforementioned request to sell concessions at the Alexander Community Center ball diamond area, 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 HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 19th day of July, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of Tops Markets, Inc. to sell hot dogs, soft drinks, etc. on the Town Park baseball diamond area near Alexander Community School on July 27, 1993 beginning at 6:00 P.M., in conjunction with a softball game for the benefit of Cradle Beach Camp; all parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Richard M. Moleski
Town Clerk

Dated: July 6, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE

2 NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 19th day of July, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of Tops Markets, Inc. to sell hotdogs, soft drinks, etc. on the Town Park baseball diamond area near Alexander Community School on July 27, 1993 beginning at 6:00 P.M., in conjunction with a softball game for the benefit of Cradle Beach Camp; all parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Dated: July 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 8, 1993

.....Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication July 8, 1993; last publication July 8, 1993; and that no more than six days intervened between publications.

.....Melissa Gugliuzza

Sworn to before me this 8th

day of July 1993.....

.....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 12/11/93

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

LEGAL NOTICE

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 19th day of July, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of Tops Markets, Inc. to sell hotdogs, soft drinks, etc. on the Town Park baseball diamond area near Alexander Community School on July 27, 1993 beginning at 6:00 P.M., in conjunction with a softball game for the benefit of Cradle Beach Camp; all parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Dated: July 6, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 8, 1993

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication JULY 8, 1993; last publication JULY 8, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 8th

day of JULY, 1993

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 12/11/9 3

Item No. 8a Motion by Councilman Solecki, Seconded by Councilman Johnson

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the construction of pre-engineered metal building for the Sanitation/Recycling Department, which bids were duly received and opened at a public bid opening held on June 21, 1993, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated June 30, 1993, AND

WHEREAS, the construction of the pre-engineered metal building is funded in part through a grant obtained through the Low Technology Resource Recovery Program, which guarantees 50% reimbursement for the construction of recycling facilities and requires that said facilities be constructed during the 1993 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the construction of a pre-engineered metal building for the Sanitation/Recycling Department be awarded to Telfair Construction Corporation, 33 Pequet Parkway, Tonawanda, New York 14150 for its base bid price of \$110,991.00, and Alternate #2 at the low bid of \$1,830.00, said bidder being the lowest responsible bidder meeting specifications, AND, BE IT FURTHER

RESOLVED, that the total cost of \$112,821.00 for said project shall be appropriated from account #5304-8160-9366.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



June 30, 1993

TO SUPERVISOR GABRYSZAK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Pre-Engineered Metal Building
for Cheektowaga Sanitation Department

Gentlemen:

Bids were received and opened on June 21, 1993 for the general construction of one (1) pre-engineered metal building and four (4) additional alternate bid items, of which only one (1) was accepted by David Kulik, General Crew Chief, to stay within his budget allocation. Three (3) bidders submitted bids as follows:

<u>BIDDER</u>	<u>PRICE</u>
Telfair Construction Corporation	\$110,991.00
Baker Development & Construction Co.	\$117,900.00
Clarence Associates, Inc.	\$138,500.00

Accepted Alternate #2 (Roof Skylights)

Telfair Construction Corporation	\$ 1,830.00
Baker Development & Construction Co.	\$ 2,640.00
Clarence Associates, Inc.	\$ 2,700.00

Alternate bids of which Telfair was the lowest bidder were not accepted. The low bid of Telfair is as noted.

Alternate #1	Wall insulation	\$ 6,441.00
Alternate #3	Trench drain & grease/oil interceptor	\$ 9,763.00
Alternate #4	Extension of sanitary sewer line	\$ 3,745.00

To Supervisor Gabryszak
and Town Board Members

June 30, 1993
Page 2

The bids were reviewed by the Engineering Department and David Kulik, Sanitation Department. It is, therefore, recommended that the bid for one (1) pre-engineered metal building be awarded to Telfair Construction Corporation, 33 Pequet Parkway, Tonawanda, New York 14150 for their submission of the lowest bid meeting the requirements of the specifications and available funding.

Very truly yours,

TOWN OF CHEEKTOWAGA



Paul G. Piwowarski
Engineering Assistant

PGP:dms

CC: D. Kulik

Item No. 8b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, this Town Board, with cooperation from the Town Board of West Seneca, is working toward the implementation of the second phase of the Marrano-Kelly Drainage Project, which project will divert storm waters generated in the Town of West Seneca into an established waterway, AND

WHEREAS, there is need to construct a berm at the rear of Marrano Parkway homes in order to protect said homes from surface flooding while easements and funding are being arranged for the storm water diversion project, NOW, THEREFORE, BE IT

RESOLVED, that the recommendation of the Town Engineer to award the berm construction contract to Tom Greenauer Development; whose firm was awarded the 1993 Equipment & Operator Rental Contract, is approved, AND, BE IT FURTHER

RESOLVED, that costs of said temporary berm not to exceed \$3,500.00 be charged to the Slate Bottom Creek Erosion Control Account #5109-1440-9122.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Johnson, 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 recommendation concerning the environmental significance of such application, 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 18, 1993, recommended the environmental determinations shown on the attached memo dated June 21, 1993, 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 21, 1993 memo attached hereto:

Item II

2878 Walden Avenue

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

The Law will also require, should the property not be developed within a certain period of time, the land be covered with topsoil, graded to the approved drainage plan and seeded to provide ground cover. This requirement will eliminate the unsightly half-filled or undeveloped lots that have occurred from time to time in Town and have resulted in numerous complaints of debris and weeds.

This committee is recommending that the Town Board adopt the amendments.

ITEM II 2878 Walden Avenue - Proposed New York Telephone Distribution Facility

Applicant: New York Telephone
The Traffic Safety Committee has deferred to the DOT regarding proposed driveway to Walden Avenue which would serve this distribution building. According to the applicant the Department of Transportation has issued a curb cut for the proposed access drive. They have obtained permission from the U.S. Army Corps of Engineers under a Nationwide permit to work within their lease area.

The committee does not find any adverse impacts associated with this project and is recommending to the Town Board that a Negative Declaration be issued, however, it was suggested to the New York Telephone representatives that they talk to both the owners of the property, American Precision and to the U.S. Army Corps of Engineers, with regards to changing their access from Walden Avenue to the American Precision parking lot and to explore the possibility of adding landscaping around the site.

ITEM III Schuster Avenue - Proposed Rezoning for Two 2-Family Dwellings

Applicant: Richard Dorss
The applicant is proposing to rezone sublots at the East end of Schuster Avenue for the purpose of constructing two 2-family dwellings. The area at present is zoned M1-Light Manufacturing. Both Schuster Avenue and Schlenker Avenue are located within this M1 Zoning District.

Item No. 10 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Erie County Water Authority desires to facilitate the development of a county-wide multi-participant and multi-purpose Geographic Information System (GIS) base map for Erie County, and

WHEREAS, the Governor and New York State legislature has called for innovative cost and service sharing arrangements between local governments, and

WHEREAS, reducing and sharing administrative costs is sound public policy facilitating efficient and effective service delivery amongst municipalities, and

WHEREAS, the coordinated development and use of GIS technology between the public and private sectors can facilitate the creation, integration and maintenance of existing information and make valuable planning and management tools, and

WHEREAS, sharing GIS information can reduce incompatible mapping scales and formatting retrieval activities of the public sector GIS users county wide, and

WHEREAS, a coordinated approach can advance current methods of providing regional services and eliminate opposing regional and local planning strategies, and

WHEREAS, GIS could streamline public safety services such as emergency and disaster planning and implementation, and

WHEREAS, this approach can reduce the costs of infrastructure planning and administration, land use planning and regional service planning, and

WHEREAS, local governments can share in the information thus reducing the costs to local taxpayers for infrastructure emergency, and service planning and development, NOW, THEREFORE, BE IT

RESOLVED, the Town of Cheektowaga endorses and supports New York State Bills #S753/A1349 which will allow the Erie County Water Authority to recover GIS-related start up costs, and BE IT FURTHER

RESOLVED, that copies of this resolution be sent to Assemblyman Paul Tokasz, Senator William Stachowski and the Erie County Water Authority.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 11 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, in order to alleviate traffic congestion in the Losson Road area of Town, this Town Board, in 1991, approved the purchase of lands for \$50,000 for the extension of Wedgewood Drive, and

WHEREAS, thereafter, the Town adopted a bond resolution and, on November 2, 1992, authorized a contract for the construction and extension of Wedgewood Drive for \$103,305.80, and

WHEREAS, additionally, the Town has expended \$6,000+ for engineering services in connection with such roadway construction, and

WHEREAS, the Wedgewood Drive extension is now completed and some property owners are desirous of obtaining building permits to develop these formerly undevelopable lots, and

Item No. 11 continued

WHEREAS, by virtue of the expending of Town funds, these property owners have received a valuable benefit, and this Town Board wants to ensure that the Town is reimbursed for its expenses at such time as the owner/developer of the property fronting on the Wedgewood Drive extension makes application for a building permit or public improvement permit, NOW, THEREFORE, BE IT

RESOLVED, that, prior to the development of any lot fronting on the aforementioned Wedgewood Drive extension, the property owner/developer must remit payment to the Town in an amount representing \$130 per front foot of frontage of his property on the Wedgewood Drive extension, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Building Inspections, Highway and Engineering Departments, with a direction that such departments not issue any permit approvals until the Town receives the required moneys.

* * * * *

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

AMENDED

WHEREAS, in order to alleviate traffic congestion in the Losson Road area of Town, this Town Board, in 1991, approved the purchase of lands for \$50,000 for the extension of Wedgewood Drive, and

WHEREAS, thereafter, the Town adopted a bond resolution and, on November 2, 1992, authorized a contract for the construction and extension of Wedgewood Drive for \$103,305.80, and

WHEREAS, additionally, the Town has expended \$6,000+ for engineering services in connection with such roadway construction, and

WHEREAS, the Wedgewood Drive extension is now completed and some property owners are desirous of obtaining building permits to develop these formerly undevelopable lots, and

WHEREAS, by virtue of the expending of Town funds, these property owners have received a valuable benefit, and this Town Board wants to ensure that the Town is reimbursed for its expenses at such time as the owner/developer of the property fronting on the Wedgewood Drive extension makes application for a building permit or public improvement permit, NOW, THEREFORE, BE IT

RESOLVED, that, prior to the development of any lot fronting on the aforementioned Wedgewood Drive extension, the property owner/developer must remit payment to the Town in an amount representing \$130 per front foot of frontage of his property on the Wedgewood Drive extension, and BE IT FURTHER

RESOLVED, that the property owner/developer of the property fronting on the Wedgewood Drive extension shall also be responsible for any and all costs associated with bringing/extending a waterline down the Wedgewood Drive extension, and for the installation of fire hydrants at locations determined by the Southline Fire District, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Building Inspections, Highway and Engineering Departments, with a direction that such departments not issue any permit approvals until the Town receives the required moneys.

Item No. 11 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 830 Borden Road, Cheektowaga, New York, SBL #114.20-11-38 and according to the Assessor's Office is owned by James R. Nelson, 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

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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant 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, 1977 Clinton Street, Buffalo, New York 14206-3259, AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds 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 by the Town and all costs incurred by assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12c Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located west of 7-11 Store (Union Road and Vern Lane), Cheektowaga, New York, SBL #113.12-1-13 and according to the Assessor's Office is owned by Glenn E. Clark, Fort Erie, Ontario L2A 4V7 (Canada), AND

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and removing debris to prevent the premises from becoming a hazard to the health and safety of others, NOW, THEREFORE, BE IT

Item No. 12c 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilman Blachowski, Seconded by Supervisor 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 ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the following:

AMBULANCE LICENSES

<u>OWNER</u>	<u>VEHICLE: MAKE & MODEL</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Town's Ambulance	1984 Ford	AA 4368	553

and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth above, providing such ambulance so listed meets the insurance requirements set forth in the Ambulance Ordinance.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilman Blachowski, Seconded by Supervisor 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT EXPIRES</u>
* Christopher, Michael	Buffalo, NY 14215	Town's	4/30/96

* Denotes Renewal

Item No. 14a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, Section 39 of the General Municipal Law of the State of New York requires local governments to adopt comprehensive investment policies to minimize risk, ensure that investments mature when cash is required to finance operations; and ensure a competitive rate of return from investments, and

WHEREAS, by resolution dated May 3, 1993, this Town Board amended its previous investment guidelines to comply with Section 39 of the General Municipal Law, and

WHEREAS, the Town deposits and invests some of its money with Manufacturers and Traders Trust Company ("M & T Bank"), and

WHEREAS, M & T Bank has drafted the attached Tri-Party security and Custodial Agreement, which complies with the Town's newly-adopted Investment Guidelines, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Tri-Party Security and Custodial Agreement with M & T Bank on behalf of the Town.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

RECORDED
CONFIDENTIAL

JUL 20 1993

TRI-PARTY SECURITY AND CUSTODIAL AGREEMENT
MANUFACTURERS AND TRADERS TRUST COMPANY

M & T BANK

THIS AGREEMENT, made and executed this 10 day of June, 1993 between Town of Cheektowaga, located in the County of Erle, State of New York ("Local Government"), Manufacturers and Traders Trust Company having offices at One M&T Plaza, Buffalo, New York ("Bank") and The Bank of New York, having offices at 101 Barclay St., New York, New York ("Custodian").

WITNESSETH

WHEREAS, Local Government desires to maintain or continue to maintain public deposits with the Bank;
WHEREAS, the Bank desires to obtain such deposits and to provide security therefor as required by the General Municipal Law, Banking Law and other applicable statutes;

WHEREAS, the Custodian agrees to provide safekeeping services and to hold any securities pledged by the Bank in a custodial account established for the benefit of the Local Government as secured party pursuant to this Agreement;

NOW THEREFORE, in consideration of the mutual promises set forth hereafter, the parties hereto agree as follows:

1. Schedule of Deposits and Required Security

On any Business Day that the Local Government has Uninsured Deposits in the Bank, the Bank, in accordance with paragraph (b) of section 2 of this Agreement, agrees to deliver or cause to be delivered to the Custodian for deposit in the Account Eligible Collateral having an Adjusted Market Value equal to the Collateral Requirement. For purposes of this Agreement, Collateral Requirement shall mean the amount of such Uninsured Deposits times the Margin Percentage, if any.

2. Security Requirements

- (a) The Bank, to secure the timely payment of Uninsured Deposits heretofore or hereafter made by the Local Government, including any interest due thereon, shall provide the Local Government with Eligible Collateral having an Adjusted Market Value equal to the Collateral Requirement. Whenever Eligible Securities are provided pursuant to this paragraph, the Bank hereby grants to the Local Government a pledge and security interest in and to such Eligible Securities and shall deliver such Eligible Securities to the Custodian in the manner prescribed in section 3 of this Agreement. The security interest of the Local Government in Eligible Securities shall terminate upon the transfer of such Eligible Securities from the Account. Eligible Letters of Credit and Eligible Surety Bonds provided pursuant to this paragraph shall be subject to the prior approval of the Local Government unless the Local Government has approved in writing the form of an Eligible Letter of Credit or Eligible Surety Bond to be issued by a specific entity or the form of such Eligible Letter of Credit or Eligible Surety Bond is attached hereto as an Exhibit.
- (b) The Custodian will at least monthly determine the Adjusted Market Value of the Eligible Collateral provided pursuant to this Agreement. If the Adjusted Market Value of such Eligible Collateral is less than the Collateral Requirement, the Custodian will so notify the Bank and the Bank shall, upon such notice, be required to provide additional Eligible Collateral having an Adjusted Market Value equal to or greater than such deficiency no later than one Business Day after receipt of such notice. If the Adjusted Market Value of the Eligible Collateral provided pursuant to this Agreement exceeds the Collateral Requirement, the Custodian, at the direction of the Bank, shall transfer securities from the Account, or in the case of other Eligible Collateral, cause or consent to a reduction in the amount thereof, to the extent of such excess. The Custodian shall not be responsible for determining the Market Value of Eligible Collateral except as explicitly set forth in this Paragraph 2(b).

- (c) The Bank may substitute Eligible Collateral ("Substitute Collateral") for any Eligible Collateral previously provided pursuant to this Agreement so long as the Substitute Collateral has an Adjusted Market Value equal to or greater than the Eligible Collateral which it will replace. The Bank shall give Written or Oral Notice thereof to the Custodian of any proposed substitution. In the event that the Custodian determines that the Substitute Collateral described in such notice consists exclusively of Eligible Securities having sufficient Adjusted Market Value, the Custodian, at the direction of the Bank, shall transfer the Eligible Securities out of the Account against delivery to the Account on the same Business Day of the Substitute Collateral. In the event the Substitute Collateral described in such notice consists of an Eligible Letter of Credit or Eligible Surety Bond, the prior consent of the Local Government shall be required before the Bank or Custodian may complete the substitution described in such notice unless the Local Government has, in writing, previously approved and consented to the form and issuer of the Eligible Letter of Credit and/or Eligible Surety Bond to be provided as Substitute Collateral.

3. Custody of Eligible Securities

- (a) The Bank and Local Government hereby appoint the Custodian as custodian of all Eligible Securities at any time delivered to the Custodian pursuant to this Agreement. The Custodian hereby accepts appointment as such Custodian and agrees to establish and maintain the Account and appropriate records identifying the Eligible Securities as pledged by the Bank to the Local Government. The Account shall be kept separate and apart from the general assets of the Custodian and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or liability of the Custodian. The Custodian, in performing its duties and responsibilities pursuant to this Agreement, shall act as Custodian for, and agent of, the Local Government.
- (b) The Bank and Local Government agree that Eligible Securities delivered to the Custodian for deposit in the Account may be in the form of credits to the accounts of the Custodian at the Book Entry System or a Depository or by delivery to the Custodian of physical certificates in a form suitable for transfer or with an assignment in blank to the Local Government or Custodian. The Bank and Local Government hereby authorize the Custodian on a continuous and ongoing basis to deposit in the Book Entry System and/or the Depositories all Eligible Securities that may be deposited therein and to utilize the Book Entry System and/or Depositories and the receipt and delivery of physical securities or any combination thereof in connection with its performance hereunder. Eligible Securities credited to the Account and deposited in the Book Entry System or Depositories or other financial intermediaries will be represented in accounts of the Custodian that include only assets held by the Custodian for customers, including but not limited to accounts in which the Custodian acts in a fiduciary, agency or representative capacity. Eligible Securities that are not held in the Book Entry System, Depositories or through another financial intermediary will be held in the Custodian's vault and physically segregated from securities and other non-cash property belonging to the Custodian.
- (c) The Custodian shall provide the Local Government and Bank with a written confirmation on each Business Day on which Eligible Securities are transferred to and from the Account. Such confirmation shall identify the specific securities which are the subject to the confirmation and state both the Market Value and Adjusted Market Value thereof. The Custodian shall also provide the Local Government and the Bank each month with a statement identifying all Eligible Securities in the Account, the Market Value and Adjusted Market Value thereof as of the date of such statement.
- (d) The Account shall not be subject to any security interest, lien or any right of set-off by the Custodian.

- (e) With respect to all Eligible Securities held in the Account, the Custodian by itself, or through the use of the Book Entry System or the appropriate Depository, shall, unless otherwise instructed to the contrary by the Bank: (i) collect all income and other payments reflecting interest and principal on the Eligible Securities in the Account and credit such amounts to the account of the Bank; (ii) forward to the Bank copies of all information or documents that it may receive from an issuer of Eligible Securities which, in the opinion of the Custodian, are intended for the beneficial owner of the Eligible Securities including, without limitation, all proxies and other authorizations properly executed and all proxy statements, notices and reports; (iii) execute, as Custodian, any certificates of ownership, affidavits, declarations or other certificates under any tax laws now or hereafter in effect in connection with the collection of bond and note coupons; (iv) hold directly, or through the Book Entry System or Depository, all rights issued with respect to any Eligible Securities held by the Custodian hereunder; and (v) upon receipt of written instruction from the Bank, the Custodian will exchange Eligible Securities held hereunder for other securities and/or cash in connection with (a) any conversion privilege, reorganization, recapitalization, redemption in kind, consolidation, tender offer or exchange offer, or (b) any exercise, subscription, purchase or other similar rights.

4. Events of Default

In the event the Bank shall fail to pay the Local Government any amount of the Deposits by the Local Government covered by this Agreement in accordance with the terms of such Deposit, or should the Bank fail or suspend active operations, the Deposits in such Bank shall become due and payable immediately and the Local Government shall have the right to unilaterally demand delivery of all Eligible Securities in the Account by notice to the Custodian and to sell such securities at public or private sale. In the event of such sale, the Local Government, after deducting all legal expenses and other costs, including reasonable attorneys fees, from the proceeds of such sale, shall apply the remainder towards any one or more of the liabilities of the Bank to the Local Government and shall return the surplus, if any, to the Bank.

5. Representation and Warranties

- (a) Representations of the Bank. The Bank represents and warrants that:
- (1) it is the legal and actual owner, free and clear of all liens and claims, of all Eligible Securities pledged pursuant to this Agreement;
 - (2) the form of this Agreement was approved by the executive committee of its board of directors;
 - (3) this Agreement was executed by an officer of the Bank who was authorized by the Bank's board of directors to do so and will at all times be maintained as an official record of the Bank;
 - (4) all securities pledged pursuant to this Agreement are Eligible Securities and that all letters of credit and surety bonds obtained by the Bank in satisfaction of its obligations hereunder and of which the Local Government is the beneficiary are Eligible Collateral;
 - (5) the Bank is a bank or trust company located and authorized to do business in the State of New York;
 - (6) all acts, conditions and things required to exist, happen or to be performed on its part precedent to and in the execution and delivery of this Agreement exist or have happened or have been performed.

- (b) Representations of the Local Government. The Local Government hereby represents and warrants that:
- (1) this Agreement has been legally and validly entered into, does not and will not violate any statute or regulation applicable to it and is enforceable against the Local Government in accordance with its terms;
 - (2) the appointment of the Custodian has been duly authorized and no other action by the Local Government is required and this Agreement was executed by an officer of the Local Government authorized to do so;
 - (3) it will not transfer, assign its interests in or the rights with respect thereto any Eligible Securities pledged pursuant to this Agreement except as authorized pursuant to section 4 of the Agreement.
 - (4) all acts, conditions and things required to exist, happen or to be performed on its part precedent to and in the execution and delivery of this Agreement exist or have happened or have been performed.

6. Concerning the Custodian

- (a) The Custodian shall not be liable for any loss or damage, including counsel fees, resulting from its action or omission to act or otherwise, except for any loss, damage, claim or expense arising out of its own negligence or willful misconduct, and shall have no obligation hereunder for any loss or damage, including counsel fees, which are sustained or incurred by reason of any action or inaction by the Book Entry System or Depository. The Custodian may, with respect to questions of law, apply for and obtain the advice and opinion of competent counsel and shall be fully protected with respect to anything done or omitted by it in good faith and conformity with such advice or opinion. In no event shall any party hereto be liable to any other party hereto or to any fourth party for special, indirect or consequential damages, or lost profits or loss of business, arising in connection with this Agreement. The Local Government and Bank agree, jointly and severally, to indemnify the Custodian and to hold it harmless against any and all costs, expenses, damages, liabilities or claims, including reasonable fees and expenses of counsel, which the Custodian may sustain or incur or which may be asserted against the Custodian by reason of or as a result of any action taken or omitted by the Custodian in connection with operating under this Agreement, except those costs, expenses, damages, liabilities or claims arising out of the negligence or willful misconduct of the Custodian or any of its employees or duly appointed agencies. This indemnity shall be a continuing obligation of the Local Government and Bank notwithstanding the termination of this Agreement.
- (b) The Custodian shall not be responsible for, or considered to be the Custodian of, any security received by it for deposit in the Account until the Custodian actually receives and collects such security directly or by the final crediting of the Custodian's account on the books of the Book Entry System or the appropriate Depository. The Custodian will be entitled to reverse any credits made on the Local Government's behalf where such credits have been previously made and the eligible Securities are not finally collected.
- (c) The Bank shall pay to the Custodian such fees as may be agreed upon from time to time.

- (d) The Custodian shall have no duties or responsibilities whatsoever except such duties and responsibilities as are specifically set forth in this Agreement and no covenant or obligation shall be implied against the Custodian in connection with this Agreement.
- (e) The Local Government's authorized officer, upon reasonable notice, shall have access to the Custodian's books and records maintained with respect to the Local Government's interest in the Account during the Custodian's normal business hours. Upon the reasonable request of the Local Government, copies of any such books and records shall be provided by the Custodian to the Local Government or the Local Government's authorized officer at the Local Government's expense.

7. Termination

Any of the parties hereto may terminate this Agreement by giving to the other party a notice in writing specifying the date of such termination, which shall be the earlier of (i) not less than 90 days after the date of giving such notice or (ii) the date on which the Deposits are repaid in full. Such notice shall not affect or terminate the Local Government's security interest in the Eligible Securities in the Account. Upon termination hereof, the Bank shall pay to the Custodian such compensation as may be due to the Custodian as of the date of such termination and the Custodian shall follow such reasonable Written Instructions of the Bank and the Local Government concerning the transfer of custody of Eligible Securities, collateral records and other items. In the event of a discrepancy between Written Instructions of the Bank and the Local Government, the Custodian shall act pursuant to the Local Government's Written Instructions. Upon the date set forth in the termination notice, this Agreement shall terminate except as otherwise provided herein and all obligations of the parties to each other hereunder shall cease.

8. Miscellaneous

- (a) The Local Government and Bank each agrees to furnish to the Custodian a new Certificate (Exhibit C) in the event that any present Authorized Person ceases to be an Authorized Person or in the event that any other Authorized Persons are appointed and authorized. Until such new Certificate is received, the Custodian shall be fully protected in acting upon Oral or Written Instructions or signatures of the present Authorized Persons.
- (b) Any Written Instructions or other instrument in writing authorized or required by this Agreement shall be given to the Custodian and shall be sufficiently given if sent to the Custodian by regular mail to its Offices at 101 Barclay St., 13th Floor, New York, New York 10286, or at such other place as the Custodian may from time to time designate in writing.
- (c) Any notice or other instrument in writing authorized or required by this Agreement to be given to the Bank shall be sufficiently given if sent to the Bank by regular mail to its Offices at One M&T Plaza, Buffalo, New York 14240, Attention: Office of General Counsel, or at such other place as the Bank may from time to time designate in writing.
- (d) Any notice or other instrument in writing, authorized or required by this Agreement to be given to the Local Government shall be sufficiently given if sent to the Local Government by regular mail to its Offices at 3301 BROADWAY, CHEEKTOWAGO, NY 14227 or at such other Offices as the Local Government may from time to time designate in writing.
- (e) In case any provision in or obligation under this Agreement shall be invalid, illegal or unenforceable in any jurisdiction, the validity, legality and unenforceability of the remaining provisions or obligations shall not in any way be affected or impaired thereby and if any provision is inapplicable to any person or circumstances, it shall nevertheless remain applicable to all other persons and circumstances.

- (f) This Agreement may not be amended or modified in any manner except by written agreement executed by all of the parties hereto.
- (g) This Agreement shall extend to and be binding upon the parties hereto, and their respective successors and assigns; provided, however, that this Agreement shall not be assignable by any party without the written consent of the other parties.
- (h) This Agreement shall be construed in accordance with the laws of the State of New York without regard to conflict of law principles thereof. The parties hereby consent to the jurisdiction of a state or federal court situated in New York City, New York in connection with any dispute arising hereunder. To the extent that in any jurisdiction any party may now or hereafter be entitled to claim, for itself or its assets, immunity from suit, execution, attachment (before or after judgement) or other legal process, each party hereto irrevocably agrees not to claim, and it hereby waives, such immunity.

9. **Definitions**

Whenever used in this Agreement the following terms shall have the following meanings:

- (a) "Account" shall mean the custodial account established with the Custodian for the benefit of the Local Government as secured party in accordance with this Agreement.
- (b) "Adjusted Market Value" shall be one hundred percent of Market Value except that: (1) in the case of the Eligible Securities enumerated in subparagraphs (v), (vi) and (vii) of Exhibit B, the Adjusted Market Value shall be an amount equal to its Market Value multiplied by 0.9 if such Eligible Security is not rated in the highest rating category by at least one nationally recognized statistical rating agency, but is so rated in the second highest rating category, and an amount equal to its Market Value multiplied by 0.8 if such Eligible Security is not so rated in one of the two highest categories, but is so rated in the third highest rated category; (2) in the case of Eligible Securities enumerated in subparagraphs (viii), (x) and (xi) of Exhibit B, the Adjusted Market Value shall be an amount equal to its Market Value multiplied by 0.8; and, (3) in the case of Eligible Letters of Credit, the Adjusted Market Value shall be one hundred and forty percent of Market Value.
- (c) "Authorized Person" shall be any officer of the Local Government or Bank, as the case may be, duly authorized to give Oral Instructions or Written Instructions on behalf of Local Government or Bank, such persons to be designated in a Certificate substantially in the form of Exhibit "C" attached hereto, as such Exhibit may be amended from time to time.
- (d) "Bank" shall mean Manufacturers and Traders Trust Company, a bank as defined by the banking law of the State of New York located and authorized to do business in New York.
- (e) "Book Entry System" shall mean the Federal Reserve/Treasury Book Entry System for receiving and delivering government securities.
- (f) "Business Day" shall mean any day on which the custodian and the Bank are open for business and on which the Book Entry System and/or the Depositories are open for business.
- (g) "Certificate" shall mean the Certificate attached hereto as Exhibit "C".
- (h) "Collateral Requirement" shall mean the amounts required in Exhibit "A" unless the Bank and Local Government agree to a different amount in accordance with this Agreement.

- (i) "Depository" shall include the Depository Trust Company, the Participants Trust Company and other securities depositories and clearing agencies (and their successors and nominees) registered with the Securities and Exchange Commission or otherwise regulated by appropriate federal or state agencies as a securities depository or clearing agency.
- (j) "Deposits" shall mean all deposits by the Local Government in the Bank that are available for all uses generally permitted by the Bank to the Local Government for actually and finally collected funds under the Bank's account agreement or policies.
- (k) "Eligible Collateral" shall mean Eligible Securities, Eligible Letters of Credit and Eligible Surety Bonds.
- (l) "Eligible Letter of Credit" shall mean an irrevocable letter of credit issued in favor of the Local Government for a term not to exceed ninety days by either: (1) a bank (other than the Bank) whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of three highest rating categories based on the credit of such bank or holding company by at least one Nationally Recognized Statistical Rating Organization; or, (2) by a bank (other than the Bank) which is in compliance with applicable Federal minimum risk-based capital requirements.
- (m) "Eligible Securities" shall mean any securities of the types enumerated in the Schedule of Eligible Securities attached hereto as Exhibit "B".
- (n) "Eligible Surety Bond" shall mean a bond executed by an insurance company authorized to do business in the State of New York, the claims paying ability of which is rated in the highest rating category by at least two Nationally Recognized Statistical Rating Organizations.
- (o) "Market Value" shall mean, with respect to any Eligible Security held in the Account, the market value of such Eligible Security as made available to the Custodian by a generally recognized source selected by the Custodian or by the Bank or the most recently available closing bid quotation from such source plus, if not reflected in the market value, any accrued interest thereon, or, if such source does not make available a market value or a closing bid price for a particular security, the market value shall be as determined by the Custodian in its sole discretion based on information furnished to the Custodian by one or more brokers or dealers or based on information otherwise reasonably acceptable to the Local Government; provided however that, if agreed in writing by the parties hereto, the Bank may provide the Custodian with such Market Values. The Market Value of Eligible Letters of Credit and Eligible Surety Bonds shall be the face amount thereof.
- (p) "Margin Percentage" shall equal 102 percent.
- (q) "Nationally Recognized Statistical Rating Organization" shall mean Moody's, Standard and Poors, Fitch, Duff and Phelps, Bank Watch and IBCA and in the case of Eligible Surety Bonds, shall also include Bests.
- (r) "Oral Instructions" shall mean verbal instructions actually received by the Custodian from an Authorized Person or from a person reasonably believed by the Custodian to be an Authorized Person.
- (s) "Substitute Collateral" shall have meaning set forth in paragraph (c) of section 2 of this Agreement.

- (t) "Uninsured Deposits" shall mean that portion of the Local Government's Deposits with the Bank which exceeds the insurance coverage available from the Federal Deposit Insurance Corporation.
- (u) "Written Instructions" shall mean written communications actually received by the Bank or the Custodian from an Authorized Person or from a person reasonably believed by the Bank or the Custodian to be an Authorized Person by a computer, telex, telecopier or any other system whereby the receiver of such communications is able to verify by codes or otherwise with a reasonable degree of certainty the identity of the sender of such communication.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized and their respective seals to be hereunto affixed, as of the day and year first above written.

Town of Cheektowaga
Local Government as Pledgee

MANUFACTURERS AND TRADERS TRUST
COMPANY AS Depository and Pledgor

BY: Dennis H. Gabryszak

BY: Lester A. Hoeflich

Dennis H. Gabryszak, Supervisor
Typed Name and Title

Lester A. Hoeflich, Asst. V.P.
Typed Name and Title

3301 Broadway
Cheektowaga, N.Y. 14227
Address

One M&T Plaza Bldg NY 14240
Address

716-686-3465
Telephone

716 842 5579
Telephone

THE BANK OF NEW YORK
As Custodian

BY: [Signature]

Typed Name and Title

Telephone

5/28/93

EXHIBIT B
Schedule of Eligible Securities

- (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one Nationally Recognized Statistical Rating Organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one Nationally Recognized Statistical Rating Organization.
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one Nationally Recognized Statistical Rating Organization.
- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one Nationally Recognized Statistical Rating Organization.
- (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one Nationally Recognized Statistical Rating Organization and having maturities of not longer than 60 days from the date they are pledged.
- (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

EXHIBIT C

Certificate of Authorized Persons

Dennis H. Gabryszak, Supervisor

Robert E. Kaczmarek, Supervising Accountant

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

WHEREAS, this Town Board approved funding for various projects, which bond authorization included the construction of a Pedestrian Bridge over Scajaquada Creek connecting Marlene Drive and Nantucket Drive West, AND

WHEREAS, a negative declaration under the Town Environmental Quality Review Procedure has been issued for said project, AND

WHEREAS, improved safety, handicapped access and flood management are important design considerations, AND

WHEREAS, said project serves to connect important Town facilities serving the area, AND

WHEREAS, it is now necessary to prepare plans, specifications and bid documents so as to proceed with said Pedestrian Bridge Project, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Pratt & Huth Associates dated July 1, 1993, and as submitted to the Town Engineer for professional services related to the construction of the Pedestrian Bridge be and hereby is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign the agreement with Pratt & Huth Associates for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in the total amount of \$25,660.00 shall be paid from Account #5111-5132-9117.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 14c Motion by Councilman Blachowski, Seconded by Councilman Rogowski

WHEREAS, the Town has submitted a Program Statement to the Department of Housing & Urban Development for Community Development Block Grant funding for the 1993-94 Program Year, and

WHEREAS, the Town's 1993-94 program statement has been approved by the Department of Housing and Urban Development, and

WHEREAS, it is necessary for the Town to execute a Grant Agreement with the Department of Housing & Urban Development in relation to Fiscal Year 1993 Community Development Block Grant funds in the amount of \$737,000, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Grant Agreements with the Department of Housing and Urban Development on behalf of the Town for the 1993-94 Community Development Block Grant Program Year.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Title I of the Housing and Community Development Act (Public Law 93-383)

Office of Community Planning and Development

11

HI-00515R

Community Development Block Grant Program

1. Name of Grantee Mr. Dennis H. Gabryszak Supervisor, Town of Cheektowaga		2. Project/Grant No. B-93-MC-36-0009
3. Grantee's Address (Include Street, City, County, State and Zip Code) Town Hall Broadway and Union Roads Cheektowaga, NY 14227 ERIE COUNTY		4. Date of Submission: 4/22/93
3a. Grantee's Tax Identification Number (TIN) 16-6002209		5. a. Date of HUD Receipt of Submission 4/26/93 b. Date Grantee Notified MAY 26 1993 c. Start of Program Year 5/20/93
		6. <input checked="" type="checkbox"/> Original Funding Approval <input type="checkbox"/> Amendment: Amendment No. _____

All section references below are to the Housing and Community Development Act of 1974, as amended, unless otherwise indicated.

7. Category of Title I Assistance for this Funding Action (Check only one)

a. <input checked="" type="checkbox"/> Entitlement (Sec. 106(b))	d. <input type="checkbox"/> Secretary's Discretionary (Sec. 107)
b. <input type="checkbox"/> State-Administered (Sec. 106(d)(1))	e. <input type="checkbox"/> Section 108 Loan Guarantee (Sec. 108)
c. <input type="checkbox"/> HUD Administered Small Cities (Sec. 106(d)(2)(B))	f. <input type="checkbox"/> Surplus Urban Renewal Funds (Sec. 112(b))

8. Amount of Community Development Block Grant	FY _____	FY _____	FY 1993
a. Amount of CDBG Funds Currently Reserved for this Grantee	\$ _____	\$ _____	\$ 737,000
b. Amount of CDBG Funds Now Being Approved for this Grantee	\$ _____	\$ _____	\$ 737,000
c. Amount of Reservation to be Cancelled (Line 8a minus 8b)	\$ _____	\$ _____	\$ -0-

HUD Accounting Use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	-S	
1	153						7082			
	176									
38	41	45	50	54	60	61	65	70	74	79

Date Entered:

PAS _____

LOCCS _____

Batch No. _____

Transaction Code _____

Entered by: _____

Verified by: _____

9. Amount of loan guarantee commitment now being approved: \$ _____

10. Recipient of loan guarantee (Check applicable box)

a. Grantee identified in block No. 1

b. Public Agency designated to receive loan guarantee (Name and address) → _____

11. Special conditions (Check applicable box)

a. Not applicable b. See attachment(s)

**Grant Agreement and
Loan Guarantee
Acceptance Provisions**

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development



Community Development Block Grant Program

Grant Agreement

This Grant Agreement between the Department of Housing and Urban Development (HUD) and (name of the Grantee) Town of Cheektowaga, New York is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301 et seq). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and the attached HUD Funding Approval, form HUD-7082 (the Funding Approval), including any special conditions, constitute part of the Agreement.

Subject to the provisions of this Grant Agreement, HUD will make the funding assistance for Fiscal Year 19 93 specified in the Funding Approval available to the Grantee upon execution of the Agreement by the parties.

The funding assistance specified in the Funding Approval may be used to pay costs incurred after May 20, 1993, provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Other pre-agreement costs may not be paid with funding assistance specified in the Funding Approval unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval.

The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58.

The Grantee further acknowledges its responsibility for adherence to the Agreement by subrecipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development		
Signature <i>Joseph B. Lynch</i>	Title Manager, 225	Date May 21 1993
The Grantee <u>Town of Cheektowaga, New York</u>		
Signature <i>Dennis W. Gabryszak</i>	Title Supervisor	Date X 7-7-93

Loan Guarantee Acceptance Provisions N/A

(Use only for Section 108 Loan Guarantee Assistance to designated public agency)

The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on _____ with respect to grant number _____, as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

Name of Public Agency/Grantee		
Signature of Authorized Official	Title	Date

11. SPECIAL CONDITIONS

- a. The funding assistance authorized hereunder shall not be obligated or utilized for any activities requiring a release of funds by HUD under the Environmental Review Procedures for the Community Development Block Grant Program at 24 CFR Part 58, until such release is issued in writing.
- b. Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or reviewed activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

MEETING NO. 13
July 6, 1993

Item No. 14d Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga serves as lead agency for and is a member of the Cheektowaga Action Partnership, a local coalition chartered to coordinate alcoholism and other drug abuse prevention/education programs in the community, and

WHEREAS, the United States Health Service, Center for substance Abuse Prevention has made supplemental grant monies available to existing partnerships for the purposes of stimulating and enhancing the business community's support of the community partnership program's goals and to better utilize the knowledge and skills of employers in the community in planning and coordinating substance abuse prevention programs in the workplace, and

WHEREAS, the Cheektowaga Action Partnership has already identified assistance to the community's small businesses as a priority area in its future workplan, and

WHEREAS, the Cheektowaga Action Partnership requires additional funding to implement such a program to assist small businesses, and

WHEREAS, award of this refunding in an amount not to exceed \$50,000 will underwrite 100% of the costs associated with this program, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates be authorized and directed to complete the necessary application, forms, etc. to be submitted to the United States Public Health Service, Center for Substance Abuse Prevention for the purpose of obtaining this grant, 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: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED, that the following individuals be terminated from the Youth & Recreational Services Department:

Adapted Recreation Program - 7310.1803

Donna Bartochowski	14227
Brendan Buczek	14206
Maureen Collins	14227
Barbara Zielinski	14225

New York State Conservation Corps - 7310.1816

David Croom, Jr.	14212
Melissa Grabowski	14043
Brian P. Kurzel	14043

Cheektowaga Conservation Corps - 7310.1812

Megan Hauser	14225
Ryan Maj	14212
Jason Malcolm	14225
Matthew Szymanski	14227
Jerrit Wilson	14227

Theatre Workshop - 7140.1651

Sarah Kankiewicz	14206
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Item No. 15a continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Councilman Rogowski, Seconded by Councilman Solecki

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

EFFECTIVE

FACILITIES DEPARTMENT

John Bratek Immediately

EMPLOYEE RELATIONS DEPARTMENT

Denise Collins Immediately

SEWER MAINTENANCE DEPARTMENT

Brian Kostelny Immediately
Frank Brecht "

TAX OFFICE

Sandra Trzaska Immediately

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16 Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the position of Administrative Clerk (Competitive) be and hereby is created in the Employee Relations Department, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

BE IT RESOLVED, that the salaries for part-time clerical in the Police Department be and hereby are established as follows:

Start	\$5.00/hour
After 1 Year	5.25/hour
After 2 Years	5.50/hour
After 3 Years+	6.00/hour

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town previously appointed Ellen Fischer as Assistant Project Director (Grant) for the Cheektowaga Action Partnership on a provisional basis, pending the establishment of a valid competitive Civil Service list for said position, AND

WHEREAS, such competitive list has now been established by the Erie County Department of Personnel and Ellen Fischer is listed as an eligible candidate, NOW, THEREFORE, BE IT

RESOLVED, that Ellen Fischer be and hereby is permanently appointed to the position of Assistant Project Director (Grant) with the Cheektowaga Action Partnership in accordance with Public Health Service Grant #1H86SP04160-01A1, effective June 21, 1993; Ms. Fischer is to continue receiving Acting Project Director's rate of pay as setforth in the Town Board resolution dated April 19, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN BLACHOWSKI TO DISPENSE WITH READING THE NAMES IN ITEMS 19A AND 19B AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be hired as indicated (Seasonal):

Pools

Recreation Attendant I - (Bathhouse) - \$4.25 per hour - (7180.1901) - (Retroactive to June 23, 1993)

Melissa Miszewski 14043
Shawn Paa 14225
Mara Serafin 14227

Cheektowaga Conservation Corps

Summer Trainees - Level I - \$4.25 per hour - (7310.1812) - Retroactive to June 28, 1993)

Aaron Beneduce (Alternate) 14227
Dave Bova (Alternate) 14225
Stacy Czubaj (Alternate) 14227
Paul Kies (Alternate) 14225
Lucas Kolasa 14043
Cheryl Ostempowski (Alternate) 14206

MEETING NO. 13
July 6, 1993

Item No. 19a continued

New York State Conservation Corps

Summer Trainees - Level I - \$4.25 per hour - (7310.1816) - (Retroactive to June 28, 1993)

Jon Bova 14225
Todd Corcoran 14043
John Kulesz 14043

Theatre Workshop

Recreation Attendant I - \$4.25 per hour - (7140.1651) - (Retroactive to June 22, 1993)

Cindy Okun 14043

Lacrosse

Recreation Instructor IV - \$5.25 per hour - (7140.1625) - (Retroactive to July 2, 1993)

David Fieckert 14075

BE IT FURTHER RESOLVED, that the title for following individuals, erroneously listed as Recreation Instructor IV, be changed to Recreation Instructor V (7140.1642):

Tennis

Lisa Frank
Jay Nowak

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19b Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES 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, for a period not to exceed 24 weeks in a calendar year:

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)</u>	
James Choinski	Immediately
<u>TAX OFFICE - \$5.50 per hour (Clerical/Day Shift)</u>	
Debra A. Nero	6/21/93
<u>MAIN PUMP STATION - \$5.00 per hour (Laborer)</u>	
Walter Szafraniec	Immediately
<u>POLICE DEPARTMENT - \$5.00 per hour (Laborer/Sign Crew) (#0100-3310-1492)</u>	
Michael A. Urbanski	Immediately
Remy Jakson	"

AND, BE IT FURTHER

Item No. 19b

RESOLVED, that Lisa DeMont, a Seasonal employee in the Town Clerk's office, be and hereby is transferred to the Justice Court at the hourly rate of \$6.00, effective July 1, 1993 thru July 23, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED, that Patricia Staniaszek, Program Coordinator for the Youth and Recreational Services Department, be authorized to attend a training session on the interpretation of census data for youth bureaus participating in the Regional Data Analysis System to be held Thursday, July 15, 1993 in Batavia, New York, BE IT FURTHER

RESOLVED, that she be reimbursed for mileage, parking, and lunch expenses, not to exceed \$50.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the International Municipal Signal Association is hosting an annual certification school on July 24th thru July 29th, 1993 in Norfolk, Virginia.

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Christopher Taber, of the Traffic Maintenance Unit to this training school. The school will provide valuable training to insure the Street Lighting work is performed in a proper and safe manner by a certified person. Topics to be covered are Safety, Basic Electricity Codes, Basic Construction and Basic Maintenance. The Police Department will be responsible for tuition, meals, lodging, mileage and tolls amounting to approximately \$1,172.50, NOW, THEREFORE, BE IT

RESOLVED, that Chief Bruce Chamberlin is authorized to send Christopher Taber to this training school, and the time he spends at this training be authorized as normal duty time. This expense will be charged to line 9000-5182-4432 and 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, in 1991, the State Legislature restructured the Consolidated Local Street and Highway Improvement Program (CHIPS), creating a new payment mechanism for the capital project portion of the program, and

WHEREAS, before the Town can avail itself of the CHIPS funding for the capital project portion, the Town must first spend the money and then seek reimbursement from CHIPS, and

WHEREAS, a capital account must be established, moneys must be transferred into such account, and then moneys from such account will be spent, to be reimbursed later, NOW, THEREFORE, BE IT

MEETING NO. 13
July 6, 1993

Item No. 21 continued

RESOLVED, that the following accounts be and hereby are established:

CHIPS State Aid (Expense) - Account #5201-5132-0001 - \$129,744
CHIPS State Aid (Revenue) - Account #5201-5132-3089 - \$129,744

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM:	0100-1355-4431	Maintenance Agreement-Assessor's	\$ 1,000.00
	0100-1910-4711	Contingency	500.00
TO:	0100-1355-4001	Office Supplies-Assessor's	1,000.00
		Office Supplies-Tax	500.00

COMMUNITY DEVELOPMENT

FROM:	0700-8680-9770	Census Study-Town	62.00
	0700-8690-9704	Contingency	4,438.00
	0700-8640-0722	Depew-Water Lines	15,699.39
TO:	0700-1089-0701	Planning	4,500.00
	0700-5090-0670	Depew	15,699.39

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 23 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 1, 1993 are hereby approved and made a part hereof:

GENERAL FUND	\$1,521,041.85
HIGHWAY FUND	314,590.26
TRUST & AGENCY FUND	202,461.25
CDBG HUD FUND	5,078.25
PART TOWN FUND	39,909.76
RISK RETENTION FUND	53,620.48
SPECIAL DISTRICTS FUND	681,983.89
HUD REHABILITATION FUND	27,895.00
CAPITAL FUND	102,685.25

\$2,949,238.99

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

- Item No. 24 Building Permits
Received and Filed.

- Item No. 25a Minutes of Cheektowaga Planning Board - June 10, 1993
Received and Filed.

- Item No. 25b Minutes of Cheektowaga Public Library Board - May 26, 1993
Received and Filed

- Item No. 25c Minutes of Cheektowaga Traffic Safety Commission - June 15, 1993
Received and Filed.

- Item No. 26a Supervisor's Statement of Funds - February 1993
Received and Filed

- Item No. 26b Supervisor's Statement of Funds - March 1993
Received and Filed

- Item No. 26c Supervisor's Statement of Funds - April 1993
Received and Filed

III. GENERAL COMMUNICATIONS

- Item No. 27a Notice of Claim: Valerie DeVincentis vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Department of Youth and Recreational Services and Allied Claims Insurance Carrier.
Received and Filed.

- Item No. 27b Notice of Claim: Kathleen Radley vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

- Item No. 27c Notice of Claim: Cynthia M. Vitko vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Police Department and Allied Claims Insurance Carrier.
Received and Filed.

- Item No. 28 Notice of Petition: New York Telephone Company (Various Locations) vs the Town of Cheektowaga

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

Upon Roll Call....
AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

MEETING NO. 13
July 6, 1993

Item No. 29 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, Section 118 (1) of the Town Law of the State of New York provides that the Town Board may determine, by resolution, that vouchers shall be certified or verified, and

WHEREAS, the existing policy of the Town of Cheektowaga is that all vouchers be certified or verified, and

WHEREAS, there is a need to waive this requirement with respect to bills from utility companies, due to the fact that the Town may be assessed a late charge if such bills are not timely paid, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby waives the requirement that vouchers be certified or verified with respect to bills from the following utility companies:

National Fuel Gas Distribution Corp.
New York State Electric & Gas Corp.
Erie County Water Authority
Niagara Mohawk Power Corp.
New York Telephone Company
A T & T

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 30 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

BE IT RESOLVED, that the salaries of the following part-time clerical employees in the Justice Court be and hereby are established as follows, effective immediately:

Theresa Majchrzak	-	\$6.50/hour
Geraldine Sobocinski	-	6.00/hour
Margaret Mikler	-	6.00/hour
Rose Ann Majerowicz	-	6.00/hour

AND, BE IT FURTHER

RESOLVED, that Ritka Kukowski of be and hereby is hired as a part-time employee in the Police Department at an hourly rate of \$5.00, charged to line item #0100-3120-1391, effective July 7, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilman Johnson, Seconded by Councilman Rogowski to adjourn this meeting.

Richard M. Moleski
Town Clerk

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 15 August 2, 1993

- 1 Rezoning of property located at v/1 Como Park Blvd. from R-Residential District to CF-Community Facilities District
- 2 Rezoning of property located at 2735 Union Rd from C-Retail Business and R-Residential Districts to C-Retail Business District and a Special Use Permit to operate a clubhouse and banquet hall

F R O M T H E T A B L E

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2	Authorize Supervisor to execute contract amendments with Golf Course Architects	1

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4	Amend Notice to Bidders Dated July 6, 1993 Regarding Construction of Municipal Golf Course	2
5	CALL FOR PUBLIC HEARING: a. Rezoning of Property Located at 2735 Union Road b. Rezoning of Property Located at v/l Como Park Boulevard	3 4
6	AWARD OF BID: a. Walden Neighborhood Improvements Program b. Furnishing and Installation of Fiberglass Vertical Blinds	5 6
7	Issue Negative Declaration Regarding 2988 William Street	7
8	MEMORIALIZE: a. NYS Assembly, Senate and Governor to Enact Bill A.8723 b. NYSTA to Construct Additional Thruway Entrance and Exit Ramps c. NYSTA to Install Noise Barriers	7-8 8 8-10
9	Request County of Erie and Erie County Department of Public Works, Division Highways to Conduct Traffic Study	10
10	Request Niagara Mohawk Power Corporation to Install One (1) Wooden Utility Pole with Three (3) Transformers	10-11
11	CLEANUP OF PROPERTY LOCATED AT: a. 2371 Genesee Street b. East Delevan, east corner of Marne Road	12 12
12	AUTHORIZE TOWN CLERK TO ISSUE: a. Ambulance Drivers Licenses b. Ambulance Vehicle Licenses	12-13 14
13	AUTHORIZE SUPERVISOR TO EXECUTE/SIGN: a. Contract Amendments with Golf Course Architect b. Agreement with Sonwil Distribution Center, Inc. c. Permit to Install Signal d. Documents Amending the Town of Cheektowaga's Final Statement on the Use of Community Development Block Grant Fund e. HOME Application	14 15-16 17 18 19
14	Reclassify Employee from the Dept. of Youth and Recreational Serv.	19
15	Hiring of Part-Time Employees in Various Departments	19
16	Retain Firm to Provide Professional Services Relative to Restoration of Tennis and Basketball Courts	20
17	Return Bid Deposit	20
18	Transfer of Funds	20-21
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Meeting No. 15 August 2, 1993

3	CALL FOR PUBLIC HEARINGS: a. Proposed addition to Anna M. Reinstein Memorial Library & use of parkland for same b. Request for picnic shelter & concession at Town Park	1-2 3
4	AWARD OF BID: a. Furnishing of fuel, oil, gas & lubricants b. Furnishing & installation of a playground system	4 5
5	NOTICE TO BIDDERS: a. Construction of two recreational fields at rear of Alexander Community Center b. Sewer Rehabilitation Work in Storm Districts 2,3,4,5 & 6	5-7 8-9

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7	Abolish position of Zoning Enforcement Officer (Part-Time) in Bldg. & Plmb. Inspection Department	11
8	Create position of Housing Inspector (Part-Time) in Bldg. & Plmbg Inspection Department	12 n
9	APPOINTMENTS: a. Housing Inspector (part-time) b. Temporary position of Electrician in Facilities Department c. Administrative Clerk in Employee Relations Department d. Seasonal employees in various departments	12 12 12-13 13
10	Authorize Two (2) Police Officers to attend Police Cyclist Certification Course	14
11	RETAIN FIRMS: a. EMS Consulting to design traffic signal b. Scaffidi & Moore Architects to prepare plans, specs, etc. for roof replacement and other repairs at Alexander Community Center c. W.C.S. Inc. for employees safety training	14 15 15
12	Notify Niagara Frontier Transportation Committee of Town's Recommendations for Transportation Master Plan Update	15-16
13	DIRECT SUPERVISOR TO SIGN AGREEMENTS: a. Community Development Block Grant funds b. Renewal agreements regarding CAP c. Between CAP and Sheraton Inn, Buffalo Airport d. Third Party Custodian Agreement with Key Bank e. Marine Midland Bank f. License Agreement with New Creation Fellowship of Buffalo, NY	17 17 17-18 18 19 19
14	Authorize additional studies for proposed Cheektowaga Golf Course	20
15	Amend resolution of May 3, 1993 regarding environmental evaluation of proposed Cheektowaga Golf Course	20
16	Approval of Rental Rehabilitation funds for various properties	20
17	CLEAN-UP OF PROPERTIES a. East side of Princeton Ct., Sublot 59 & part of Sublot 60 b. 3816 Union Road c. William Street west corner of Vern Lane	20 21 21
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5	Call for Public Hearing: Amendment to Vehicle and Traffic Ord. ART. X "Parking, Standing and Stopping" - Rushford Lane, Wedgewood Drive and Arthur St/	2-3
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12	Endorse Project by Buffalo Airfield Inc.	7-8
13	Authorize Supervising Accountant to Wire Funds	8
14	AUTHORIZE SUPERVISOR TO EXECUTE/SIGN:	
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25	NOTICE OF CLAIM:	
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24	Authorize Town Attorney to Execute Papers Regarding Claim Settlement	23
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Meeting No. 15 August 2, 1993

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32	Authorize repairs to high velocity sewer cleaner	20
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SPECIAL MEETINGS

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<u>Special Meeting No. 16 August 6, 1993</u>		
<u>I. RESOLUTIONS</u>		
2	Authorize Additional Studies for Proposed Cheektowaga Golf Course	1
3	Amend Resolution of May 3, 1993 Regarding Environmental Evaluation of Proposed Cheektowaga Golf Course	1-2 ed
4	Hiring of Part-Time Employees in the Facilities Department	3
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6	Call for Public Hearing: Request by Airlanes Jr. Football of Chktg. Inc. to Obtain Shelter Permit and Hold Picnic/Fundraiser at Stiglmeier Park	5

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 July, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; William Pugh, Junior Engineer, Ronald Marten, Building and Plumbing Inspector; James Kirisits, Town Attorney; Bruce Chamberlin, Chief of Police; Salvatore LaGreca, Chairman, Planning Board.

I. PUBLIC HEARINGS

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 proposal to amend "A Local Law relating to Zoning" (Local Law No. 1 of the Year 1992) by adoption of Local Law Intro No. 93-1 of the Year 1993, entitled "A Local Law to Amend the Zoning Law".

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.

A brief description of Local Law Intro No. 93-1 of the Year 1993 is as follows:

Town of Cheektowaga

Local Law Intro No. 93-1 of the Year 1993

A local law to amend "A Local Law Relating to Zoning" to control the filling of lands within the Town of Cheektowaga. This local law would limit the type of material to be used to fill and would require the owner of the property to fill properly and seed within a specific period of time.

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 request of Tops Markets, Inc. to sell hotdogs, soft drinks, etc. on the Town Park baseball diamond area near Alexander Community School on July 27, 1993 beginning at 6:00 P.M., in conjunction with a softball game for the benefit of Cradle Beach Camp.

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. 3 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.

II. RESOLUTIONS

Item No. 4 Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated July 6, 1993, this Town Board directed that a Notice to Bidders be published with respect to the construction of the proposed Cheektowaga Municipal Golf Course, and

WHEREAS, in such Notice to Bidders, certain dates for the availability of bid specifications and the opening of bids were specified, and

WHEREAS, due to revisions in plans, these dates had to be modified, and the attached Amended Notice to Bidders had to be published, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the attached Amended Notice to Bidders, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publicly open bids for this project on August 12, 1993 at 12:00 noon in the Town Hall Council Chambers.

AMENDED NOTICE TO BIDDERS
CONSTRUCTION OF MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA

The Notice to Bidders dated July 6, 1993 (published in the Cheektowaga Times on July 8, 1993) for the construction of an 18-hole municipal golf course in the Town of Cheektowaga is amended as follows:

Sealed proposals will be accepted until August 12, 1993 at 12:00 noon.

Information for bidders and specifications may be obtained on or after July 28, 1993.

All other terms of the Notice to Bidders will remain the same.

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

DATED: July 12, 1993

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

**LEGAL NOTICE
AMENDED NOTICE TO
BIDDERS
CONSTRUCTION OF
MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA**

The Notice to Bidders dated July 6, 1993 (published in the Cheektowaga Times on July 8, 1993), for the construction of an 18-hole municipal golf course in the Town of Cheektowaga is amended as follows:

Sealed proposals will be accepted until August 12, 1993 at 12:00 P.M.

Information for bidders and specifications may be obtained on or after July 28, 1993.

All other terms of the Notice to Bidders will remain the same.

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

Dated: July 12, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 15, 1993

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication JULY 15, 1993; last publication JULY 15, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 15th

day of July, 1993

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 12/11/93

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

LEGAL NOTICE
AMENDED NOTICE TO BIDDERS
CONSTRUCTION OF MUNICIPAL GOLF COURSE
TOWN OF CHEEKTOWAGA
The Notice to Bidders dated July 6, 1993 (published in the Cheektowaga Times on July 8, 1993), for the construction of an 18-hole municipal golf course in the Town of Cheektowaga is amended as follows:
Sealed proposals will be accepted until August 12, 1993 at 12:00 P.M.
Information for bidders and specifications may be obtained on or after July 28, 1993.
All other terms of the Notice to Bidders will remain the same.
BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.
Dated: July 12, 1993
RICHARD M. MOLESKI
Town Clerk
PUBLISH: July 15, 1993

.....Melissa Gugliuzza..... of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk 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 for 1 weeks: first publication July 15, 1993 ; last publication July 15, 1993 ; and that no more than six days intervened between publications.

.....Melissa Gugliuzza.....

Sworn to before me this 15th

day of July , 1993.....

.....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 12/11/93

Item No. 5a Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Catholic Club of Cheektowaga, Inc. has made application and requested the Split Rezoning from C-Retail Business District and R-Residential District to C-Retail Business District and a Special Use Permit to operate a clubhouse and banquet hall for property located at 2735 Union Road, NOW, THEREFORE BE IT

RESOLVED, that Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 2, 1993 at 7:00 o'clock P.M., Eastern Daylight Savings Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
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 2nd day of AUGUST, 1993 at 7:00 o'clock, P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of THE CATHOLIC CLUB OF BUFFALO/J. DEE to Rezone from C&R RETAIL COMMERCIAL & RESIDENCE District to C - RETAIL BUSINESS District on property located at 2735 UNION ROAD and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Law of the Town of Cheektowaga, New York.

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 2nd day of August, 1993 at 7:00 o'clock, P.M., Eastern Daylight saving Time of said day for the purpose of considering the application of CATHOLIC CLUB OF BUFFALO/J. DEE for a Special Permit to OPERATE CLUBHOUSE & BANQUET HALL on property located at 2735 UNION ROAD pursuant to Article VI and Section 82-33 of the Zoning Law of the Town of Cheektowaga, New York.

All that Tract or Parcel of Land, situated in the Town of Cheektowaga, County of Erie, State of New York, being a part of Lot No. 10, Township 11, Range 7, of the Holland Land Company's survey described as follows:

BEGINNING at a point on the northerly line of Niagara, Lockport and Ontario Right-of-Way, which line is 10 feet north of and parallel to the southerly line of Farm Lot No. 10 which point is a distance of 300 feet from the center line of Union Road, which point also represents the southeast corner of premises conveyed to the Catholic Club of Cheektowaga, Inc. by deed dated September 10, 1969 and recorded in the Erie County Clerk's office in Liber 7628 of Deeds at page 659; thence easterly along the said northerly line of Niagara, Lockport and Ontario Right-of-Way for a distance of 355.40 feet; thence northerly at an interior angle of 89°-02'-27" for a distance of 445.4 feet; thence westerly at an interior angle of 88°-14'-01" along a line drawn parallel with Bennett Road for a distance of 200.2 feet to a point located along a line drawn parallel with Bennett Road 460.5 feet east of the center line of Union Road and 300 feet south of the center line of Bennett Road; thence southerly at an interior angle of 91°-04' along a line drawn parallel with the center line of Union Road for a distance of 66.2 feet; thence westerly along a line drawn parallel with Bennett Road for a distance of 127.5 feet more or less to the northeast corner of lands conveyed to Richard Schmitt and wife by deed recorded in Liber 6774 of Deeds at page 196; thence

southerly parallel with the center line of Union Road 113.41 feet to a point; thence westerly along a line drawn parallel with the south line of Lot No. 10, 150.09 feet to the northeast corner of lands conveyed to Sun Oil Company by deed recorded in Liber 6646 of Deeds at page 619; thence southerly along a line drawn parallel with Union Road for a distance of 148.32 feet; thence easterly along the north line of lands conveyed to the Catholic Club of Cheektowaga, Inc. by deed recorded in Liber 7628 of Deeds at page 659, for a distance of 117 feet more or less to the northeast corner thereof; thence southerly along the easterly line of lands so conveyed to the Catholic Club of Cheektowaga, New York, Inc. for a distance of 100 feet to the 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 Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 22, 1993

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

...Melissa Gugliuzza..., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for ...1... weeks; first publication.....July 22, 1993.....; last publication.....July 22, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza (handwritten signature)

Sworn to before me this 22nd day of July, 1993

Margaret J. Bourdette (handwritten signature)

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 12/11/93

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 2nd day of AUGUST, 1993 at 7:00 o'clock, P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of THE CATHOLIC CLUB OF BUFFALO/J. DEE to Rezone from C&R RETAIL COMMERCIAL & RESIDENCE District to C - RETAIL BUSINESS District on property located at 2735 UNION ROAD and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Law of the Town of Cheektowaga, New York.

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BEGINNING at a point on the northerly line of Niagara, Lockport and Ontario Right-of-Way, which line is 10 feet north of and parallel to the southerly line of Farm Lot No. 10 which point is a distance of 300 feet from the center line of Union Road, which point also represents the southeast corner of premises conveyed to the Catholic Club of Cheektowaga, Inc. by deed dated September 10, 1969 and recorded in the Erie County Clerk's office in Liber 7628 of Deeds at page 659; thence easterly along the said northerly line of Niagara, Lockport and Ontario Right-of-Way for a distance of 355.40 feet; thence northerly at an interior angle of 89°-02'-27" for a distance of 445.4 feet; thence westerly at an interior angle of 88°-14'-01" along a line drawn parallel with Bennett Road for a distance of 200.2 feet to a point located along a line drawn parallel with Bennett Road 460.5 feet east of the center line of Union Road and 300 feet south of the center line of Bennett Road; thence southerly at an interior angle of 91°-04' along a line drawn parallel with the center line of Union Road for a distance of 66.2 feet; thence westerly along a line drawn parallel with Bennett Road for a distance of 127.5 feet more or less to the northeast corner of lands conveyed to Richard Schmitt and wife by deed recorded in Liber 6774 of Deeds at page 196; thence

southerly parallel with the center line of Union Road 113.41 feet to a point thence westerly along a line drawn parallel with the south line of Lot No. 10, 150.09 feet to the northeast corner of lands conveyed to Sun Oil Company by deed recorded in Liber 6646 of Deeds at page 619; thence southerly along a line drawn parallel with Union Road for a distance of 148.32 feet thence easterly along the north line of lands conveyed to the Catholic Club of Cheektowaga, Inc. by deed recorded in Liber 7628 of Deeds at page 659 a distance of 117 feet more or less to the northeast corner thereof; thence southerly along the easterly line of lands so conveyed to the Catholic Club of Cheektowaga, New York, Inc. a distance of 100 feet to the place beginning.

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

BY ORDER OF THE TOWN BOARD

- Supervisor Dennis H. Gabrysz
- Councilman Patricia A. Jankowski
- Councilman Richard B. Solecki
- Councilman William P. Rogala
- Councilman Jacqueline Blachowski
- Councilman Thomas M. Johnson Jr.
- Councilman William L. Wierzbicki

RICHARD M. MOULDER
Town Clerk

PUBLISH: July 22, 1993

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

.....Melissa Gugliuzza....., 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 for weeks: first publication.....July..22..1993.....; last publication.....July..22..1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this22nd.....

day ofJuly....., 19..93...

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 12/11/93

MEETING NO. 14
July 19, 1993

Item No. 5b Motion by Councilman Johnson, seconded by Councilman Solecki

WHEREAS, the Hospice Association of Western New York, Inc. has made application and requested the Rezoning from R-Residential District to CM-Community Facilities District for property located at v/l Como Park Boulevard, SBL No. 113.12-2-26, with the permission of the owner of the property, namely Julia B. Reinstein & Etal, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 2, 1993 at 7:00 o'clock P.M., Eastern Daylight Savings Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
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 2nd day of AUGUST 1993 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of HOSPICE OF BUFFALO to Rezone from RESIDENCE District to CF-COMMUNITY FACILITIES District on property located at v/1 COMO PARK BLVD. 113.12-2-26 and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Law 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 Lot No. 10, 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. 483, is known as Subdivision Lots numbers one (1) to five (5) inclusive in block "A"

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at the point in the south line of Como Park Boulevard, at the northwest corner of lands as shown on Map filed in Erie County Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, eighty-two and fifty hundredths (82.50) feet; thence southerly parallel with the west line of lands shown on Map filed in said Clerk's Office under Cover No. 483 to the northwesterly line of Bennett Road; thence northeasterly along the northwesterly line of Bennett Road, one hundred three and twenty hundredths (103.20) feet more or less to the westerly line of lands shown on Map filed in said Clerk's Office under Cover No. 483; thence northerly along said west line of Map filed in said Clerk's Office under Cover No. 483 to the south line of Como Park Boulevard, at the point of beginning

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the east line of lands conveyed to Edward L. Koons by deed recorded in Erie County Clerk's Office in liber 732 of Deeds at page 584, said point being eighty-two and five tenths (82.5) feet westerly from the northwest corner of Subdivision Lot No. 1 in Block "A" according to Map filed in said Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, one hundred twenty-three and seventy-five hundredths (123.75) feet; thence southerly parallel with the east line of lands conveyed

by aforesaid deed recorded in said Clerk's Office in liber 732 of Deeds at page 584 to the north line of Bennett Road; thence northeasterly along the north line of Bennett Road, one hundred thirty-six and sixty-eight hundredths (136.68) feet more or less to the east line of lands conveyed by said deed recorded in said Clerk's Office in liber 732 of Deeds at page 584; thence northerly along said east line to the south line of Como Park Boulevard, at the point of beginning

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at its intersection with the east line of lands conveyed to Anna M. Reinstein by deed recorded in Erie County Clerk's Office in liber 2053 of Deeds at page 326; thence southerly along the east line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 2053 of Deeds at page 326 and its extension southerly to the north line of Bennett Road; thence southwestwesterly along said north line of Bennett Road, one hundred seventy-six and eighty-four hundredths (176.84) feet more or less to the east line of lands conveyed to Pearl R. Rupp by deed recorded in said Clerk's Office in liber 2209 of Deeds at page 188; thence northerly along the said east line of Rupp's lands, one hundred forty-four and sixty-five hundredths (144.65) feet to the northeast corner thereof; thence westerly along the north line of said Rupp's lands, two hundred thirteen and twenty-seven hundredths (213.27) feet to the northwest corner thereof and the west line of the middle third of Lot No. 10; thence northerly along the said west line of the middle third of Lot No. 10 to the south line of Como Park Boulevard; thence easterly along the south line of Como Park Boulevard, three hundred seventy-one and twenty-five hundredths (371.25) feet to the point of beginning See Reference Plan marked "1" to "10" inclusive below

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 Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

RICHARD M. MOLESKI
Town Clerk

PUBLISH: July 22, 1993

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

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks; first publication July 22, 1993; last publication July 22, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza (signature)

Sworn to before me this 22nd day of July, 1993

Margaret J. Bourdette (signature)
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 12/11/93

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 2nd day of AUGUST 1993 at 7:00 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of HOSPICE OF BUFFALO to Rezone from RESIDENCE District to CF-COMMUNITY FACILITIES District on property located at v/1 COMO PARK BLVD. 113.12-2-26 and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Law 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 Lot No. 10, 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. 483, is known as Subdivision Lots numbers one (1) to five (5) inclusive in block "A"

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at the point in the south line of Como Park Boulevard, at the northwest corner of lands as shown on Map filed in Erie County Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, eighty-two and fifty hundredths (82.50) feet; thence southerly parallel with the west line of lands shown on Map filed in said Clerk's Office under Cover No. 483 to the northwesterly line of Bennett Road; thence northeasterly along the northwesterly line of Bennett Road, one hundred three and twenty hundredths (103.20) feet more or less to the westerly line of lands shown on Map filed in said Clerk's Office under Cover No. 483; thence northerly along said west line of Map filed in said Clerk's Office under Cover No. 483 to the south line of Como Park Boulevard, at the point of beginning

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the east line of lands conveyed to Edward L. Koons by deed recorded in Erie County Clerk's Office in liber 732 of Deeds at page 584, said point being eighty-two and five tenths (82.5) feet westerly from the northwest corner of Subdivision Lot No. 1 in Block "A" according to Map filed in said Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, one hundred twenty-three and seventy-five hundredths (123.75) feet; thence southerly parallel with the east line of lands conveyed

by aforesaid deed recorded in Clerk's Office in liber 732 of Deeds at page 584 to the north line of Bennett Road; thence northeasterly along north line of Bennett Road, hundred thirty-six and sixty-eighthundredths (136.68) feet more or to the east line of lands conveyed said deed recorded in said Clerk's Office in liber 732 of Deeds at page 584; thence northerly along said line to the south line of Como Park Boulevard, at the point of beginning

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south of Como Park Boulevard, at its section with the east line of lands conveyed to Anna M. Reinsteiner by deed recorded in Erie County Clerk's Office in liber 2053 of Deeds at page 326; thence southerly along the line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 2053 of Deeds at page 326 extension southerly to the north line of Bennett Road; thence southerly along said north line of Bennett Road, one hundred seventy-six and four hundredths (176.84) feet more or less to the east line of lands conveyed to Pearl R. Rupp by deed recorded in said Clerk's Office in liber 22 of Deeds at page 188; thence northerly along the said east line of Rupp's one hundred forty-four and six hundredths (144.65) feet to the east corner thereof; thence westerly along the north line of said lands, two hundred thirteen and twenty-seven hundredths (213.27) feet to the northwest corner thereof and the west line of the middle third of Lot No. 10; thence northerly along said west line of the middle third of Lot No. 10 to the south line of Como Park Boulevard; thence easterly along south line of Como Park Boulevard three hundred seventy-one and twenty-five hundredths (371.25) feet to the point of beginning See reference Plan marked "1" to "10" in below

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

BY ORDER OF THE BOARD

Supervisor Dennis H. Gabriel
Councilman Patricia A. Nowicz
Councilman Richard B. Solow
Councilman William P. Rochowicz
Councilman Jacquelin Blachowski
Councilman Thomas M. Jr.
Councilman William L. V.

RICHARD M. M. To

PUBLISH: July 22,

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

.....Melissa Gugliuzza....., 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..22..1993.....; last publication.....July..22..1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this22nd.....

day ofJuly....., 19..93...

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 12/11/93

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

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Walden Neighborhood Improvements Program, for which bids were received and publicly opened on July 13, 1993, and

WHEREAS, said bids were referred to the Town Community Development Director and the planning firm of Stuart Alexander and Associates for analysis, tabulation and report, a report is hereto attached and contained in the planning consultant's letter of July 14, 1993 to the Community Development Director, and

WHEREAS, said report recommends that the bid be awarded to Broad Spectrum Concrete Specialists, Inc. for the submission of the lowest responsible total bid price and meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the Walden Neighborhood Improvements Program be and hereby is awarded to:

Broad Spectrum Concrete Specialists, Inc.
115 South Avenue
West Seneca, New York 14224

for the bid price of \$76,355, said bid being the lowest meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town Board, is directed and authorized to sign the agreement with said Broad Spectrum Concrete Specialists, Inc. for the Walden Neighborhood Improvements Program project, and BE IT FURTHER

RESOLVED, that this project will be paid from Community Development Block Grant program funds.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

STUART ALEXANDER AND ASSOCIATES

URBAN PLANNERS - LANDSCAPE ARCHITECTS

1260 DELAWARE AVENUE
BUFFALO, NEW YORK 14209
716-884-5600

COMMUNITY REVITALIZATION
URBAN PLANNING AND DESIGN
PARKS AND RECREATION AREAS
SUBDIVISION PLANNING
TECHNICAL ASSISTANCE FOR
COMMUNITY DEVELOPMENT

MEMORANDUM

To: Jerry Gabryszak
From: Stuart Alexander
Date: July 14, 1993
Subject: Walden Revitalization Street Improvement Bids

I am returning herein all bids received at the bid opening on Tuesday, July 13, 1993 at 11:30 a.m for the above noted project.

The bidders were: Broad Spectrum Concrete Specialists - M.J.P. Contracting, Inc., Pine Ridge Nursery, Inc. - APB Concrete Construction Co., Inc. and S. Federowicz Concrete Construction, Inc.

Based upon the information received from the bidders and our tabulation of the bids (attached hereto) and our analysis of the bidders I am recommending that the contract be awarded to the lowest responsible bidder, Broad Spectrum Concrete Specialist for a total net bid of \$76,355.

Should you have any questions on this information or on our recommendation of the lowest responsible bidder I would be pleased to answer them.

S. FEDEROWICZ CONCRETE CONSTRUCTION, INC.				
500 Lein Road				
West Seneca, New York 14224				
BID ITEM	PRICE	BID BOND	NON-Collusive	ACKNOWLEDGEMENT
			X	X
1 Site Preparation for Installation of Patterned Concrete				
1a Saw cutting 2,300 linear feet (+/-) of existing concrete @ \$1.50/l.ft.	3,450.00			
1b Removal of 5,000 sq. ft. (est.) of brick pavers for a lump sum credit price of:	No Bid			
2 Installation of 9,500 sq. ft. of 4" thick patterned concrete, patterned type: cobblestone; color: clay red with black antique; per plans and specifications @ \$5.90/sq. ft.	56,050.00			
3a Acquisition and installation of 20 tree grates (model #8726 by Neenah) @ \$ ____/tree grate; per plans and specifications:	No Bid			
3b Acquisition and installation of 60 tree guards (Style "A" by Neenah) @ \$ ____/tree guard; per plans and specifications:	No Bid			
4 Installation of 24 Shademaster Honey Locust (2 1/2" - 3" caliper) trees at \$ ____/tree; per plans and specifications:	No Bid			
TOTAL GROSS BID	59,500.00			
LESS CREDIT (ITEM 1B)	No Bid			
TOTAL NET BID	59,500.00			

PINE RIDGE NURSERY, INC				
7135 Davis Road				
West Falls, New York 14170				
BID ITEM	PRICE	BID BOND	NON-Collusive	ACKNOWLEDGEMENT
		X	X	X
1 Site Preparation for Installation of Patterned Concrete				
1a Saw cutting 2,300 linear feet (+/-) of existing concrete @ \$4.00/l.ft.	9,200.00			
1b Removal of 5,000 sq. ft. (est.) of brick pavers for a lump sum credit price of:	1.00			
2 Installation of 9,500 sq. ft. of 4" thick patterned concrete, patterned type: cobblestone; color: clay red with black antique; per plans and specifications @ \$7.17/sq. ft.	68,115.00			
3a Acquisition and installation of 20 tree grates (model #8726 by Neenah) @ \$583.00/tree grate; per plans and specifications:	11,660.00			
3b Acquisition and installation of 60 tree guards (Style "A" by Neenah) @ \$270.00/tree guard; per plans and specifications:	16,200.00			
4 Installation of 24 Shademaster Honey Locust (2 1/2" - 3" caliper) trees at \$340.00/tree; per plans and specifications:	8,160.00			
TOTAL GROSS BID	113,335.00			
LESS CREDIT (ITEM 1B)	1.00			
TOTAL NET BID	113,334.00			

	M.P.J. CONTRACTING, INC.			
	68 Churchill Street			
	Buffalo, New York 14207			
			BID	NON-
			BOND	Collusive
			X	X
				ACKNOW-
				LEDGEMENT
				X
1	Site Preparation for Installation of Patterned Concrete			
1a	Saw cutting 2,300 linear feet (+/-) of existing concrete @ \$.10/l.ft.	230.00		
1b	Removal of 5,000 sq. ft. (est.) of brick pavers for a lump sum credit price of:	200.00		
2	Installation of 9,500 sq. ft. of 4" thick patterned concrete, patterned type: cobblestone; color: clay red with black antique; per plans and specifications @ \$5.03/sq. ft.	47,785.00		
3a	Acquisitin and installation of 20 tree grates (model #8726 by Neenah) @ \$469.80/tree grate; per plans and specifications:	9,396.00		
3b	Acquisition and installation of 60 tree guards (Style "A" by Neenah) @ \$210.00/tree guard; per plans and specifications:	12,600.00		
4	Installation of 24 Shademaster Honey Locust (2 1/2" - 3" caliper) trees at \$400.00/tree; per plans and specifications:	9,600.00		
	TOTAL GROSS BID	79,611.00		
	LESS CREDIT (ITEM 1B)	200.00		
	TOTAL NET BID	79,411.00		

BROAD SPECTRUM CONCRETE SPECIALISTS				
115 South Avenue				
West Seneca, New York 14224				
BID ITEM	PRICE	BID BOND	NON-Collusive	ACKNOWLEDGEMENT
		X	X	X
1 Site Preparation for Installation of Patterned Concrete				
1a Saw cutting 2,300 linear feet (+/-) of existing concrete @ \$.73/l.ft.	1,680.00			
1b Removal of 5,000 sq. ft. (est.) of brick pavers for a lump sum credit price of:	1,000.00			
2 Installation of 9,500 sq. ft. of 4" thick patterned concrete, patterned type: cobblestone; color: clay red with black antique; per plans and specifications @ \$5.28/sq. ft.	50,160.00			
3a Acquisition and installation of 20 tree grates (model #8726 by Neenah) @ \$491.40/tree grate; per plans and specifications:	9,828.00			
3b Acquisition and installation of 60 tree guards (Style "A" by Neenah) @ \$220.50/tree guard; per plans and specifications:	10,395.00			
4 Installation of 24 Shademaster Honey Locust (2 1/2" - 3" caliper) trees at \$210.00/tree; per plans and specifications:	5,292.00			
TOTAL GROSS BID	77,355.00			
LESS CREDIT (ITEM 1B)	1,000.00			
TOTAL NET BID	76,355.00			

	ABP CONCRETE CONSTRUCTION CO., INC.			
	3170 Delaware Avenue			
	Kenmore, New York 14217			
BID ITEM	PRICE	BID BOND	NON-Collusive	ACKNOWLEDGEMENT
		X	X	X
1	Site Preparation for Installation of Patterned Concrete			
1a	Saw cutting 2,300 linear feet (+/-) of existing concrete @ \$5.00/l.ft.	11,500.00		
1b	Removal of 5,000 sq. ft. (est.) of brick pavers for a lump sum credit price of:	6,250.00		
2	Installation of 9,500 sq. ft. of 4" thick patterned concrete, patterned type: cobblestone; color: clay red with black antique; per plans and specifications @ \$9.60/sq. ft.	91,200.00		
3a	Acquisition and installation of 20 tree grates (model #8726 by Neenah) @ \$430.00/tree grate; per plans and specifications:	8,600.00		
3b	Acquisition and installation of 60 tree guards (Style "A" by Neenah) @ \$310.00/tree guard; per plans and specifications:	18,600.00		
4	Installation of 24 Shademaster Honey Locust (2 1/2" - 3" caliper) trees at \$220.00/tree; per plans and specifications:	5,280.00		
	TOTAL GROSS BID	141,430.00		
	LESS CREDIT (ITEM 1B)	6,250.00		
	TOTAL NET BID	135,180.00		

ITEM	BROAD SPEC.		M.P.J. CONTRACTING		PINE RIDGE		ABP. CONCRETE		FEDEROWICZ	
1a Saw Cut/(l.f.)	\$1,680	(\$0.73)	\$230	(\$0.10)	\$9,200	(\$4.00)	\$11,500	(\$5.00)	\$3,450	(\$1.50)
1b Remove Pavers	\$1,000		\$200		\$1		\$6,250		No Bid	
2 Concrete/(sq.ft.)	\$50,160	(\$5.28)	\$47,785	(\$5.03)	\$68,115	(\$7.17)	\$91,200	(\$9.60)	\$56,050	(\$5.90)
3a Grates/(ea.)	\$9,828	(\$491.40)	\$9,396	(\$469.80)	\$11,660	(\$583.00)	\$8,600	(\$430.00)	No Bid	
3b Guards/(ea.)	\$10,395	(\$220.50)	\$12,600	(\$210.00)	\$16,200	(\$340.00)	\$18,600	(\$310.00)	No Bid	
4 Trees/(ea.)	\$5,292	(\$210.00)	\$9,600	(\$400.00)	\$8,160	(\$210.00)	\$5,280	(\$220.00)	No Bid	
TOTAL	\$76,355		\$79,411		\$113,334		\$135,180		\$59,500	

Item No. 6b Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, bids were received on July 6, 1993, as the result of advertisement, therefore, for the furnishing and installation of fiberglass vertical blinds at the Alexander Community Center, and

WHEREAS, said bid proposals were referred to the Town Engineer for analysis, tabulation and report, which tabulation and report is hereto attached and contained in a letter to the Town Board dated July 14, 1993, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the furnishing and installation of fiberglass vertical blinds be awarded to:

Advanced Window Fashions, Inc.
5152 Main Street
Williamsville, New York 14221

for its base bid price of \$10,000, said bidder being the lowest responsible bidder meeting specifications, and BE IT FURTHER

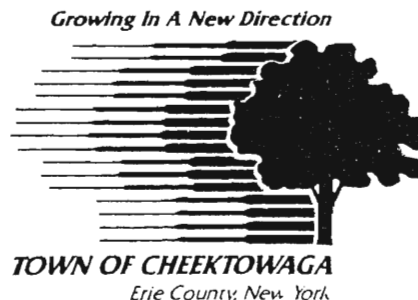
RESOLVED, that the total cost for said project shall be appropriated from Account No. 5301-1625-9313.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



July 14, 1993

TO SUPERVISOR GABRYSZAK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

Re: Vertical Blinds

Gentlemen:

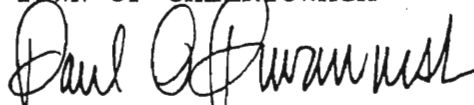
Bids were received and opened on July 6, 1992 for the furnishing and installation of fiberglass vertical blinds for the Alexander Community Center. Two (2) bidders submitted bids as follows:

<u>Bidder</u>	<u>Price</u>
Advanced Window Fashions, Inc.	\$10,000.00
Select Cleaners and Window Fashions	\$13,171.52

The bids were reviewed by the Engineering Department. It is, therefore, recommended that the bid for the furnishing and installation of fiberglass vertical blinds at the Alexander Community Center be awarded to Advanced Window Fashions, Inc., 5152 Main Street, Williamsville, New York 14221, for their submission of the lowest bid meeting the requirements of the specifications and available funding.

Very truly yours,

TOWN OF CHEEKTOWAGA


Paul G. Piwowarski
Engineering Assistant

PGP/mjj

cc: James Matecki

Item No. 7 Motion by Councilman Johnson, 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 recommendation concerning the 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 July 8, 1993, recommended that Negative Declaration be issued for the conversion of an existing house at 2988 William Street into a professional office, and

WHEREAS, the Cheektowaga Conservation Advisory Council ("CCAC") has also reviewed this matter and has agreed that a Negative Declaration shall be issued for this project, and

WHEREAS, the plan for the the proposed conversion shows that all trees on the property will remain intact, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby affirms the recommendations made by the Environmental Advisory Committee and CCAC for 2988 William Street, and directs that a Negative Declaration for such project be issued.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, legislation has been introduced in the New York State Assembly (Bill A.8723) to strengthen existing codes of ethics and financial disclosure requirements which apply to local government officials, and

WHEREAS, such legislation also establishes a local government ethics advisory panel within the state ethics commission which would provide support to local governments, and

WHEREAS, this Town Board supports this legislation as a means for the public to be assured of proper conduct by municipal officials and employees, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Assembly, Senate and Governor to enact A.8723, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to State Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor Mario Cuomo.

* * * * *

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

Item No. 8a cont'd

AMENDED

WHEREAS, legislation has been introduced in the New York State Assembly (Bill A.8723) to strengthen existing codes of ethics and financial disclosure requirements which apply to local government officials, and

WHEREAS, such legislation also establishes a local government ethics advisory panel within the state ethics commission which would provide support to local governments, and

WHEREAS, this Town Board supports this legislation as a means for the public to be assured of proper conduct by municipal officials and employees, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Assembly, Senate and Governor to enact A.8723, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to State Assemblyman Paul A. Tokasz, Senator William Stachowski and Governor Mario Cuomo, and BE IT

FURTHER RESOLVED, that should the aforesaid legislation become law, this Town Board recommends that a local representative be appointed to the local government ethics advisory panel created thereby.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Councilman Jaworowicz, Seconded by Councilman Johnson
Councilman Blachowski

WHEREAS, the New York State Thruway Authority ("NYSTA") has the responsibility for the operation, maintenance and planning for the I-90 Section of the New York State Thruway ("Thruway") which passes through the Town of Cheektowaga, and

WHEREAS, presently, there are entrance and exit ramps for the Thruway on Walden Avenue and William Street in the Town, and

WHEREAS, there is a large quantity of traffic utilizing both the Walden Avenue and William Street Thruway entrance and exit ramps and traffic congestion is created at both locations, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the NYSTA to initiate action to construct additional Thruway entrance and exit ramps on Broadway in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NYSTA, Buffalo Division.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8c Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, the New York State Thruway Authority ("NYSTA") is proposing to widen the I-90 section of the New York State Thruway ("Thruway") from the William Street exit in Cheektowaga to the Route 400 exit in West Seneca, and

Item No. 8c cont'd

WHEREAS, as a result of the proposed Thruway widening, there will be further encroachments to properties located in the Town as well as an increase in the noise from the Thruway traffic, and

WHEREAS, Assemblyman Paul A. Tokasz has been meeting with NYSTA officials to request the installation of noise barriers or other form of noise mitigation for this project, and

WHEREAS, this Town Board agrees with and supports Assemblyman Tokasz's efforts to have the NYSTA do some noise mitigation for this project, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the NYSTA to install noise barriers along the section of the Thruway proposed to be widened in the Town of Cheektowaga, and to appropriate adequate moneys in the project budget for such purpose, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NYSTA, Buffalo Division, the NYSDOT, Assemblyman Paul A. Tokasz, Assemblyman Vincent Graber and Senator William Stachowski.

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AMENDED

WHEREAS, the New York State Thruway Authority ("NYSTA") is proposing to widen the I-90 section of the New York State Thruway ("Thruway") from the William Street exit in Cheektowaga to the Route 400 exit in West Seneca, and

WHEREAS, as a result of the proposed Thruway widening, there will be further encroachments to properties located in the Town as well as an increase in the noise from the Thruway traffic, and

WHEREAS, Assemblyman Paul A. Tokasz has been meeting with NYSTA officials to request the installation of noise barriers or other form of noise mitigation for this project, and

WHEREAS, this Town Board agrees with and supports Assemblyman Tokasz's efforts to have the NYSTA do some noise mitigation for this project, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the NYSTA to install noise barriers along the section of the Thruway proposed to be widened in the Town of Cheektowaga, and to appropriate adequate moneys in the project budget for such purpose, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the NYSTA, Buffalo Division, the NYSDOT, Assemblyman Paul A. Tokasz, Assemblyman Vincent Graber and Senator William Stachowski, and BE IT

Item No. 8c cont'd

FURTHER RESOLVED, that New York State Assemblyman Paul Tokasz and State Senator William Stachowski are hereby memorialized to seek State and/or Federal funding for the design and installation of noise barriers along the Thruway in Cheektowaga, in the manner in which noise barriers were financed along the Youngman (I-290) Highway in the Towns of Amherst and Tonawanda.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9 Motion by Councilman Jaworowicz, Seconded by Councilman Johnson
Councilman Blachowski

WHEREAS, there is an exit ramp on William Street for the I-90 section of the New York State Thruway for northbound Thruway traffic, and

WHEREAS, a traffic signal is located on William Street at this exit ramp location, and

WHEREAS, this Town Board has traffic safety concerns about vehicles exiting this northbound Thruway ramp turning right on red at the signal, and this Town Board is interested in posting "No Right on Red" signs at this location, and

WHEREAS, since William Street is an Erie County highway, the Town needs permission from Erie County in order to post signs at this location, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the County of Erie and the Erie County Department of Public Works, Division of Highways, to review this matter, conduct whatever studies are necessary, and to grant permission to the Town of Cheektowaga to post "No Right on Red" signs to prohibit northbound Thruway traffic from making right turns on red at the William Street Thruway exit, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Erie County Department of Public Works, Division of Highways, and to Erie County Legislator Raymond Dusza.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the New York State Department of Transportation is engaged in the widening of Harlem Road and the replacement of the Harlem Road bridge over Scajaquada Creek, and

WHEREAS, consistent with the highway improvement project, Niagara Mohawk Power Corporation desires to locate a new utility pole along the north bank of Scajaquada Creek just west of Harlem Road and south of the Rite-Aid Pharmacy building, and

WHEREAS, said utility pole will be set in line and between existing utility poles along the north bank of Scajaquada Creek which relocation request was investigated by the Town Engineer who has no objection to same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the request of Niagara Mohawk Power Corporation to place one (1) wooden utility pole with three (3) transformers as indicated on their drawing No. F#15468, hereto attached.

Item No. 10 cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

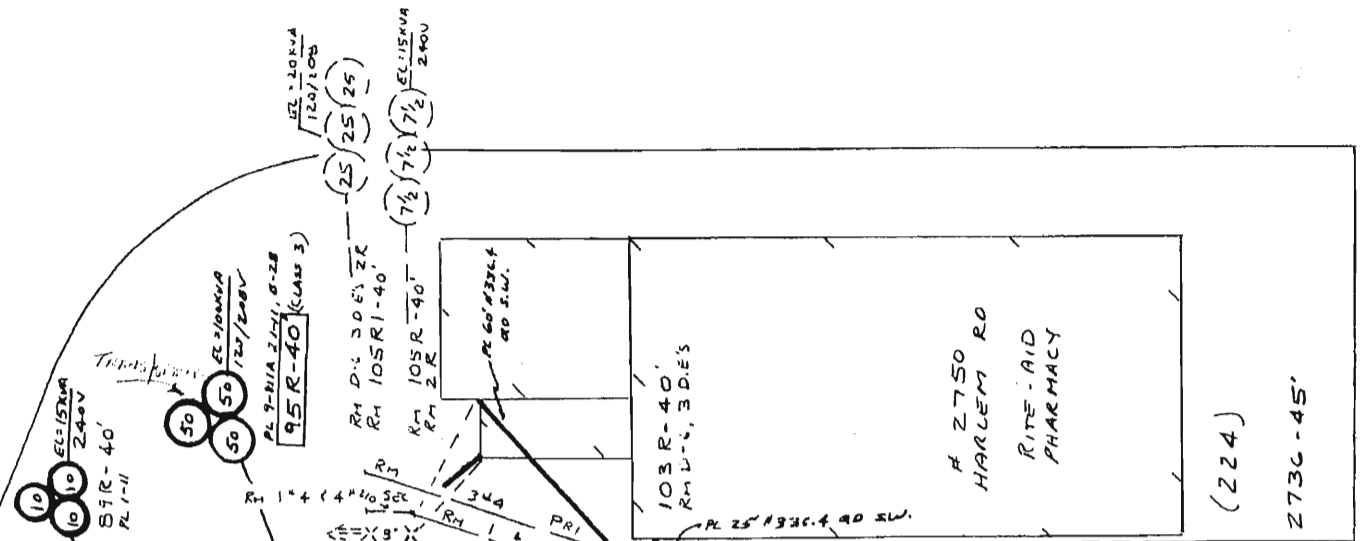
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GEORGE

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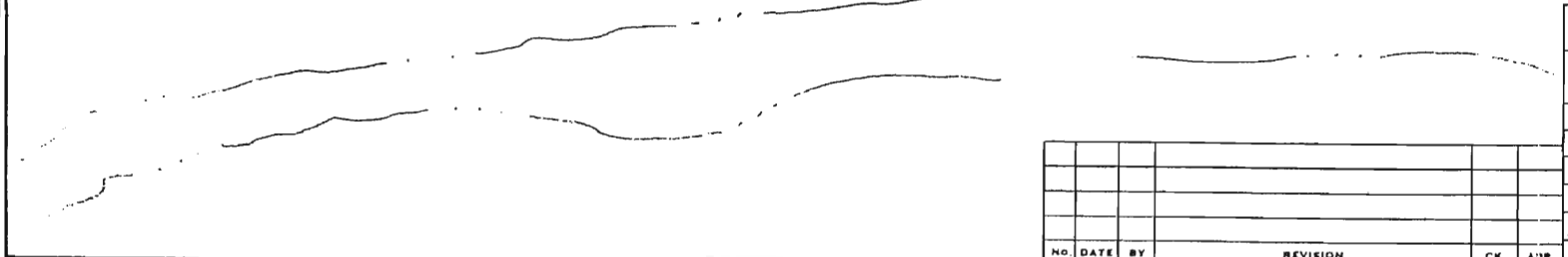
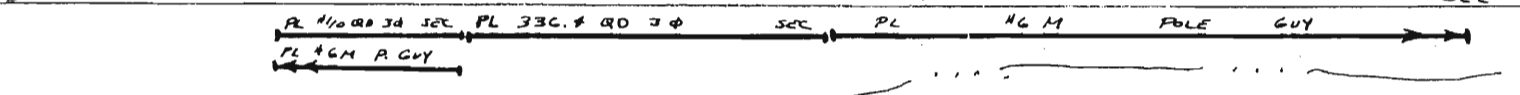


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 APPROVED

Item No. 11a Motion by Councilman Blachowski, Seconded by Councilman Johnson
Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 2371 Genesee Street (mixed occupancy use - vacant commercial and occupied residential use), Cheektowaga, New York, SBL # 101.28-8-6.1 and according to the Assessor's Office is owned by William F. Kastings Company, Incorporated, 362 North Oak Street, Buffalo, New York 14203-1516, 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilman Blachowski, Seconded by Councilman Johnson
Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on East Delavan, East corner of Marne Road, Cheektowaga, New York, SBL #90.76-4-30 and according to the Assessor's Office is owned by Andrew Pyszczynski, P.O. Box 1191, Oceanside, California 92051-1191, 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilman Blachowski, Seconded by Supervisor 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.

Item No. 12a cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT EXPIRES</u>
* Richard Schneider, Jr.	Hamburg, NY 14075	Town's	6/30/96
* Jeanne Zimmerman	Cheektowaga, NY 14225	Town's	6/30/96

* Denotes Renewal

Item No. 12b Motion by Councilman Blachowski, Seconded by Supervisor 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 ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

RESOLVED that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the following:

AMBULANCE LICENSES

<u>OWNER</u>	<u>VEHICLE: MAKE & MODEL</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Town's Ambulance	1988 Ford	AA 4075	554
	(replacing 1987 Chevrolet License No. AA1219 Call No. 554)		

and, BE IT FURTHER

RESOLVED that the Town Clerk is hereby authorized, directed and empowered to issue ambulance licenses to the applicants set forth above, providing such ambulance so listed meets the insurance requirements set forth in the Ambulance Ordinance.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, by resolution dated April 17, 1989 the Town of Cheektowaga retained the services of Can-Am Golf Enterprises, Inc., Hurdzan Design Group, to prepare the architectural plans and specifications for the proposed Cheektowaga Golf Course, and to oversee the construction of such course, for a total cost of \$150,000, and

WHEREAS, since the retention of such firm, there has been need to make a number of modifications to the plans for such course, and additional work from the golf course architect has been required, and

WHEREAS, North American Golf, Inc., the Project Manager for the golf course, has recommended that the Town agree to pay the golf course architect an additional fee of \$17,000.00 for additional work needed to be done (revising construction documents, repeating project bid phase and additional expenses,) and

WHEREAS, the golf course architect is now known as Hurdzan Golf Course Design, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the payment to Hurdzan Golf Course Design of an additional \$17,000.00 for golf course architectural services, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any contract amendments with Hurdzan Golf Course Design to authorize the additional services and fees, and any and all other documents in connection therewith.

* NOTE - Above resolution was tabled.

Item No. 13b Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, Sonwil Drive is a private roadway owned by Sonwil Distribution Center, Inc., and

WHEREAS, by agreement dated June 6, 1988, the Town of Cheektowaga and Sonwil Distribution Center, Inc. agreed that Sonwil Drive would be reconstructed and dedicated to the Town as a public roadway, and

WHEREAS, since such date, Sonwil Distribution Center, Inc. has acquired additional lands for expansion in this area and the Town of Cheektowaga has acquired lands adjacent to Sonwil Drive for the construction of a municipal golf course, and

WHEREAS, Sonwil Distribution Center, Inc. is still committed to the reconstruction and dedication of Sonwil Drive, and wishes to enter into the attached agreement with the Town to replace the 1988 agreement, and

WHEREAS, this Town Board believes that the attached agreement reconfirms the 1988 agreement and is otherwise acceptable, and allows for Sonwil Drive to be reconstructed and dedicated to the Town prior to the anticipated opening of the Town's golf course, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Sonwil Distribution Center, Inc.

* * * * *

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

* * * * *

AMENDED

WHEREAS, Sonwil Drive is a private roadway owned by Sonwil Distribution Center, Inc., and

WHEREAS, by agreement dated June 6, 1988, the Town of Cheektowaga and Sonwil Distribution Center, Inc. agreed that Sonwil Drive would be reconstructed and dedicated to the Town as a public roadway, and

WHEREAS, since such date, Sonwil Distribution Center, Inc. has acquired additional lands for expansion in this area and the Town of Cheektowaga has acquired lands adjacent to Sonwil Drive for the construction of a municipal golf course, and

WHEREAS, Sonwil Distribution Center, Inc. is still committed to the reconstruction and dedication of Sonwil Drive, and wishes to enter into the attached agreement with the Town to replace the 1988 agreement, and

WHEREAS, this Town Board believes that the attached agreement reconfirms the 1988 agreement and is otherwise acceptable, and allows for Sonwil Drive to be reconstructed and dedicated to the Town prior to the anticipated opening of the Town's golf course, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Sonwil Distribution Center, Inc., after same is approved by the Town Attorney as to form and the Town Engineer as to the accuracy of legal descriptions.

Item No. 13b cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AGREEMENT

This agreement made this 15th day of July, 1993 by and between the Town of Cheektowaga, New York, a municipal corporation with its offices at the Town Hall, Broadway and Union Road, Cheektowaga, New York (hereinafter "the Town") and Sonwil Distribution Center, Inc., a New York corporation with its office and principal place of business at 100 Sonwil Drive, Cheektowaga, New York (hereinafter "Sonwil").

RECITALS:

WHEREAS, Sonwil is the legal and/or beneficial owner of certain premises commonly known as Sonwil Industrial Park, located in the Town of Cheektowaga, New York, which premises are described on Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, there is located upon such premises or upon easements granted to Sonwil appurtenant to such premises a certain private roadway known as Sonwil Drive, which private roadway is described on Schedule "B" annexed hereto and made a part hereof; and

WHEREAS, heretofore the Town and Sonwil entered into a certain agreement in writing dated June 6, 1988 relative to the dedication and improvement of Sonwil Drive as a public highway pursuant to the procedures established under §200 of the Town Law; and

WHEREAS, on August 14, 1992, Sonwil acquired certain premises adjacent to and south of Sonwil Industrial Park, which premises were the subject of a certain resolution of the Town

Board of the Town of Cheektowaga on November 4, 1991, rezoning said premises from R-Residential District and RA-Apartment District to M1-Light Manufacturing District on certain conditions (which premises are more particularly described on Schedule "C" annexed hereto and made a part hereof, and which are hereinafter referred to as the "Rezoned Parcel"), and

WHEREAS, said rezoning conditions were modified by a certain resolution of the Town Board of the Town of Cheektowaga on June 1, 1992, and

WHEREAS, pursuant to said resolutions of November 4, 1991 and June 1, 1992, the rezoning of the Rezoned Parcel was conditioned on (among other things) the improvement of existing Sonwil Drive from Genesee Street to its terminus at the southerly property line of Sonwil Industrial Park, and the application by Sonwil for a public improvement permit for the extension of Sonwil Drive on the Rezoned Parcel, according to specifications heretofore approved by the Town of Cheektowaga Highway Superintendent in 1990 or their equivalent pursuant to the procedures established under Chapter 54 of the Code of the Town of Cheektowaga, and

WHEREAS, Sonwil has caused certain plans and specifications to be prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job Number 93-410 (supplementing and revising previous plans and specifications dated "Rev. 9/3/91"), regarding the improvement of existing Sonwil Drive and the construction of the first phase extension of Sonwil Drive on the Rezoned Parcel

(including certain work regarding installation of a sanitary sewer and extension of the water main), a schedule of which plans and specifications is annexed hereto and made a part hereof as Schedule "D" (hereinafter referred to as "the Plans and Specifications"), and

WHEREAS, said Town Board resolution of June 1, 1992, authorized the Town to enter into one or more agreements with Sonwil in furtherance of said matters, and

WHEREAS, the Town and Sonwil wish to enter into this agreement for the purpose of (i) fulfilling the resolution of June 1, 1992 and (ii) replacing the agreement dated June 6, 1988 between the Town and Sonwil relative to the improvement and dedication of Sonwil Drive and to provide for the improvement of existing Sonwil Drive, the extension of Sonwil Drive, and the other work described in the Plans and Specifications,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. The aforesaid agreement between the Town and Sonwil dated June 6, 1988 is hereby canceled and replaced by this agreement.

2. Within 30 days after execution of this Agreement, Sonwil will deliver to the Town:

(i) a quit claim deed transferring all its right, title and interest (including an assignment of its easement rights) in and to the premises known as Sonwil Drive, as more

particularly described and outlined in red on Schedule "B" hereto and made a part hereof (reserving to Sonwil an easement to maintain the existing sanitary sewer not being transferred to the Town but within said right of way), and transferring all its right, title and interest (including an assignment of its easement rights and licenses) in and to the premises known as the First Phase Extension of Sonwil Drive, as more particularly described and outlined in red on Schedule "E" annexed hereto and made a part hereof;

(ii) an easement granting a non-exclusive right and privilege in common with others to use a certain strip of land 15 feet wide upon the Rezoned Parcel for purposes of constructing and maintaining the sanitary sewer described in the Plans and Specifications, the premises which are the subject of said easement being more particularly described and outlined in red on Schedule "F" annexed hereto and made a part hereof; and

(iii) petitions pursuant to Section 200 and 202-b of the Town Law signed by Sonwil as owner of at least 50% of the real estate fronting or abutting on Sonwil Drive and the First Phase Extension of Sonwil Drive, requesting that the Town pursuant to the Plans and Specifications improve such private road, construct and install the sanitary sewer, and assess the expense thereof, including the costs of the preparation of the Plans and Specifications, against said real estate fronting or abutting thereon and benefited thereby (excluding property owned by the Town) in accordance with law.

3. Upon receipt of such deed, easement and petitions, the Town agrees to proceed pursuant to Section 200 and 202-b of the Town Law and, subject to completion of the necessary legal proceedings, to authorize the improvement of Sonwil Drive and the First Phase Extension of Sonwil Drive, and the construction and installation of the sanitary sewer, in accordance with the Plans and Specifications with the cost thereof (including the cost of preparing the Plans and Specifications) to be assessed against the benefited properties (excluding properties owned by the Town) and to adopt the appropriate bonding resolutions pursuant to the Local Finance Law in order to authorize the financing of the construction of such improvements, all to the extent and in the manner permitted by law.

4. Upon the adoption of a resolution determining to make the aforesaid improvement and adoption of such bonding resolutions, the Town agrees to accept dedication of Sonwil Drive and the First Phase Extension of Sonwil Drive pursuant to such quit claim deed, and to construct and install the sanitary sewer, and to cause any necessary improvements to be made to Sonwil Drive and the First Phase Extension of Sonwil Drive pursuant to the Plans and Specifications for the purposes of using same as a public highway, all to the extent, and in the manner permitted by law. Notwithstanding the foregoing and anything to the contrary contained herein, in the event that the bid of the lowest responsible bidder for such work exceeds the sum of \$385,000, then the bid will not be awarded and the improvements as

described in the Plans and Specifications shall not be made, and Sonwil and the Town shall then determine which changes, if any, can be made to the Plans and Specifications, to reduce the scope of the project and the cost before rebidding same.

5. At the time of acceptance of such deed, Sonwil agrees to pay the premium for a title insurance policy covering Sonwil Drive and the First Phase Extension of Sonwil Drive, issued by a title insurance company licensed by the State of New York, in the minimum amount.

6. The parties acknowledge and agree that heretofore it was anticipated that the improvement of Sonwil Drive and the First Phase Extension of Sonwil Drive, and the construction of the sanitary sewer pursuant to the Plans and Specifications, and the dedication of the extended Sonwil Drive as a public highway, were to be completed by Sonwil under the procedures established for public improvements under Chapter 54 of the Code of the Town of Cheektowaga. The parties also acknowledge and agree that Sonwil had submitted an application for a public improvement permit on November 2, 1992 in furtherance thereof, which application is still pending. Notwithstanding the parties' election to proceed under Section 200 of the Town Law in lieu of Chapter 54 of the Code of the Town of Cheektowaga, the Town acknowledges and agrees that as a result of the filing by Sonwil of said application for a public improvement permit on November 2, 1992, Condition No. 3 of the aforesaid Town Board resolution

of November 4, 1991, as amended by the aforesaid Town Board resolution of June 1, 1992, is deemed satisfied.

7. Further southerly extensions of Sonwil Drive may be completed in phases. To the extent that the Plans and Specifications describe certain work to be completed south of the First Phase Extension of Sonwil Drive, such as the further extension of Sonwil Drive and the construction of the emergency access road to Airport Drive, the Plans and Specifications are hereby approved by the Town. Applications for public improvement permits for said further extensions of Sonwil Drive based on the Plans and Specifications shall be deemed sufficient, and, if such an application is otherwise in compliance with the Town of Cheektowaga Public Improvement Permit Ordinance, such application shall be approved and the public improvement permit shall be issued as requested in such application. Provided that the work to be performed pursuant to such a public improvement permit is to be inspected at Sonwil's sole expense by an independent consulting engineer approved in writing by the Town, as authorized agent of the Town Engineer, the public improvement permit fee shall be waived, and certification to the Town Engineer by said independent consulting engineer that the work has been completed in substantial compliance with the Plans and Specifications shall be acceptable to the Town and shall be deemed sufficient to satisfy the requirement for a Certificate of Approval by the Town Engineer as to such work. Such approval of an independent engineer shall not be unreasonably withheld by the

Town. Upon completion of a further extension of Sonwil Drive, and certification to the Town by the independent consulting engineer that said work has been completed in substantial compliance with the Plans and Specifications, Sonwil shall tender to the Town a quit claim deed transferring its entire right, title and interest in and to said further extension of Sonwil Drive and the Town shall accept said deed and said dedication of said premises as a public highway. At the time of acceptance of such deed, Sonwil agrees to pay the premium for a title insurance policy covering Sonwil Drive, issued by a title insurance company licensed by the State of New York, in the minimum amount for which such a title insurance policy may be issued, all in form and substance acceptable to counsel for the Town.

8. Sonwil agrees that prior to or contemporaneously with the issuance of a building permit for the construction of a building on the Rezoned Parcel south of the First Phase Extension of Sonwil Drive, Sonwil Drive shall be extended to a point necessary to serve the portion of the Rezoned Parcel upon which said building is to be located and the said new sections of Sonwil Drive shall be dedicated to the Town prior to the issuance of a certificate of occupancy for such buildings.

9. The Town may condition the issuance of a building permit covering the construction of said new buildings to be located on the Rezoned Parcel south of the First Phase Extension of Sonwil Drive upon the issuance of a new public improvement permit covering the extension of Sonwil Drive to a point

necessary to serve the portion of the Rezoned Parcel upon which such new building is to be constructed and the furnishing of a performance bond in such amount as is satisfactory to the building and plumbing inspector of the Town to secure the obligations of Sonwil to so extend and construct the new sections of Sonwil Drive to serve such new building, all pursuant to §13-13(B) of the Ordinances of the Town of Cheektowaga. Upon acceptance of the dedication of Sonwil Drive and the First Phase Extension of Sonwil Drive as provided in paragraph 4 hereinabove, a building permit may be issued for construction of a new building on the portion of the Rezoned Parcel served by the First Phase Extension of Sonwil Drive.

10. An emergency access road consisting of an extension of Airport Drive across railroad tracks owned by Conrail and the Rezoned Parcel and connecting to Sonwil Drive as set forth on the Plans and Specifications shall be constructed by Sonwil at its expense at a time when the phased-in extension southerly of Sonwil Drive comes within 150 feet of the extension easterly of the northerly line of Airport Drive; provided that the Town obtains, at the Town's expense, the necessary easements and/or licenses to construct such extension of Airport Drive. Sonwil shall coordinate with the Hy-View Fire District the precise location of such access road and its connection with Sonwil Drive, so as to accommodate the buildings planned and/or constructed on the Rezoned Parcel. Upon completion of such emergency access road, Sonwil shall convey the portion thereof

located on the Rezoned Parcel to the Town. Said emergency access road shall be constructed in accordance with the Plans and Specifications as applicable to said emergency access road (Plans and Specifications, Sheet No. 12 of 16, entitled "Airport Drive Fire Access Road"). The parties acknowledge and agree that such access road is designated for emergency purposes only, and not for public use, and said access road shall not be constructed to the same standards as Sonwil Drive or its extensions.

11. In order to induce Sonwil to extend Sonwil Drive on the Rezoned Parcel and construct at its expense the aforesaid emergency access road as described in this Agreement, the Town hereby grants Sonwil a right of first refusal with respect to any sale, lease, transfer or other disposition of property currently owned by the Town east of Sonwil Drive as extended and to be extended and to the east of the Rezoned Parcel (such property being subject of said right of first refusal being more particularly described on Schedule "G" annexed hereto and made a part hereof), subject to any prior right of any person to reacquire any part of such property as provided by law.

12. The existing portions of Sonwil Drive, the First Phase Extension of Sonwil Drive, and the further extensions of Sonwil Drive as they are constructed and dedicated to the Town shall be known as Sonwil Drive and shall continue to be known as Sonwil Drive subsequent to such dedication, and the name of such dedicated highway shall not be changed by the Town without the prior written consent of Sonwil.

13. This agreement shall be binding upon and inure to the benefit of the parties' respective successors and assigns.

IN WITNESS WHEREOF, the respective parties hereto have caused this agreement to be signed by their duly authorized officers and their respective seals to be attached hereto.

TOWN OF CHEEKTOWAGA

By: _____
Supervisor

SONWIL DISTRIBUTION CENTER, INC.

By: Stuart J. Wilson
Stuart J. Wilson, President

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

On the ____ day of July, 1993, before me personally came _____, to me personally known, who being by me 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 corporation described in and who 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; and that he signed his name thereto by like order.

Notary Public

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

On the 15 day of July, 1993, before me personally came Stuart J. Wilson, to me personally known, who being by me duly sworn, did depose and say that he resides at 289 Reist Street, that he is the President of Sonwil Distribution Center, Inc., the corporation described in and which executed the foregoing 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 Board of Directors of said corporation; and that he signed his name thereto by like order.

Elsie T. Strabel
Notary Public

ELSIE T. STRABEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1924

Item No. 13c Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, this Town Board previously retained EMS Consulting to prepare a traffic signal warrant analysis for the intersection of William Street and Cayuga Creek Road, and

WHEREAS, such traffic signal warrant was completed and demonstrated that a traffic signal was needed at this intersection, and

WHEREAS, by resolution dated May 17, 1993, this Town Board requested the Erie County Department of Public Works, Division of Highways, to issue a permit to the Town for the installation of this signal, and

WHEREAS, the Erie County Department of Public Works, Division of Highways, has now forwarded the Town the attached Permit for the installation of a signal at William Street and Cayuga Creek Road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Town Supervisor to execute the attached Permit and any and all other documents necessary to effectuate this permit.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

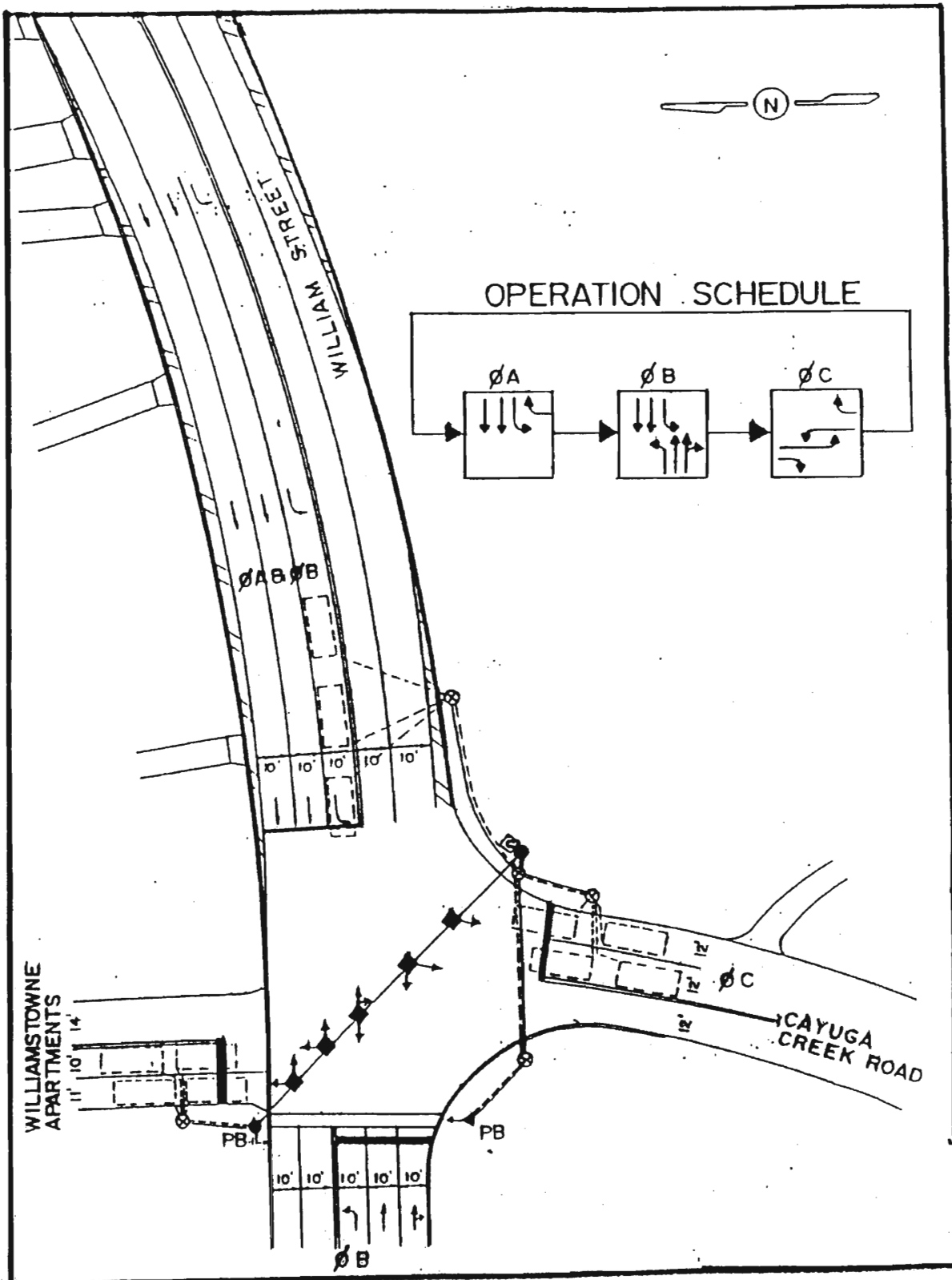
ERIE COUNTY DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS
Buffalo, New York

PERMIT TO INSTALL, ALTER OR RELOCATE
TRAFFIC SIGNS, SIGNALS OR MARKINGS

The undersigned hereby requests permission to furnish, erect, and maintain a three phase actuated traffic control signal at the intersection of William CR 207 and Cayuga Creek CR 165.

As a condition of granting this permit, it is agreed that:

1. The applicant shall furnish the necessary parts, equipment, traffic signs or signals and pay all costs of installation, maintenance and operation.
2. a. There shall be a minimum of two (2) vehicular signal faces visible to traffic on each approach and they shall have red, yellow, and green lenses on each approach.
b. The undersigned shall be solely responsible to install, maintain, and operate this signal per their plan and phase operation schedule:



3. All signals shall be suspended centrally over the pavement, with a minimum clearance of 15 to 17 feet.
4. All signs, signals or markings covered by this permit shall conform to the standards and future revisions of the New York State Manual of Uniform Traffic Control Devices.
5. The work authorized by this permit shall be performed under the supervision and to the satisfaction of the Deputy Commissioner of Public Works - Highways of Erie County.
6. Traffic shall be maintained; and traffic and public shall be properly protected at all times during the progress of the work authorized by this permit.
7. All portions of the highway or street which may be disturbed during the progress of the work authorized by this permit shall be restored to their original condition.
8. The applicant hereby agrees that it will keep insured during the performance of the above described work, such employees as are required to be insured under the provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof, known as the Workmen's Compensation Law.
9. The applicant agrees to maintain the sign, signal or marking and any equipment or necessary parts thereof in good condition, and in a manner which will not constitute a hazard to traffic.
10. The applicant hereby agrees to hold the County harmless on account of damages of any kind which may arise during the progress of the work authorized by this permit, or by reason thereof, including any damage that may result from failure of signal to operate at any time.
11. This permit is revocable at the discretion of the Deputy Commissioner of Public Works - Highways after a hearing and for due cause.

The person executing this application on behalf of the applicant certifies that he has full authority to execute this application, and if the applicant is a village, town or school board, he has annexed hereto a certified copy of a resolution by such body, authorizing him to make this application.

Dated: July 23, 1993

Town of Cheektowaga
(Name of authority requesting permit)

By Dennis W. Labryszal
(Title)

APPROVED UNDER CHAPTER 63, SECTION 136, OF THE LAWS OF 1936

Dated: 8-9-93

DEPUTY COMMISSIONER OF PUBLIC WORKS - HIGHWAYS

John J. Lyons

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

WHEREAS, the Town of Cheektowaga has received Community Development Block Grant funds from the Department of Housing and Urban Development for the 1990 Program Year, and

WHEREAS, the village of Depew, as a subrecipient of Community Development funding from the Town of Cheektowaga, has requested that the Town amend its Final Statement on the Use of Community Development Block Grant Funds to the Department of Housing & Urban Development for the 1990 program years to amend the use of CDBG funds allocated to the Village, and

WHEREAS, the Town Community Development Director has recommended that the amendments requested be approved, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's Final Statement on the Use of Community Development Block Grant Funds for the 1990 program year as indicated on the attached Community Development Block Grant Final Statement Amendment Report, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any necessary documents or forms in relation to this action and to submit same to the Department of Housing and Urban Development.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Community Development Block Grant Program
Final Statement Amendment Report

The following amendments are made to the Town of Cheektowaga's Final Statement on the Use of Community Development Block Grant Funds for the 1990 Program Year:

- 1) The project entitled "Depew - Water Lines" will not be carried out and is therefore cancelled;
- 2) A new project entitled "Depew - Handicap Playground Equipment" is added to the Final Statement. \$ 15,699.39 is transferred to this project from the cancelled Water Lines project.

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

WHEREAS, the New York State Division of Housing and Urban Renewal has issued a Notice of Funding Availability for a second round of proposals for fiscal year 1992 Home Investments Partnerships Program funds, known as the HOME Program, and

WHEREAS, said funds are being made available through New York State under Title II of the federal National Affordable Housing Act of 1990 and can be utilized for providing or preserving housing for low-income persons, including the rehabilitation of owner-occupied housing, and

WHEREAS, the Town of Cheektowaga presently operates a housing rehabilitation program under the Community Development Block Grant program and has the capacity to utilize additional funds for such a program, NOW, THEREFORE, BE IT

RESOLVED, that the Community Development Office be and hereby is authorized to prepare an application for funding to the New York State Division of Housing and Community Renewal for said Fiscal Year 1992 HOME Program funds for housing rehabilitation for income-eligible owner-occupants in the amount of \$100,000, and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute and submit said HOME application, and any required related documents, to the New York State Division of Housing and Community Renewal.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED that the job status for the following individual be changed from part-time to seasonal, retroactive to June 23rd, 1993:

Jill Sieczkarek

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilman Solecki, Seconded by Supervisor 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:

EFFECTIVE

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Mark Wodarczak
Daniel Serwinowski

Immediately
Immediately

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Darryl L. Jones, Registered Landscape Architect, has submitted a proposal to provide Professional Service relative to Restoration of Tennis and Basketball Courts at Various Parks, AND

WHEREAS, said Professional Services shall include Preliminary Study, Construction Documents, Construction Observation and Reimbursable Expenses, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retains the firm of Darryl L. Jones, R.L.A., 55 Marsdale Road, Cheektowaga, New York 14215-2033 at a fee not to exceed \$6,500.00 for Professional Services associated with Restoration of Tennis and Basketball Courts at Various Parks, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Account #5309-7110-9375.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated November 2, 1992, this Town Board awarded a contract for the purchase of computer equipment for the Assessor's and Tax Receiver's Departments to OA Systems, Inc., and

WHEREAS, a bid deposit in the amount of \$4,034 for such contract was submitted to the Town by OA Systems, Inc., and

WHEREAS, the work and materials required by the contract have been completed and delivered to the Town, all to the Town's satisfaction, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby directs that the bid deposit of OA Systems, Inc. in the amount of \$4,034 be returned to OA Systems, Inc., said moneys to be appropriated from Account number 0600-0830-0000.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

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

GENERAL FUND

FROM:	0100-7140-4506	Gymnastics	\$ 500.00
	0100-7140-4521	Hockey	2,000.00
	0100-7140-4536	Basketball	250.00
	0100-7140-4521	Hockey	300.00
	0100-7140-4521	Hockey	500.00
	0100-7140-1639	Hockey-Salaries	6,000.00
	0100-7140-1633	Softball-Salaries	1,500.00
	0100-1910-4711	Contingency	219.00

Item No. 18 continued

TO:	0100-7140-4527	Soccer	\$ 500.00
	0100-1740-4527	Soccer	2,000.00
	0100-1740-4518	Day Camp	250.00
	0100-1740-4518	Day Camp	300.00
	0100-7310-4001	Office Supplies	500.00
	0100-7140-1636	Soccer Salaries	6,000.00
	0100-7140-1636	Soccer Salaries	1,500.00
	0100-1356-1053	Review Board Fees	219.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 16, 1993 are hereby approved and made a part hereof:

GENERAL FUND	\$2,376,652.80
HIGHWAY FUND	616,804.36
TRUST & AGENCY FUND	24,141.35
CDBG HUD FUND	979.82
PART TOWN FUND	43,315.21
RISK RETENTION FUND	83,256.18
DEBT SERVICE FUND	694,878.00
SPECIAL DISTRICTS FUND	2,095,215.22
HUD REHABILITATION FUND	18,980.00
CAPITAL FUND	<u>181,344.21</u>
	\$6,135,567.15

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Quarterly Report: Office of Disaster Preparedness-April to June, 1993
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21a Notice of Claim: Mark Pew vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Sanitation Dept. and
Allied Claims Insurance Carrier.
Received and Filed.

Item No. 21b Notice of Claim: Karri Ann Saxer vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Sanitation Dept. and
Allied Claims Insurance Carrier.
Received and Filed.

Item No. 21c Notice of Claim: Donna J. Prior vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Sanitation Dept. and
Allied Claims Insurance Carrier.
Received and Filed.

Item No. 21d Notice of Claim: Russ Martina (Mid City Dodge) vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Sanitation Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 21e Notice of Claim: Renee M. Aust vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Joan Meyers, Supervisor's Office; Sanitation Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 22a Notice of Petition: National Fuel Gas Dist. Corp vs State Board of Equalization and Assessment
Copies were sent to the Assessor and Town Attorney.
Received and Filed.

Item No. 22b Notice of Petition: Niagara Mohawk Power Corp. vs State Board of Equalization and Assessment
Copies were sent to the Assessor and Town Attorney.
Received and Filed.

Item No. 22c Notice of Petition: New York State Electric & Gas Corporation vs State Board of Equalization and Assessment
Copies were sent to the Assessor and Town Attorney.
Received and Filed.

* * * * *

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

V. SUSPENSION OF RULES

Item No. 23 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, Tops Markets, Inc., as part of its Kids Week Celebration, wishes to sponsor a softball game at the Alexander Community Center ball diamond on July 27, 1993 at 6:00 P.M. to benefit Cradle Beach Camp, and

WHEREAS, in conjunction with such softball game, Tops Markets, Inc. has requested permission to sell soft drinks and hot dogs, and

WHEREAS, in compliance with Section 64(7) of the Town Law, a public hearing was held on the 19th day of July, 1993 at 7:30 P.M. on this matter, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to Tops Markets, Inc. to sell soft drinks, hot dogs, etc. at the above referenced time and place in conjunction with its softball game, subject to the following conditions:

1. An insurance certificate acceptable to the Town Insurance Consultant and Town Attorney is presented by Tops Markets, Inc.

Item No. 23 continued

2. Arrangements are made with the Town Youth and Recreation and Facilities Department as to the location, etc. of the concessions.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 24 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Giuseppe Petracca caused a notice of claim to be served upon the Town of Cheektowaga due to personal injuries sustained by him on July 4, 1992, when he tripped and/or fell over a metal post protruding from the ground at a baseball diamond in the Town Park, and

WHEREAS, on or about June 8, 1993, a summons and complaint on the aforesaid claim was served upon the Town, and

WHEREAS, the claims administrator for the Town has recommended that the aforesaid lawsuit be settled and compromised by the payment of the sum of \$13,000.00 by the Town,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$13,000.00 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, if required, of the court wherein such lawsuit is pending, and, BE IT FURTHER

RESOLVED, that the Town Attorney be and he hereby is authorized to execute and procure all papers necessary to effectuate such settlement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilman Solecki, Seconded by Councilman Rogowski

WHEREAS, the General Foreman of the Town Sanitation Department has made application to the New York State Department of Transportation ("DOT") for Divisible Load Weight Permits to allow Sanitation Department trucks to utilize certain State highways, etc., and

WHEREAS, the DOT has requested that the Town either provide the DOT with proof of insurance coverage or, if the Town is self-insured, execute an indemnification agreement with the DOT, and

WHEREAS, the Town of Cheektowaga is self-insured for general liability matters, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with the DOT relative to the Town's application for Divisible Load Weight Permits.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

JOHN C. EGAN
COMMISSIONER

August 2, 1993

MARIO M. CUOMO
GOVERNOR

Mr. Richard M. Moleski
Clerk of the Town Board for the
Town of Cheektowaga
Cheektowaga, NY 14227

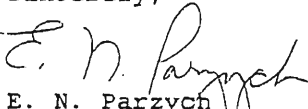
Dear Mr. Moleski:

The New York State Department of Transportation acknowledges receipt of an Indemnification Agreement submitted by the Town of Cheektowaga in lieu of a Certificate of Insurance for Permits on State Highways (PERM 17).

This agreement has been accepted in connection with the issuance of a Divisible Load Weight and/or Special Hauling Permit and shall continue in effect until such time as it is cancelled. This agreement shall not be changed or cancelled until at least thirty (30) days written notice has been given to the Commissioner of Transportation and all trips authorized by the Highway Permit have been made, or the effective period of the Highway Permit has expired.

Enclosed is a signed copy of the Agreement for your files.

Sincerely,


E. N. Parzych
Highway Permit Section

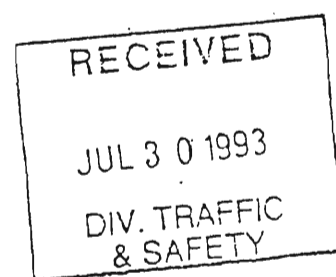
ENP
Enc.

8/5/93
cc - T. Atty
Super.
Permit Section

This agreement is made this 23rd day of July 1993, pursuant to the provisions of Part 154, Title 17, official compilation of codes, rules and regulations of the State of New York, by and between the People of the State of New York, all municipal subdivisions thereof except for the party of the second part, and the Commissioner and Department of Transportation, the New York State Thruway Authority, the State Bridge Authority and their officials, officers, agents and employees, parties of the first part, acting through and between the Commissioner of Transportation or his designee ("DOT") and Town of Cheektowaga, party of the second part ("Municipality").

WHEREAS, Town of Cheektowaga intends to apply for and receive
(Name of Municipality).

permits pursuant to subpart 154-1 and/or subpart 154-2 of Title 17 of the official compilation of codes, rules and regulations of the State of New York from the Department of Transportation for the operation of certain of its vehicles, and



WHEREAS, the Commissioner of Transportation has determined that this agreement will protect the interests of the People of the State of New York to the same extent as protective liability insurance coverage,

NOW, THEREFORE, the parties hereto do agree as follows:

1. Town of Cheektowaga, in lieu of obtaining protective liability (Name of Municipality)

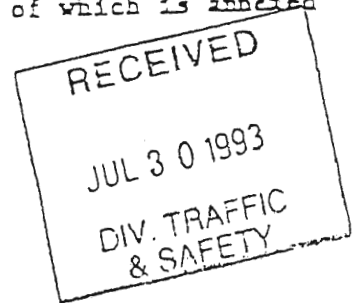
coverage with respect to such permits, hereby agrees to assume the risk of, and to release, indemnify, protect, defend and save harmless the parties of the first part and/or all employees of the party of the first part from and against any and all claims, demands, actions, settlements, awards and judgements for such loss, injury, death or damage and any cost or expense in connection therewith caused by or arising out of the issuance and/or use of such permits.

2. The party of the second part hereby agrees to indemnify and save harmless the parties of the first part and/or all employees of the parties of the first part from all liability or claims, demands and costs for or

arising out of the issuance and/or use of such permits or the acceptance of such permits, whether caused by negligence of the party of the second part or by anyone acting by, through or for the party of the second part or caused by negligence, including omissions and supervisory acts, of the parties of the first part.

3. Any payments required by the foregoing will be guaranteed by the full faith and credit of the party of the second part, or its districts, as applicable, and will be paid out of current budgeted funds, or if insufficient, from its liability and casualty reserve fund or from the proceeds of bonds which current laws permit the party of the second part to issue to pay claims against it.

IN WITNESS WHEREOF, the State has caused this instrument to be signed by the Commissioner of Transportation or his designee and the party of the second part has caused this instrument to be signed by its Supervisor as authorized by Resolution of its Town Board, a copy of which is annexed hereto.



DATE: August 2, 1993

E. N. Rynych
Department of Transportation

DATE:

Municipality

Item No. 26 Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, the New York State Department of Transportation is currently reconstructing a portion of Harlem Road, Route 240, identified as P.I.N. 5268.22, which project requires the relocation of highway lighting facilities within the Niagara Mohawk Power Corporation Service District, AND

WHEREAS, the Niagara Mohawk Power Corporation has submitted a proposal dated July 15, 1993 which recommends the upgrading of thirteen (13) existing 70 watt H.P.S. luminaries to 150 watt H.P.S. luminaries in order to provide uniformity and adequate illumination through the widened pavement section, NOW, THEREFORE, BE IT

RESOLVED, that the Niagara Mohawk Power Corporation be and hereby is authorized to institute the aforementioned conversion, at an annual increase to the General Lighting District Budget of \$561.57, in accordance with the attached street lighting proposal.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Town of Cheektowaga
 Street Light Proposal
 Harlem Road

NIAGARA
 MOHAWK
 7-15-93

Cost Breakdown

Existing:

<u>Quantity</u>	<u>Description</u>	<u>Bill Code</u>	<u>Cost Each</u>	<u>Totals</u>
13	Energy Charge 70 W HPS	N/A	\$24.13	\$ 313.69
2	Energy Charge 150 W HPS	N/A	\$53.55	\$ 107.10
13	70 W HPS Lamps	842	\$33.43	\$ 434.59
2	150 W HPS Lamps	023	\$43.35	\$ 86.70
13	70 W Standard Enclosed Luminaires	844	\$57.16	\$ 743.08
2	150 W Standard Enclosed Luminaires	105	\$58.81	\$ 117.62
Subtotal				\$1,802.78
Gross Revenue Tax (.9489)				\$ 97.08
Estimated Annual Revenue				<u>\$1,899.86</u>

Proposed:

<u>Quantity</u>	<u>Description</u>	<u>Bill Code</u>	<u>Cost Each</u>	<u>Totals</u>
15	Energy Charge 150 W HPS	N/A	\$53.55	\$ 803.25
15	150 W HPS Lamps	023	\$43.35	\$ 650.25
15	150 W Standard Enclosed Luminaires	105	\$58.81	\$ 882.15
Subtotal				\$2,335.65
Gross Revenue Tax (.9489)				\$ 125.78
Estimated Annual Revenue				<u>\$2,461.43</u>

Item No. 27 Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, vacancies exist in the position of Police Office in the Town of Cheektowaga, AND

WHEREAS, the Board is interested in filling two (2) 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.:

Scharlau, Scott
Stroud, Joseph

AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective July 29, 1993, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 28 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski to adjourn this 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 2th day of August, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Salvatore LaGreca, Chairman, Planning Board; Chester Bryan, Town Engineer; Robert Kaczmarek, Supervising Accountant; Ronald Marten, Building and Plumbing Inspector and John Howlett, Police Captain

I. FROM THE TABLE

Item No. 2 Authorize Supervisor to Execute Contract Amendments with Golf Course Architect
This item was withdrawn.

II. RESOLUTIONS

Item No. 3a Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, the Board of Trustees of the Cheektowaga Public Libraries has recommended that the Town construct additions to the Anna M. Reinstein Memorial Library in order to house historically significant documents known as the Boris Reinstein Collection, and

WHEREAS, moneys are available from the Reinstein Trust to cover the cost of construction, and

WHEREAS, special Home Rule Legislation was enacted by the State Legislature and Governor (Chapter 482 of the Laws of 1992) to authorize the Town to utilize a portion of Town Park lands to construct the additions to the Anna M. Reinstein Memorial Library, and

WHEREAS, as part of the Home Rule Legislation the Town must comply with certain requirements of the New York State Office of Parks, Recreation and Historic Preservation, including the holding of a public hearing, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York, to discuss the aforementioned proposed additions to the Anna M. Reinstein Memorial Library and the utilization of parkland for same, 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.

Item No. 3a continued

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to discuss the proposed construction of additions totaling 1,196 square feet to the northwest corner of the existing Anna M. Reinstein Memorial Library at 2480 Harlem Road, Cheektowaga, New York and the necessity to encroach into existing dedicated public parkland for such additions. All parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Richard M. Moleski
Town Clerk

Dated: August 2, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to discuss the proposed construction of additions totaling 1,196 square feet to the northwest corner of the existing Anna M. Reinstein Memorial Library at 2480 Harlem Road, Cheektowaga, New York and the necessity to encroach into existing dedicated public parkland for such additions. All parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Dated: August 2, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 5, 1993

.....Melissa Gugliuzza....., 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 5...1993.....; last publication...August 5...1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza
.....

Sworn to before me this5th.....

day ofAugust....., 19.93....

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 12/11/93

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

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Melissa Gugliuzza

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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 12/11/93

LEGAL NOTICE
NOTICE OF HEARING

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

Dated: August 2, 1993

RICHARD M. MOLESKI
 Town Clerk

PUBLISH: August 5, 1993

Item No. 3b Motion by Councilman Solecki, Seconded by Councilman Wielinski

WHEREAS, the Cheektowaga Republican Committee wishes to obtain a picnic shelter permit and hold a family picnic/fundraiser at Town Park on September 16th, 1993, and

and WHEREAS, as part of such fundraiser, food and beverages will be sold,

WHEREAS, pursuant to Section 64(7) of the Town Law, this Town Board must conduct a public hearing prior to the approval of this concession for the sale of food and beverages, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to discuss and, if need be, act upon the aforementioned request for a picnic shelter and concession, 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 HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of the Cheektowaga Republican Committee to sell food and refreshments at a fundraiser in the Cheektowaga Town Park on Harlem Road on September 16, 1993. All parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Richard M. Moleski
Town Clerk

Dated: August 2, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of the Cheektowaga Republican Committee to sell food and refreshments at a fundraiser in the Cheektowaga Town Park on Harlem Road on September 16, 1993. All parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Dated: August 2, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 5, 1993

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Melissa Gugliuzza.....

Sworn to before me this5th.....

day ofAugust....., 19.93....

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 12/11/93

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

LEGAL NOTICE

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of the Cheektowaga Republican Committee to sell food and refreshments at a fundraiser in the Cheektowaga Town Park on Harlem Road on September 16, 1993. All parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Dated: August 2, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 5, 1993

.....Melissa Gugliuzza....., 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...5...1993.....; last publication...August...5...1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza
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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 12/11/93

Item No. 4a Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received by this Town Board at a bid opening held on July 19th, 1993, for the furnishing of fuel, oil, gas, lubricants, etc. for use by the various Town of Cheektowaga departments and 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, that the bids be awarded to American Lubricants, Inc., 619 Bailey Avenue, Buffalo, New York 14206 for Items D through Q, and T.F. Kurk Inc., 2130 Clinton Street, Buffalo, New York 14206 for Items A through C, as per tabulation attached.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AMERICAN LUBRICANTS INC. 827-8300
OIL AND LUBRICATION SPECIFICATIONS

	<u>GAL.</u>	<u>DRUM</u>	<u>BULK</u>
A. #2 Diesel Fuel (supplied as a winterized blend during cold weather, <u>Bulk delivery.</u>	N/B		
B. #1 Fuel Oil (Kerosene), <u>55-Gal. drum delivery.</u>	1.19	65.45	
C. Regular Unleaded Gasoline, (with an octane rating of at least 89), <u>Bulk delivery.</u>	N/B		
D. Hydraulic oil #1432 AW, R&O, Anti-wear, rust and oxidation resistant, <u>55 Gal. drum delivery.</u>	1.68	92.40	
E. Hydraulic oil #1446 AW, R&O, Anti-wear, rust and oxidation resistant, <u>Bulk and 55 Gal. drum delivery.</u>	1.68	92.40	1.68/GL
F. Universal transmission-hydraulic fluid, (meets or exceeds Ford's specs #134 for hydraulic oil), <u>55 Gal. drum delivery.</u>	2.66	146.30	
G. Automatic transmission fluid, Dextron/Mercon type, <u>Bulk and 55 Gal. drum delivery.</u>	2.59	142.45	2.59/GL
H. Motor oil, Reg. SAE 30, SA-SB, non-detergent, (for use where additive oils are not required or desired), <u>55 Gal. drum delivery.</u>	1.98	108.90	
I. Motor oil, SAE 30, SG-CE, Super C heavy duty motor oil, (meets or exceeds Detroit Diesel specifications), <u>Bulk and 55 Gal. drum delivery.</u>	2.36	129.80	2.36/GL
J. Motor oil, SAE 10W-30, SG-CD, (for use in gasoline engines), <u>55 Gal. drum delivery.</u>	2.29	125.95	
K. Motor oil, SAE 15W-40, SG-CE, Super C heavy duty motor oil, (meets or exceeds Mack's EO-K2 specifications), <u>Bulk and 55 Gal. drum delivery.</u>	2.29	125.95	2.29/GL
L. Gear oil, DSL APGO 80/90, GL-5, <u>120 LB. can delivery.</u>	.46/ LB	55.20	
M. Gear oil, DSL APGO 140, GL-5, <u>120 LB. can delivery.</u>	.46/ LB	55.20	
N. Multi-purpose lube #2, DSL Extreme pressure lithium based grease, <u>120 LB. can delivery.</u>	.61/ LB	73.20	
O. Heavy duty wheel bearing grease, Lubriplate or as equal, <u>120 LB. can delivery.</u>	.67/ LB	80.40	
P. Multi-purpose permanent anti-freeze, (for both low and high silicate uses), <u>55 GAL. drum delivery.</u>	2.55	140.25	
Q. Universal Power Steering Fluid	3.13	172.15	

\$ 18.00 Refundable Drum Deposit

T.F. KURK INC. - 824-1298
OIL AND LUBRICATION SPECIFICATIONS

- | | <u>GAL.</u> | <u>DRUM</u> | <u>BULK</u> |
|--|-------------|-------------|-------------|
| A. #2 Diesel Fuel (supplied as a winterized blend during cold weather, Bulk delivery). | | | \$.548/G. |
| B. #1 Fuel Oil (Kerosene), 55-Gal. drum delivery. | | | \$.979/G. |
| C. Regular Unleaded Gasoline, (with an octane rating of at least 89), Bulk delivery. | | | \$.624/G. |
| D. Hydraulic oil #1432 AW, R&O, Anti-wear, rust and oxidation resistant, 55 Gal. drum delivery. | | | |
| E. Hydraulic oil #1446 AW, R&O, Anti-wear, rust and oxidation resistant, Bulk and 55 Gal. drum delivery. | | | |
| F. Universal transmission-hydraulic fluid, (meets or exceeds Ford's specs #134 for hydraulic oil), 55 Gal. drum delivery. | | | |
| G. Automatic transmission fluid, Dextron/Mercon type, Bulk and 55 Gal. drum delivery. | | | |
| H. Motor oil, Reg. SAE 30, SA-SB, non-detergent, (for use where additive oils are not required or desired), 55 Gal. drum delivery. | | | |
| I. Motor oil, SAE 30, SG-CE, Super C heavy duty motor oil, (meets or exceeds Detroit Diesel specifications), Bulk and 55 Gal. drum delivery. | | | |
| J. Motor oil, SAE 10W-30, SG-CD, (for use in gasoline engines), 55 Gal. drum delivery. | | | |
| K. Motor oil, SAE 15W-40, SG-CE, Super C heavy duty motor oil, (meets or exceeds Mack's EO-K2 specifications), Bulk and 55 Gal. drum delivery. | | | |
| L. Gear oil, DSL APGO 80/90, GL-5, 120 LB. can delivery. | | | |
| M. Gear oil, DSL APGO 140, GL-5, 120 LB. can delivery. | | | |
| N. Multi-purpose lube #2, DSL Extreme pressure lithium based grease, 120 LB. can delivery. | | | |
| O. Heavy duty wheel bearing grease, Lubriplate or as equal, 120 LB. can delivery. | | | |
| P. Multi-purpose permanent anti-freeze, (for both low and high silicate uses), 55 GAL. drum delivery. | | | |
| Q. Universal Power Steering Fluid | | | |

NOTE: ALL PRICES QUOTED ARE EXCLUSIVE ALL TAXES, AND SUBJECT TO ESCALATION/DEESCALATION PER SPECIFICATIONS.

\$ _____ Refundable Drum Deposit

Item No. 4b Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak
Councilman Blachowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing and installation of one (1) Playground System, which bids were duly received and opened at the July 19, 1993 public bid opening, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, and

WHEREAS, bids were reviewed and it is recommended that the award be made to the lowest responsible bidder meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of material and installation of a playground system be and hereby is awarded to:

Gleason Nursery
4780 Sheridan Drive
Williamsville, New York 14221

said bid being the lowest meeting the requirements of the specifications at the bid price of \$23,296.00, AND, BE IT FURTHER

RESOLVED, that funding for said Playground System shall be charged to Account No. 5309-1440-9372.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 5a Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, this Town Board has established the need for a football field and a soccer field at the rear of the Alexander Community Center with funding budgeted for said recreational facilities, AND

WHEREAS, the Engineering Department was asked to prepare plans and specifications for bidding the construction of the two (2) recreational fields with related drainage works, AND

WHEREAS, the Engineering Department has notified the Town Board that bids may now be taken for this project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for general construction of two (2) recreational fields with related drainage, said notice to be published in THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed proposals will be received by the Town of Cheektowaga on August 26, 1993 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, at which time they will be publicly opened and read.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 26th day of August at 11:00 A.M., local time, in the Cheektowaga Town Hall, for furnishing all tools, equipment, materials and labor for the General Construction of a Football and a Soccer Field including storm water drainage at the Alexander Community Center in accordance with plans and specifications, prepared by the Town of Cheektowaga Engineering Department.

Item No. 5a continued

Plans and specifications may be obtained at the Town Clerk's Office, located on the first floor of the Cheektowaga Town Hall on Broadway and Union Roads for a payment of \$50.00 per set of documents. Deposits should be in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga.

The envelope containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of Two Recreational Fields Including Storm Water Drainage" and delivered to the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning such plans and specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the bid documents before the bid opening will also be classed as non-bidders. Any bidder requesting more than one (1) set of plans and specifications may purchase the excess, but it is understood that they are not returnable.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposed must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within 45 days after the date set for the opening thereof, but may withdraw same anytime prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidder is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga, New York is an exempt organization under tax laws and is exempt from payment of sales and compensating use taxes of the State of New York and Cities and Counties of the State on all materials which are to be incorporated into the project, pursuant to the provision of the contract. These taxes are not to be included in this bid.

This contract shall be completed within 45 consecutive calendar days, to begin five (5) days following the "Notice to Commence Work" by the Owner.

BY ORDER OF: RICHARD M. MOLESKI
TOWN CLERK
TOWN OF CHEEKTOWAGA

DATED: August 2, 1993

PUBLISHED: August 12, 1993

* * * * *

Item No. 5a continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

NOTICE TO BIDDERS

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Plans & specifications may be obtained at the Town Clerk's Office, located on the first floor of the Cheektowaga Town Hall on Broadway and Union Roads for a payment of \$50.00 per set of documents. Deposits should be in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga.

The envelope containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of Two Recreational Fields Including Storm Water Drainage" and delivered to the Town Clerk, Town of Cheektowaga, Town Hall, Broadway & Union Road, Cheektowaga, New York 14227.

Any bidder returning such plans & specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the bid documents before the bid opening will also be classed as non-bidders. Any bidder requesting more than one (1) set of plans & specifications may purchase the excess, but it is understood that they are not returnable.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposed must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within 45 days after the date set for the opening thereof, but may withdraw same anytime prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidder is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga, New York is an exempt organization under tax laws and is exempt from payment of sales and compensating use taxes of the State of New York and Cities and Counties of the State on all materials which are to be incorporated into the project, pursuant to the provision of the contract. These taxes are not to be included in this bid.

This contract shall be completed within 45 consecutive calendar days, to begin five (5) days following the "Notice to Commence Work" by the Owner.

BY ORDER OF:
RICHARD M. MOLESKI
TOWN CLERK
TOWN OF CHEEKTOWAGA

Dated: August 2, 1993

PUBLISH: August 12, 1993

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

...Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication August 12, 1993 ; last publication August 12, 1993 ; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 12th day of August , 19⁹³.....

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 12/11/93

LEGAL NOTICE

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 26th day of August at 11:00 AM, local time, in the Cheektowaga Town Hall, for furnishing all tools, equipment, materials and labor for the General Construction of a Football and a Soccer Field including storm water drainage at the Alexander Community Center in accordance with plans & specifications, prepared by the Town of Cheektowaga Engineering Department.

Plans & specifications may be obtained at the Town Clerk's Office, located on the first floor of the Cheektowaga Town Hall on Broadway and Union Roads for a payment of \$50.00 per set of documents. Deposits should be in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga.

The envelope containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Construction of Two Recreational Fields Including Storm Water Drainage" and delivered to the Town Clerk, Town of Cheektowaga, Town Hall, Broadway & Union Road, Cheektowaga, New York 14227.

Any bidder returning such plans & specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the bid documents before the bid opening will also be classed as non-bidders. Any bidder requesting more than one (1) set of plans & specifications may purchase the excess, but it is understood that they are not returnable.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposed must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within 45 days after the date set for the opening thereof, but may withdraw same anytime prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award.

Attention of the bidder is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga, New York is an exempt organization under tax laws and is exempt from payment of sales and compensating use taxes of the State of New York and Cities and Counties of the State on all materials which are to be incorporated into the project, pursuant to the provision of the contract. These taxes are not to be included in this bid.

This contract shall be completed within 45 consecutive calendar days, to begin five (5) days following the "Notice to Commence Work" by the Owner.

BY ORDER OF:
RICHARD M. MOLESKI
TOWN CLERK
TOWN OF CHEEKTOWAGA

Dated: August 2, 1993

PUBLISH: August 12, 1993

**STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA**

ss.

.....Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication August 12, 1993 ; last publication August 12, 1993 ; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 12th day of August 19⁹³

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 12/11/93

Item No. 5b Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga Engineering Department completed a storm sewer rehabilitation survey for Storm Sewer Districts No. 2, 3, 4, 5 and 6 Service Areas, outlining a program in storm sewer rehabilitation, AND

WHEREAS, the Town Engineer advised the Town Board that plans are specifications are ready for sewer rehabilitation work, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is directed to publish a Notice to Bidders in connection with said rehabilitation work of storm sewer systems in Storm Districts No. 2, 3, 4, 5 and 6, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed proposals will be received and considered by the Town Board on the 13th day of August, 1993 at 11:00 A.M., Local Time, at which time they will be publicly opened at a public meeting held for that purpose.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 13th day of August at 11:00 A.M., local time, in the Town Clerk's Office, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, for furnishing all tools, equipment, materials and labor for the Rehabilitation of Storm Sewers in Sewer Districts No. 2, 4, 5 and 6 Service Area.

Plans are on file in the office of the Town Engineer, 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town Clerk's Office, Broadway and Union Roads, from which copies may be secured upon payment of \$50.00 per set of documents. Payments shall be in the form of two (2) \$25.00 checks made payable to the Town of Cheektowaga.

The envelope containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Rehabilitation of Storm Sewers in Sewer Districts No. 2, 4, 5 and 6.

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning such plans and specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the bid documents before the bid opening will also be classed as non-bidders. Any bidder requesting more than one (1) set of plans and specifications may purchase the excess, but it is understood that they are not returnable.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same and that he will execute such further security as may be required for the faithful performance of the contract.

Item No. 5b continued

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same anytime prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a Bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under tax laws and is exempt from payment of sales and compensating use taxes of the State of New York and Cities and Counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in this bid.

This contract shall be completed within 120 consecutive calendar days, to begin five (5) days following the "Notice to Commence Work" by the Owner.

BY ORDER OF: RICHARD M. MOLESKI
TOWN CLERK
TOWN OF CHEEKTOWAGA

DATED: August 2, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE
NOTICE TO BIDDERS**

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The envelope containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Rehabilitation of Storm Sewers in Sewer Districts No. 2, 4, 5 & 6."

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

Any bidder returning such plans and specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the bid documents before the bid opening will also be classed as non-bidders. Any bidder requesting more than one (1) set of plans and specifications may purchase the excess, but it is understood that they are not returnable.

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Attention of the bidders is called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

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This contract shall be completed within 120 consecutive calendar days, to begin five (5) days following the "Notice to Commence Work" by the Owner.

BY ORDER OF:
RICHARD M. MOLESKI
TOWN CLERK
TOWN OF CHEEKTOWAGA

DATED: August 2, 1993

PUBLISH: August 5, 1993

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

.....Melissa Gugliuzza....., 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 5...1993..... last publication...August 5...1993..... and that no more than six days intervened between publications.

.....*Melissa Gugliuzza*.....

Sworn to before me this5th.....

day ofAugust....., 19.93....

.....*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 12/11/93

**LEGAL NOTICE
NOTICE TO BIDDERS**

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BY ORDER OF
RICHARD M. MOLES
TOWN CLERK
TOWN OF CHEEKTOWAGA

DATED: August 2, 1993

PUBLISH: August 5, 1993

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

.....Melissa Gugliuzza....., 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 5...1993.....;
last publication...August 5...1993.....;
and that no more than six days intervened be-
tween publications.

.....*Melissa Gugliuzza*.....

Sworn to before me this5th.....

day ofAugust....., 19.93....

.....*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 12/11/93

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

WHEREAS, as a result of progressive disciplinary action, it is necessary to terminate the employment of Cheryl Wasielewski, a Clerk-Typist in the Justice Court, NOW, THEREFORE, BE IT

RESOLVED, that Cheryl Wasielewski be and hereby is terminated from her employment with the Town of Cheektowaga, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that Sherry Beback be and hereby is terminated from her position of temporary Senior Clerk in the Assessor's Office, effective immediately.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 6c Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

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

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT - Traffic Maintenance Division</u>	
Thomas Bollman	7/31/93
Thomas Hudy	8/06/93
Thomas Nowak	Immediately
<u>FACILITIES DEPARTMENT</u>	
Christian Ozolins	8/01/93
Joseph Bielanin	7/17/93
<u>RECYCLING DEPARTMENT</u>	
Daniel Serwinowski	Immediately
<u>YOUTH & RECREATIONAL SERVICES</u>	
Jay Nowak	Immediately
Michelle Duquette	"
Andrea Nietopski	"
Lenora Will	"
Erica Staszak	"
Renee Gajewski	"

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Johnson
NAYES: Councilman Wielinski
ABSENT: 0

Item No. 6c continued

AMENDED

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

EFFECTIVE

FACILITIES DEPARTMENT

Christian Ozolins
Joseph Bielanin

8/01/93
7/17/93

RECYCLING DEPARTMENT

Daniel Serwinowski

Immediately

YOUTH & RECREATIONAL SERVICES

Jay Nowak
Michelle Duquette
Andrea Nietopski
Lenora Will
Erica Staszak
Renee Gajewski

Immediately
"
"
"
"
"

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Johnson
NAYES: Councilman Wielinski
ABSENT: 0

Item No. 6d Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, by resolution, this Town Board appointed Amy Meyers as a provisional candidate to the position of Administrative Clerk for the Cheektowaga Action Partnership, pending the results of a Civil Service exam for said position, AND

WHEREAS, said results have been released by the Erie County Department of Personnel, AND

WHEREAS, Amy Meyers is not reachable for permanent full-time appointment at this time, NOW, THEREFORE, BE IT

RESOLVED, that Amy Meyers be and hereby is terminated from the position of Administrative Clerk, effective August 7, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the position of Zoning Enforcement Officer (Part-Time) be and hereby is abolished in the Building and Plumbing Inspection Department.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the position of Housing Inspector (Part-Time) be and hereby is created in the Building and Plumbing Department.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9a Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, by resolution, this Town Board created the position of Housing Inspector (Part-Time)*, AND

WHEREAS, this position was advertised in local newspapers, AND

WHEREAS, Monica Przemielewski applied for said position, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Monica Przemielewski of Cheektowaga, New York be and hereby is appointed to the position of Housing Inspector (Part-Time)* in the Building and Plumbing Department, at a salary of \$9.00 per hour, effective August 3, 1993. (Account No. 0800-3620-1750)

*Part-Time employment not to exceed 19 hours on a weekly basis.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, due to illness, a temporary vacancy exists in the position of Electrician in the Facilities Department, AND

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, Henry Kawalerski applied for said vacancy, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Henry Kawalerski of Cheektowaga, New York 14225 be and hereby is appointed to the temporary position of Electrician, in accordance with the terms and conditions as set forth in the bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective August 3, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9c Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, be resolution, this Town Board created the position of Administrative Clerk in the Employee Relations Department, AND

Item No. 9c continued

WHEREAS, said position was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, said position falls within the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service list was canvassed, AND

WHEREAS, Beth Lipczynski appears on said Civil Service list and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Beth Lipczynski of _____, Cheektowaga, New York 14227 be and hereby is appointed to the position of Administrative Clerk in the Employee Relations Department, in accordance with the terms and conditions as setforth in the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective August 9, 1993, AND, BE IT FURTHER

RESOLVED, that the salary for said position be established as that of the title Clerk in the Town of Cheektowaga Employees Association agreement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 9d Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES 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 for a period not to exceed 24 weeks in a calendar year:

EFFECTIVE

TAX OFFICE - \$4.75 per hour (Night Shift)

Evelyn Mogavero Immediately

FACILITIES DEPARTMENT - \$4.65 per hour (Building Maint. Division)

Keith Chodkowski Immediately

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

Dennis O'Brien Immediately

YOUTH & RECREATIONAL SERVICES - Recreation Instructor VII - \$6.00 per hour (#7140-1642)

Caroline Burnicki Immediately

AND, BE IT FURTHER

RESOLVED, that Dawn Pszczolkowski, currently employed as a Lifeguard in the Youth and Recreational Services Department, be and hereby is upgraded to Lifeguard IV - WSI at \$6.00 per hour, effective immediately, charged to line #7180.1903.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, Fingerlakes Police Mountain Bike Association is hosting a Police Cyclist Certification Course from August 10th thru 13th, 1993. The course will be held at Cornell University in Ithaca, New York.

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Officers Mark Lomas and Gerlad Grabowski to the certification course. Training topics to be covered are: Basic cycling, Equipment, Basic skills, Crash analysis, Community Oriented Policing, Community Bike Rodeos, etc. Officer will be taking the Cheektowaga Police Bike Equipment to utilize for the training and will be using a police car for transportation to and from this training course. The Cheektowaga Police Department will be responsible for lodging, meals, gasoline and tolls amounting to approximately \$395.00, NOW, THEREFORE, BE IT

RESOLVED, that Chief Bruce Chamberlin is authorized to send Officers Grabowski and Lomas to this training certification, and that the time they spend at the training be authorized as normal duty time. The expenses will be charged to line 0100-3120-4025.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board previously retained the services of EMS Consulting to determine the necessity of installing a traffic signal on William Street at Cayuga Creek Road, and

WHEREAS, based on the report of EMS Consulting, the County of Erie, Department of Public Works, Division of Highways, issued the Town a permit to install a traffic signal at this location, and

WHEREAS, now additional engineering work is needed to design the aforementioned traffic signal, NOW, THEREFORE, BE IT

RESOLVED, that EMS Consulting be and hereby is retained to design a traffic signal for the William Street/Cayuga Creek Road intersection, as per the terms of the attached letter of EMS Consulting, at a cost not to exceed \$11,500.00, and BE IT FURTHER

RESOLVED, that moneys for such services shall be appropriated from budget line item number 5112-5110-9118.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

ENGINEERING SERVICES AGREEMENT

TOWN OF CHEEKTOWAGA

ERIE COUNTY

WILLIAM STREET/CAYUGA CREEK ROAD INTERSECTION

TRAFFIC SIGNAL INSTALLATION

THIS AGREEMENT, made and entered into this 2nd day of August, 1993, by and between the Town of Cheektowaga, in the State of New York, a municipal corporation organized and existing under and by virtue of the laws of the State of New York with offices located at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, hereinafter referred to as the "Town" and EMS Consulting, a domestic firm with a staff duly licensed to practice professional engineering in the State of New York with offices at 1863 Clinton Street, Buffalo, New York 14206, hereinafter referred to as the "Engineer".

WITNESSETH:

WHEREAS, there is a need for the installation of a traffic control signal at the intersection of William Street and Cayuga Creek Road; AND

WHEREAS, by resolution of the Town Board of Cheektowaga dated August 2, 1993, the proposal by the Engineer is accepted as the basis for this agreement;

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

The Town hereby retains the Engineer to furnish the Engineering Services set forth in this Agreement upon the terms and conditions set forth herein and the Engineer hereby agrees to perform such services in accordance herewith. All services performed by the Engineer shall be done in a professional manner and in accordance with the provisions of this Agreement.

SECTION I - SCOPE OF WORK

The scope of the Engineering Services to be provided under this Agreement are as follows for the installation of a traffic signal at the intersection of William Street, Cayuga Creek Road, and the access road to the Williamstown Apartments and the widening of the Cayuga Creek approach from one lane to two lanes:

A. Field Survey

Furnish personnel as necessary to conduct field surveys required to prepare 1" - 20" scale mapping. The survey is to include topography generally within the existing street right-of-way and Williamstown Apartments driveway to identify existing above and below surface utilities and appurtenances within the aforementioned intersection areas. Utility agencies will be contacted to verify location and ownership of underground facilities.

B. Contract Plans and Documents

1. Preliminary Phase

Prepare advance detail plans (75 % complete plans) and estimate for approval by the Town Engineer and Erie County. Upon approval of preliminary plans, the Engineer will

proceed with final Contract Plans and Bidding Documents as required. The preliminary plans will be for the traffic signal and improvements to the existing Town Park driveway.

2. Design Phase

Prepare detailed Contract Plans and Drawings necessary for the proper execution and construction of the project. The work under this phase shall include the completion of the designs; the preparation of Contract Plans and details; preparation of specifications; itemized proposal; refined Engineer's cost estimate; and other bidding documents and materials required for the solicitation of bids for construction conforming to Town standards and requirements. Also to be included in this phase shall be the following:

- a) Necessary conferences and interface with the Town, permit compliance with agencies and Erie County.
- b) Furnish necessary copies of documents for review and approval by the Town, County and others directly involved in the project. This will include a 75 percent and final review submittal plus others as directed by the Town.
- c) Furnish necessary copies of final approved contract documents in a format for use in solicitation of bids by the Town.

C. Additional Preliminary Engineering During Construction

The Engineer shall provide all labor, materials, equipment sub-professional and professional services necessary to provide any additional preliminary engineering services on behalf of the Town as required to meet field conditions during construction as well as the following.

1. Assist at the pre-construction conference with the Town, utilities, successful Contractor, regulatory agencies, Erie County and others directly involved in the project.
2. Interpretation of Contract documents.
3. Periodic and final inspections of the construction.
4. Review of shop drawings, inspection and test reports for Contractor supplied materials, and other submittals by the Contractor for general compliance with design concepts.
5. Assist in preparation of change orders as required by the Town and Erie County.
6. Consultation and advice to Town and State during construction.
7. Preparation of sketches and redesign as required to resolve actual field conditions encountered.
8. Inspect all traffic signal installations and equipment for functional operations.
9. Establish and implement traffic signal phasing and timing programs.

D. Special Services

The Engineer will provide any and all special services necessary to properly complete the preliminary engineering. These special services are those which are not normally considered part of the normal survey and design phases. Because these services vary greatly in scope and need, they shall be negotiated as a separate element of service as requested by the Town. The services include:

1. Soils borings, tests and other side services as necessary.
2. Land surveys and property maps.
3. Additional prints and copies of plans and documents over normal requirements and reasonable distribution.
4. Additional travel costs beyond that normally required under basic circumstances.
5. Preparation of environmental statements and assistance at public hearings.

SECTION II - GENERAL PROVISIONS - ENGINEER'S RESPONSIBILITIES

- A. The Engineer agrees to perform and complete the services listed in Section I, including normal civil, electrical, and traffic engineering services where related thereto, as set forth below and contained within this Agreement.
- B. The Engineer has, or will secure, at his own expense, all personnel, equipment and facilities as necessary to accomplish the work.
- C. The Engineer agrees to secure, at his own cost, and maintain in force during the life of the contract, the following insurance coverages:
 1. Comprehensive General Liability affording bodily injury, personal injury and property damage liability coverage with a \$250,000 aggregate limit of liability.
 2. Worker's Compensation and Disability Benefits affording statutory limits for all states in which work hereunder is to be performed.

3. Professional Liability with an aggregate limit of \$1,000,000.

- D. The Town has entered into this Agreement in order to receive the professional services of the Engineer. The Engineer will, therefore, not make any assignment to the third party of all or any portion of the services required under this Agreement without first obtaining the written consent of the Town.
- E. The Engineer, his agents and employees shall at all times conduct themselves consistent with their status as independent consultants and shall not represent themselves as employees or agents of the Town.
- F. The Engineer shall in all respect comply with the pertinent provisions of the laws, rules and regulations of the United States, the State of New York, the County of Erie and Town.
- G. Since the Engineer has no control over the cost of labor, materials or equipment, his opinion of estimated improvement cost provided for herein is to be made on the basis of his experience and qualifications and represents his best judgment as a design professional familiar with the industry; but the Engineer cannot and does not guarantee that proposals, bids or the construction cost will not vary from opinions of probable cost prepared by him.
- H. The Town agrees to limit the Engineer's liability to the Town and to all construction contractors and subcontractors on each "Task" due to the Engineer's professional negligent acts, errors or omission such that the total aggregate

liability of the Engineer to those named shall not exceed Fifty Thousand Dollars (\$50,000) or the Engineer's total fee for services rendered under this Agreement, whichever is greater.

- I. All approved original drawings prepared by the Engineer shall remain in the office of the Engineer. Any reproduction tracings required by the Town will be furnished at cost as requested.
- J. The Town Engineer shall act as the Town's representative in respect to the Engineer's services. He shall have complete authority to transmit instructions, receive information and interpret and define the Town's policies and decisions with respect to materials, equipment elements and systems pertinent to the Engineer's services.

SECTION III - COMPENSATION

- A. For services rendered under this contract, fees and payment will be paid by the Town to the Engineer based on the following schedule:

- 1. Field Survey and Design Report

- A lump sum fee payable upon completion of work described in Section 1, Part A.

- Lump Sum Fee - \$2,500.00

- 2. Preliminary Phase

- A lump fee payable upon completion and acceptance of Preliminary Plans as described in Section I, Part B, Paragraph 1.

- Lump Sum Fee - \$3,500.00

3. Design Phase

A lump sum fee payable upon acceptance of Final Contract documents by the Town, County of Erie and NYSDOT as described in Section I, Part B, Paragraph 2.

Lump Sum Fee - \$5,500.00

4. Additional Engineering Services During Construction

For all services under Section I, Part C, the Town will pay the Engineer as follows:

- a) **Technical Labor** - The following hourly rates shall apply for technical labor necessary to complete the work as required:

Traffic Engineer	- \$60.00/HR
Jr. Engineer	- \$32.00/HR
Technician/Draftsman	- \$21.00/HR
Traffic Count Person	- \$11.00/HR

Said hourly rates to cover cost of overhead, profit and travel expenses within a 50 mile radius of the project.

- b) **Direct Cost** - The Town shall be billed direct for actual cost of subcontract such as laboratory testing, extra prints, and other related costs, mileage cost for Engineer's personnel will be \$0.21 per mile for travel beyond a 50 mile radius of the project.
- c) **The estimated fee** for providing part-time preliminary engineering and technical services during construction is \$2,500.00. This

amount will serve as the maximum amount payable based on an assumed 25 hours of required service.

d) Payment will be made on monthly billings.

5. Special Services

Payment for general services described under Section I, Part D, shall be made as follows:

a) **Technical Labor** - The following hourly rates shall apply for technical labor necessary to complete the work as required:

Traffic Engineer - \$60.00/HR

Jr. Engineer - \$32.00/HR

Technician/Draftsman - \$21.00/HR

Traffic Count Person - \$11.00/HR

Said hourly rates to cover cost of overhead, profit and travel expenses within a 50 mile radius of the project.

b) **Direct Costs** - The Town shall be billed directly for actual costs of subcontractors such as borings, laboratory testing, extra prints and other related costs. Mileage costs for Engineer's personnel will be \$0.21 per mile.

c) **Services** required for construction stakeout, etc. and for extra travel or assistance in litigation, will be paid as defined above under technical labor and direct costs.

d) Payment shall be made on monthly billings.

SECTION IV - GENERAL PROVISIONS

The terms of this Agreement shall commence upon the date of execution of the Agreement and shall terminate on completion of the services and acceptance thereof by the Town.

Services described under this Agreement are scheduled to be completed as follows: (REVIEW TIME IS NOT INCLUDED)

TASK

- | | |
|----------------------|---------|
| 1. Field Survey | 2 week |
| 2. Preliminary Phase | 3 weeks |
| 3. Design Phase | 3 weeks |

SECTION V - GENERAL PROVISIONS

A. Extra Work

If the Engineer is of the opinion that any work he has been directed to perform is beyond the scope of this Agreement and constitutes extra work, he shall promptly notify the Town of the fact. If the Town agrees that such work does constitute extra work, it shall provide extra compensation to the Engineer upon a fair and equitable basis. A Supplemental Agreement providing for such compensation for extra work shall be prepared and executed by the Engineer and the Town.

B. Termination

This Agreement may be terminated by either party by seven days written notice. If this Agreement is so terminated the Engineer shall be paid for work completed on the basis of mutual agreement by the parties as to the work completed prior to termination. In the event of any termination, the Engineer shall be paid terminal expenses resulting therefrom.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the day and year first written above.

TOWN OF CHEEKTOWAGA, NEW YORK

By Dennis H. Sparyszak

Title Supervisor

Kevin D. Schenk

Witness

EMS Consulting

By James E. Smith

Title OFFICE MANAGER

Jeffrey A. Oestrich

Witness

Item No. 11b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Alexander Community Center requires various improvements to continue Youth and Recreation Programs, AND

WHEREAS, Capital Improvement funds have been appropriated for Roof Replacement, Exterior Masonry Repairs, Masonry Re-pointing and Cleaning, Caulking, Painting and Miscellaneous Reconstruction Work, AND

WHEREAS, the firm of Scaffidi & Moore Architects has submitted a Proposal to provide professional services for said reconstruction work at the Alexander Community Center at a fee of ten percent (10%) of the construction cost, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retains the firm of Scaffidi & Moore Architects, 4535 Bailey Avenue, Buffalo, New York 14226 to perform all professional services necessary, including plans and specifications for Roof Replacement, Exterior Masonry Repairs, Cleaning, Re-pointing and Re-caulking, Miscellaneous Reconstruction Work for Maintenance and Repairs at the Alexander Community Center at a fee not to exceed ten percent (10%) of the construction cost, AND BE IT FURTHER

RESOLVED, that funds for said Project are available from Account #5301-1625-9308 and Account #5301-1625-9313.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 11c Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, the Town is in need of 100 hours of employee safety training to comply with OSHA regulations, NOW, THEREFORE, BE IT

RESOLVED, that W.C.S. Inc., 1965 Sheridan Drive, be contracted for these hours at \$60.00 per hour, charged to line #1000-1710-4529.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

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

WHEREAS, the Niagara Frontier Transportation Committee ("NFTC") is in the process of preparing a Long Range Master Transportation Plan Update for the Year 2010 for the County of Erie, and

WHEREAS, EMS Consulting has been involved with the Town of Cheektowaga with reviewing traffic patterns existing within the Town now and projected into the future, and has met with the Town-wide traffic review team, Town Police Department personnel, Town Traffic Safety Commission personnel and resident groups within the Town, and

WHEREAS, based on this review, EMS Consulting has made recommendations as stated in the attached letter, for improvements required to be made within the Town with respect to highway corridors, and

WHEREAS, this Town Board agrees with the recommendations made by EMS Consulting and wants the NFTC to include the Town's recommendations in its Master Plan studies and report, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby goes on record in support of the recommendations made by EMS Consulting in the attached letter, and BE IT FURTHER

Item No. 12 continued

RESOLVED, that this Town Board hereby requests the NFTC to incorporate the Town's recommendations/concerns in its Long Range Master Transportation Plan Update for the Year 2010, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the NFTC.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT



ENGINEERING · MANAGEMENT · SURVEYS

1863 Clinton Street, Buffalo, New York 14206, (716) 822-1007

July 28, 1993

Mr. Thomas Johnson, Councilman
Town of Cheektowaga
Town Hall
Broadway at Union Road
Cheektowaga, New York 14227

Re: Year 2010 Regional Transportation Plan
Niagara Frontier Transportation Committee

Dear Mr. Johnson:

The preliminary 'Year 2010 Regional Transportation Plan' for western New York was presented by members of the Niagara Frontier Transportation committee (NFTC) staff at the July, 15 1993 Town-Wide Traffic Study Review Team meeting. The preliminary plan included the following corridor improvements within Cheektowaga and corridors under consideration outside Cheektowaga that may have a positive impact on the Town. The corridors are shown on the attached map.

1. New York State Thruway (I-90) widening from the existing 6 lanes to 8 lane (Four lanes in each direction) from State Route 219 to the Youngmann Expressway (I-290). This would include the reconstruction of the interchange with the Youngmann Expressway to make the I-90/I-290 connection the primary route and the I-90 to I-90 connection the minor route. The ramps would be on the I-90 to I-90 connection rather than on the I-90/I-290 connection as they are now. The connection between I-90 and I-290 would be 8 lanes (4 lanes in each direction). The improvements should include appropriate noise barriers within the Town section of the project due to the proximity of the residential development. There is no schedule for these improvements at the present time.
2. Relief Route on an alignment between the intersection of Route 20 and Route 78 on Southwestern Boulevard in the Town of Orchard Park and Broadway in the area of Bowen Road in the Town of Lancaster. The Relief Route would permit traffic to by-pass the congested and urbanized area along Transit Road in the Towns of West Seneca, Elma, Cheektowaga, and Lancaster. It would also diminish the existing concerns within the Village of Depew and Village of Lancaster related to widening Broadway and truck traffic. The Relief Route could eventually continue north of Broadway and connect to the Thruway. There is no schedule for the Relief Route at the present time. The Relief Route is shown as an insert on the attached map. The alignment shown is for schematic purposes only. The exact alignment has not been determined at this time.

Mr. Johnson
July 28, 1993
Page 2 of 5

3. Losson Road Extension which would provide a future connection between Losson Road at Union Road and William Street at approximately the present location of Cayuga Creek Road. This connection was suggested by the 1983 Cheektowaga Town-Wide Traffic Study. It's intent is to relieve the congestion on Union road between Losson Road and William Street.

The NYSDOT is presently reviewing this connection as part of their scoping process for a project on Union Road to be implemented in 1997. The project extends along Union Road from Old French Road to Como Park Boulevard. The connection would more realistically be a longer range improvement. The shorter range improvements to be implemented in 1997 would consist of widening Union Road between Losson Road and William Street to provide dual left turn lanes and widening the Losson Road and William Street approaches to Union Road.

Immediate action improvements were suggested to the NYSDOT by a letter from EMS Consulting dated March 29, 1993. The suggested immediate action improvements consisted of modifications to the pavement markings on Union Road to provide a dual left turn lane for northbound Union Road traffic and widening the William Street approach to accommodate the dual turn lane. The immediate action improvements were approved by the Town-Wide Traffic Study Review Team and a resolution supporting the recommendations was adopted by the Town Board.

4. Harlem Road widening to 5 lanes from Genesee Street to Cleveland Drive. This would be an extension of the ongoing project from north of Walden Avenue to Genesee Street. The NYSDOT has scheduled this improvement for a 1998 construction start.

Harlem Road is also scheduled for widening between Clinton Street and William Street in 1997.

5. Transit Road widening from 2 lanes to 5 lanes between State Route 400 in West Seneca/Elma and Broadway in Cheektowaga/Lancaster. The NYSDOT has scheduled a project for the widening south of French Road in Cheektowaga for a 1994 construction start. The section north of French Road is scheduled for construction in 1997.

Mr. Johnson
July 28, 1993
Page 3 of 5

An intermediate improvement to 5 lanes has been made by Tops Markets in front of their store at French Road in 1991. Additional improvements will be made in 1993 in the Losson Road/William Street (Lancaster) intersection area as mitigating measures for the new Wal-Mart Store. Improvements to a 5 lane section are anticipated by the Benderson Development Company from south of Losson Road to the existing 5 lane section north of Strasmer Road in 1994. The Benderson improvements will be mitigating measures for proposed development along Transit Road.

The Relief Route described in Item 2 above will permit Transit Road to remain at 5 lanes through year 2010. Seven lanes and extensive right-of-way acquisition may be necessary if the Relief Route is not built.

It is also anticipated that Transit Road north of Genesee Street will need to be widened from the recently constructed 5 lanes to 7 lanes by year 2010.

6. Youngs Road and Wehrle Drive widening in the Town of Amherst which will help relieve traffic flow on Cleveland Drive and Maryvale Drive. There is no schedule for these improvements at this time.
7. Clinton Street widening between Harlem Road and Union Road which could reduce traffic flow on French Road. There is no schedule for this improvement at this time.

The NFTC will be holding public information meetings on the preliminary 'Year 2010 Regional Transportation Plan at several locations throughout Erie County and Niagara County within the next few weeks. A hearing will be held at the Cheektowaga Senior Center on Broadway on August 9, 1993 at 6:00 PM per your request to the NFTC.

The NYSDOT has the following projects scheduled for construction within the Town of Cheektowaga in addition to the projects mentioned above:

1. Genesee Street from the City of Buffalo Line to the Cayuga Road/Dick Road intersection in 1997.
2. Union Road reconstruction between Como Park Boulevard and Walden Avenue and reconstruction and widening between Walden Avenue and Galleria Drive in 1998.
3. Broadway reconstruction between the Buffalo City Line and Harlem Road in 1994, between Harlem Road and Union Road in 1995, and reconstruction between Union Road and Transit Road and realignment between Dick Road and Borden Road in 1997.

Mr. Johnson
 July 28, 1993
 Page 4 of 5

4. Rowley Road bridge over Cayuga Creek reconstruction in 1997.
5. Walden Avenue bridge removals over Conrail tracks east of Dick Road in 1993

We understand that the above projects are on schedule. They should significantly reduce congestion within the Town.

The Town-Wide Traffic Study Review Team recommends that the following transportation corridors be studied as part of the Year 2010 Regional Transportation Plan Update in addition to the above mentioned corridors:

1. Industrial Development and William Street/Broadway Relief Roadway within the Norfolk Southern and Conrail sites between William Street near South Ogden Street in Buffalo to the intersection with Dick Road and Broadway and east into the Town of Lancaster. Such a roadway would relieve traffic congestion on both William Street and Broadway and serve the Norfolk Southern site presently under development and the potential development on Conrail land in the corridor.

A direct connection to the New York State Thruway should be considered by constructing service roads between the Walden Avenue interchange and the William Street interchange. The roadway connections would be by ramps to the service roads rather than the main line Thruway. A limited number of adequately spaced ramps could then be provided between the service roads and the main line Thruway. This roadway configuration would relieve congestion on the main line Thruway, permit auto and truck access to the Thruway directly from the Norfolk Southern site and Conrail property without traveling the already congested existing street system, and permit connections from the service roads to Duke Road and Broadway. The service roads and connecting ramps would help relieve congestion on both William Street and Walden Avenue.

2. French Road connection between new French Road east of Union Road to Old French Road west of Union Road. This would eliminate the offset between new French Road and Old French Road, eliminate the need for a traffic signal at Old French Road and Union Road, and improve the French Road and Union Road intersection geometry. Consideration should also be given to removing the Union Road bridge over the Conrail track just north of French Road and installing an at grade crossing. The only purpose of the track is for a siding to Flickinger Food Products. The grade on Union Road could be reduced to minimal and the intersection geometry at Union Road and French Road could be further improved.

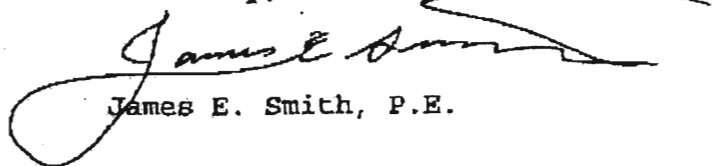
Mr. Johnson
 July 28, 1993
 Page 5 of 5

3. Rapid Transit extension from downtown Buffalo to the Airport primarily by way of the existing abandoned railroad right-of-way as presently under consideration by the NFTA. The line would pass adjacent to and serve the proposed Walden Commerce Exchange, Thruway Mall, Galleria Mall, Union Plaza, Commercial development on Dick Road and the Airport with consideration for future service to development to the east. A copy of the conceptual route and station locations as presented by NFTA is attached.
4. Transit Road widening from Broadway north to Genesee Street to relieve the existing traffic congestion and safety problems.
5. Holtz Road Extension from Genesee Street south on abandoned railroad right-of-way to Walden Avenue or to Broadway. This connection would serve the light industrial area along Sonwil Drive, Harlequin Book in the Village of Depew, and the Benderson Development Company projects in the Village of Depew. It would provide a secondary north/south corridor to help relieve congestion on Dick Road and Transit Road. It would also permit a second access to the Amtrak Station presently served from Dick Road only.

I suggest that the Town Board support the NYSDOT projects presently programmed for construction and recommend to the NFTA that they include all the foregoing traffic corridors not presently scheduled for improvements or study into their 'Year 2010 Regional Transportation Plan Update analysis.

Please call me if addition information is needed or if you have any question.

Sincerely,

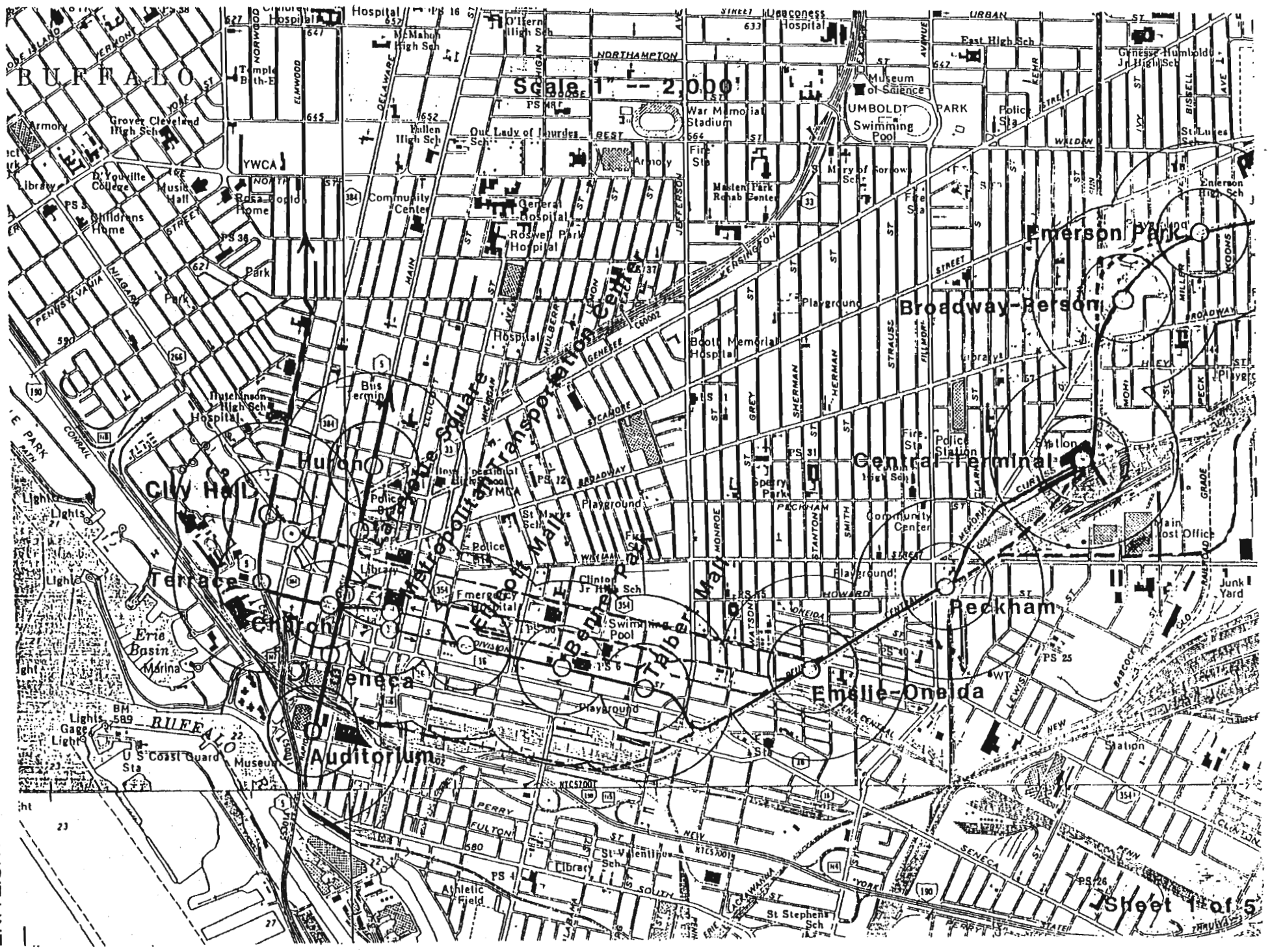


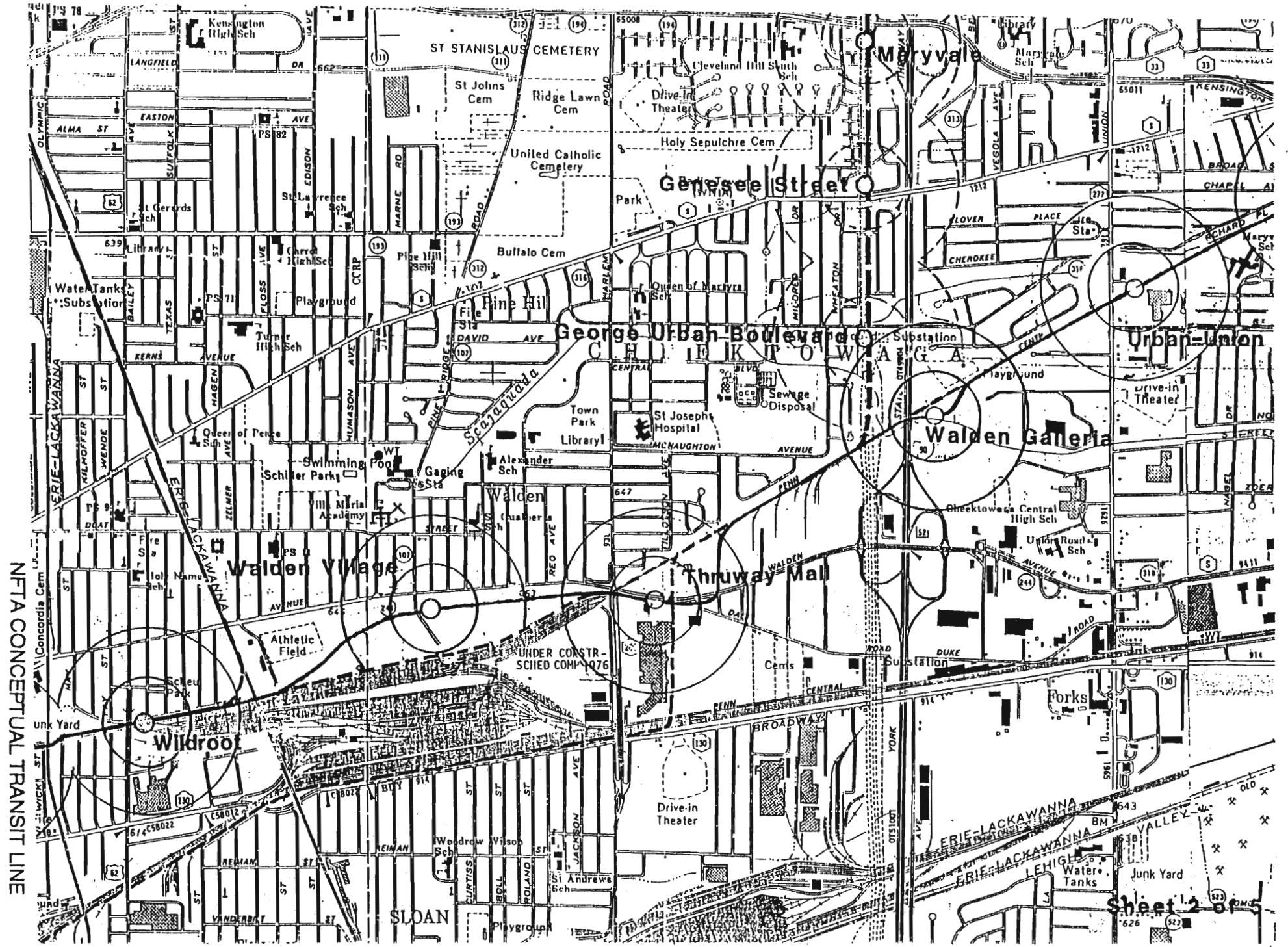
James E. Smith, P.E.

JES/ej

cc: Supervisor Gabryszak
 Councilpersons
 Chester Bryan, Town Engineer
 Sgt. Gary Schmidt
 Bob Buczynski, Traffic Safety

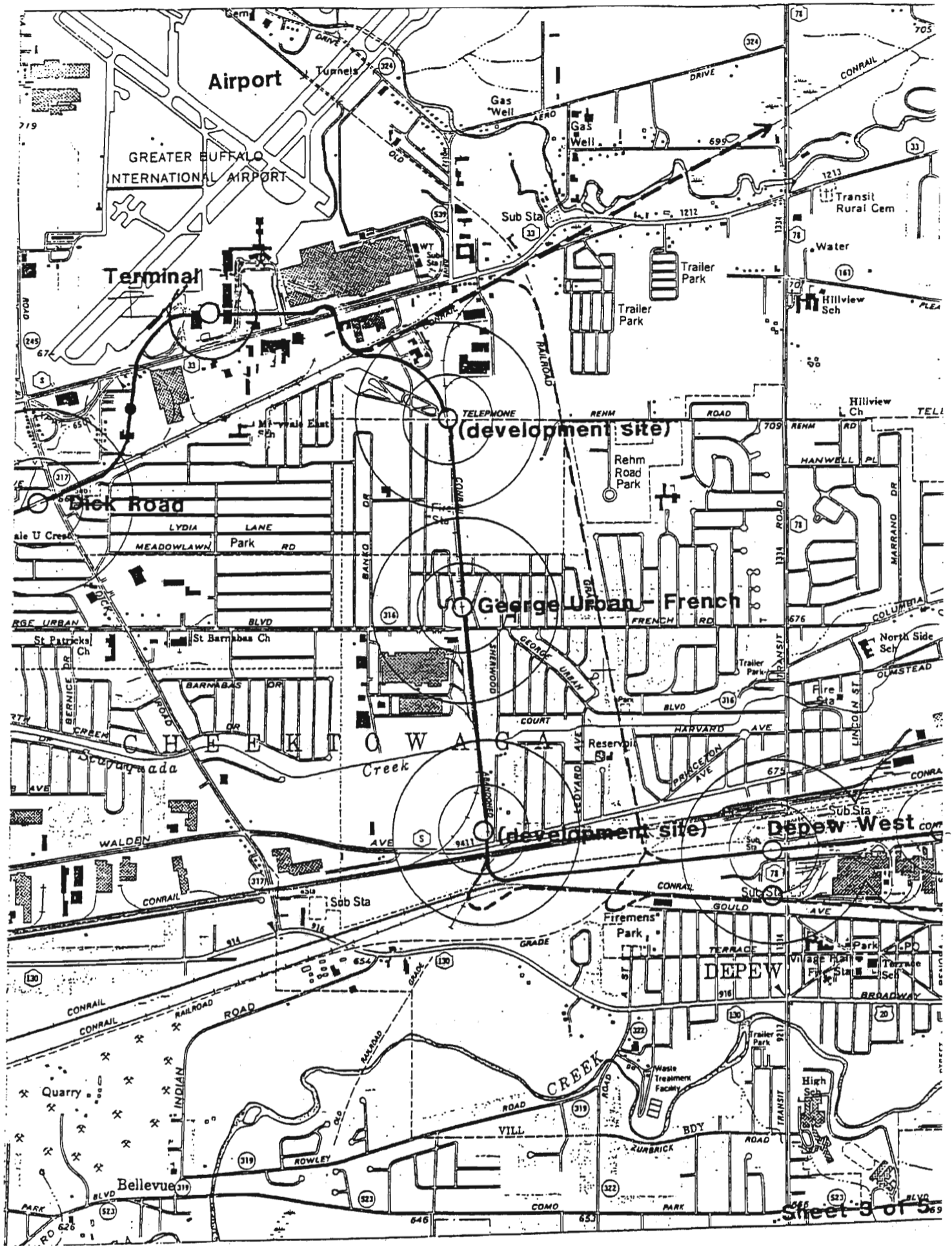
NFTA CONCEPTUAL TRANSIT LINE





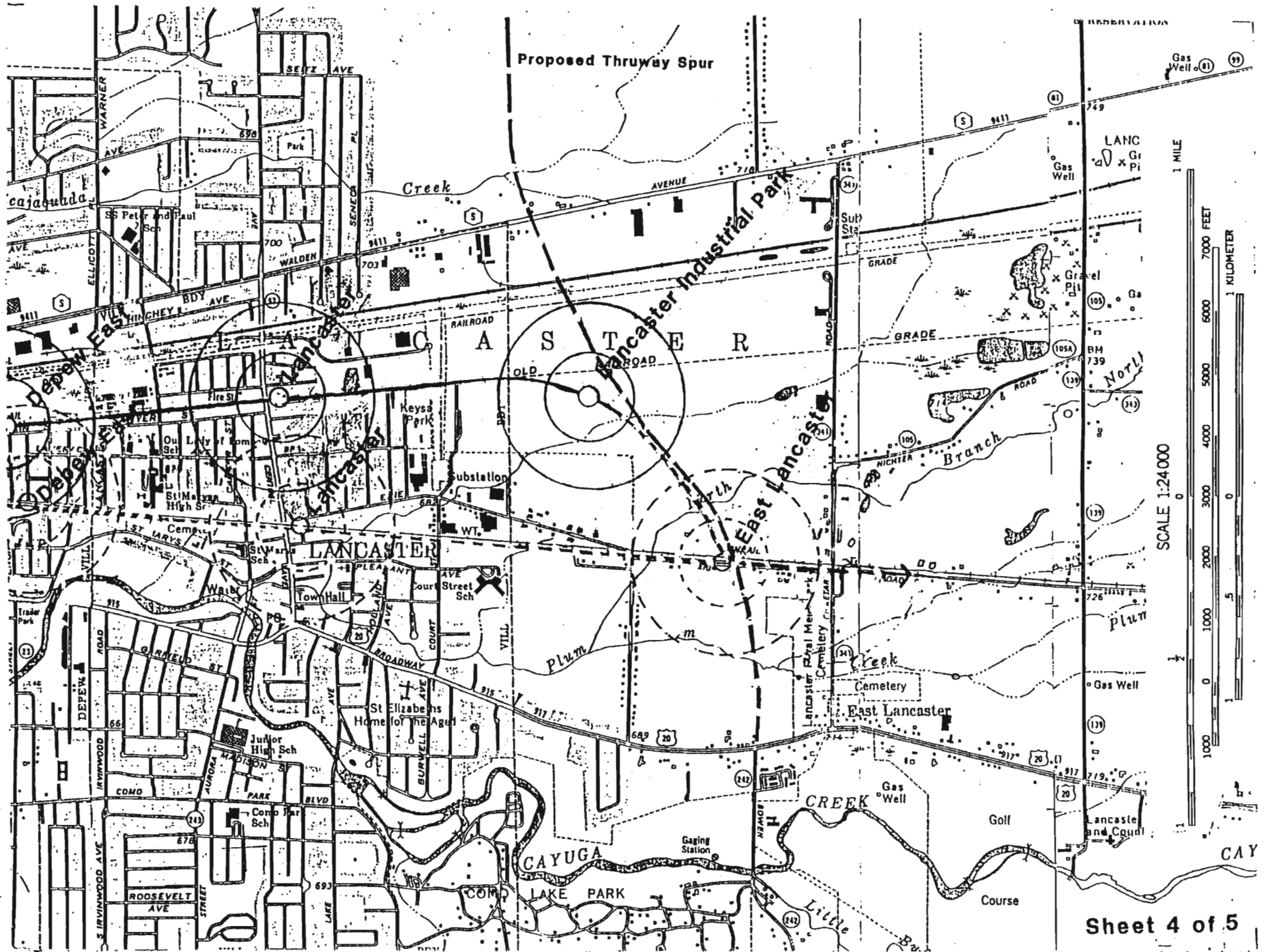
NFTA CONCEPTUAL TRANSIT LINE

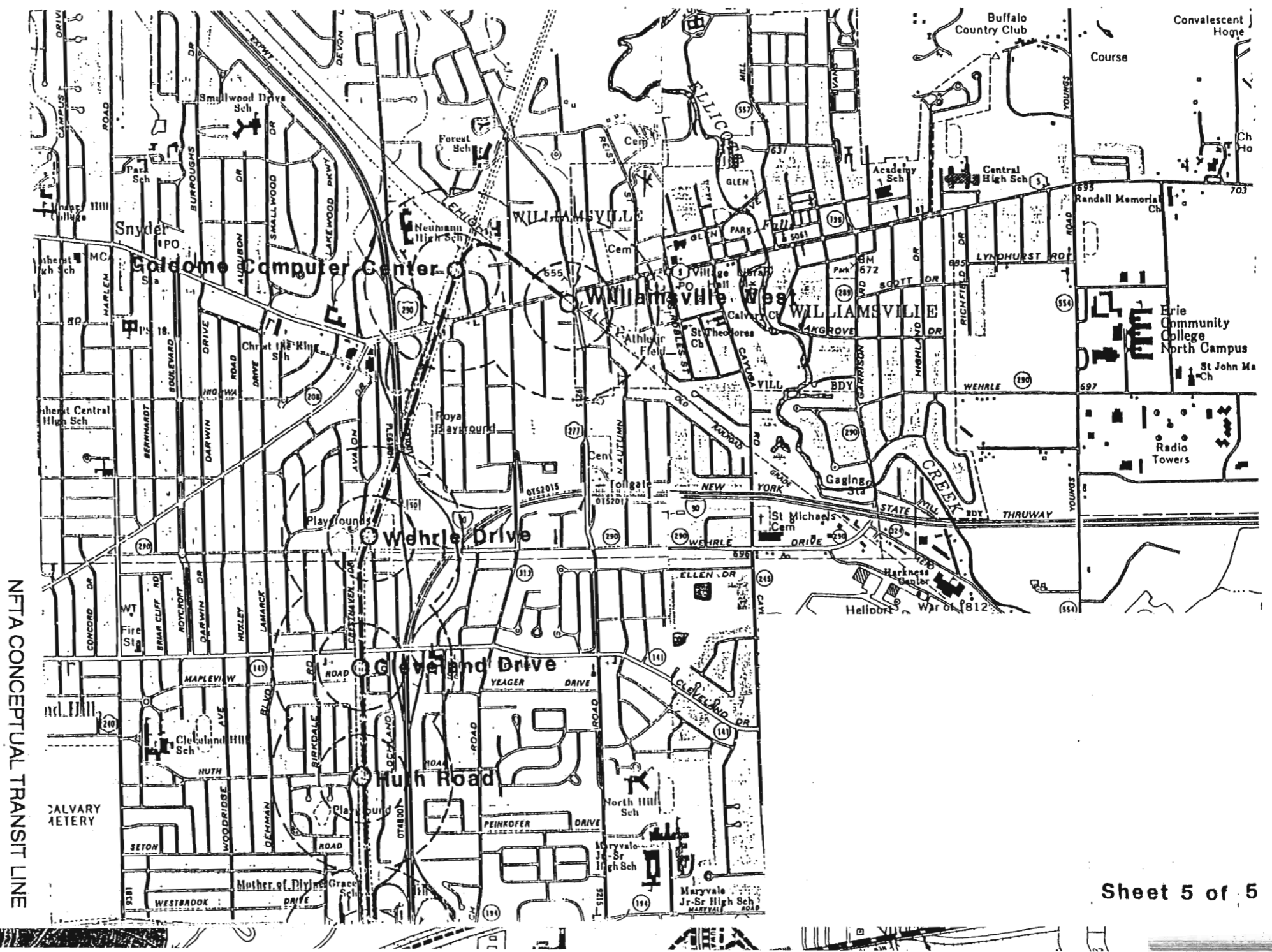
Sheet 2 of 5



NFTA CONCEPTUAL TRANSIT LINE

NTA CONCEPTUAL TRANSIT LINE

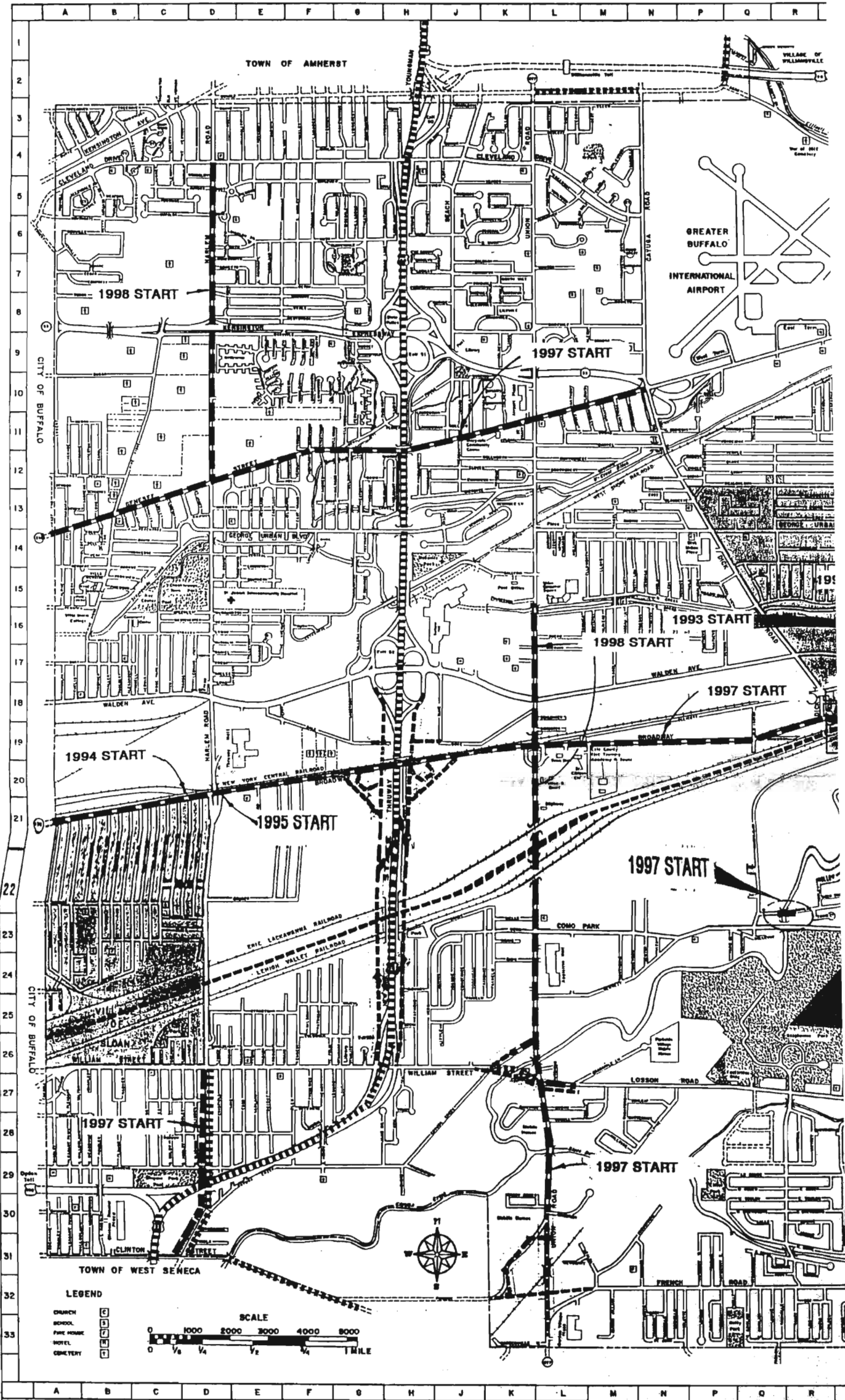




NFTA CONCEPTUAL TRANSIT LINE

THE TOWN OF
CHEEKTOWAGA
ERIE COUNTY, N.Y.

TRANSP
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Item No. 13a Motion by Councilman Blachowski, Seconded by Supervisor 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 and directed 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 1992-93 program year in an amount of up to \$400,400, which includes \$75,000 from the 1993-94 program year and \$325,400 from the 1990-92 program year.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Town of Cheektowaga has received funding through the U.S. Department of Health and Human Services (grant #IH86SP04160) to establish the Cheektowaga Action Partnership, and

WHEREAS, grant funds are provided for continuation of contracts for an Independent Evaluator, Fundraising, Media-Public Relations, and Community Programming consultants, (0100-7320-4000), and

WHEREAS, the grant identifies Nowak and Associates, 146 Park Forest Drive, Williamsville, New York as the Project Evaluator, Robert J. Miller and Associates, Inc., as the Fundraising Consultant, RjM & Associates, Advertising and Public Relations, 10 Old Farm Court, Depew, New York as the Media Consultant, and the Cheektowaga Department of Youth and Recreational Services as the Community Programming Consultant, NOW, THEREFORE, BE IT

RESOLVED, that under the terms and conditions of the above-referenced grant, the Supervisor of the Town of Cheektowaga be and hereby is directed to execute renewal of agreements between the Town of Cheektowaga and the said parties for the contract period August, 1993 running through July 31, 1994 with total consultant costs not to exceed:

Nowak and Associates	\$52,500.00
Robert J. Miller & Associates, Inc.	25,800.00
RjM & Associates	26,004.00
Cheektowaga Department of Youth and Recreational Services	35,760.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Town is lead agent for the Cheektowaga Action Partnership (CAP), a local coalition chartered to coordinate alcoholism and other drug abuse prevention/education programs within the community, and

Item No. 13c continued

WHEREAS, the Town previously signed an agreement with the Sheraton Inn, Buffalo Airport, reserving Thursday, October 28, 1993 as the date of CAP's annual awards banquet, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute a Booking Event Order agreement between the Town's Cheektowaga Action Partnership and the Sheraton Inn, Buffalo Airport.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13d Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, Section 39 of the General Municipal Law of the State of New York requires local governments to adopt comprehensive investment policies to minimize risk, ensure that investments mature when cash is required to finance operations; and ensure a competitive rate of return from investments, and

WHEREAS, by resolution dated May 3, 1993, this Town Board amended its previous investment guidelines to comply with Section 39 of the General Municipal Law, and

WHEREAS, the Town deposits and invests some of its money with Key Bank of New York ("Key Bank"), and

WHEREAS, Key Bank has drafted the attached Third Party Custodian Agreement, which complies with the Town's newly-adopted Investment Guidelines, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Third Party Custodian Agreement with Key Bank on behalf of the Town.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

12/03
#130

THIRD PARTY CUSTODIAN

THIS AGREEMENT, made and executed this 10 day of December, 1993, between Town of Cheektowaga, located in the County of Erie, State of New York ("Local Government"), Key Bank of New York having offices at 66 South Pearl Street, Albany, New York ("Bank") and Key Trust Company having offices at 54 State Street, Albany, New York ("Custodian").

WITNESSETH

WHEREAS, Local Government desires to maintain or continue to maintain public deposits with the Bank;

WHEREAS, the Bank desires to obtain such deposits and to provide security therefor as required by the General Municipal Law, Banking Law and other applicable statutes;

WHEREAS, the Custodian agrees to provide safekeeping services and to hold any securities pledged by the Bank in a custodial account established for the benefit of the Local Government as secured party pursuant to this Agreement;

NOW, THEREFORE, in consideration of the mutual promises set forth hereafter, the parties hereto agree as follows:

1. Schedule of Deposits and Required Security

Attached as Exhibit A hereto is a schedule of the maximum amount of the Deposits anticipated by the Local Government and the Bank during each month through year-end and the Collateral Requirement to be provided by the Bank during each such month. The obligation of the Bank to provide Eligible Collateral pursuant to this Agreement shall not be less than the Collateral Requirement shown in Exhibit "A" unless the Local Government and Bank, at any time during the term of this agreement, agree to amend Exhibit "A". Any such amendments to either increase or decrease the Collateral Requirement shown in Exhibit "A" shall be confirmed in writing by either party at least one Business Days before the new Collateral Requirement becomes effective. A copy of any amendments made pursuant to this section shall be furnished to the Custodian.

2. Security Requirements

a. The Bank, to secure the timely payment of Uninsured Deposits heretofore or hereafter made by the Local Government, including any interest due thereon, shall provide the Local Government with Eligible Collateral having an Adjusted Market Value equal to the Collateral Requirement. Whenever Eligible Securities are provided pursuant to this paragraph, the Bank hereby grants to the Local Government a pledge and security interest in and to such Eligible Securities and shall deliver such Eligible Securities to the Custodian in the manner prescribed in section 3 of this Agreement. The security interest of the Local Government in Eligible Securities shall terminate upon the transfer of such Eligible Securities from the Account. Eligible Letters of Credit and Eligible Surety Bonds provided pursuant to this paragraph shall be subject to the prior approval of the Local Government unless the Local Government has approved in writing the form of an

3

Eligible Letter of Credit or Eligible Surety Bond to be issued by a specific entity or the form of such Eligible Letter of Credit or Eligible Surety Bond is attached hereto as an Exhibit.

- b. The Custodian will monthly determine the Adjusted Market Value of the Eligible Collateral provided pursuant to this Agreement. If the Adjusted Market Value of such Eligible Collateral is less than the Collateral Requirement, the Custodian will so notify the Bank and the Bank shall, upon such notice, be required to provide additional Eligible Collateral having an Adjusted Market Value equal to or greater than such deficiency no later than one Business Day after receipt of such notice. If the Adjusted Market Value of the Eligible Collateral provided pursuant to this Agreement exceeds the Collateral Requirement, the Custodian, at the direction of the Bank, shall transfer securities from the Account, or in the case of other Eligible Collateral, cause or consent to a reduction in the amount thereof, to the extent of such excess.
- c. The Bank may substitute Eligible Collateral ("Substitute Collateral") for any Eligible Collateral previously provided pursuant to this Agreement so long as the Substitute Collateral has an Adjusted Market Value equal to or greater than the Eligible Collateral which it will replace. The Bank shall give Written or Oral Notice thereof to the Custodian of any proposed substitution. In the event that the Custodian determines that the Substitute Collateral described in such notice consists exclusively of Eligible Securities having sufficient Adjusted Market Value, the Custodian, at the direction of the Bank, shall transfer the Eligible Securities out of the Account against delivery to the Account on the same Business Day of the Substitute Collateral. In the event the Substitute Collateral described in such notice consists of an Eligible Letter of Credit or Eligible Surety Bond, the prior consent of the Local Government shall be required before the Bank or Custodian may complete the substitution described in such notice unless the Local Government has, in writing, previously approved and consented to the form and issuer of the Eligible Letter of Credit and/or Eligible Surety Bond to be provided as Substitute Collateral.
- d. The Custodian, to the extent not contained in the confirmation required by paragraph c of section 3 of this Agreement, shall provide the Local Government with a written confirmation setting forth: (1) a complete description of Eligible Collateral provided, reduced or transferred to or from the Account pursuant to this section; and, (2) the Market Value and Adjusted Market Value of such Eligible Collateral as of the date of such transaction.

Custody of Eligible Securities

- a. The Bank and Local Government hereby appoint the Custodian as custodian of all Eligible Securities at any time delivered to the Custodian pursuant to this Agreement. The Custodian hereby accepts appointment as such Custodian and agrees to establish and maintain the Account and appropriate records identifying the Eligible Securities as pledged by the Bank to the Local Government. The Account shall be kept separate and apart from the general assets of the Custodian

and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or liability of the Custodian. The Custodian, in performing its duties and responsibilities pursuant to this Agreement, shall act as Custodian for, and agent of, the Local Government.

- b. The Bank and Local Government agree that Eligible Securities delivered to the Custodian for deposit in the Account may be in the form of credits to the accounts of the Custodian at the Book Entry System or a Depository or by delivery to the Custodian of physical certificates in a form suitable for transfer or with an assignment in blank to the Local Government or Custodian. The Bank and Local Government hereby authorize the Custodian on a continuous and ongoing basis to deposit in the Book Entry System and/or the Depositories all Eligible Securities that may be deposited therein and to utilize the Book Entry System and/or Depositories and the receipt and delivery of physical securities or any combination thereof in connection with its performance hereunder. Eligible Securities credited to the Account and deposited in the Book Entry System or Depositories or other financial intermediaries will be represented in accounts of the Custodian that include only assets held by the Custodian for customers, including but not limited to accounts in which the Custodian acts in a fiduciary, agency or representative capacity. Eligible Securities that are not held in the Book Entry System, Depositories or through another financial intermediary will be held in the Custodian's vault and physically segregated from securities and other non-cash property belonging to the Custodian.
- c. The Custodian shall provide the Local Government and Bank with a written confirmation on each Business Day on which Eligible Securities are transferred to and from the Account. Such confirmation shall identify the specific securities which are the subject to the confirmation and state both the Market Value and Adjusted Market Value thereof. The Custodian shall also provide the Local Government and the Bank each month with a statement identifying all Eligible Securities in the Account, the Market Value and Adjusted Market Value thereof as of the date of such statement.
- d. The Account shall not be subject to any security interest, lien or any right of set-off by or against the Custodian.
- e. With respect to all Eligible Securities held in the Account, the Custodian by itself, or through the use of the Book Entry System or the appropriate Depository, shall, unless otherwise instructed to the contrary by the Bank: (i) collect all income and other payments reflecting interest and principal on the Eligible Securities in the Account and credit such amounts to the account of the Bank; (ii) forward to the Bank copies of all information or documents that it may receive from an issuer of Eligible Securities which, in the opinion of the Custodian, are intended for the beneficial owner of the Eligible Securities including, without limitation all proxies and other authorizations properly executed and all proxy statements, notices and reports; (iii) execute, as Custodian, any certificates of ownership, affidavits, declarations or other certificates under any tax laws now or hereafter in effect in connection with the collection of bond and note coupons; (iv) hold directly, or through the Book Entry System or Depository, all rights

issued with respect to any Eligible Securities held by the Custodian hereunder; and (v) upon receipt of written instruction from the Bank, the Custodian will exchange Eligible Securities held hereunder for other securities and/or cash in connection with (a) any conversion privilege, reorganization, recapitalization, redemption in kind, consolidation, tender offer or exchange offer, or (b) any exercise, subscription, purchase or other similar rights.

4. Events of Default

In the event the Bank shall fail to pay the Local Government any amount of the Deposits by the Local Government covered by this Agreement in accordance with the terms of such Deposit, or should the Bank fail or suspend active operations, the Deposits in such Bank shall become due and payable immediately and the Local Government shall have the right to unilaterally demand delivery of all Eligible Securities in the Account by notice to the Custodian and to sell such securities at public or private sale. In the event of such sale, the Local Government, after deducting all legal expenses and other costs, including reasonable attorneys fees, from the proceeds of such sale, shall apply the remainder towards any one or more of the liabilities of the Bank to the Local Government and shall return the surplus, if any, to the Bank.

5. Representation and Warranties

- a. Representations of the Bank. The Bank represents and warrants that:
1. it is the legal and actual owner, free and clear of all liens and claims, of all Eligible Securities pledged pursuant to this Agreement;
 2. the form of this Agreement was approved by its board of directors;
 3. this Agreement was executed by an officer of the Bank who was authorized by the Bank's board of directors to do so and will at all times be maintained as an official records of the Bank;
 4. all securities pledged pursuant to this Agreement are Eligible Securities and that all letters of credit and surety bonds obtained by the Bank in satisfaction of its obligations hereunder and of which the Local Government is the beneficiary are Eligible Collateral;
 5. the Bank is a bank or trust company located and authorized to do business in the State of New York;
 6. all acts, conditions and things required to exist, happen or to be performed on its part precedent to and in the execution and delivery of this Agreement exist or have happened or have been performed.
- b. Representations of the Local Government. The Local Government hereby represents and warrants that:
1. this Agreement has been legally and validly entered into, does not and will

not violate any statute or regulation applicable to it and is enforceable against the Local Government in accordance with its terms;

2. the appointment of the Custodian has been duly authorized and no other action by the Local Government is required and this Agreement was executed by an officer of the Local Government authorized to do so;
3. it will not transfer, assign its interests in or the rights with respect thereto any Eligible Securities pledged pursuant to this Agreement except as authorized pursuant to section 4 of the Agreement;
4. all acts, conditions and things required to exist, happen or to be performed on its part precedent to and in the execution and delivery of this Agreement exist or have happened or have been performed.

6. Concerning the Custodian.

- a. The Custodian shall not be liable for any loss or damage, including counsel fees, resulting from its action or omission to act or otherwise, except for any loss, damage, claim or expense arising out of its own negligence or willful misconduct, and shall have no obligation hereunder for any loss or damage, including counsel fees, which are sustained or incurred by reason of any action or inaction by the Book Entry System or Depository. The Custodian may, with respect to questions of law, apply for and obtain the advice and opinion of competent counsel and shall be fully protected with respect to anything done or omitted by it in good faith and conformity with such advice or opinion. The Local Government and Bank agree, jointly and severally, to indemnify the Custodian and to hold it harmless against any and all costs, expenses, damages, liabilities or claims, including reasonable fees and expenses of counsel, which the Custodian may sustain or incur or which may be asserted against the Custodian by reason of or as a result of any action taken or omitted by the Custodian in connection with operating under this Agreement, except those costs, expenses, damages, liabilities or claims arising out of the negligence or willful misconduct of the Custodian or any of its employees or duly appointed agencies. This indemnity shall be a continuing obligation of the Local Government and Bank notwithstanding the termination of this Agreement.
- b. The Custodian shall not be responsible for, or considered to be the Custodian of, any security received by it for deposit in the Account until the Custodian actually receives and collects such security directly or by the final crediting of the Custodian's account on the books of the Book Entry System or the appropriate Depository. The Custodian will be entitled to reverse any credits made on the Local Government's behalf where such credits have been previously made and the Eligible Securities are not finally collected.
- c. The Bank shall pay to the Custodian such fees as may be agreed upon from time to time.
- d. The Custodian shall have no duties or responsibilities whatsoever except such

duties and responsibilities as are specifically set forth in this Agreement and no covenant or obligation shall be implied against the Custodian in connection with this Agreement.

- e. The Local Government's authorized officer, upon reasonable notice, shall have access to the Custodian's books and records maintained with respect to the Local Government's interest in the Account during the Custodian's normal business hours. Upon the reasonable request of the Local Government, copies of any such books and records shall be provided by the Custodian to the Local Government or the Local Government's authorized officer at the Local Government's expense.

7. Termination

Any of the parties hereto may terminate this Agreement by giving to the other party a notice in writing specifying the date of such termination, which shall be the earlier of (i) not less than 90 days after the date of giving such notice or (ii) the date on which the Deposits are repaid in full. Such notice shall not affect or terminate the Local Government's security interest in the Eligible Securities in the Account. Upon termination hereof, the Bank shall pay to the Custodian such compensation as may be due to the Custodian as of the date of such termination and the Custodian shall follow such reasonable Written Instructions of the Bank and the Local Government concerning the transfer of custody of Eligible Securities, collateral records and other items. In the event of a discrepancy between Written Instructions of the Bank and the Local Government, the Custodian shall act pursuant to the Local Government's Written Instructions. Upon the date set forth in the termination notice, this Agreement shall terminate except as otherwise provided herein and all obligations of the parties to each other hereunder shall cease.

8. Miscellaneous

- a. The Local Government and Bank each agrees to furnish to the Custodian a new Certificate (Exhibit "C") in the event that any present Authorized Person ceases to be an Authorized Person or in the event that any other Authorized Persons are appointed and authorized. Until such new Certificate is received, the Custodian shall be fully protected in acting upon Oral or Written Instructions or signatures of the present Authorized Persons.
- b. Any written Instructions or other instrument in writing, authorized or required by this Agreement shall be given to the Custodian and shall be sufficiently given if sent to the Custodian by regular mail to its Offices at P.O. Box 1965, ATTN: Institutional Custody Department, Albany, New York 12201-1965 or at such other place as the Custodian may from time to time designate in writing.
- c. Any notice or other instrument in writing, authorized or required by this Agreement to be given to the Bank shall be sufficiently given if sent to the Bank by regular mail to its Offices at P.O. Box 748, ATTN: Investment Portfolio Department, Albany, New York 12201-0748 or at such other place as the Bank may from time to time designate in writing.

- d. Any notice or other instrument in writing, authorized or required by this Agreement to be given to the Local Government shall be sufficiently given if sent to the Local Government by regular mail to its Offices at 3301 Broadway, Cheektowaga, New York 14227 or at such other Offices as the Local Government may from time to time designate in writing.
- e. In case any provision in or obligation under this Agreement shall be invalid, illegal or unenforceable in any jurisdiction, the validity, legality and unenforceability of the remaining provisions or obligations shall not in any way be affected or impaired thereby and if any provision is inapplicable to any person or circumstances, it shall nevertheless remain applicable to all other persons and circumstances.
- f. This Agreement may not be amended or modified in any manner except by written agreement executed by all of the parties hereto.
- g. This Agreement shall extend to and be binding upon the parties hereto, and their respective successors and assigns; provided, however, that this Agreement shall not be assignable by any party without the written consent of the other parties.
- h. This Agreement shall be construed in accordance with the laws of the State of New York without regard to conflict of law principles thereof.

9. Definitions

Whenever used in this Agreement the following terms shall have the following meanings:

- a. "Account" shall mean the custodial account established with the Custodian for the benefit of the Local Government as secured party in accordance with this Agreement.
- b. "Adjusted Market Value" shall be one hundred percent of Market Value except that: (1) in the case of Eligible Securities enumerated in subparagraphs (v), (vi) and (vii) of Exhibit "B", the Adjusted Market Value shall be an amount equal to its Market Value divided by 0.9 if such Eligible Security is not rated in the highest rating category by at least one nationally recognized statistical rating agency, but is so rated in the second highest rating category, and an amount equal so its Market Value divided by 0.8 if such Eligible Security is not to rated in one of the two highest categories, but is so rated in the third highest rated category; (2) in the case of Eligible Securities enumerated in subparagraphs (viii), (x) and (xi) of Exhibit "B", the Adjusted Market Value shall be an amount equal to its Market Value divided by 0.8; and, (3) in the case of Eligible Letters of Credit, the Adjusted Market Value shall be one hundred and forty percent of Market Value.
- c. "Authorized Person" shall be any officer of the Local Government or Bank, as the case may be, duly authorized to give Oral Instructions or Written Instructions on behalf of Local Government or Bank, such persons to be designated in a

Certificate substantially in the form of Exhibit "C" attached hereto, as such Exhibit may be amended from time to time.

- d. "Bank" shall mean any bank as defined by the banking law of the State of New York or a national banking association located and authorized to do business in New York.
- e. "Book Entry System" shall mean the Federal Reserve/Treasury Book Entry System for receiving and delivering government securities.
- f. "Business Day" shall mean any day on which the Custodian and the Bank are open for business and on which the Book Entry System and/or the Depositories are open for business.
- g. "Certificate" shall mean the Certificate attached hereto as Exhibit "C".
- h. "Collateral Requirement" shall mean the amounts required in Exhibit "A" unless the Bank and Local Government agree to a different amount in accordance with this Agreement.
- i. "Depository" shall include the Depository Trust Company, the Participants Trust Company and other securities depositories and clearing agencies (and their successors and nominees) registered with the Securities and Exchange Commission or otherwise regulated by appropriate federal or state agencies as a securities depository or clearing agency.
- j. "Deposits" shall mean all deposits by the Local Government in the Bank that are available for all uses generally permitted by the Bank to the Local Government for actually and finally collected funds under the Bank's account agreement or policies.
- k. "Eligible Collateral" shall mean Eligible Securities, Eligible Letters of Credit and Eligible Surety Bonds.
- l. "Eligible Letter of Credit" shall mean an irrevocable letter of credit issued in favor of the Local Government for a term not to exceed ninety days by either: (1) a bank (other than the Bank) whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of three highest rating categories based on the credit of such bank or holding company by at least one nationally recognized statistical rating organization; or, (2) by a bank (other than the Bank) which is in compliance with applicable Federal minimum risk-based capital requirements.
- m. "Eligible Securities" shall mean any securities of the types enumerated in the Schedule of Eligible Securities attached hereto as Exhibit "B", as such Schedule may be amended by the parties in writing from time to time. Such Schedule may establish limitations pertaining to the types or amounts of Eligible Securities

which may be provided pursuant to this Agreement.

- n. "Eligible Surety Bond" shall mean a bond executed by an insurance company authorized to do business in the State of New York, the claims paying ability of which is rated in the highest rating category by at least two nationally recognized statistical rating organizations.
- o. "Market Value" shall mean, with respect to any Eligible Security held in the Account, the market value of such Eligible Security as made available to the Custodian by a generally recognized source selected by the Custodian or by the Bank or the most recently available closing bid quotation from such source plus, if not reflected in the market value, any accrued interest thereon, or, if such source does not make available a market value or a closing bid price for a particular security, the market value shall be as determined by the Custodian in its sole discretion based on information furnished to the Custodian by one or more brokers or dealers or based on information otherwise reasonably acceptable to the Local Government; provided however that, if agreed in writing by the parties hereto, the Bank may provide the Custodian with such Market Values. The Market Value of Eligible Letters of Credit and Eligible Surety Bonds shall be the face amount thereof.
- p. "Margin Percentage" shall equal 100 percent.
- q. "Nationally Recognized Statistical Rating Organization" shall mean Moody's, Standard and Poors, Fitch, Duff and Phelps, BankWatch and IBCA and in the case of Eligible Surety Bonds, shall also include Bests.
- r. "Oral Instructions" shall mean verbal instructions actually received by the Custodian from an Authorized Person or from a person reasonably believed by the Custodian to be an Authorized Person.
- s. "Substitute Collateral" shall have meaning set forth in paragraph c of Section 2 of this Agreement.
- t. "Uninsured Deposits" shall mean that portion of the Local Government's Deposits with the Bank which exceeds the insurance coverage available from the Federal Deposit Insurance Corporation.
- u. "Written Instructions" shall mean written communications actually received by the Bank or the Custodian from an Authorized Person or from a person reasonably believed by the Bank or the Custodian to be an Authorized Person by a computer, telex, telecopier or any other system whereby the receiver of such communications is able to verify by codes or otherwise with a reasonable degree of certainty the identity of the sender of such communication.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized and their respective seals to be hereunto affixed, as of the day and year first above written.

Agreed to by: (LOCAL GOVERNMENT)

Dennis H. Gabryszak
SIGNATURE

SEAL OF
LOCAL
GOVERNMENT

Dennis H. Gabryszak

NAME:

Supervisor

TITLE:

November 1, 1993

DATE:

Agreed to by: Key Bank of New York (BANK)

[Signature]
SIGNATURE

SEAL OF
BANK

Daryl A. Lansing
NAME:

VICE PRESIDENT

TITLE:

DEC 0 6 1993

DATE:

Agreed to by: Key Trust Company (CUSTODIAN)

Rose E. Ciani
SIGNATURE

SEAL OF
CUSTODIAN

ROSE E Ciani
NAME:

Vice President

TITLE:

12/10/93

DATE:

EXHIBIT A

1994

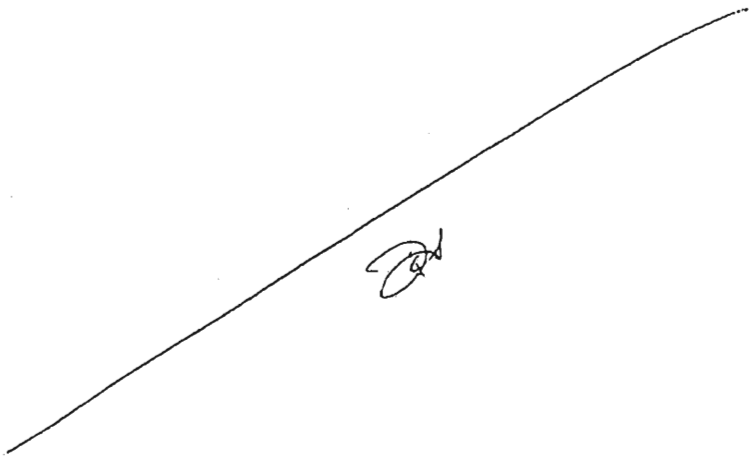
OPTION A

Schedule of Anticipated Deposit and Collateral Requirements

	<u>Maximum Amount of Anticipated Uninsured Deposits</u>	<u>Amount of Collateral Required</u>
January	\$ <u>6,990,060</u>	\$ <u>6,990,060</u>
February	\$ <u>22,900,020</u>	\$ <u>22,900,020</u>
March	\$ <u>7,812,180</u>	\$ <u>7,812,180</u>
April	\$ <u>9,067,800</u>	\$ <u>9,067,800</u>
May	\$ <u>3,373,140</u>	\$ <u>3,373,140</u>
June	\$ <u>3,493,500</u>	\$ <u>3,493,500</u>
July	\$ <u>4,956,180</u>	\$ <u>4,956,180</u>
August	\$ <u>4,026,960</u>	\$ <u>4,026,960</u>
September	\$ <u>4,091,220</u>	\$ <u>4,091,220</u>
October	\$ <u>4,144,260</u>	\$ <u>4,144,260</u>
November	\$ <u>4,564,500</u>	\$ <u>4,564,500</u>
December	\$ <u>6,553,500</u>	\$ <u>6,553,500</u>

*Jmk*OPTION B

Collateral Requirement. On any Business Day that the Local Government has Uninsured Deposits in the Bank, the Bank, in accordance with paragraph b of section 2 of this Agreement, agrees to deliver or cause to be delivered to the Custodian for deposit in the Account Eligible Collateral having an Adjusted Market Value equal to the Collateral Requirement. For purposes of this Agreement, Collateral Requirement shall mean the amount of such Uninsured Deposits times the Margin Percentage, if any.



12

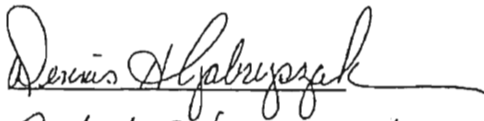
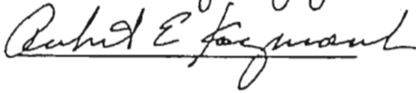
EXHIBIT B
Schedule of Eligible Securities

- Yes (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- No (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- No (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- Yes (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- No (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- No (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- No (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- No (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- No (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- No (x) Commercial paper and bankers' acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- No (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

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EXHIBIT C

Certificate of Authorized Persons

<u>Name</u>	<u>Title</u>	<u>Signature</u>
Dennis H. Gabryszak	Supervisor	
Robert E. Kaczmarek	Supervising Accountant	

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Item No. 13e Direct Supervisor to Sign Agreement with Marine Midland Bank
Regarding Town's Investment Policies
This item was withdrawn.

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

WHEREAS, New Creation Fellowship of Buffalo, New York has approached the Town to request the use of the Maryvale Pool on August 1, 1993 from 11:00 A.M. to 1:00 P.M., and

WHEREAS, the Director of the Youth and Recreational Services Department has reviewed the request to determine the availability of such Town facility and has recommended approval of such request provided an agreement is signed and a fee of \$150.00 is paid to the Town, and

WHEREAS, the Town Attorney's Office has prepared a License Agreement for the use of such Town facility, and

WHEREAS, New Creation Fellowship of Buffalo, New York has consented to this arrangement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached License Agreement with New Creation Fellowship of Buffalo, New York, said agreement to be effective retroactive to August 1, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

LICENSE AGREEMENT

THIS AGREEMENT made and entered into as of the 2nd day of August, 1993, by and between NEW CREATION FELLOWSHIP OF BUFFALO, NEW YORK, a religious organization formed under the laws of the State of New York, with offices at 3325 Genesee Street, Cheektowaga, New York 14225 (hereinafter referred to as "NEW CREATION"); and the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 3301 Broadway, Cheektowaga, New York 14227 (hereinafter referred to as "TOWN").

WITNESSETH:

WHEREAS, the TOWN is the owner of the Town of Cheektowaga Maryvale Pool located at 735 Maryvale Drive, Cheektowaga, New York, and

WHEREAS, NEW CREATION wishes to utilize such pool and TOWN employees on August 1, 1993 from 11:00 A.M. to 1:00 P.M. for one of its functions.

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. Use of Maryvale Pool. Upon the terms and conditions set forth herein, the TOWN hereby grants NEW CREATION the right to use the Maryvale Pool and Town Youth and Recreational Services Department employees on Sunday, August 1, 1993 from 11:00 A.M. to 1:00 P.M.
2. Town Services Provided. The TOWN shall provide TOWN employees as determined by the Director of the Town Youth and Recreational Services Department during this license period.

3. Parking. In conjunction with the permitted use of the Maryvale Pool, NEW CREATION and its invitees shall have the right to use, in common with the TOWN, the parking area adjacent to the Maryvale Pool.

4. Rental. In conjunction with the permitted use of the Maryvale Pool and the TOWN employees, NEW CREATION agrees to remit the sum of \$150.00 in advance to the TOWN.

5. Indemnity. NEW CREATION hereby agrees to indemnify and hold harmless the TOWN, its agents and employees from and against all claims, damages, losses and expenses, including attorneys fees, that shall or may be brought against or occasioned by the TOWN arising from injury to any person or property occasioned by any act of omission or commission by NEW CREATIONS, its agents, employees and invitees in connection with the use of the Maryvale Pool.

6. Insurance. For the duration of this Agreement, NEW CREATION shall maintain the following insurance in the following limits

General Liability	\$1,000,000	Each Occurrence (Aggregate)
Workers Compensation	Statutory	
Employers Liability	\$100,000	Each Accident

NEW CREATION shall name the TOWN, its officers and employees as additional insureds on its general liability insurance policy. A certificate of the above required insurance shall be submitted to the Town. Such certificate shall provide for at least fifteen (15) days advance written notice to the TOWN in the event of cancellation, material change or reduction of any described policy.

7. Assignment. NEW CREATION shall not assign its

interest in this Agreement without the prior written consent of the TOWN.

8. Entire Agreement. This 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 Agreement; and no change or modification of this Agreement shall be valid unless the same shall be in writing and signed by the parties hereto.

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

NEW CREATION FELLOWSHIP OF BUFFALO, NEW YORK

By 

TOWN OF CHEEKTOWAGA

By 

Dennis H. Gabryszak Supervisor

Item No. 14 Authorize Additional Studies for Proposed Cheektowaga Golf Course
This item was withdrawn.

Item No. 15 Amend Resolution of May 3, 1993 Regarding Environmental Evaluation of
Proposed Cheektowaga Golf Course
This item was withdrawn.

Item No. 16 Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously received a grant of
Rental Rehabilitation funds from the New York State Division of Housing & Community
Renewal, and

WHEREAS, said funds are to be utilized for the rehabilitation of low
to moderate-income rental units in the Cedargrove Heights target area, and

WHEREAS, applications for rehabilitation funding under said Programs
have been received and reviewed by the Director of Community Development, who has
recommended approval of Rental Rehabilitation funding for the projects listed below,
NOW, THEREFORE, BE IT

RESOLVED, that Rental Rehabilitation Grant Funds of up to \$7,500 per
unit be authorized for the owners of the following properties:

Pat Flading	-	13 A-D Glenwood Court
Eugene Jason	-	41 A-E Glenwood Court
Eugene Jason	-	52 A-E Windwood Court
Eugene Jason	-	56 A-E Windwood Court
Eugene Jason	-	4 A-D Trent Square
Eugene Jason	-	84 A-D Windwood Court

AND, BE IT

FURTHER RESOLVED, that the Supervisor is authorized to sign, on
behalf of the Town of Cheektowaga, any grant agreements and all related legal docu-
ments with the above property owners.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

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

WHEREAS, continuous complaints have been received by the Town Board
regarding high weeds and accumulated debris on property located on East side of
Princeton Court known as Sublot 59 and Part of Sublot 60, Cheektowaga, New York,
SBL #92-05-1-14 and according to the Assessor's Office is owned by David Glian,
9565 Martin Road, Clarence Center, 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 3816 Union Road, Cheektowaga, New York, SBL #102.08-10-3 and according to the Assessor's Office is owned by 3816 Union Road Corporation, 3816 Union road, 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on William Street, West corner of Vern Lane, Cheektowaga, New York, SBL # 113.57-2-15 and according to the Assessor's Office is owned by Tarun K. Ohri, 161 Brooklyn Street, Warsaw, 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 Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM:	0100-7310-1811	Youth Conservation Corp. Supervisor	\$ 4,000.00
	0100-7110-1435	Grounds Keeper-Parks	8,500.00
	0100-3120-4508	Medical Expenses	2,700.00
	0100-1420-4501	Contracts Legal Services-Attorney	1,500.00
	0100-7110-1435	Ground Keeper-Parks	10,000.00
TO:	0100-7310-1815	NYCC Supervisor	4,000.00
	0100-1430-1400	Administrative Clerk	8,500.00
	0100-3120-4093	Police Training	2,700.00
	0100-1420-4013	Law Books	1,500.00
	0100-7110-1496	Seasonal Diamond Maintenance	10,000.00

Item No. 18 continued

CAPITALS

FROM: 5104-1910-3811 NYS Marchiselli Grant \$10,000.00
TO: 5104-1440-9108 Cleveland Drive, Century Road, 10,000.00
Kensington Avenue

PART TOWN

FROM: 0800-3620-1500 Zoning Enforcement 3,500.00
TO: 0800-3620-1750 Assistant Housing Inspector 3,500.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 30, 1993 are hereby approved and made a part hereof:

GENERAL FUND	\$ 266,350.18
HIGHWAY FUND	158,182.26
TRUST & AGENCY FUND	17,703.67
CDBG HUD FUND	14,624.21
PART TOWN FUND	1,200.44
RISK RETENTION FUND	35,517.42
SPECIAL DISTRICTS FUND	207,930.63
HUD REHABILITATION FUND	5,960.00
CAPITAL FUND	412,257.62
	<u>\$1,119,726.43</u>

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AMENDED

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 30, 1993 are hereby approved and made a part hereof:

GENERAL FUND	\$ 266,350.18
HIGHWAY FUND	158,182.26
TRUST & AGENCY FUND	17,703.67
CDBG HUD FUND	14,624.21
PART TOWN FUND	1,200.44
RISK RETENTION FUND	35,517.42
SPECIAL DISTRICTS FUND	207,930.63
HUD REHABILITATION FUND	5,960.00
CAPITAL FUND	374,112.87
	<u>\$1,081,581.68</u>

Item No. 19 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Supervisor's Statement of Funds for May and June, 1993
Received and Filed.

Item No. 21 Building Permits
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 22 Erie County Water Authority Letter Regarding Tariff Changes
Received and Filed.

Item No. 23 Order to Show Cause: Thomas Walsh, as Administrator of the Goods and
Chattels of Jacqueline Walsh, Deceased vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Police Department
and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24 Notice of Petition: New York Telephone Company vs State Board of
Equalization and Assessment
Received and Filed.

Item No. 25a Notice of Claim: Robert B. Wiers vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Highway Department
and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25b Notice of Claim: Penn Advertising vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Highway Department
and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25c Notice of Claim: Christopher Zak vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Facilities Dept. and
Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25d Notice of Claim: Royal Insurance (Sharon Crabtree) vs the Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Joan Meyers, Supervisor's Office; Allied Claims
Insurance Carrier.
Received and Filed

Item No. 25e Notice of Claim: Paul Vanderbush vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Beth Lipczynski, Personnel Office; Highway Department
and Allied Claims Insurance Carrier.
Received and Filed

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

V. SUSPENSION OF RULES

Item No. 26 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Cheektowaga Youth and Recreational Services Department
is sponsoring a residential camping experience (Camp Aloha) 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 rate to
a salary classification (7310.1802) for the week of August 15th through August 21,
1993 (see A) and revert back to their (part-time) hourly status in the Adapted
Recreation Program (7310.1803), effective August 22nd (see B).

<u>Name/Address</u>	<u>Rate</u>
Deborah Ann Fleetwood	(A) \$325.00
	(B) 9.25
Depew, New York 14043	
Paulette Mecca	(A) \$250.00
	(B) 7.50
Cheektowaga, New York 14225	
Barbara Walters	(A) \$250.00
	(B) 7.50
Cheektowaga, New York 14227	
Paul Marchewka	(A) \$225.00
	(B) 6.50
Cheektowaga, New York 14227	
Anne Priester	(A) \$225.00
	(B) 6.25
Cheektowaga, New York 14225	
Karen Noworyta	(A) \$225.00
	(B) 6.00
Depew, New York 14043	
Leanne Fischer	(A) \$225.00
	(B) 6.00
Depew, New York 14043	

Item No. 26 continued

Carol Wichlacz	(A) \$210.00
	(B) 4.50
Cheektowaga, New York 14227	
Cecelia Panek	(A) \$210.00
	(B) 4.75
Depew, New York 14043	
Jennifer Golas	(A) \$210.00
	(B) 4.50
Depew, New York 14043	
Jeffrey Jankowski	(A) \$210.00
	(B) 5.00
Depew, New York 14043	
Michelle Freedman	(A) \$210.00
	(B) 5.00
Depew, New York 14043	

BE IT RESOLVED, that the following individuals be transferred from an hourly rate, Camp JI-IK-DO-WAH-GAH (7310.1801) to a salary classification for the week of August 15th through August 21, 1993, Camp Aloha (7310.1802) (see A) and revert back to their part-time hourly status in the Adapted Recreation Program (7310.1803), effective August 22nd (see B).

Amanda Varney	(A) \$210.00
	(B) 4.50
Cheektowaga, New York 14225	
Joann Witakowski	(A) \$210.00
	(B) 4.75
Cheektowaga, New York 14225	
Janine Urbanski	(A) \$210.00
	(B) 4.75
Cheektowaga, New York 14227	
Amy Wetmore	(A) \$210.00
	(B) 4.75
Cheektowaga, New York 14227	
Daniel Quigley	(A) \$210.00
	(B) 4.75
Cheektowaga, New York 14225	
Michael Rokitka	(A) \$210.00
	(B) 5.00
Cheektowaga, New York 14225	
Kristen Scarafia	(A) \$210.00
	(B) 4.25
Cheektowaga, New York 14225	

That the following individuals be transferred from Camp Flamingo (7310.1810) to Camp Aloha (7310.1802) for the week of August 15th through August 21st and revert back to their part-time hourly status in the Adapted Recreation Program (7310.1803), effective August 22nd (see B).

Lori Brucato	(A) \$210.00
	(B) 4.50
Cheektowaga, New York 14215	
Aimee Pickhardt	(A) \$210.00
	(B) 4.75
Depew, New York 14043	

Item No. 26 continued

Joe Quinn	(A) \$210.00
	(B) 4.75
Cheektowaga, New York 14225	
Linda Mutka	(A) \$210.00
	(B) 5.00
Cheektowaga, New York 14225	
Amy Imiola	(A) \$210.00
	(B) 4.50
Cheektowaga, New York 14227	
Amy Roska	(A) \$210.00
	(B) 4.75
Cheektowaga, New York 14225	
Julie Chiarilli	(A) \$210.00
	(B) 4.75
Depew, New York 14043	
Jason Kransinki	(A) \$210.00
	(B) 4.75
Depew, New York 14043	

BE IT FURTHER RESOLVED, that the following individual erroneously hired as a Lifeguard I, be elevated to the position of Lifeguard II at a salary rate of \$5.00 per hour, retroactive to June 7, 1993 - (7180.1903):

Jeff Coia

BE IT FURTHER RESOLVED, that Amy Meyers, Cheektowaga, New York 14227, be hired as a seasonal clerk in the Administrative Intern Program (7310.1804) at a salary rate of \$6.50 per hour, effective August 9, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski, Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

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

WHEREAS, by resolution, this Town Board created the position of Administrative Clerk in the Youth and Recreational Services Department, Cheektowaga Action Partnership, AND

WHEREAS, this position is underwritten by the Alcohol Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services, Public Health Service under grant number 1H86SP04160-01A1, AND

WHEREAS, the existing Civil Service list was canvassed for said position, AND

WHEREAS, Kimberly Piccillo appears on said Civil Service list, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Kimberly Piccillo of 6 Panama Lane, Cheektowaga, New York 14225 be and hereby is appointed to the position of Administrative Clerk with the Cheektowaga Action Partnership in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective August 9, 1993.

Item No. 27 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 28 Create Position of Public Relations Assistant in the Department of
Youth and Recreational Services
This item was withdrawn.

Item No. 29 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga will be sponsoring a Western
Jamboree in Town Park on Sunday, August 8, 1993, and

WHEREAS, as part of said Western Jamboree, Abilene Steak House is
interested in serving food and refreshments, and

WHEREAS, this Town Board wishes to enter into an agreement to permit
Abilene Steak House to serve food and refreshments at the Western Jamboree and to
pay the Town \$300 to do so, and

WHEREAS, a license agreement for the sale of food and refreshments
has been prepared and is acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and
directed to execute the attached License Agreement with Abilene Steak House.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

LICENSE AGREEMENT

THIS AGREEMENT made and entered into as of the 8 day of AUGUST, 1993 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 ABILENE STEAK HOUSE having its office and principal place of business at 3525 Union Road, Cheektowaga, New York (hereinafter the "Caterer").

WITNESSETH:

WHEREAS, the Town is the sponsor of the Western Jamboree, which is scheduled to be held on August 8, 1993 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 Western Jamboree,

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 Western Jamboree.

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 one (1) day, August 8, 1993, from 4:00 p.m. to 10:00 p.m.
4. LICENSE FEE. The Caterer agrees to pay to the Town a license fee of \$300.00, which sum shall be paid on or before August 8, 1993.
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:

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.

ABILENE STEAK HOUSE

By J. J. Kloe

TOWN OF CHEEKTOWAGA

By Dennis H. Gabryszak
Supervisor

Policy Issued by:	THE CONTINENTAL INSURANCE COMPANY	A Stock Company 11	Policy No. 25 CBP 06132421-94
Producer's Name and Address	REED, WERTZ AND ROADMAN, INC P.O. BOX 640 BEDFORD PA 15522 0640	General Offices 180 Maiden Lane NY NY 10038	
		Producer's Code 37 119 039	Renewal of 25 CBP 06132421-93
Named Insured Mailing Address	LONGHORN CATTLE COMPANY, INC. 3525 UNION ROAD CHEEKTOWAGA NY 14225		
Policy Period	From MARCH 20, 1993 to MARCH 20, 1994 at 12:01 Standard Time at your mailing address shown above		

930325

Common Policy Declarations
Comprehensive Business Policy

Business Description:

FAMILY STYLE RESTAURANT

THIS COMPANY HAS ISSUED A POLICY OF INSURANCE AS FOLLOWS:
IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY. THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

Coverage Part	Premium
Commercial Property Coverage Part	\$ INCLUDED
Boiler and Machinery Coverage Part	\$ INCLUDED
Commercial Inland Marine Coverage Part	\$ EXCLUDED
Commercial Crime Coverage Part	\$ INCLUDED
Commercial Auto Coverage Part	\$ INCLUDED
Commercial General Liability Coverage Part	\$ INCLUDED
Additional Coverage Part(s)	\$ EXCLUDED
INSTALLMENTS - SEE SCHEDULE ATTACHED	\$
SURCHARGE(S) - SEE SCHEDULE ATTACHED	\$
	\$
Premium for this policy	\$ 27101
Add for attached companion policies	\$
Total premium	\$ 27101

Premium shown is payable: \$ 27153.96 at inception; \$ _____ each anniversary.

Any premium shown in the Declarations for a Policy Period extending beyond one year was computed based on rates in effect at the time the policy was issued. On each renewal, continuation, or anniversary of the effective date of this policy, we will compute the premium for each Coverage Part in accordance with our rates and rules then in effect. Exceptions, if any, are: _____

Audit required for: GL Auto Inland Marine Other _____
Annual or _____

Form(s) and Endorsement(s) applicable to all Coverage Parts and made a part of this policy at time of issue:
SIL 0017 1185 IL 0021 1185 IL 0268 0490

COUNTERSIGNED 4 8 93 BY [Signature]
(Date) (Authorized Representative)

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART DECLARATIONS, COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

Item No. 30 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Catholic Club of Cheektowaga, Incorporated has petitioned for the rezoning from R-Residential District to C-Retail Business District of property located at 2735 Union Road, Cheektowaga, New York, which property particularly described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of August, 1993 at 7:00 P.M., after publication and service of notices required by the provisions of Local Law No. 1 of the Town of Cheektowaga for the year of 1992 ("Zoning Law"), 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, AND

WHEREAS, in compliance with Article 8 of the Environmental Conservation Law ("SEQRA") and Chapter 23A (Environmental Impact Review) of the Town Code, the Town Board expressed its intent to be lead agency for purposes of conducting a SEQRA review, AND

WHEREAS, the Town Board identified other involved agencies in the Project and caused letters to be sent to each one of them stating its intent to be lead agency; AND

WHEREAS, each of the identified involved agencies responded to the Town Board and consented to the Town Board being lead agency for purpose of the SEQRA review of the Project; AND

WHEREAS, pursuant to Chapter 23(A) of the Town Code, the Town Board referred the Project to the Town Environmental Advisory Committee ("EAC") for its review and recommendation to the Town Board; AND

WHEREAS, the EAC held meetings dated April 7, April 28, May 18 and July 21, 1993 respectively, to consider the Project, at which meetings the applicant was present; AND

WHEREAS, the New York State Department of Transportation ("NYS DOT"), an involved agency, has indicated that the project will not affect the state highway system, AND

WHEREAS, the New York State Department of Environmental Conservation ("NYS DEC"), an involved agency, has indicated that no archaeological study is required for the Project; AND

WHEREAS, the EAC, after a careful review of the foregoing material and in consultation with other departments of the Town, has recommended to the Town Board that the Town Board issue a "Negative Declaration" for the Project, as stated in the attached minutes of July 21, 1993; AND

WHEREAS, the Town Board has carefully reviewed the application, the EAF, the site plan and all other materials submitted in connection with the application and has carefully considered the recommendations of the EAC, Planning Board, Cheektowaga Conservation Advisory Council ("CCAC") and NYS DEC, NOW, THEREFORE, BE IT

RESOLVED, that the Catholic Club of Cheektowaga, Incorporated for the rezoning from R-Residential District to C-Retail Business District of the property specified in the legal description be and the same is hereby granted subject to the Catholic Club of Cheektowaga receiving permission from the NYS DEC to utilize part of the NYS DEC easement for parking and to provide additional compensatory plantings of riverine habitat trees within the easement as recommended by the CCAC subject to NYS DEC approval; AND BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above; AND BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Mr. Ted Meyers of the NYS DEC.

Item No. 30 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

RE: EAC - July 21, 1993
July 21, 1993
Page: 4

ITEM II 2735 Union Road

- Proposed Rezoning From
R to C

Applicant: Catholic Club of Cheektowaga
The project is to rezone the rear portion of the site to construct new meeting facilities and banquet room for the club. The original older meeting building at the front of the site would be demolished as part of the overall project. The applicant has submitted site plans providing additional parking. Some of this parking was located within a New York State DEC easement at the rear of the site. Within this easement is a ponding area which is part of the Cayuga Creek Flood Control project. The applicant has applied to the State DEC for permission to extend the parking area within the ponding area. They have received a sign-off from the State DEC with regards to archaeological sensitivity of the site since this was previously disturbed during the flood control project.

Representatives of the Club have met with conservation council members and other committees to discuss the project and have made revisions to address concerns that were raised by these committees.

The New York State DOT has indicated this project will not have an impact upon their highway system and therefore no traffic study or further work is required of the applicant.

The committee recommends that the Town Board approve the request for rezoning for this project.

Attachments

=====

THE NEXT MEETING OF THE ENVIRONMENTAL ADVISORY COMMITTEE
WILL BE HELD ON TUESDAY, AUGUST 3, 1993 AT 9:30 A.M. IN THE
TOWN HALL COUNCIL CHAMBERS.

=====

All that Tract or Parcel of Land, situated in the Town of Cheektowaga, County of Erie, State of New York, being a part of Lot No. 10, Township 11, Range 7 of the Holland Land Company's survey described as follows:

BEGINNING at a point on the northerly line of Niagara, Lockport and Ontario Right-of-Way, which line is 10 feet north of and parallel to the southerly line of Farm Lot No. 10 which point is a distance of 300 feet from the center line of Union Road, which point also represents the southeast corner of premises conveyed to the Catholic Club of Cheektowaga, Inc. by deed dated September 10, 1969 and recorded in the Erie County Clerk's office in Liber 7628 of Deeds at page 659; thence easterly along the said northerly line of Niagara, Lockport and Ontario Right-of-Way for a distance of 355.40 feet; thence northerly at an interior angle of $89^{\circ}-02'-27''$ for a distance of 445.4 feet; thence westerly at an interior angle of $88^{\circ}-14'-01''$ along a line drawn parallel with Bennett Road for a distance of 200.2 feet to a point located along a line drawn parallel with Bennett Road 460.5 feet east of the center line of Union Road and 300 feet south of the center line of Bennett Road; thence southerly at an interior angle of $91^{\circ}-04'$ along a line drawn parallel with the center line of Union Road for a distance of 66.2 feet; thence westerly along a line drawn parallel with Bennett Road for a distance of 127.5 feet more or less to the northeast corner of lands conveyed to Richard Schmitt and wife by deed recorded in Liber 6774 of Deeds at page 196; thence southerly parallel with the center line of Union Road 113.41 feet to a point; thence westerly along a line drawn parallel with the south line of Lot No. 10. 150.09 feet to the northeast corner of lands conveyed to Sun Oil Company by deed recorded in Liber 6646 of Deeds at page 619; thence southerly along a line drawn parallel with Union Road for a distance of 148.32 feet; thence easterly along the north line of lands conveyed to the Catholic Club of Cheektowaga, Inc. by deed recorded in Liber 7628 of Deeds at page 659, for a distance of 117 feet more or less to the northeast corner thereof; thence southerly along the easterly line of lands so conveyed to the Catholic Club of Cheektowaga, New York, Inc. for a distance of 100 feet to the place of beginning.

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

.....Melissa Gugliuzza....., 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..5...1993..... ;
last publication...August..5...1993..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this5th.....

day ofAugust....., 19.93....

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 12/11/93

**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 2nd day of August, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Johnson, seconded by Supervisor Gabryszak

WHEREAS, the Catholic Club of Cheektowaga, Incorporated has petitioned for the rezoning from R-Residential District to C-Retail Business District of property located at 2735 Union Road, Cheektowaga, New York, which property particularly described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of August, 1993 at 7:00 P.M., after publication and service of notices required by the provisions of Local Law No. 1 of the Town of Cheektowaga for the year of 1992 ("Zoning Law"), 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, AND

WHEREAS, in compliance with Article 8 of the Environmental Conservation Law ("SEQRA") and Chapter 23A (Environmental Impact Review) of the Town Code, the Town Board expressed its intent to be lead agency for purposes of conducting a SEQRA review, AND

WHEREAS, the Town Board identified other involved agencies in the Project and caused letters to be sent to each one of them stating its intent to be lead agency; AND

WHEREAS, each of the identified involved agencies responded to the Town Board and consented to the Town Board being lead agency for purposes of the SEQRA review of the Project; AND

WHEREAS, pursuant to Chapter 23(A) of the Town Code, the Town Board referred the Project to the Town Environmental Advisory Committee ("EAC") for its review and recommendation to the Town Board; AND

WHEREAS, the EAC held meetings dated April 7, April 28, May 18 and July 21, 1993 respectively, to consider the Project, at which meetings the applicant was present; AND

WHEREAS, the New York State Department of Transportation ("NYSDOT") an involved agency, has indicated that the project will not affect the state highway system; AND

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC"), an involved agency, has indicated that no archaeological study is required for the Project; AND

WHEREAS, the EAC, after a careful review of the foregoing material

and in consultation with other departments of the Town, has recommended to the Town Board that the Town Board issue a "Negative Declaration" for the Project, as stated in the attached minutes of July 21, 1993; AND

WHEREAS, the Town Board has carefully reviewed the application, the EAF, the site plan and all other materials submitted in connection with the application and has carefully considered the recommendations of the EAC, Planning Board, Cheektowaga Conservation Advisory Council ("CCAC") and NYSDEC, NOW THEREFORE, BE IT

RESOLVED, that the Catholic Club of Cheektowaga, Incorporated for the rezoning from R-Residential District to C-Retail Business District of the property specified in the legal description be and the same is hereby granted subject to the Catholic Club of Cheektowaga receiving permission from the NYSDEC to utilize part of the NYSDEC easement for parking and to provide additional compensatory plantings of riverine habitat trees within the easement as recommended by the CCAC subject to NYSDEC approval; AND BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above; AND BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Mr. Ted Meyers of the NYSDEC.

LEGAL DESCRIPTION

All that Tract or Parcel of Land, situated in the Town of Cheektowaga, County of Erie, State of New York, being a part of Lot No. 10, Township 11, Range 7 of the Holland Land Company's survey described as follows:

BEGINNING at a point on the northerly line of Niagara, Lockport and Ontario Right-of-Way, which line is 10 feet north of and parallel to the southerly line of Farm Lot No. 10 which point is a distance of 300 feet from the center line of Union Road, which point also represents the southeast corner of premises conveyed to the Catholic Club of Cheektowaga, Inc. by deed dated September 10, 1969 and recorded in the Erie County Clerk's office in Liber 7628 of Deeds at page 659; thence easterly along the said northerly line of Niagara, Lockport and Ontario Right-of-Way for a distance of 355.40 feet; thence northerly at an interior angle of 89°-02'-27" for a distance of 445.4 feet; thence westerly at an interior angle of 88°-14'-01" along a line drawn parallel with Bennett Road for a distance of 200.2 feet to a point located along a line drawn parallel with Bennett Road 460.5 feet east of the center line of Union Road and 300 feet south of the center line of Bennett Road; thence southerly at an interior angle of 91°-04' along a line drawn parallel with the center line of Union Road for a distance of 66.2 feet; thence westerly along a line drawn parallel with Bennett Road for a distance of 127.5 feet more or less to the northeast corner of lands conveyed to Richard Schmitt and wife by deed recorded in Liber 6774 of Deeds at page 196; thence southerly parallel with the center line of Union Road 113.41 feet to a point; thence westerly along a line drawn parallel with the south line of Lot No. 10, 150.09 feet to the northeast corner of lands conveyed to Sun Oil Company by deed recorded in Liber 6646 of Deeds at page 619; thence southerly along a line drawn parallel with Union

road for a distance of 148.32 feet thence easterly along the north line of lands conveyed to the Catholic Club of Cheektowaga, Inc. by deed recorded in Liber 7628 of Deeds at page 659, for a distance of 117 feet more or less to the northeast corner thereof; thence southerly along the easterly line of lands so conveyed to the Catholic Club of Cheektowaga, New York, Inc. for a distance of 100 feet to the place of beginning.

Upon roll call...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz voting AYE
Councilman Solecki voting AYE
Councilman Rogowski voting AYE
Councilman Blachowski voting AYE
Councilman Johnson voting AYE
Councilman Wielinski 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 2, 1993, 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 30, 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 August 1993.

Richard M. Moleski
Town Clerk

PUBLISH: August 5, 1993

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

.....Melissa Gugliuzza....., 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..5,..1993..... ;
last publication...August..5,..1993..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this5th.....

day ofAugust....., 19.93....

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 12/11/93

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 2nd day of August, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Motion by Councilman Johnson, seconded by Supervisor Gabryszak

WHEREAS, the Catholic Club of Cheektowaga, Incorporated has petitioned for the rezoning from R-Residential District to C-Retail Business District of property located at 2735 Union Road, Cheektowaga, New York, which property particularly described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of August, 1993 at 7:00 P.M., after publication and service of notices required by the provisions of Local Law No. 1 of the Town of Cheektowaga for the year of 1992 ("Zoning Law"), 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, AND

WHEREAS, in compliance with Article 8 of the Environmental Conservation Law ("SEQRA") and Chapter 23A (Environmental Impact Review) of the Town Code, the Town Board expressed its intent to be lead agency for purposes of conducting a SEQRA review, AND

WHEREAS, the Town Board identified other involved agencies in the Project and caused letters to be sent to each one of them stating its intent to be lead agency; AND

WHEREAS, each of the identified involved agencies responded to the Town Board and consented to the Town Board being lead agency for purposes of the SEQRA review of the Project; AND

WHEREAS, pursuant to Chapter 23(A) of the Town Code, the Town Board referred the Project to the Town Environmental Advisory Committee ("EAC") for its review and recommendation to the Town Board; AND

WHEREAS, the EAC held meetings dated April 7, April 28, May 18 and July 21, 1993 respectively, to consider the Project, at which meetings the applicant was present; AND

WHEREAS, the New York State Department of Transportation ("NYSDOT") an involved agency, has indicated that the project will not affect the state highway system; AND

WHEREAS, the New York State Department of Environmental Conservation ("NYSDEC"), an involved agency, has indicated that no archaeological study is required for the Project; AND

WHEREAS, the EAC, after a careful review of the foregoing material

and in consultation with other departments of the Town, has recommended to the Town Board that the Town Board issue a "Negative Declaration" for the Project, as stated in the attached minutes of July 21, 1993; AND

WHEREAS, the Town Board has carefully reviewed the application, the EAF, the site plan and all other materials submitted in connection with the application and has carefully considered the recommendations of the EAC, Planning Board, Cheektowaga Conservation Advisory Council ("CCAC") and NYSDEC, NOW THEREFORE, BE IT

RESOLVED, that the Catholic Club of Cheektowaga, Incorporated for the rezoning from R-Residential District to C-Retail Business District of the property specified in the legal description be and the same is hereby granted subject to the Catholic Club of Cheektowaga receiving permission from the NYSDEC to utilize part of the NYSDEC easement for parking and to provide additional compensatory plantings of riverine habitat trees within the easement as recommended by the CCAC subject to NYSDEC approval; AND BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above; AND BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Mr. Ted Meyers of the NYSDEC.

LEGAL DESCRIPTION

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road for a distance of 148.32 feet thence easterly along the north line of lands conveyed to the Catholic Club of Cheektowaga, Inc. by deed recorded in Liber 7628 of Deeds at page 659, for a distance of 117 feet more or less to the northeast corner thereof; thence southerly along the easterly line of lands so conveyed to the Catholic Club of Cheektowaga, New York, Inc. for a distance of 100 feet to the place of beginning.

Upon roll call...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz voting AYE
Councilman Solecki voting AYE
Councilman Rogowski voting AYE
Councilman Blachowski voting AYE
Councilman Johnson voting AYE
Councilman Wielinski 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 2, 1993, 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 30, 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 August 1993.

Richard M. Moleski
Town Clerk

PUBLISH: August 5, 1993

MEETING NO. 15
August 2, 1993

Item No. 31 Call for Public Hearing: Establishment of the Cheektowaga Town-wide
Drainage District

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

At a regular meeting of the
Town Board of the Town of Cheektowaga,
in the County of Erie, New York, held
at the Town Hall, in said Town,
on the 2nd day of August, 1993.

PRESENT:

Hon. Dennis H. Gabryszak, Supervisor
Patricia A. Jaworowicz, Councilperson
Richard B. Solecki, Councilperson
William P. Rogowski, Councilperson
Jacqueline A. Blachowski, Councilperson
Thomas M. Johnson, Jr., Councilperson
William L. Wielinski, Councilperson

-----X

In the Matter :

of the : ORDER CALLING
PUBLIC HEARING

Establishment of the Cheektowaga Town-wide :
Drainage District, in the Town of
Cheektowaga, in the County of Erie, : August 16, 1993
New York, pursuant to Article 12-A of the :
Town Law. :

-----X

WHEREAS, the Town Board has caused the Town Engineer, a,
competent engineer duly licensed by the State of New York, to
prepare a general map, plan and report for the establishment of
the Town of Cheektowaga Drainage District (herein called
"District"), which map, plan and report have been duly filed in
the office of the Town Clerk of the Town for public inspection;
and

WHEREAS, the boundaries of the proposed District shall include all of the unincorporated area within the Town, excluding any villages; and

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively) has long been concerned with the efficient and economical administration and provision of drainage service throughout the Town, and has heretofore on June 7, 1993, adopted a resolution dissolving the existing drainage districts in the Town, which dissolution will be effective on January 1, 1994; and

WHEREAS, the Town Board desires to create a town-wide drainage district, to become effective on or after January 1, 1994, hereinafter referred to as the Cheektowaga Town-wide Drainage District (the "District"), as the entity to supervise, administer and control the furnishing of drainage service in the Town, including all existing and future drainage and drainage-related improvements constructed in the Town; and

WHEREAS, the Town Board does not currently contemplate the expenditure of funds for capital improvements in relation to such District, such District to function initially as a service and administrative unit, and the cost of operation and maintenance of the facilities of such District, including capital improvements which may be authorized to be constructed in the future, shall be paid for by the assessment, levy and collection of assessments upon the several lots or parcels of land in the

District which the Town Board shall deem especially benefited by such facilities, so much upon and from each as shall be in just proportion to the amount of benefit which such facilities confer upon the same;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall in the Town, on the 16th day of August, 1993, at 7:30 o'clock p.M. (Prevailing Time), to consider the proposed establishment of the District, to be effective on or after January 1, 1994, as herein 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; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, and the official newspaper of the Town, 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 the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

DATED: August 2, 1993

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Dennis H. Gabryszak
Supervisor

Thomas M. Boland
Councilperson

Joseph A. Lachowicz
Councilperson

Patricia A. Janowicz
Councilperson

Will L. Rogowski
Councilperson

John J. Fikowski
Councilperson

Richard B. Solodki
Councilperson

(SEAL)

Members of the Town Board of the Town of
Cheektowaga, in the County of Erie, 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 2nd day of August, 1993, 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 this 2nd day of August, 1993.

(SEAL)

Richard M. Moleski
Town Clerk

LEGAL NOTICE

At a regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, in said Town, on the 2nd day of August, 1993.

PRESENT: Hon. Dennis H. Gabryszak, Supervisor Patricia A. Jaworowicz, Councilperson Richard B. Solecki, Councilperson William P. Rogowski, Councilperson Jacqueline A. Blachowski, Councilperson Thomas M. Johnson, Jr., Councilperson William L. Wielinski, Councilperson

In the Matter of the Establishment of the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Article 12-A of the Town Law.

ORDER CALLING PUBLIC HEARING August 16, 1993.

WHEREAS, the Town Board has caused the Town Engineer, a competent engineer duly licensed by the State of New York, to prepare a general map, plan and report for the establishment of the Town of Cheektowaga Drainage District (herein called "District"), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the boundaries of the proposed District shall include all of the unincorporated area within the Town, excluding any villages; and

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively) has long been concerned with the efficient and economical administration and provision of drainage service throughout the Town, and has heretofore on June 7, 1993, adopted a resolution dissolving the existing drainage districts in the Town, which dissolution will be effective on January 1, 1994; and

WHEREAS, the Town Board desires to create a town-wide drainage district, to become effective on or after January 1, 1994, hereinafter referred to as the Cheektowaga Town-wide Drainage District (the "District"), as the entity to supervise, administer and control the furnishing of drainage service in the Town, including all existing and future drainage and drainage-related improvements constructed in the Town; and

WHEREAS, the Town Board does not currently contemplate the expenditure of funds for capital improvements in relation to such District, such District to function initially as a service and administrative unit, and the cost of operation and maintenance of the facilities of such District, including capital improvements which may be authorized to be constructed in the future, shall be paid for by the assessment, levy and collection of assessments upon the several lots or parcels of land in the District which the Town Board shall deem especially benefited by such facilities, so much upon and from each as shall be in just proportion to the amount of benefit which such facilities confer upon the same;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall in the Town, on the 16th day of August, 1993, at 7:30 o'clock P.M. (Prevailing Time), to consider the proposed establishment of the District, to be effective on or after January 1, 1994, as herein 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; and be it FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, and the official newspaper of the Town, 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 the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

DATED: August 2, 1993

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Dennis H. Gabryszak, Supervisor Thomas M. Johnson, Jr., Councilperson Jacqueline A. Blachowski, councilperson Patricia A. Jaworowicz, Councilperson

William P. Rogowski, Councilperson

William L. Wielinski, councilperson

Richard B. Solecki, Councilperson Members of the Town Board of the Town of Cheektowaga in the County of Erie, 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 2nd day of August, 1993, 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 this 2nd day of August, 1993.

Richard M. Moleski Town Clerk

PUBLISH: August 5, 1993

STATE OF NEW YORK COUNTY OF ERIE TOWN OF CHEEKTOWAGA

ss.

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks first publication...August 5, 1993 last publication...August 5, 1993 and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 5th day of August, 1993

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 12/11/93

LEGAL NOTICE

At a regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, in said Town, on the 2nd day of August, 1993.

PRESENT:

- Hon. Dennis H. Gabryszak, Supervisor
- Patricia A. Jaworowicz, Councilperson
- Richard B. Solecki, Councilperson
- William P. Rogowski, Councilperson
- Jacqueline A. Blachowski, Councilperson
- Thomas M. Johnson, Jr., Councilperson
- William L. Wielinski, Councilperson

In the Matter of the Establishment of the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Article 12-A of the Town Law.

ORDER CALLING PUBLIC HEARING August 16, 1993.

WHEREAS, the Town Board has caused the Town Engineer, a competent engineer duly licensed by the State of New York, to prepare a general map, plan and report for the establishment of the Town of Cheektowaga Drainage District (herein called "District"), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the boundaries of the proposed District shall include all of the unincorporated area within the Town, excluding any villages; and

WHEREAS, the Town Board of the Town of Cheektowaga (herein called "Town Board" and "Town" respectively) has long been concerned with the efficient and economical administration and provision of drainage service throughout the Town, and has heretofore on June 7, 1993, adopted a resolution dissolving the existing drainage districts in the Town, which dissolution will be effective on January 1, 1994; and

WHEREAS, the Town Board desires to create a town-wide drainage district, to become effective on or after January 1, 1994, hereinafter referred to as the Cheektowaga Town-wide Drainage District (the "District"), as the entity to supervise, administer and control the furnishing of drainage service in the Town, including all existing and future drainage and drainage-related improvements constructed in the Town; and

WHEREAS, the Town Board does not currently contemplate the expenditure of funds for capital improvements in relation to such District, such District to function initially as a service and administrative unit, and the cost of operation and maintenance of the facilities of such District, including capital improvements which may be authorized to be constructed in the future, shall be paid for by the assessment, levy and collection of assessments upon the several lots or parcels of land in the District which the Town Board shall deem especially benefited by such facilities, so much upon and from each as shall be in just proportion to the amount of benefit which such facilities confer upon the same;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall in the Town, on the 16th day of August, 1993, at 7:30 o'clock P.M. (Prevailing Time), to consider the proposed establishment of the District, to be effective on or after January 1, 1994, as herein 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; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, and the official newspaper of the Town, 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 the Town Clerk, the first publication and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing as aforesaid.

DATED: August 2, 1993

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

- Dennis H. Gabryszak, Supervisor
 - Thomas M. Johnson, Jr., Councilperson
 - Jacqueline A. Blachowski, Councilperson
 - Patricia A. Jaworowicz, Councilperson
 - William P. Rogowski, Councilperson
 - William L. Wielinski, Councilperson
 - Richard B. Solecki, Councilperson
- Members of the Town Board of the Town of Cheektowaga in the County of Erie, 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 2nd day of August, 1993, 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 this 2nd day of August, 1993.

Richard M. Moleski
Town Clerk

PUBLISH: August 5, 1993

STATE OF NEW YORK COUNTY OF ERIE TOWN OF CHEEKTOWAGA

ss.

.....Melissa Gugliuzza....., 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 5, 1993.....; last publication...August 5, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this5th.....

day ofAugust....., 19.93....

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 12/11/93

MEETING NO. 15
August 2, 1993

Item No. 32 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Local Law No. 1 of the Year 1992, entitled "A Local Law Relating to Zoning" was adopted on January 21, 1992, and

WHEREAS, the Town Engineering and Building Inspections Departments have proposed the amendment of said Zoning Law to control the filling of lands within the Town, and

WHEREAS, a public hearing was held on the 19th day of July, 1993 at 7:30 P.M. to consider the advisability of adopting a local law known as "A Local Law to Amend the Zoning Law"; and all interested persons were given an opportunity to be heard at such public hearing, and

WHEREAS, this Board feels it is in the public interest to adopt this amendment to the Zoning Law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts "A Local Law to Amend the Zoning Law" as Local Law No. 1 of the Year 1993, and BE IT FURTHER

RESOLVED, that, within twenty (20) 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, and BE IT FURTHER

RESOLVED, that Local Law No. 1 of the Year 1993 shall be effective upon its filing with the Secretary of State.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 33 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski to adjourn this meeting.

Richard M. Moleski
Town Clerk

SPECIAL TOWN BOARD MEETING
MEETING NO. 16
August 2, 1993

Item No. 1 At a special 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 6th day of August, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Chester Bryan, Town Engineer and Ronald Marten, Building and Plumbing Inspector.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, this Board has previously retained the services of Ken W. Kloeber Consulting Engineers to perform various pre-design studies for the proposed Cheektowaga Golf Course, and

WHEREAS, additional studies are needed for:

1. geotechnical investigation for irrigation well
2. preliminary cultural resources survey
3. bird hazard evaluation
4. coordinate bid specifications with NYSDEC and wetlands/permits

and,

WHEREAS, Ken W. Kloeber Consulting Engineers has submitted proposals to perform the aforementioned additional studies for a total cost of \$11,530.00, and
BE IT FURTHER

RESOLVED, that moneys for such additional studies shall be appropriated from budget line item number 5817 7140 1100.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 3 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated May 3, 1993, this Town Board retained the services of Ken W. Kloeber, Consulting Engineers, to perform certain work relating to the environmental evaluation of the proposed Cheektowaga Golf Course, for a cost of \$69,000, and

WHEREAS, Ken W. Kloeber, Consulting Engineers was requested to perform additional pre-design studies for the golf course, and has submitted a letter to amend its proposal, and

Item No. 3 continued

WHEREAS, an additional \$34,842 is necessary to pay the additional work required to be done, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to amend the May 3, 1993 resolution to pay Ken W. Kloeber Consulting Engineers an additional amount of \$34,842, as detailed in the attached letter dated July 28, 1993, and BE IT FURTHER

RESOLVED, that moneys for such services shall be appropriated from budget line item number 5817 7140 1100.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

July 28, 1993

Bill Pugh, P.E.
Assistant Town Engineer
Town of Cheektowaga Engineering Department
275 Alexander Avenue
Cheektowaga, NY 14211

**Amendment to Proposal for Professional Services
Golf Course Environmental and Drainage Studies**

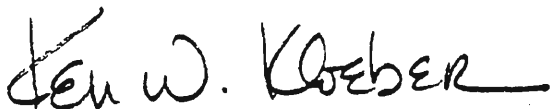
Dear Bill:

This is a request to amend our original proposal for pre-design studies for the golf course. It justifies an increase from the Town Board's original \$69,000 authorization to \$103,842 for five reasons:

1. We have received firm quotations or actual invoices for certain direct costs that we could only estimate in the beginning
2. The nature of the project and the many parties involved required that we expand our services to more carefully coordinate different aspects of the environmental studies and course re-designs
3. Hurdzan prepared three re-designs which increased the amount of work to complete our original scope
4. We also had to undertake additional work to provide information required for the redesigns
5. The town requested and we completed additional work not included in the original scope

Attachment A evaluates each major task in our original scope (Attachment B), and justifies a \$34,842 increase in our professional services fee. It presents justification by project phase, the same breakdown on our status reports and invoices.

Sincerely,
KEN W. KLOEBER CONSULTING ENGINEERS



Ken W. Kloeber, P.E.
Principal Engineer

attach. (3)

Project Phase (WLD): We

Proposal budget: \$ 29,000

Detailed cost breakdown:

Item	Budget
Field work	\$ 26,105 (W)
KWKCE labor	\$ 250
Boundary survey	\$ 2,645 (N)
Total	\$ 29,000

Increase justification:

Our original work scope anticipated coordinating minor re-design. However, the 1990 design. To avoid or minimize designs. We presented the three designs (4, 17) and coordinated with Hur

Some survey flags to mark wetland surveying the wetland boundaries.

Our original proposal anticipated surveying and redesigned the course using CADD to produce CADD files to make Hurdzan's effort because the original wetland boundaries did not accommodate everyone's needs. It also increased the effort in transmitting information between Hurdzan and Hur to accommodate the town's aggressive

099/mp/c/5
7/28/93

Project phase (ENVIR): Proposal Item #2 and Item #5

- Tree survey and preservation plan
- Evaluating SEQR status, archaeological sensitivity

Proposal budget: \$ 3,500 Actual cost: \$ 26,406 In

Detailed cost breakdown:

Item	Budget	Actual (th)
KWKCE labor	\$ 2,000	\$ 2,000
Vegetation field work	\$ 1,500 (WET, Inc.)	\$ 1,500
Individual tree survey	N/A	\$ 1,000
Total	\$ 3,500	\$ 26,406

Increase justification:

Approximately one-half the cost increase is for the detailed survey in addition to the general (vegetation community) survey. The cost increased to further investigate outstanding SEQR issues, prepare a SEQR Negative Declaration, and to prepare and attend CCA contingency to prepare for and attend future meetings.

Tree Survey and Preservation Plan - Our original scope and survey of the site as described at our May 3 meeting. Subsequent to the CCAC's usual requirements, a detailed survey of all 4-inch and greater trees prepared four options for varying-intensity tree surveys ranging from \$63,900 for 4-inch and greater trees (see Attachment C). On combining Option 1 and Option 4 (which we were eventually selected for work), and we contracted NCI to assist with the detailed survey

The tree preservation plans in the three sequential designs were considered both sets of information in the course re-designs.

Besides the field survey work, we mapped and combined the CADD for easier transmittal to, and use by, Hurdzan. The original proposal, but was more efficient and timesaving than mapping

099/mp/c/5
7/28/93

Project Phase (GEOT): Soil borings and test well (Proposal Item #6 - see Attachment B)

Proposal budget: \$ 9,000 Actual cost: \$ 9,809 Increase: \$ 809

Detailed cost breakdown:

<u>Item</u>	<u>Budget</u>	<u>Actual (thru 7/16)</u>	<u>Estimated To Complete</u>
KWKCE labor and direct costs	\$ 3,000	\$ 3,091	\$ 0
Borings	\$ 1,000	\$ 1,732 (SBJ, Inc.)	0
Well installation and test	\$ 5,000	\$ 4,386 (SBJ, Inc.)	0
Survey	<u>n/a</u>	\$ <u>600</u> (N&C, Inc.)	
Total	\$ 9,000	\$ 9,809	
		Total cost	\$ 9,809

Increase justification

Lacking prior involvement on this project, we based the original subcontractor budget for borings on our best estimate of boring depths and drilling costs. The actual cost reflects the final footage and cost of overburden soil borings. We also subcontracted NCI to locate and map the soil borings and irrigation test well to include with other design information.

The test well budget was based solely on Hurdzan's experience on past projects, lacking a defined scope of work and well-developed plan to investigate for a water source. The available budget was sufficient to advance a 100-foot-deep well, but it produced virtually insignificant water. We are currently proposing a second phase to investigate and prepare a plan to supply irrigation water.

Project Phase (ESE): Hazardous waste evaluation (Proposal Item #3 - see Attachment B)

Proposal budget \$ 11,000 -- No increase requested

Project Phase (DRAIN): Unified Storm Water Management Plant (Proposal Item #4 - see Attachment B)

Proposal budget: \$ 5,000 Actual cost: \$ 12,145 Increase: \$ 7,145

Detailed cost breakdown:

<u>Item</u>	<u>Budget</u>	<u>Actual (thru 7/16)</u>	<u>Estimated To Complete</u>
KWKCE labor and direct costs	\$ 5,000	\$ 8,145	\$ 4,000
		Total Cost	\$ 12,145

Increase justification:

Our proposal included analyzing one design--the 1990 golf course layout. As new decisions and options evolved to minimize wetland, tree, and waterfowl impacts, we analyzed runoff for three new designs (alternate routing A, B, and A.1). This was necessary to address the town's aggressive design/bid schedule, since neither Hurdzan or we could wait until all environmental studies were "complete" to re-design and analyze the course once.

Also, the town requested that we evaluate the 50-year and 100-year storm runoff in addition to the proposed 25-year storm. Therefore, we analyzed two additional runoff thresholds for three new golf course designs.

Also beyond our original scope was evaluating off-site, downstream problems. However, the Engineering Department identified existing flooding at the Buffalo-Depew culvert. We then had to evaluate off-site drainage basins tributary to that area (Sonwil development, vacant area southerly, etc.). We also worked with the Village of Depew to identify and investigate storm sewer discharges at this location, and this contingency was outside our original scope.

Checking town drainage maps, we found a culvert across the Lehigh Valley RR property that the 1980 drainage study omitted. This increased our time on the existing site runoff analysis because of field work to verify the entire 1980 drainage map before proceeding.

Project Phase (PROJM): Project management and contingencies for increases to estimated or uncontrollable direct costs

Proposal budget: \$ 11,000 Requested increase: \$ 0

We established this phase only as a contingency for the above purpose. However, the extensive time to coordinate all parties, and resolve unanticipated project scheduling problems and prepare progress reports have been billed against this phase.

We propose to continue to use this for that purpose.

099/mp/c/5
7/28/93

Archaeological sensitivity and endangered species - No additional work was involved beyond our original scope.

NFTA bird hazard concerns - Our original scope included confirming that the town addressed the bird hazard issue with the NFTA (as verbally we were assured was the case). However, research showed the NFTA was not approached, and the issue was compounded when the USDA reviewed the airport's concerns. This required additional research and contact with NFTA, USDA, the town (CCAC, etc.), Hurdzan, and others. Also, Councilman Johnson subsequently requested we prepare for the town's SEQR Negative Declaration a plan to evaluate and minimize impact.

SEQR status - Our proposal included an initial screening of the original EAF, town files, and the SEQR status. The result showed several items remained outstanding since the town's original SEQR review:

- Wetland impacts
- Storm water management
- Irrigation for the course
- Water pollution prevention (storm water discharge permits)
- Traffic generation
- Sonwil Drive access
- Archaeological sensitivity (NYS DEC jurisdiction due to sanitary sewer permits)

At Councilman Johnson's request, we prepared an extensive impact avoidance, minimization, and mitigation plan to address the SEQR issues. The plan was the result of five CCAC meetings and working with Hurdzan to develop trade-offs between environmental concerns and a quality golf course.

ATTACHMENT A

Summary

This justifies increases in the following project phases of the golf course pre-design studies:

<u>Project Phase</u>	<u>Item</u>	<u>Proposal Budget</u>	<u>Requested Increase</u>
WLD	Wetland delineation	\$ 29,000	\$ 3,982
ENVIR	Tree survey and preservation plan; evaluating SEQR status, site archaeological sensitivity, and NFTA bird hazard concerns	\$ 3,500	\$ 22,906
ESE	Hazardous waste evaluation	\$ 11,000	\$ 0
DRAIN	Unified Storm Water Management Plan	\$ 5,000	\$ 7,145
GEOT	Geotechnical borings and report and installing a well for pumping tests	\$ 9,000	\$ 809
PROJM	Contingency for project coordination, uncontrollable direct cost underestimates, scheduling, and tracking, etc.	\$ 11,500 \$ 69,000	\$ 0 \$ 34,842

Much of the increased cost (especially for the wetland delineation and drainage phases) is because the design and bidding work was on-going during (instead of following) our investigations. Therefore, we had to duplicate drainage and wetland impact evaluations and mitigations as three different designs evolved.

The requested fee increase consists of:

- \$ 18,431 for our (labor) cost
- \$ 16,411 in direct costs (including profit) for surveying and borings

KWK

**Ken W. Kloeber
Consulting Engineers**

ENVIRONMENTAL STUDIES • CIVIL & SANITARY ENGINEERING • PLANNING & DESIGN

8397 BOSTON STATE ROAD BOSTON, NEW YORK 14025

716 941-5544

FAX 716 941-5586

ATTACHMENT B

July 19, 1993

Bill Pugh, P.E.
Assistant Town Engineer
Town of Cheektowaga
275 Alexander Avenue
Cheektowaga, New York 14211

**Proposal for Professional Services for
Golf Course Environmental and Drainage Studies**

Dear Bill:

This proposal outlines the scope of work and fees to prepare these six items discussed at our May 3 meeting, and authorized by the Town Board:

1. A federal wetland delineation
2. A tree survey and preservation plan
3. An environmental/hazardous waste evaluation
4. A unified storm water management plan
5. An evaluation of the SEQR status, site archaeological sensitivity, and NFTA bird hazard concerns
6. Geotechnical boring and report and installing a deep well to be used for pumping tests

Scope of Work:

Wetland Delineation

1. Complete all field work, survey and mapping, and determine the boundaries of federally regulated wetlands
2. Submit to the town a final wetland delineation report for its use
3. Submit delineation maps to Hurdzan to establish what impact the "1990" course design has on wetlands

We anticipate the town will coordinate Hurdzan's work (if any) to evaluate impact to wetland, and that our input is minimal.

099/mp/c/3

Bill Pugh, P.E.

July 19, 1993 — Page 2

Tree Survey and Preservation Plan

1. Complete field work for a vegetation-community-level survey of existing species to identify broad areas of like-type vegetation
2. Prepare maps of existing vegetation communities to submit to Hurdzan and the town

Hazardous Waste Evaluation

1. Complete all office, historical, and other research to determine potential environmental issues
2. Complete a site inspection for contamination evidence
3. Monitor soil borings for signs of contamination
4. Investigate the area along the south property line where drums were apparently dumped
5. Test additional areas (if necessary) for contamination
6. Prepare a final report to submit to the town recommending further action if contamination is suspected or identified

Storm Water Management Plan

1. Analyze the vacant 160-acre site to determine the pre-development 10-year runoff at existing outlets from the site
2. Analyze the 1990 golf course design to estimate the 25-year storm runoff
3. Determine the detention capacity required to maintain the post-development 25-year runoff at (or below) the existing 10-year runoff; we will use the Erie and Niagara Counties Regional Planning Board Storm Water Drainage Manual as the basis for our study
4. Notify Hurdzan of any storm water detention deficiencies noted in the 1990 design
5. Prepare a map and final report of the drainage plan, including operational recommendations

SEQR Evaluation

1. Review town files to determine the status of the environmental review
2. Notify the town if its previous SEQR Negative Declaration is valid considering project changes, elapsed time, new environmental regulations, etc.
3. Determine if the NYS DEC will require an archaeological survey for the subdivision/sewer approvals, and if that will affect the golf course
4. Determine the status of the NFTA bird hazard issue (verbal indications are that correspondence exists that the issue was resolved)
5. Using available and published resources, determine if there are any known endangered species on site
6. Determine and notify the town if there are any obvious additional outstanding SEQR issues

Geotechnical Work

1. Install soil borings at the proposed pond locations to determine design constraints and if any ponds must be lined
2. Install soil borings at the club-house and maintenance shed to determine any preliminary constraints for building designs
3. Submit to the town, Hurdzan, and North American Golf, a soil boring report for these locations
4. Install a 100-foot ± boring to establish at what elevation groundwater exists below the site. Pump-test the well (at low volume) to determine if 300-400 gpm production capacity is feasible
5. Prepare a report to document the pump test results

Bill Pugh, P.E.

July 19, 1993 — Page 4

Fees

The following fees are summarized for the scope of work identified above. They are based on our current labor fee schedule (Attached), and direct and subcontractor costs include 15% profit. Where costs are estimated or based on budget amounts, I have so indicated.

Wetland Delineation (160-acre site)

Field Survey and Delineation (subcontract - WET)	\$26,105
Wetland boundary survey (subcontract - NCI)	2,645*
KWKCE labor	250
Total	\$29,000

Note:

- * Budget estimate based on similar projects; final cost will depend on amount of wetland areas flagged in field

Tree Survey and Preservation Plan

Field Survey (subcontract - WET)	\$ 1,500
KWKCE labor - mapping and coordinating w/Hurdzan	1,500
Total	\$ 3,000

Hazardous Waste Evaluation

Lab services and equipment rental (subcontract)	\$ 4,300
KWKCE labor - site investigations, research, report	6,700
Total	\$11,000

Storm Water Management Plan

KWKCE labor - analysis, report, mapping, etc.	\$ 5,000
Total	5,000

SEQR Evaluation

KWKCE labor - research, coordination with NYS DEC, reports and findings, etc.	\$ 500
Total	500

Ken W. Kloeber Consulting Engineers

Bill Pugh, P.E.

July 19, 1993 -- Page 5

Geotechnical Work

Overburden Soil borings (subcontract)	\$ 1,000*
Well installation and test pumping	5,000**
KWKCE labor - coordination, preliminary mapping well test report, etc.	3,000
Total	<u>9,000</u>

Note:

- * Budget estimate at this time; final cost determined depending on driller chosen and established scope of drilling
- ** Budget estimate based on Bill Kerman's experience on other projects; final cost determined based on depth of well and test pump parameters

The total cost estimate identified above is \$57,500. I recommend adding a 20% contingency (\$69,000 total). This can be used to cover general project management, and additional unknowns such as the subcontractor costs for survey, drilling, and similar tasks.

Bill, if you need additional detail on any of the above tasks, please call me.

Sincerely,

KEN W. KLOEBER CONSULTING ENGINEERS



Ken W. Kloeber, P.E.
Principal Engineer

cc: Councilman Johnson
Bob Kaczmarek

KWK/nmj

099/mp/c/3

Selection Criteria -

From Schedule: H1 Thru Schedule: H1 (Does Not Include Defaults)

From Employee: A-0051 Thru Employee: TEMPORARY1

Include Terminated Employees (Y/N)? N

Schedule	Employee Code	Employee Name	Staff Code	DEPT. PHASE TASK	Bill Rate
H1	A-0555	McKenna, Gloria J.	WP	A	32.00
	A-1014	Hughes, Sheryl L.	WP	A	44.00
	A-1017	Greene, Estelle M.	WP	A	32.00
	A-51	Jankowski, Nicole M.	WP	A	28.00
	D-1002	Mulholland, Susan M.	DF	D	28.00
	D-1015	Tessmer, David P.	HD	D	47.00
	F-1005	Bernard, Keith C.	FT	F	32.00
	F-1006	Bleech, John P.	JE	F	49.00
	F-1007	Stockschlaeder, Carl J.	FT	F	38.00
	F-1008	Hudson, Peter J.	FT	F	56.00
	F-1010	Ranalli, Steven P.	FT	F	32.00
	F-1012	Kwietniewski, Edward A.	FT	F	38.00
	F-1013	Reed, Heidi L.	CM	F	72.00
	F-1016	Ranalli, Randy S.	FT	F	22.00
	M-1011	Smith, Marc W.	EM	M	67.00
	M-9999	Kloeber, Ken W.	PE	M	82.00



Nussbaumer & Clarke, Inc.
Consulting Engineers Surveyors

3556 Lake Shore Rd. Suite 500 • Buffalo, NY 14219-1494
(716) 827-8000

CONSULTING ENGINEERS
RECEIVE

MAY 17 1993

ENVIRONMENTAL
FIELD SERVICES

Buffalo Office Fax:
(716) 826-7958
Oswego Office Fax:
(315) 342-6114

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

ATTACHMENT C

FILE
→

110-02 ENVI R

May 14, 1993

Ken W. Kloeber, P.E.
Consulting Engineer
8397 Boston State Road
Boston, New York 14025

Re: Cheektowaga Town Golf Course -
Tree Survey

Field work only

Dear Ken:

As per your request, Nussbaumer & Clarke, Inc. (NCI) visited the site of the above proposed golf course to determine a cost to provide you with a "Tree Survey" of this site.

We find this site to be covered with very dense brush and "thousands" of small saplings.

For your use, I have prepared three (3) separate estimates in determining which option makes the most sense for you.

- Option #2 NCI would locate all saplings 4" in diameter or greater and identify its species(Lump Sum). \$ 63,900.00
- Option #3 NCI would locate all trees 8" in diameter or greater, as well as, identify "clumps" of saplings 4" in diameter or greater and identify their species(Lump Sum). \$ 40,675.00
- Option #4 NCI would locate and identify only those trees 8" in diameter or greater ..(Lump Sum). \$ 18,500.00

Please note, it would be our intent to use AUTO CAD Release 10 in the preparation of all mapping. Also, please note that the fee for the field survey portion of this project would include prevailing wages as required by the New York State Labor Department.

Option 1 - Community level (orig proposal) \$1,500
5/18 T.S. - Combine OPT 1 & 4
(12+ inches only)

STAFFED BY: ENGINEERS • PLANNERS • SURVEYORS

Item No. 4 Motion by Councilman Rogowski, Seconded by Supervisor 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:

EFFECTIVE

FACILITIES DEPARTMENT - \$4.65 per hour (Laborer)

Al Rodzoch	Immediately
Daniel Stypa	"
Ed Moskal	"

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

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

WHEREAS, by resolution dated May 17, 1993, this Town Board accepted Emerald Gardens Subdivision, subject to certain restrictions, and

WHEREAS, in the third "RESOLVED" paragraph of such resolution, it was stated that "a 30 foot wide town tree preservation easement will be maintained undisturbed along the east boundary of the parcel with lots on Towers Boulevard ... and along the south boundary with the lots on LeHavre Drive, for the purpose of preserving the existing trees, and

WHEREAS, the Town Engineer has been working with the developer of the Emerald Gardens Subdivision on a plan for drainage improvements, and is in agreement with the drainage plan submitted by the developer, and

WHEREAS, such drainage plan would necessitate the removal of at least 15 trees and grading in the 30 foot wide tree preservation easement referred to above, and

WHEREAS, pursuant to the drainage plan to be accepted by the Town Engineer, it will also be necessary for the developer to re-grade and remove trees at a high area in the 30 foot wide tree preservation easement area (to the rear of #216 Towers Boulevard) and to re-grade and remove a minimal amount of trees along the south boundary with lots on LeHavre Drive, and

WHEREAS, subdivision work is at a standstill due to the fact that the Town Engineer cannot accept the drainage plan because of the restrictions in the May 17, 1993 Town Board resolution, and the Town Engineer has requested this Town Board to intervene to resolve this standstill, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby amends the aforementioned May 17, 1993 Town Board resolution to permit the removal of no more trees than deemed necessary by the Town Engineer and Town Building Inspector in the 30 foot wide tree preservation area, to install the drainage system acceptable to the Town Engineer; to re-grade the high area to the rear of #216 Towers Boulevard; and to re-grade and remove a minimal amount of trees along the south boundary with lots on LeHavre Drive.

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

Item No. 5 continued

AMENDED

WHEREAS, by resolution dated May 17, 1993, this Town Board accepted Emerald Gardens Subdivision, subject to certain restrictions, and

WHEREAS, in the third "RESOLVED" paragraph of such resolution, it was stated that "a 30 foot wide town tree preservation easement will be maintained undisturbed along the east boundary of the parcel with lots on Towers Boulevard ... and along the south boundary with the lots on LeHavre Drive, for the purpose of preserving the existing trees, and

WHEREAS, the Town Engineer has been working with the developer of the Emerald Gardens Subdivision on a plan for drainage improvements, and is in agreement with the drainage plan submitted by the developer, and

WHEREAS, such drainage plan would necessitate the removal of at least 15 trees and grading in the 30 foot wide tree preservation easement referred to above, and

WHEREAS, pursuant to the drainage plan to be accepted by the Town Engineer, it will also be necessary for the developer to re-grade and remove trees at a high area in the 30 foot wide tree preservation easement area (to the rear of #216 Towers Boulevard) and to re-grade and remove a minimal amount of trees along the south boundary with lots on LeHavre Drive, and

WHEREAS, subdivision work is at a standstill due to the fact that the Town Engineer cannot accept the drainage plan because of the restrictions in the May 17, 1993 Town Board resolution, and the Town Engineer has requested this Town Board to intervene to resolve this standstill, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby amends the aforementioned May 17, 1993 Town Board resolution to permit the removal of no more trees than deemed necessary by the Town Engineer and Town Building Inspector in the 30 foot wide tree preservation area, to install the drainage system acceptable to the Town Engineer; to re-grade the high area to the rear of #216 Towers Boulevard; and to re-grade and remove a minimal amount of trees along the south boundary with lots on LeHavre Drive, and BE IT FURTHER

RESOLVED, that, in compliance with the Town's Tree Preservation Law, the developer shall be required to plant new/replacement trees for each tree over four (4) inches in diameter as removed as authorized above; said replacement trees shall be of a size and variety approved by the Town Planning Board; prior to the issuance of a certificate of occupancy for a lot wherein trees were removed as specified above, the developer shall be required to plant the replacement tree(s); such trees shall be planted at locations to be approved by the Town Engineer and Town Building Inspector.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

II. SUSPENSION OF RULES

Item No. 6 Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, Airlanes Jr. Football of Cheektowaga, Inc. wishes to obtain a picnic shelter permit and hold a picnic/fundraiser at Stiglmeier Park on August 28, 1993, and

and
WHEREAS, as part of such fundraiser, food and beverages will be sold,

WHEREAS, pursuant to Section 64(7) of the Town Law, this Town Board must conduct a public hearing prior to the approval of this concession for the sale of food and beverages, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to discuss and, if need be, act upon the aforementioned request for a picnic shelter and concession, 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 HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of the Airlanes Jr. Football of Cheektowaga, Inc. to sell food and refreshments at a fundraiser in Stiglmeier Park on Losson Road on August 28, 1993. All Parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Richard M. Moleski
Town Clerk

Dated: August 6, 1993

Published: August 12, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

LEGAL NOTICE
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of the Airlines Jr. Football of Cheektowaga, Inc. to sell food and refreshments at a fundraiser in Stiglmeier Park on Losson Road on August 28, 1993. All Parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Richard M. Moleski
Town Clerk

Dated: August 6, 1993

PUBLISH: August 12, 1993

...Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 12, 1993.....; last publication..... August 12, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this12th.....

day ofAugust....., 19⁹³.....

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 12/11/93

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

...Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
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Margaret J. Bourdette
.....

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

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NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 12/11/93

LEGAL NOTICE
NOTICE OF HEARING
NOTICE IS HEREBY GIVEN that, in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 16th day of August, 1993 at 7:30 P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider the request of the Airanes Jr. Football of Cheektowaga, Inc. to sell food and refreshments at a fundraiser in Stiglmeier Park on Losson Road on August 28, 1993. All Parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Richard M. Mojeski
Town Clerk

Dated: August 6, 1993
PUBLISH: August 12, 1993

MEETING NO. 16
August 6, 1993

Item No. 7 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski to adjourn this 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 16th day of August, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: Councilman William P. Rogowski

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Salvatore LaGreca, Chairman, Planning Board; Ken Kopacz, Executive Director of Youth and Recreation; Chester Bryan, Town Engineer; John Malloy, Accountant.

I. PUBLIC HEARINGS

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 proposed construction of additions totaling 1,196 square feet to the northwest corner of the existing Anna M. Reinstein Memorial Library at 2480 Harlem Road, Cheektowaga, New York and the necessity to encroach into existing dedicated public parkland for such additions.

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 Establishment of the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Article 12-A of the Town Law.

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. 4a This being the time and place advertised for a public hearing to consider the request of the Cheektowaga Republican Committee to sell food and refreshments at a fundraiser in the Cheektowaga Town Board on Harlem Road on September 16, 1993.

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. 4b This being the time and place advertised for a public hearing to consider the request of the Airlines Football of Cheektowaga, Inc. to sell food and refreshments at a fundraiser in Stiglmeier Park on Losson Road on August 28, 1993.

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. 5 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

BE IT 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 7, 1993 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 19th day of August, 1993, said amendments being set forth in the Notice of 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 7, 1993 at 7:30 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the said Town of Cheektowaga on September 7, 1993 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-10 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No parking anytime

RUSHFORD LANE west side from the north lot line of No. 38 southerly to the north curblin of Hillpine Road.

Section 76-10 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

RUSHFORD LANE west side from the north curblin of Butternut Road extended southerly to the north curblin of Hillpine Road

WEDGEWOOD DRIVE west side from the north curblin of Castlewood Drive to the south curblin of Losson Road

ARTHUR STREET west side from the south curblin of Genesee Street southerly a distance of 200 feet + to a point

Item No. 5 cont'd

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

DATED: August 16, 1993

RICHARD M. MOLESKI
Town Clerk

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

AFFIDAVIT - NEXT PAGE

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

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 7, 1993 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-10 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No parking anytime

RUSHFORD LANE - west side - from the north lot line of No. 38 southerly to the north curblin of Hillpine Road.

Section 76-10 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

RUSHFORD LANE - west side - from the north curblin of Butternut Road extended southerly to the north curblin of Hillpine Road.

WEDGEWOOD DRIVE - west side - from the north curblin of Castlewood Drive to the south curblin of Losson Road.

ARTHUR STREET - west side - from the south curblin of Genesee Street southerly a distance of 200 feet +/- to a point.

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

Dated: August 16, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 19, 1993

.....Melissa Gugliuzza....., 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 19, 1993..... ;
last publication..... August 19, 1993..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this19th.....

day ofAugust....., 19..93...

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 12/11/93

STATE OF NEW YORK
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.....*Melissa Gugliuzza*.....

Sworn to before me this19th.....
day ofAugust....., 19.93...

.....*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 12/11/93

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 7, 1993 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-10 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No parking anytime

RUSHFORD LANE - west side - from the north lot line of No. 38 southerly to the north curbline of Hillpine Road.

Section 76-10 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

RUSHFORD LANE - west side - from the north curbline of Butternut Road extended southerly to the north curbline of Hillpine Road.

WEDGEWOOD DRIVE - west side - from the north curbline of Castlewood Drive to the south curbline of Losson Road.

ARTHUR STREET - west side - from the south curbline of Genesee Street southerly a distance of 200 feet +/- to a point.

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

Dated: August 16, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: August 19, 1993

MEETING NO. 17
August 16, 1993

Item No. 6 Approve establishment of the Cheektowaga Town-Wide Drainage District

*SEE NEXT PAGE(S) FOR ATTACHMENT

EXTRACT OF MINUTES

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

August 16, 1993

*

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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, in said Town, on August 16, 1993, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Honorable Dennis H. Gabryszak,
Supervisor; and

Councilpersons: Patricia A. Jaworowicz
Richard B. Solecki
William P. Rogowski
Jacqueline A. Blachowski
Thomas M. Johnson, Jr.
William L. Wielinski

There were absent:

Also present: Richard M. Moleski, Town Clerk

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At 7:30 o'clock P.M. (Prevailing Time) the Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Erie, New York, at 7:30 o'clock P.M. (Prevailing Time) to consider the establishment of the Cheektowaga Town-wide Drainage District in said Town, to be effective on or after January 1, 1994. 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-A of the Town Law.

The Supervisor stated that the Public Hearing on the proposed establishment of said Drainage District, in the Town of Cheektowaga, in the Town 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 establishment of said District:

Stanley Stachewicz, Janice Kelly, Ted Arent and Elaine Rosenthal

The following persons appeared in opposition to the proposed establishment of said District:

Robert Johnson, Jay Falcone and Charles Higgermeyer

The Town Clerk reported that the following pertinent written communications had been received and said communications, if any, were then read to the meeting:

None

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the Public Hearing closed.

* * *

On motion of Councilman Johnson, seconded by Supervisor Gabryszak, the following resolution was adopted on roll call vote as follows:

AYES: 7

NOES: 0

RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 16, 1993, APPROVING THE ESTABLISHMENT OF THE CHEEKTOWAGA TOWN-WIDE DRAINAGE DISTRICT, IN SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM.

Recitals

WHEREAS, the Town Board has heretofore duly caused the Town Engineer, a competent engineer duly licensed by the State of New York, to prepare a general map, plan and report relating to the establishment of the proposed Cheektowaga Town-wide Drainage District, in the Town (herein called "District"), to be effective on or after January 1, 1994, as hereinafter described, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, on August 2, 1993, the Town Board determined to proceed with the establishment of the District, and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the fact that no funds are currently expected to be expended for any capital improvements, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying August 16,

1993, at 7:30 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment 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 in relation thereto, as may be required by Law; and

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

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 16th day of August, 1993, commencing at 7:30 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the establishment of the District;

Now, therefore, upon the evidence adduced at such Public Hearing, be it

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

Section 1. It is hereby determined that:

(a) the notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient;

(b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the District; and

(d) it is in the public interest to establish the District, to be effective on or after January 1, 1994.

Section 2. The establishment of the District is hereby approved, to be effective on or after January 1, 1994, as set forth in the Order Calling the Public Hearing, and the District shall be designated and known as the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, the boundaries of such District to include all of the unincorporated area of Town, excluding any villages.

Section 3. The Town Board does not currently contemplate the expenditure of funds for capital improvements in relation to such District, such District to function initially as a service and administrative unit, and the cost of operation and maintenance of the facilities of such District, including capital improvements which may be authorized to be constructed in the future, shall be paid for by the assessment, levy and collection of assessments upon the several lots or parcels of land in the District which the Town Board shall deem especially benefited by such facilities, so much upon and from each as shall be in just proportion to the amount of benefit which such facilities confer upon the same.

Section 4. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published at least once in the "CHEEKTOWAGA TIMES," a newspaper published in Cheektowaga, New York, and the official newspaper of the Town, and post on the sign board of the Town, a Notice which shall set forth an abstract of said foregoing resolution which shall be in substantially the following form:

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 16, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a resolution entitled:

"Resolution of the Town of Cheektowaga, New York, adopted August 16, 1993, approving the establishment of the Cheektowaga Town-wide Drainage District, in said Town, and providing that such resolution shall be subject to permissive referendum,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Cheektowaga, New York ("Town Board" and "Town", respectively), has heretofore duly caused the preparation of a general map, plan and report relating to the establishment of the Cheektowaga Town-wide Drainage District, in the Town, to be effective on or after January 1, 1994, therein described, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was adopted on August 2, 1993, reciting a description of the boundaries of said District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, and that such hearing has been duly held on August 2, 1993, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of hearing was published and posted as required by Law and is otherwise sufficient, (b) all the property and property owners within the District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the District and (d) that the establishment of the District, to be effective on or after January 1, 1994, is in the public interest;

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, to be effective on or after January 1, 1994; DESIGNATING such District as the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, and DESCRIBING the boundaries of the District; and

FOURTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the
Town of Cheektowaga, in the County of
Erie, New York.

Dated: August 16, 1993

Richard M. Moleski
Town Clerk

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, duly called and held on August 16, 1993, 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 this 16th day of August, 1993.

Richard M. Moleski
Town Clerk

(Seal)

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

Richard M. Moleski, being duly sworn upon his oath,
deposes and says:

That he is and at all times hereinafter mentioned was
the duly elected, qualified and acting Town Clerk of the Town of
Cheektowaga, in the County of Erie, New York; that on the 17th
day of August, 1993, he caused to be conspicuously posted a
certified copy of an abstract of a resolution duly adopted by the
Town Board of said Town on August 16, 1993, a true copy of which
is annexed hereto and made a part hereof, on the sign board of
the Town maintained pursuant to subdivision 6 of Section 30 of
the Town Law.

Richard M. Moleski
Town Clerk

Subscribed and sworn to before me this
17th day of August, 1993.

Jean A. Rosenberry
Notary Public, State of New York

JEAN A. ROSENBERRY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires Nov. 30, 1994

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on August 16, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a resolution entitled:

"Resolution of the Town of Cheektowaga, New York, adopted August 16, 1993, approving the establishment of the Cheektowaga Town-wide Drainage District, in said Town, and providing that such resolution shall be subject to permissive referendum,"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Cheektowaga, New York ("Town Board" and "Town", respectively), has heretofore duly caused the preparation of a general map, plan and report relating to the establishment of the Cheektowaga Town-wide Drainage District, in the Town, to be effective on or after January 1, 1994, therein described, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was adopted on August 2, 1993, reciting a description of the boundaries of said District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, and that such hearing has been duly held on August 2, 1993, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of hearing was published and posted as required by Law and is otherwise sufficient, (b) all the property and property owners within the District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the District and (d) that the establishment of the District, to be effective on or after January 1, 1994, is in the public interest;

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, to be effective on or after January 1, 1994; DESIGNATING such District as the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, and DESCRIBING the boundaries of the District; and

FOURTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the
Town of Cheektowaga, in the County of
Erie, New York.

Dated: August 16, 1993

Richard M. Moleski
Town Clerk

LEGAL NOTICE

**TOWN OF CHEEKTOWAGA,
NEW YORK**

PLEASE TAKE NOTICE that on August 16, 1993, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a resolution entitled:

"Resolution of the Town of Cheektowaga, New York, adopted August 16, 1993, approving the establishment of the Cheektowaga Town-wide Drainage District, in said Town, and providing that such resolution shall be subject to permissive referendum."

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECTIFYING that the Town Board of the Town of Cheektowaga, New York ("Town Board" and "Town", respectively), has heretofore duly caused the preparation of a general map, plan and report relating to the establishment of the Cheektowaga Town-wide Drainage District, in the Town, to be effective on or after January 1, 1994, therein described, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was adopted on August 2, 1993, reciting a description of the boundaries of said District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, and that such hearing has been duly held on August 2, 1993, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that (a) the Notice of hearing was published and posted as required by Law and is otherwise sufficient, (b) all the property and property owners within the District are benefited thereby, (c) all the property and property owners benefited are included within the limits of the District and (d) that the establishment of the District, to be effective on or after January 1, 1994, is in the public interest;

THIRD: FURTHER RESOLVING AND DETERMINING that the establishment of the District be approved, to be effective on or after January 1, 1994; **DESIGNATING** such District as the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, and **DESCRIBING** the boundaries of the District; and

FOURTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the Town of Cheektowaga, in the County of Erie, New York.

Dated: August 16, 1993

RICHARD MOLESKI
Town Clerk

PUBLISH: August 19, 1993

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

.....Melissa Gugliuzza....., 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 19, 1993.....; last publication.....August 19, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza.....

Sworn to before me this19th.....

day ofAugust....., 19⁹³.....

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 12/11/9₃

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

.....Melissa Gugliuzza....., 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 19, 1993.....;
last publication.....August 19, 1993.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza.....

Sworn to before me this19th.....

day ofAugust....., 19⁹³.....

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 12/11/9³

MEETING NO. 17
August 16, 1993

Item No. 7 Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, by resolution, this Town Board contracted with W.C.S. of New York, Inc. for 100 hours of employee safety training at \$60.00 an hour, and

WHEREAS, said hourly rate was incorrect, NOW, THEREFORE BE IT

RESOLVED, that the resolution dated August 2, 1993 be and hereby is amended to read that the 100 hours of safety training be charged to line #1000-1710-4529 at \$75.00 an hour.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 8 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, by letter dated December 4, 1992 West Seneca Developmental Disabilities Services Office ("DDSO") notified the Town of Cheektowaga that it was proposing to establish a community residential facility for four (4) developmentally disabled adults at 200 Treehaven Road, and

WHEREAS, pursuant to Section 41.34 of the Mental Hygiene Law, that Town objected to the proposed facility in the belief that it would result in an overconcentration of such facilities in the area and the Town such that it would change the character of the neighborhood, and

WHEREAS, the Town also suggested alternate sites to DDSO for such a community residence, and

WHEREAS, an administrative hearing on this matter was held before a State-appointed hearing officer on June 4, 1993, at which hearing the Town submitted evidence and testimony against the establishment of such facility, and

WHEREAS, on July 23, 1993, the Town Supervisor received notice from the New York State Office of Mental Retardation and Developmental Disabilities stating that it could not sustain the Town's objections to this community residence and that therefore DDSO could establish such residence at 200 Treehaven Road, and

WHEREAS, pursuant to Section 41.34 of the Mental Hygiene Law, the Town may seek review of this decision by commencing an action under Article 78 of the Civil Practice Law and Rules ("CPLR") within 30 days of receipt of such decision, and

WHEREAS, this Board feels that the decision of the State Office of Mental Retardation and Developmental Disabilities was in error and should be appealed, NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney be and hereby is directed to file the necessary papers under Article 78 of the CPLR to appeal the aforementioned decision.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

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

WHEREAS, the Town of Cheektowaga, the owner of the Anna M. Reinstein Memorial Library located at 2580 Harlem Road, has proposed to construct two additions to such library for the storage/housing of certain historical documents, and

Item No. 9 cont'd

WHEREAS, such additions will total approximately 1,196 square feet,
and

WHEREAS, the additions will encroach into existing public park lands,
namely Cheektowaga Town Park, and

WHEREAS, special State legislation (Chapter 482 of the Laws of 1992)
was enacted to authorize this encroachment into public park lands, and

WHEREAS, that State office of Parks, Recreation and Historic
Preservation has informed the Town that, due to Federal and State requirements, this
project must be subjected to review under the State Environmental Quality Review Act
("SEQRA"), and

WHEREAS, the Town's SEQRA Intake Officer processed the Town's appli-
cation on this matter, and such application was reviewed by the Town's Environmental
Advisory Committee ("EAC"), and

WHEREAS, the EAC, at its meeting held on August 3, 1993, recommended
that the Town Board, the lead agency in this matter, issue a negative declaration
with respect to the proposed library additions, and

WHEREAS, the EAC also strongly suggested that this Town Board incor-
porate, as part of this project, additional work which would correct deficiencies
noted by the Town Fire Inspector in a previous report, and

WHEREAS, this Town Board has reviewed this project under SEQRA, NOW,
THEREFORE, BE IT

RESOLVED, that this Town Board agrees with the recommendations made
by the EAC with respect to this library addition, and directs that a Negative
Declaration under SEQRA be issued for this project, and BE IT FURTHER

RESOLVED, that this Town Board also agrees with the EAC's statement
that deficiencies noted by the Fire Inspector should be corrected, and will require
same to be corrected prior to or during the construction of the aforementioned addi-
tions to the Anna M. Reinstein Memorial Library.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

Item No. 10 Motion by Councilman Solecki, Seconded by Councilman Wielinski

WHEREAS, the Cheektowaga Republican Committee wishes to obtain a pic-
nic shelter permit and hold a family picnic/fundraiser at Town Park on September 16,
1993, and

WHEREAS, as part of such fundraiser, food and beverages will be sold,
and

WHEREAS, in compliance with Section 64(7) of the Town Law, a public
hearing was held on the 16th day of August, 1993 at 7:30 P.M. on this matter, NOW,
THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the Cheektowaga
Republican Committee to sell food and beverages at its family picnic/fundraiser at
Town Park on September 16, 1993, subject to the following conditions:

1. An insurance certificate acceptable to the Town Insurance
Consultant and Town Attorney is presented by the Cheektowaga
Republican Committee, and

Item No. 10 cont'd

2. Arrangements are made with the Facilities Department as to the location, clean-up, etc. of the concessions.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 11 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz
Councilman Wielinski

WHEREAS, Airlanes Jr. Football of Cheektowaga, Inc., wishes to hold its 25th anniversary celebration in Stiglmeier Park on Saturday, August 28, 1993 and Sunday, August 29, 1993, commencing at 11:00 A.M., and

WHEREAS, in conjunction with such anniversary celebration, Airlanes has requested permission to sell food and beverages, and

WHEREAS, in compliance with Section 64(7) of the Town Law, a public hearing was held on the 16th day of August, 1993 at 7:30 P.M. on this matter, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted the Airlanes Jr. Football to sell food and beverages at the above referenced time and place in conjunction with its anniversary celebration, subject to the following conditions:

1. An insurance certificate acceptable to the Town Insurance consultant and Town Attorney is presented by Airlanes,
2. Arrangements are made with the Town Youth and Recreation and Facilities Department as to the location, etc. of the concessions

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Buffalo Airfield, Inc. is a domestic corporation with its offices and principal place of business at 4500 Clinton Street in the Town of West Seneca, New York; and

WHEREAS, Buffalo Airfield, Inc. operates, as a private owner, a public use airport at 4500 Clinton Street, West Seneca, New York, and a part of which airport is situate in the Town of Cheektowaga, New York; and

WHEREAS, Buffalo Airfield, Inc. has undertaken a project to acquire land in fee simple title (approx. 16 + acres) for runway 6/24 object free area, building restriction lines, and terminal area development, and incorporate into airport property parcels 1Hb, 1Hf, 1Hh and 1.26 acres of the western parcel 1Da at the Buffalo Airfield Airport, and

WHEREAS, the application of Buffalo Airfield, Inc. to the Federal Aviation Administration for available Federal funding for said project under the Airport Improvement Program has been approved; and

WHEREAS, the purpose of said project is the improvement of said airport; and

Item No. 12 cont'd

WHEREAS, the project has been deemed consistent with sound transportation development policy and planning concepts for New York State participation; and

WHEREAS, the Federal share of the grant amounts to \$252,024, the New York State share amounts to \$14,001 and the Sponsor's share amounts to \$14,001 for a total project cost amount of \$280,026, and

WHEREAS, it is a requirement of Transportation Law section 14-h that Buffalo Airfield, Inc.'s application for funding of the New York State share be endorsed by a Resolution of this Board; and

WHEREAS, after due deliberation by this Board we find that such project and the State share to be paid towards its costs are of benefit to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby formally endorses the aforesaid project by Buffalo, Airfield, Inc. for purposes of Transportation Law section 14-h.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 13 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, with respect to the recent sale of Town bonds, the Depository Trust Company has requested the Town Supervising Accountant to wire Federal Funds to such company on the payable date on all registered interest payments due Cede & Co., and

WHEREAS, this Board is in agreement that the Supervising Accountant should be authorized to wire these funds, NOW, THEREFORE, BE IT

RESOLVED, that Robert E. Kaczmarek, Supervising Accountant, be and hereby is authorized to act on behalf of the Town with respect to wiring payments to the above referenced company for the aforementioned Town bonds.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

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

WHEREAS, the Town of Cheektowaga recently provided a Housing Rehabilitation Community Development loan to Mrs. Bernice Fitaman, for property owned by her and located at 69 Bernice Dr., Cheektowaga, NY, and

WHEREAS, Mrs. Ritzman is now applying for a separate mortgage loan through Borins, Setel, Snitzer & Brownstein Pension Plan, and they are 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 Mrs. Bernice Ritaman and the Town's Housing Rehabilitation Community Development loan for 69 Bernice Dr., Cheektowaga, NY and any other documents necessary to effectuate the Subordination Agreement.

Item No. 14a cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

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

BE IT RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign the attached agreement between the Town of Cheektowaga and Supportive Services Corporation/Senior Aides Program.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

**Supportive
Services Corporation**

Thomas J. Mulvey, Executive Director

245 Elmwood Avenue
Buffalo, New York 14222
(716) 881-6350

HOST AGENCY AGREEMENT

To comply with the requirements of the National Council of Senior Citizens Senior AIDES Program and the New York State Office for the Aging, operated under Title V of the Older Americans Act, this Agreement is voluntarily entered into by

TOWN OF CHEEKTOWAGA

hereinafter referred to as the Host Agency, and

SUPPORTIVE SERVICES CORPORATION

sub-sponsor of the Erie County Department of Senior Services, the prime sponsor, funded by the National Council of Senior Citizens Senior AIDES Program and the New York State Office for the Aging Senior Community Service Employment Program, hereinafter referred to as the Sponsor Agency.

The Host Agency agrees to provide a safe and healthful work site for each Senior Aide, to provide adequate orientation and training necessary to perform assigned job duties in accordance with a written job description, to provide additional training as opportunities occur, and, to the extent possible, to treat each Senior Aide as a regular member of the Host Agency staff.

The Host Agency agrees to consider each Senior Aide for regular employment, either full-time or part-time, when vacancies occur in the Host Agency staff or when new positions are created.

The Host Agency understands that the maximum length of time that a Senior Aide may remain in the same job assignment shall not exceed 24 months, except under limited circumstances which will be determined by the NCSC Senior AIDES Program and the New York State Office for the Aging. Moreover, the Host Agency understands that the Sponsor Agency reserves the right, following reasonable notice, to reassign any Senior Aide at any time that reassignment will increase the Senior Aide's opportunities for training or unsubsidized employment, or will otherwise serve the best interests of the Senior Aide, or will better support the goals and objectives of the Senior AIDES program.

The Host Agency agrees that no other national Title V project sponsor will be provided a work site while this Agreement is in effect.

The Host Agency agrees that the job to which the Senior Aide is assigned is an increase in employment opportunities; will not result in the displacement of currently employed workers or in a reduction in non-overtime hours of work, wages, or benefits; will not impair any existing contract for service or result in the substitution of the wages of the Senior Aide for other funds in connection with work which otherwise would be performed; will not be a substitute for any existing federally assisted job; and will not be in a position which is the same as or substantially the same as that occupied by any other person who is on lay-off. Further, the Host Agency agrees that it will not discriminate against a Senior Aide on the grounds of race, color, religion, sex, national origin or handicap.

The Host Agency agrees to provide documentation of in-kind contributions, if specified in an accompanying letter of agreement. Further it is understood by the Host Agency and the Sponsor Agency that any contribution, whether cash or in-kind, by the Host Agency is purely voluntary and is not a condition for the assignment of any Senior Aide.

The Host Agency certifies by this Agreement that it is a governmental agency or is a non-profit agency which is currently certified as a Section 501 (c) (3) organization under the Internal Revenue Code. Further, if the Host Agency is certified as a Section 501 (c) (3) agency, a copy of that certification is attached or is on file with the Sponsor Agency and is still in effect. The Host Agency agrees to inform the Sponsor Agency immediately if the Section 501 (c) (3) certification is changed.

The Sponsor Agency agrees to recruit, enroll, and assign a Senior Aide or Senior Aides to the Host Agency for the purpose of engaging in productive community service employment with duties and tasks as specified in a written job description.

The Sponsor Agency agrees to be responsible for all administrative and fiscal controls of the Senior Aides Project and for paying wages and providing fringe benefits to each Senior Aide.

This Agreement may be amended by written mutual agreement. This Agreement is in effect from July 1, 1993 to June 30, 1994.

HOST AGENCY:

SENIOR AIDES PROJECT:

TOWN OF CHEEKTOWAGA
(HOST AGENCY NAME)

Supportive Services Corporation
(Senior Aides Project Sub-Sponsor)

Dennis H. Gabryzak
(Agency Director or Designee Signature)

Keshae Stanley
(Senior Aides Project Director Signature)

Supervisor
(Title)

Director
(Title)

August 17, 1993
(Date)

July 1, 1993
(Date)

This Host Agency is a governmental agency.

This Host Agency is a certified non-profit agency under 501 (c) (3) of the Internal Revenue Code. A copy of that certification is _____ attached, or _____ on file with Sponsor Agency.

Item No. 14c Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, on December 1, 1992, a fire caused damage to the Town-owned Sewer Maintenance Garage at 171 Central Boulevard in the Town, and

WHEREAS, the Town had fire insurance for such building through St. Paul Fire & Marine Insurance Company, and

WHEREAS, St. Paul Fire & Marine Insurance Company has submitted forms to the Town to approve the second advance payment on this matter of \$135,425.28, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the following referenced documents with respect to this claim:

1. Sworn Statement in Proof of Loss
2. Statement as to Full Cost of Repair or Replacement
3. Subrogation Receipt

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 15 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Edward Moskwal	8/06/93
<u>DEPARTMENT OF SENIOR SERVICES</u>	
Winifred Mongiovi	Immediately
Ferdinand S. Mazurek	Immediately
<u>POLICE DEPARTMENT - Traffic Maintenance Division</u>	
Thomas Bollman	Immediately
Thomas Hudy	Immediately
Thomas Nowak	Immediately

Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

and the amended resolution is as follows:

Item No. 15 cont'd

AMENDED

Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

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

EFFECTIVE

DEPARTMENT OF SENIOR SERVICES

Winifred Mongiovi Immediately
Ferdinand S. Mazurek Immediately

POLICE DEPARTMENT - Traffic Maintenance Division

Thomas Bollman Immediately
Thomas Hudy Immediately
Thomas Nowak Immediately

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
 Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

Item No. 16 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

BE IT RESOLVED that in order to comply with the records of the Erie County Department of Personnel, it is necessary for the Town of Cheektowaga to abolish the position of Motor Equipment Operator "B" in the Recycling Department and create a position of Light Motor Equipment Operator in said Department.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
 Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

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

WHEREAS, the Department of Youth and Recreational Services has received funding through the U.S. Department of Health and Human Services (grant #1H86SP04160) to establish the Cheektowaga Action Partnership, and

WHEREAS, grant provides funding for the establishment of a Public Relations Assistant position pending jurisdictional classification by the Erie County Department of Personnel, NOW, THEREFORE, BE IT

RESOLVED, that the position of Public Relations Assistant is hereby created in the Youth & Recreational Services Department.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
 Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

Item No. 17b Motion by Supervisor Gabryszak

BE IT RESOLVED that the position of Traffic Maintenance Worker be and hereby is created in the Police Department - Traffic Maintenance Division.

Item No. 17b cont'd

Motion by Councilman Johnson, Seconded by Supervisor Gabryszak to table the above item and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 18 Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted Local Law No. 1 of the Year 1993 entitled "A Local Law Establishing a Board of Ethics", and

WHEREAS, Section IV of such Local Law calls for a Board of Ethics to be appointed to receive and review the filing of statements of financial disclosure by Town officers and employees, and

WHEREAS, this Board has received applications and conducted interviews for such Board of Ethics, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed as members of the Board of Ethics, effective immediately, to serve for the following referenced terms:

<u>Member Appointed</u>	<u>Term Expires</u>
Laree Zierk Cheektowaga, NY 14225	August 15, 1994
Donald LeBarron Cheektowaga, NY 14225	August 15, 1995
Florian Saskowski Depew, NY 14043	August 15, 1996
Diane Koczon Cheektowaga, NY 14225	August 15, 1997
Elaine Rosenthal Cheektowaga, NY 14225	August 15, 1998

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 19a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the 3rd Annual East Coast Conference on Community Policing is being held in Richmond, Virginia on September 12th - 16th, 1993 and is being jointly sponsored by the Richmond Police Department, Baltimore County Police Department and the Newport News Police Department, and

Item No. 19a cont'd

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Lt. Christine Ziemba to this conference which will cover such topics as Training, Measuring the Impact of Community Policing: Assessing Agency Performance and Individual Officer Performance, and Developing a Community Policing Partnership. The Police Department will be responsible for registration, airfare, lodging, and meals, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Lt. Ziemba to this training conference, and that the time she spends at this conference be authorized as normal duty time. The expenses will be charged to line 0100-3120-4006.

Motion by Councilman Wielinski, Seconded by Councilman Johnson to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

AMENDED

Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the 3rd Annual East Coast Conference on Community Policing is being held in Richmond, Virginia on September 12th - 16th, 1993 and is being jointly sponsored by the Richmond Police Department, Baltimore County Police Department and the Newport News Police Department, and

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Lt. Christine Ziemba to this conference which will cover such topics as Training, Measuring the Impact of Community Policing: Assessing Agency Performance and Individual Officer Performance, and Developing a Community Policing Partnership. The Police Department will be responsible for registration, airfare, lodging, and meals, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Lt. Ziemba to this training conference, and that the time she spends at this conference be authorized as normal duty time. The expenses, not to exceed \$1000.00, will be charged to line 0100-3120-4006.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 19b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the New York State Division of Criminal Justice Services will be hosting a New York State Accreditation and Police Professionalism Training Conference September 22 and 23, 1993 in Binghamton, New York, and

WHEREAS, Chief Bruce Chamberlin in requesting authorization to send Sgt. John Glascott and Accreditation Officer Thomas Dryja to this training conference. The Police Department will be responsible for registration, lodging, meals, gasoline and tolls approximately amounting to \$500.00. A Town vehicle will be used for transportation to and from this training conference, NOW, THEREFORE, BE IT

Item No. 19b cont'd

RESOLVED, that Chief Chamberlin is authorized to send Sgr. Glascott and Officer Dryja to this training conference and that the time they spend at this training be authorized as normal duty time. The expense will be charged to line 0100-3120-4085.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 20 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Town of Cheektowaga and the New York State Officer of Parks, Recreation and Historic Preservation, in accordance with the provisions set forth by the Land and Water Conservation Fund, have previously entered into an agreement relating to the funding improvements in Cheektowaga Town Park, and

WHEREAS, Architectural and Engineering services are required for the preparation of plans and specifications, bid and contract documents, and site inspection, and

WHEREAS, Darryl L. Jones, Registered Landscape architect has submitted a proposal to provide professional services, related design, plans and specifications, bid and contract documents and site inspections related to Improvements to Cheektowaga Town Park, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Darryl L. Jones, Registered Landscape Architect to perform professional services for improvements to Cheektowaga Town Park Project at a fee of \$22,260, and BE IT FURTHER

RESOLVED, that funds for payment of the aforesaid professional services are available from Capital Improvement Account #5309-9110-0046.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 21 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

to dispense with the reading of the names in the following resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED that the following recreational fees be established effective September 1, 1993 for the 1993-94 Fall/Winter Season:

HOCKEY - 1993-94 FEES

	<u>RESIDENT*</u>	<u>NON-RESIDENT</u>
NOTICE/CROSS RINK	\$120	\$170

Item No. 21 cont'd

	<u>RESIDENT</u>		<u>NON-RESIDENT</u>	
	<u>HOUSE LEAGUE</u>	<u>TRAVEL</u>	<u>HOUSE LEAGUE</u>	<u>TRAVEL</u>
MITE (7/1/84 to 6/30/86)	\$215	\$235	\$315	\$335
SQUIRT (7/1/82 to 6/30/84)	\$235	\$255	\$335	\$355
PEE WEE (7/1/80 to 6/30/82)	\$255	\$275	\$355	\$375
BANTAM (7/1/78 to 6/30/80)	\$280	\$300	\$380	\$400
MIDGET (7/1/75 to 6/30/78)	N/A	\$240	N/A	\$340

--2nd child enrolled from family \$25.00 reduction
 --3rd child enrolled from family \$50.00 reduction
 --1993-94 Try-out fee - \$5.00

*Residence is defined as per Local Law No. 1 of the Year 1988, which states:
 RESIDENCY -- The actual domicile of an individual, which he or she actually physically uses or occupies for living purposes, that is, where he or she normally eats, sleeps and maintains usual personal and household effects."

ICE RENTAL PER HOUR

\$100.00 Prime Time
 \$ 70.00 Non Prime Time

<u>PUBLIC SKATE</u>	<u>RESIDENT</u>	<u>GUEST</u>
\$1.00 Children 15 & Under	\$1.00	\$2.00
\$2.00 Adults 16 & Up	\$2.00	\$4.00
Senior Citizens	\$1.00	\$2.00

PRE-K - RESIDENT (Priority Registration)

One Day Per Week Class - \$109 per Session
 (Installment Payment plan - \$62 at time of registration and
 \$62 payable in January)

Two Days Per Week Class - \$199 per Session
 (Installment Payment plan - \$107 at time of registration and
 \$107 payable in January)

NON-RESIDENTS (Placed on waiting list)

One Day Per Week Class - \$159 per Session
 (Installment payment plan - \$ 87.00 at time of registration and
 \$87.00 payable in January)

Two Day Per Week Class - \$249 per Session
 (Installment payment plan - \$132.00 at time of registration and
 \$132.00 payable in January)

Other fees and charges for special events, contests, field trips or special programs to be established by the Director of the Department of Youth and Recreational Services on a cost effective basis.

Item No. 21 cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 22 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM:	0100-1430-4001	Office Supplies - Employee Relations	\$ 130.00
	0100-7310-1803	Adapted Recreation	3,000.00
	0100-7140-1648	Arts & Crafts Salaries - Youth & Rec	4,000.00
	0100-7310-1812	YCC Participants - Youth & Rec	5,500.00
	0100-7140-1648	Arts & Crafts Salaries - Youth & Rec	650.00
	0100-7140-1648	Arts & Crafts Salaries - Youth & Rec	500.00
	0100-7140-1648	Arts & Crafts Salaries - Youth & Rec	1,000.00
	0100-7410-4451	Buildings & Grounds Maintenance - Library	252.48
	0100-1110-1391	Part-time clerk - Justice	4,400.00
TO:	0100-1430-1391	Part time clerical - Employee Relations	\$ 130.00
	0100-7310-1802	Day Camp - Youth & Rec	3,000.00
	0100-7310-1802	Day Camp - Youth & Rec	4,000.00
	0100-7310-1810	Summer Day Camp - Youth & Rec	5,500.00
	0100-7140-1633	Softball - Youth & Rec	650.00
	0100-7140-1625	Lacrosse - Youth & Rec	500.00
	0100-7310-4001	Office Supplies - Youth & Rec	1,000.00
	0100-7410-4439	Heating & Air Conditioning - Library	252.48
	0100-1110-1371	Clerk-Justice	4,400.00

SPECIAL DISTRICTS

FROM:	7599-1910-1799	Appropriated Fund Balance W.D.#9	5,000.00
TO:	7500-8349-4340	Hydrant Maintenance W.D.#9	5,000.00

CAPITAL PROJECTS

FROM:	5309-7110-4891	Town Park Improvements Grant	38,757.00
TO:	5309-7110-0047	Town Park Improvements Grant - Architectural Fees	38,757.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 23 Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to August 13, 1993 are hereby approved and made a part hereof:

GENERAL FUND	\$2,201,346.04
HIGHWAY FUND	585,882.18
TRUST & AGENCY FUND	30,992.94
CDBG HUD FUND	16,833.42
PART TOWN FUND	27,993.33
RISK RETENTION FUND	89,234.98
DEBT SERVICE FUND	694,878.00

Item No. 23 cont'd

SPECIAL DISTRICTS FUND	1,775.361.77
HUD HOUSING REHABILITATION FUND	31,618.00
CAPITAL FUND	195,224.80
	<u>\$5,649,375.46</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

III. DEPARTMENTAL COMMUNICATIONS

Item No. 24a Minutes of Cheektowaga Planning Board Meeting - July 8, 1993
Received and Filed.

Item No. 24b Minutes of Cheektowaga Traffic Safety Commission - July 20, 1993
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 25a Notice of Claim - Kenneth J. Smith vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James
Kirisits, Town Attorney; Joan Meyers, Supervisor's Office;
Sanitation Department; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 25b Notice of Claim - David Hutchinson vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James
Kirisits, Town Attorney; Joan Meyers, Supervisor's Office;
Police Department; ALLIED CLAIMS, Insurance Carrier.
Received and Filed.

Item No. 26 Petition Regarding Cheektowaga Municipal Golf Course
Received and Filed.

Item No. 27 Objections to Petition Regarding Cheektowaga Municipal Golf Course
Received and Filed.

Item No. 28 Show Cause Order and Petition Regarding Cheektowaga Municipal Golf
Course
Received and Filed.

V. SUSPENSION OF RULES

Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski
to suspend the rules to include the following items.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 29 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Town of Cheektowaga previously purchased Theft, Disappearance and Destruction insurance, and

WHEREAS, it is necessary to increase the limits of this insurance coverage during tax collection periods, NOW, THEREFORE, BE IT

RESOLVED, that the Town accepts a quotation from its Crime insurer, Fidelity & Deposit Company of Maryland, to increase the limits of Theft, Disappearance and Destruction Coverage to \$250,000 from September 15 to October 1 each year, and to \$500,000 from October 1 to October 18 each year, at a proposed additional premium of \$74 payable to Joseph J. Naples and Associates.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 30 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, a feasibility study prepared for the Town shows that a permanent full-service library is warranted in the southeast section of the Town, and

WHEREAS, the Town of Cheektowaga owns land on Losson Road near Borden Road, which land was donated to the Town by Victor Reinstein for use for library purposes, and

WHEREAS, this Town Board wishes to proceed with having new architectural plans prepared for the Losson Road Library (to be known as the Julia Boyer Reinstein Library), and

WHEREAS, Foit-Albert Associates has proposed to provide architectural and engineering services with respect to the proposed Losson Road Library (including new design work, preparation of construction documents, bid award work and construction supervision), as per the terms of the attached letter dated August 12, 1993, for a total cost of \$117,000.00, and

WHEREAS, Foit-Albert Associates has had experience with designing library buildings and has performed some work for the Town in the past, NOW, THEREFORE, BE IT

RESOLVED, that Foit-Albert Associates be and hereby is retained by this Town Board to review and redesign plans for the proposed Losson Road Library (to be named Julia Boyer Reinstein Library) as per the terms of the attached letter, at a cost not to exceed \$117,000.00, and BE IT FURTHER

RESOLVED, that moneys for such services shall be appropriated from budget line item number 5112-7410-9119.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

Foit-Albert Associates
Architects and Engineers, P.C.

763 Main Street
Buffalo, New York 14203

Tel 716-856-3933
Fax 716-856-3961

August 12, 1993

Mrs. Elaine Mahaney, Director
Anna M. Reinstein Library
2580 Harlem Road
Cheektowaga, New York 14225

Re: Julia B. Reinstein Library
Town of Cheektowaga
Professional Design Services

Dear Mrs. Mahaney:

We are pleased to assist you by providing Architectural and Engineering Services in the design of your new Julia B. Reinstein Library facility. We have become familiar with the needs of the Cheektowaga library system through our work with you on the expansion of the Anna M. Reinstein Library.

Architectural work will be performed by Foit-Albert Associates and our professional and support staff of 75 personnel. We are a multi-discipline architectural firm with a high concentration of special population design and construction administration experience. The firm is headed by Beverly Foit-Albert who is an Associate Professor in the School of Architectural and Planning at the State University of Buffalo. The firm is capable of design for all user populations including handicapped persons. The firm also has specialized building programming capabilities. The firm and its predecessor firm, Foit and Baschnagel, have a well established reputation for design of municipal buildings in Buffalo, Cheektowaga, Silver Creek, and Springville.

Foit-Albert Associates, Architects and Engineers, P.C., is a firm which has also built or renovated several public libraries in the Western New York area. We also have extensive experience with other public buildings, such as schools, post offices, and athletic facilities. The firm's professionals excel at gaining community input and support for a project, especially during the crucial beginning stage.

Several years ago, when I was a designer for Foit and Baschnagel, I designed the original Anna M. Reinstein Cheektowaga Memorial Library, and assisted my father Franklin Foit in the design of the North Branch and South Branch libraries. I was fortunate to be able to work with Julia

President
Beverly Foit-Albert, Ph.D., R.A.

Vice Presidents:
Lloyd L. Conable, P.E.
Robert W. Surra, R.A.
Warren N. Wittek, A.I.A.

Associate
Kevin J. Brennan, R.A.

Mrs. Elaine Mahaney

August 12, 1993

Page 2

Reinstein and am personally delighted to be able to be of service to her, the Library Board and the Town of Cheektowaga for the new library.


We will review the existing plans and sketches for the proposed library on Losson Road, done some years ago, with the intention of utilizing the site for appropriate parking, entrance walks and drives, landscaping, utilities and building placement. We also propose to review the current library requirements for space for reading room(s), circulation desk, offices, work room, mechanical space, etc. to accommodate the number of library users to be served, staff and the number of volumes to be shelved. We will also review the plans and make revisions for handicapped accessibility requirements according to the American Disabilities Act and the New York State Uniform Building and Fire Prevention Code, energy code requirements and concerns and the Town zoning ordinance.

The attached Project Design Issues sheet lists those concerns.

Please contact me when I can be of assistance to you in expediting the library project.

Sincerely,

FOIT-ALBERT ASSOCIATES, ARCHITECTS AND ENGINEERS, P.C.



Beverly Foit-Albert, R.A.

President

BFA:cs

PROJECT DESIGN ISSUES

NEW LIBRARY FOR THE TOWN OF CHEE

SITE CONSIDERATIONS	FUNCTIONAL CONSIDERATIONS
Adequacy of Parking Prominence & Visibility of Site Access by Pedestrians Space for Service and Expansion Site Development Costs Availability of Utilities	Flexibility Operation Minimal Staffing Ease of Supervision Allowances for Accessory Use Allowances for Peak Activity Design for Special Users Natural Lighting Efficient Work Space Storage Space Adequate Expansion Space

Item No. 31 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Town Highway Department wishes to dispose of a number of Highway Department vehicles and equipment no longer needed for Town use, all as listed on the attached sheets, and

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York, and

WHEREAS, Roy Teitsworth, Inc., Professional Auctioneers, will be holding a Municipal Surplus Equipment Auction on Saturday, October 9, 1993 at the Erie County Fairgrounds in Hamburg, New York, and

WHEREAS, the Erie County Association of Town Superintendents of Highways is sponsoring this auction, and

WHEREAS, the Town Superintendent of Highways has recommended that the Town approve the auction of the vehicles and equipment listed on the attached sheets through the above mentioned auction, and

WHEREAS, Roy Teitsworth, Inc. will charge the Town a 10% commission for selling these vehicles and equipment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Roy Teitsworth, Inc., Barber Hill Road, Groveland, P.O., Geneseo, N.Y. 14454, as per the attached Assignment Contract, to conduct a sale of the surplus Town Highway Department vehicles and equipment listed on the attached sheets, at a public sale to the highest bidder on October 9, 1993, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Assignment Contract and any and all documents which may be required to effectuate the sale and transfer of all said vehicles and equipment.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

Roy Teitsworth, Inc.

PROFESSIONAL AUCTIONEERS

APPRAISALS
EQUIPMENT AUCTIONS
BUY - SELL
RENTALS



MEMBER NATIONAL
AND N.Y.S. AUCTIONEER
ASSOCIATION

Bob Spraea
Chris Kowal 686-3450

CONSIGNMENT CONTRACT
AUCTIONEERS
COL. ROY G. TEITSWORTH
COL. MILO I. TURNER

6502 BARBER HILL ROAD
GROVELAND
P.O. GENESEO, N.Y. 14454
716-243-1563 FAX 716-243-3311

LOT _____
DATE 10/9/93
AUCTION Hamburg

Consignors Name Town of Cheektowaga
Address 3145 Union Rd.
Cheektowaga NY 14227

It is hereby stated by the consignor that he or she is the legal owner, or that he or she has been authorized to sell and dispose of the items which have been consigned to this auction to be sold to the highest bidder on 10% commission. It is agreed that the consignee is not responsible for the loss of any item due to Fire, Theft or Damage.

The consignor states that the items involved are free from any mortgage, lien or any other encumbrance. It is agreed that all consignors are to be paid promptly, and any item which will not be disposed of if it is not picked up at once by the consignor.

The seller hereby agrees to turn over and deliver to the auctioneers, to be sold at public auction the items listed below and on the reverse side and attached sheets. No item will be sold or withdrawn from the sale prior to the auction except by mutual agreement between seller and auctioneer. If item is sold or withdrawn auctioneer shall receive full commission on the item. In the event a buyer fails to make settlement, the auctioneer shall be held harmless and the item will resort back to the seller.

TOTAL SALE		
COMMISSION		
TOTAL		
LESS		
PAY THIS AMOUNT		
PAID IN FULL X		

Signature of Consignor X [Signature] Consignee _____
Items Consigned _____

All items will be delivered to Auction Site by _____

- 1974 Ford tractor w/ Triumph Blott Mower
 - 1969 Bradall G660
 - 1974 Balon Asphalt Roller 8 to 12 ton
 - 1963 Miller Trailer 14' dock
 - 1986 GMC Crew Cab
 - 1986 GMC Crew Cab
 - 1977 Clark Austin Western Grader
 - 1979 Tanco High Speed (onway) plow
 - Frank V plow
 - Viking V plow
 - Viking V plow
- Sign and return white and yellow copies to _____
own office

AUCTION LIST

1. 1974 Ford tractor with a Triumph/Mott (Under-the-Guardrail) 26 inch mower.
VIN.: C432292
Model: 2000
Highway vehicle #: 48
Engine: Ford 3 cylinder gasoline

2. 1969 Gradall G-660 by Warner Swasey
VIN.: NP147502
Truck Model: G-426-66
Highway vehicle #: 53
Front Engine: Detroit 4L-71, 4 cylinder diesel
Rear Engine: Minneapolis Moline 403-4A, 6 cylinder diesel

3. 1974 Gallion Asphalt Roller, 8 to 12 Ton
VIN.: TH812G56876
Model: TH8-12, Roll-O-Static
Highway vehicle #: 45
Engine: International UB-264

4. 1963 Miller Trailer with 14 feet long deck.
VIN.: 5596
Model: Tilttop
Highway vehicle #: 82

5. 1986 GMC Crew Cab pick-up, 4 door
VIN.: 1GTGC33MOGS512488
Model: Sierra 3500, 1 Ton
Highway vehicle #: 61
Engine: 5.7 Liter V-8
Transmission: 4 speed manual shift

6. 1986 GMC Crew Cab pick-up, 4 door
VIN.: 1GTGC33M3GS512520
Model: Sierra 3500, 1 Ton
Highway vehicle #: 62
Engine: 5.7 Liter V-8
Transmission: 4 speed manual shift

7. 1977 Clark/Austin Western power shift Grader
VIN.: 614A041
Model: Pacer P-301
Highway vehicle #: Grader 3
Engine: Detroit 4-71, 4 cylinder diesel
8. 1979 Tenco high speed (Oneway) snow plow with 9 feet
clearing width.
Model: TC-96-D
Highway #: H3
Push pin centers: 31 inches
9. Frink 'V' type snow plow with 9 feet clearing width
and Tor-Lok type hitch.
Serial #: 459S-95L9
Highway #: 27
10. Viking 'V' type snow plow with 9 feet clearing width.
(no push arms included)
Highway #: 44
11. Viking 'V' type snow plow with 9 feet clearing width
and Tor-Lok type hitch.
Highway #: 80

Item No. 32 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, a 1992 high velocity sewer cleaner was purchased for the Sewer Maintenance Department through the competitive bidding process, and

WHEREAS, said high velocity sewer cleaner developed a leak in its 1,000 gallon epoxy coated water tank, which repair needs to be made under the vendor's warranty at their factory, NOW, THEREFORE, BE IT

RESOLVED, that the Sewer Maintenance Department is hereby authorized to make arrangements with Sreco Flexible Sewer Rodding Equipment Company of 3434 South Dixie Highway, Lima, Ohio 45804 to pick up said high velocity sewer cleaner for factory repairs and return said sewer cleaner to the Sewer Maintenance Department under completion of repairs.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

Item No. 33 Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, Broad Spectrum Concrete Specialists, Inc. of 115 South Avenue, West Seneca, New York 14224 was awarded the contract for the completion of the Walden Neighborhood Improvements Program, and

WHEREAS, the Town Community Development Director and the Town's project consultant, Stuart Alexander and Associates have recommended additional quantities of trees and concrete in order to further enhance the project and be responsive to the concerns of Walden Avenue property owners, and

WHEREAS, Change Order No. 1 is attached and itemizes the additional work deemed appropriate for the project at a cost cost of \$13,797.60, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby directed and authorized to sign said Change Order No. 1, the cost of which is chargeable to the Community Development Block Grant budget for the Walden Neighborhood Improvements Program.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA
CHANGE ORDER AUTHORIZATION

DATE: 8/16/93

CONTRACT DATE 8/3/93 CONTRACT AWARD PRICE \$76,355

CHANGE ORDER NO. 1 ADD OR SUBTRACT Add

COMMUNITY NAME Walden Avenue Revitalization

COMMUNITY ADDRESS Walden Avenue

CONTRACTORS NAME Broad Spectrum Concrete Specialists, Inc.

CONTRACTORS ADDRESS 115 South Avenue, West Seneca, NY 14224

DESCRIPTION OF CHANGE TO CONTRACT OR EXTRA WORK :

Item 4: Add 13 (thirteen) additional trees	\$2730.00
Item 3b: Add 14 (fourteen) tree guards	3087.00
Item 3a: Add 7 (seven) tree grates	3439.80
Item 2: Add 860 sq. ft of concrete	4540.80
	<u>\$13,797.60</u>

REASONS FOR CHANGE OR EXTRA WORK:

To enhance the effectiveness of the project and be responsive to concerns of Walden Avenue property owners.

CONTRACT TIME CHANGE: (1) No Effect - (2) Change No effect
Date of completion

ITEMIZATION OF CONTRACTOR'S PROPOSAL ON THIS CHANGE:

REFER TO EXHIBIT A - PRICE
EXHIBIT B - LOCATION

APPROVALS:

SUPERVISOR <u>X [Signature]</u>	DATE <u>8/17/93</u>
CONTRACTOR <u>[Signature]</u>	DATE <u>8/24/93</u>
TITLE <u>FIELD ENGINEER</u>	DATE <u>8/24/93</u>

TOWN OF CHEEKTOWAGA
PRICE ORDER AUTHORIZATION
PRICE BREAKDOWN - EXHIBIT A

DATE 8/16/93

JOB NAME Walden Avenue Revitalization JOB NUMBER 1

CONTRACTOR Broad Spectrum Concrete Specialists, Inc.

ADDRESS 115 South Avenue, West Seneca, NY 14225

CHANGE ORDER NUMBER 1

You are hereby authorized to perform the following specifically described additional work:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>TOTAL</u>
4: Trees	13 (11 Bradford; 2 Locust)	\$210/each	\$2,730.00
3B: Tree Guards	14 (Style "A" by Neenah)	220.50/each	3,087.00
3a: Tree Grates	7 #8726 by Neenah	491.40/each	3,439.80
2: Patterned Concrete	860 sq. ft. 4" cobblestone, red clay with black antique	5.28/sq. ft.	4,540.80

ADDITIONAL CHARGE FOR ABOVE WORK IS : \$13,797.60

PAYMENT WILL BE MADE AS FOLLOWS; upon completion

Above additional work to be performed under same conditions as specified in original contract unless otherwise stipulated.

DATE 8/17/93 AUTHORIZING SIGNATURE [Signature]
Supervisor

We hereby agree to furnish labor and materials - complete in accordance with the above specifications at above stated price.

AUTHORIZED SIGNATURE [Signature] DATE 8/24/93
Contractor Signs Here

TITLE Field Engineer

Item No. 34 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for Storm Districts 2,4,5 and 6 Rehabilitation Project, which bids were duly received and publicly opened on August 13, 1993, and

WHEREAS, bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter from the Town Engineer to the Town Board dated August 16, 1993, and

WHEREAS, said report recommends that the bid be awarded to Mar-Wal Construction Company, Inc for the total bid price of \$96,725.00, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Storm Districts 2,4,5 and 6 Rehabilitation Project be and hereby is awarded to Mar-Wal Construction Company, Inc., the lowest responsible bidder meeting the requirements of the specifications at a total bid price of \$96,725.00, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign said agreement with Mar-Wal Construction Company, Inc., and BE IT FURTHER

RESOLVED, that funding for this construction project shall be charged to Storm Districts 2,4,5 and 6 Rehabilitation Project as follows:

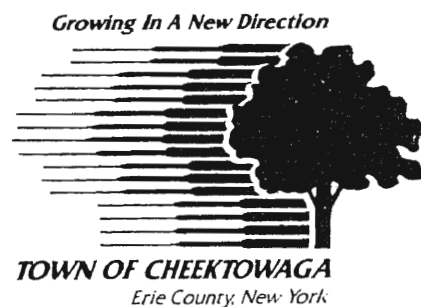
4200-8142-4432
4400-8144-4432
4500-8145-4432
4600-8146-4432

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



August 16, 1993

TO SUPERVISOR GABRYSZAK
AND TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Award of Bid
Storm Rehabilitation Project
Districts 2-4-5-6

Gentlemen:

At a public bid opening on August 13, 1993 bids were received and opened for the Storm Rehabilitation Project Districts 2-4-5-6. Five (5) bids were received and are as follows:

<u>Bidders</u>	<u>Total Bid</u>
Mar-Wal	\$ 96,725.00
Passucci	121,025.00*
Danco Construction	133,950.00
Anastasi Trucking	135,920.00
Hartford Paving	158,030.00
*corrected total	

Bids were reviewed by the Cheektowaga Engineering Department, and it is, therefore, recommended that the bid be awarded to Mar-Wal Construction Co., Inc. for their submission of the lowest bid, in the amount of \$96,725.00, meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski
Principal Engineer Asst.

ABB:dms

MEETING NO. 17
August 16, 1993

Item No. 35 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 21 October 4, 1993

- 1 Rezoning of property located at 5 Old Union Road from M1-Light Manufacturing District to MS-Motor Services District

PUBLIC HEARINGS

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Meeting No. 21 October 4, 1993

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	i. The Price Co.	27
	j. N.Y.S. Electric & Gas	27
	k. Bridgestone/Firestone	28
	l. Flanigan's Furniture Showroom	28
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Meeting No. 21 October 4, 1993

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3	Establish date of Registration for special election	7-8

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 7th day of September, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Salvatore LaGreca, Chairman, Planning Board; Chester Bryan, Town Engineer; Greg Joos, Personnel Director; John Schaller, Assistant Chief of Police; Ron Marten, Building and Plumbing Inspector; Pat Wojcik, Director of Senior Services.

I. PUBLIC HEARINGS

Item No. 2 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-10 of the traffic ordinance shall be amended by deleting therefrom the following:

B. No parking anytime

RUSHFORD LANE west side from the north lot line of No. 38 southerly to the north curblineline of Hillpine Road.

Section 76-10 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

RUSHFORD LANE west side from the north curblineline of Butternut Road extended southerly to the north curblineline of Hillpine Road

WEDGEWOOD DRIVE west side from the north curblineline of Castlewood Drive to the south curblineline of Losson Road

ARTHUR STREET west side from the south curblineline of Genesee Street southerly a distance of 200 feet \pm to a point

Item No. 2 cont'd

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. FROM THE TABLE

Item No. 3 Create position of Traffic Maintenance Worker in Police Department/Traffic Maintenance Division
This item was withdrawn.

III. RESOLUTIONS

Item No. 4 Decision on Rezoning - Como Park Boulevard near Hawthorne
This item was withdrawn.

Item No. 5a 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 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 AM and 3:30 PM, 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 AM on September 17, 1993 in the Council Chambers of the Town of Cheektowaga.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TIRES AND TUBES for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on September 17, 1993 at 11:00 AM.

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. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR TIRES".

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

Date: September 7, 1993

Published: September 9, 1993

* * * * *

Item No. 5a cont'd

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

.....Melissa Gugliuzza....., 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 9, 1993..... ;
 last publication.....September 9, 1993..... ;
 and that no more than six days intervened be-
 tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....
 day ofSeptember....., 19⁹³.....

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 12/11/93

LEGAL NOTICE
 TOWN OF CHEEKTOWAGA
 HIGHWAY DEPARTMENT

LEGAL NOTICE TO BID-
 DERS

NOTICE IS HEREBY GIVEN, that
 the Town of Cheektowaga Highway
 Department will receive proposals for
 the purchase of TIRES AND TUBES
 for use by various departments in the
 Town of Cheektowaga at a public bid
 opening to be held in the Council
 Chambers at the Cheektowaga Town
 Hall on September 17, 1993 at 11:00
 AM.

Information for bidders and specifi-
 cations may be obtained from the
 Office of Christopher J. Kowal, Super-
 intendent of Highways, at his office
 located at 3145 Union Road, Cheek-
 towaga, NY. Bids must be enclosed in
 an opaque envelope plainly marked
 "BIDS FOR TIRES".

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

DATE: September 7, 1993

PUBLISH: September 9, 1993

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

.....Melissa Gugliuzza....., 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 9, 1993..... ;
 last publication..... September 9, 1993..... ;
 and that no more than six days intervened be-
 tween publications.

Melissa Gugliuzza

Sworn to before me this^{9th}.....

day of September....., 19⁹³.....

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 12/11/9³

LEGAL NOTICE
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO BID-
DERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TIRES AND TUBES for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on September 17, 1993 at 11:00 AM.

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. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR TIRES".

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

DATE: September 7, 1993
 PUBLISH: September 9, 1993

Item No. 5b Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, it is in order that bids be advertised for the printing of a Town-wide Resource & Referral Directory for the Cheektowaga Action Partnership, and

WHEREAS, funds are available in Accounts 0100-7320-4000 and 0100-7310-4688, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish the attached Notice to Bidders for the printing of said Resource & Referral Directory, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on the 28th day of September, 1993 at 11:00 a.m., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on September 28th, 1993 at 11:00 a.m., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the printing of a Town-wide Resource and Referral Directory for the Cheektowaga Action Partnership.

Information for bidders and specifications may be obtained from the Cheektowaga Action Partnership at their office located at 275 Alexander Avenue, Cheektowaga, New York.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any and all bids.

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

RICHARD M. MOLESKI
Town Clerk

Dated: September 7, 1993

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

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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 9, 1993 ;
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Information for bidders and specification may be obtained from the Cheektowaga Action Partnership at their office located at 275 Alexander Avenue, Cheektowaga, New York.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
Town Clerk

Dated: September 7, 1993

PUBLISH: September 9, 1993.

Melissa Gugliuzza

Sworn to before me this 9th

day of September , 19⁹³

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 12/11/93

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 COUNTY OF ERIE
 TOWN OF CHEEKTOWAGA } ss.

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Information for bidders and specification may be obtained from the Cheektowaga Action Partnership at their office located at 275 Alexander Avenue, Cheektowaga, New York.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any and all bids.

By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
 Town Clerk

Dated: September 7, 1993
 PUBLISH: September 9, 1993

Item No. 5c Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Town is in need of a van to be used by the Senior Services Department to transport senior citizens to doctors, shopping, etc., and

WHEREAS, State Assemblyman Paul A. Tokasz has provided local initiative funding to the Town in the amount of \$20,000 to purchase such a van, and the paperwork is being processed at present, and

WHEREAS, bid specifications for such van 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 BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is designated as the official to open bids for such van on September 17, 1993 at 11:00 in the Town Hall Council Chambers.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of one (1) New and Unused 1993-94 Van for use by the Senior Services Department.

Plans and specifications may be obtained from the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York during regular business hours.

The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VAN FOR SENIOR SERVICES DEPARTMENT" and be delivered to the Town Clerk's Office on or before September 17, 1993 at 11:00 A.M.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on September 17, 1993 at 11:00 A.M.

The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.

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

Dated: September 7, 1993

RICHARD M. MOLESKI
Town Clerk

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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MARGARET J. BOURDETTE
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 MY COMMISSION EXPIRES 12/11/9 7

LEGAL NOTICE
 NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of one (1) New and Unused 1993 or 1994 Van for use by the Senior Services Department. Plans and specifications may be obtained from the Town Clerk's Office, Town Hall, Broadway and Union Road, Cheektowaga, New York during regular business hours. The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VAN FOR SENIOR SERVICES DEPARTMENT" and be delivered to the Town Clerk's Office on or before September 17, 1993 at 11:00 A.M. Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on September 17, 1993 at 11:00 A.M. The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town. BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK. Dated: September 7, 1993 RICHARD M. MOLESKI Town Clerk PUBLISH: September 9, 1993

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

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LEGAL NOTICE

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The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VAN FOR SENIOR SERVICES DEPARTMENT" and be delivered to the Town Clerk's Office on or before September 17, 1993 at 11:00 A.M.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on September 17, 1993 at 11:00 A.M.

The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.

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

Dated: September 7, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 9, 1993

Item No. 6 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, on or about the 9th day of July, 1990, Ann L. Ross caused a notice of claim to be served upon the Town of Cheektowaga on account of personal injuries allegedly sustained by her when she, the complainant, while walking to her car, stepped into the depressed area of a manhole cover, fell and injured her knee, and

WHEREAS, on or about the 21st day of May, 1991, a summons and complaint on the aforesaid claim was served upon the Town, and

WHEREAS, the aforesaid lawsuit has been defended by attorneys for the Town under its self-insured liability claims program, and

WHEREAS, the said attorneys for the Town have recommended the settlement of such lawsuit by the payment of the sum of \$25,000, NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$25,000.00 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, if required, of the court wherein such lawsuit is pending, and BE IT FURTHER

RESOLVED, that attorneys from the law firm of Grosse, Chelus & Herdzik, P.C., be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 7 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, on or about November 4, 1992, a town police car was damaged in a collision with a vehicle registered to Susan C. Tanner, but operated by John A. Tanner, and

WHEREAS, Allied Claim Services, Inc., the Town's Liability Claims Administrator, has investigated the aforesaid accident; and based upon such investigation, has recommended that the Town accept the sum of \$3,902.74 in settlement of the property damage sustained by police car #3, NOW, THEREFORE, BE IT

RESOLVED, that the Town's claim for property damage sustained by reason of the negligence of John A. Tanner and Susan C. Tanner be and the same is hereby settled and compromised upon receipt by the Town of the sum of \$3,902.74, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is authorized to sign any and all papers deemed necessary to effectuate such settlement and compromise.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8a Motion by Councilman Johnson, Seconded by Supervisor Gabryszak to have the following resolution seconded unanimously, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 8a cont'd

Motion by Supervisor Gabryszak, Seconded by Unanimous

BE IT RESOLVED that the Supervisor, on behalf of this Town Board, be and hereby is authorized to sign the attached collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club, Inc. for the years 1993-95.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

40

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 \$925.00 for the year 1993, for the purchase, maintenance and cleaning of police clothing, uniforms and equipment. This sum will be \$975.00 for the year 1994 and \$1025.00 for the year 1995.

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, 1993	JAN. 1, 1994	JAN. 1, 1995
Recruit	\$12.429 Per hr.	\$12.429 Per hr.	\$12.429 Per hr.
P.O. 1st	29,499.80	29,499.80	30,827.29
P.O. 2nd	35,851.19	35,851.19	37,464.50
P.O. 3rd	36,878.94	36,878.94	38,538.49
P.O. 4th	38,972.87	38,972.87	40,726.65
P.O. 5th	40,410.64	40,410.64	42,229.12
Detective 1st	42,045.27	42,045.27	43,937.30

Detective 2nd	42,667.96	42,667.96	44,588.02
Sergeant	43,894.78	43,894.78	45,870.05

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. Effective 1/1/95 officers regularly assigned to the afternoon shift will be paid the additional sum of \$0.55 per hour and officers regularly assigned to the midnight shift will be paid the additional sum of \$0.65 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

Effective 1/1/94 each police officer shall be paid the following, cumulative, longevity increments, each year:

After 5 years of service	\$475.00
After 10 years of service	400.00
After 15 years of service	575.00
After 20 years of service	300.00
After 25 years of service	325.00

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 COMPENSATORY 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. Effective in 1994 this option may be exercised between October 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, Criminal Justice, Teaching and Journalism.

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 \$300 .00 in 1993, \$350 .00 in 1994 and \$400.00 in 1995. 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.

SECTION 6.15 - REDEMPTION OF TIME UPON RETIREMENT OR TERMINATION

At the time of retirement or upon termination of employment, for any reason, an officer will be paid the value of all accumulated time. However, in the event termination is as a result of discharge or dismissal, there would be no payment for accumulated sick leave.

The Town will make three equal payments to the retiree over a three year period. The first payment will be made at the time the officer retires. The second and third payments will be made in February of the next 2 years following his retirement. In the event of an officers death, prior to full payment, a lump sum payment of all monies still owed, will be made to the officers estate.

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.

SECTION 8.06 - D.A.R.E. OFFICERS

The officer assigned as D.A.R.E. Coordinator, shall be paid the same rate of salary as a detective, first year.

Officers assigned to assist in the D.A.R.E. Program, as certified instructors, will be assigned in addition to, and not in lieu of, their regular assignment. Officers so assigned shall be paid at their current rate, at straight time, for the additional time. However the overtime provision will apply if the officer works over 8 hours in the D.A.R.E. Program.

SECTION 8.07 - PAYROLL OFFICER

The Town may eliminate the Payroll Officer classification upon the retirement, or a mutually agreeable re-assignment, of its current incumbent. The duties of the position shall be assigned to a non-bargaining civilian employee at the discretion of the Town.

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 in accordance with Section 6.15.

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.

An officer who has at least 15 years of service may elect to be paid the value of not more than 20 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.

A request for personal leave, on the day that a holiday is observed, (see Sec. 9.01), may be refused if it will necessitate a call-in.

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 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.

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) In accordance with Section 6.15

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 Cross and Blue Shield of W.N.Y. Health Insurance, at least equivalent to the 90-91 plan; (Select Plan), together with the following riders or their equivalent.

Major medical (unlimited), \$50 deductible; with Rider 8

Blue Cross and Blue Shield Code X; \$3.00 co-pay prescription rider; no contraceptives; with Rider 8

Blue Cross and Blue Shield, Hospital Riders 8 & 14 (Insuring dependents to age 23 years, Inpatient ReHab for Alcohol & Substance Abuse);

Blue Cross & Blue Shield Medical-Surgical Riders 8, 4, 21 & 22 (Dependants to age 23, first aid and emergency accidental coverage, mental care ambulatory care-lab, pathology)

BCS Vision Care, Option 2, with Rider 8;

Blue Shield Dental III, with Riders A, B, C, D and 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 Cross and Blue Shield Health Insurance at least equivalent to the 90-91 Plan, or comparable plan, including, unlimited Major Medical with \$50 deductible and \$3.00 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 Cross and Blue Shield Over 65 Coverage (supplemental) with \$3.00 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, for punitive and exemplary damages 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.

Effective April 1st 1994 the benefits pursuant to Section 384-e.

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

The following will become effective 1/1/94, until that time the language in the preceding contract will prevail.

For the purposes of mandated In-Service training, an officer, if necessary, may be re-assigned to the 0800-1600 shift for a maximum of five (5) days. Four (4) of these days will be consecutive, one (1) will be random. A minimum of 15 days notice will be given to an officer before reassignment. It will be the responsibility of the officer to notify the Training Sergeant of any conflict that may arise, (ex. scheduled vacation, court appearances, etc.), so rescheduling may be made if necessary.

The overtime provision of this agreement will apply to the above paragraph.

When a police officer is required to attend in-service training, other than that referred to in the above paragraph, on his off-duty time, the officer 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 of 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 police 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, 1993 (retroactively) and remain in force until December 31, 1995, 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 September 1, 1995, 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 and the Appendix listed below constitutes the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this 7 day of SEPTEMBER, 1993.


Town Supervisor


President, Cheektowaga
Police Club, Inc.

APPENDIX #1

Lag Pay

In order to allow the Town to adjust its accounting system for payroll purposes within the police department the Club and the Town agree to the following:

1. A 30 day notice will be given prior to the start of said adjustment.
2. The adjustment will be accomplished in a 5 week period.
3. During this 5 week period, for purposes of base pay, an officer will receive 32 hours pay and 8 hours of the officers accredited sick time. This will allow the Town to withhold a total of 40 hours pay.
4. The 40 hours of pay withheld by the Town, will be paid to the officer upon retirement, at the officers rate of pay at the time of retirement.

APPENDIX #2

In order to allow the Town to civilianize the duties at the front desk, the Club and the Town agree to the following:

1. No civilian will replace a police officer at the front desk prior to 1/1/94.
2. If police personnel are used as training officers, it will be accomplished in the same manner as with the civilianization of dispatch duties.
3. No police officer involved in the transition will be denied a contractual right because of the transition.
4. Police supervision will remain in charge of the front desk during the transition and after complete civilization.
5. During the transition period, if a police officer or Sergeant is replaced for manpower purposes, the replacement will be with another police officer.
6. Upon completion of civilianization, no officer, except for the supervisory position, will be required to work the front desk, except in the case of an emergency.
7. Upon completion of civilianization the Club and the Town will review those portions of the agreement that would require editing.

Item No. 8b Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Cheektowaga Action Partnership is desirous of obtaining the entertainment services of Just-In Entertainment for the Town's Haunted Forest October 18th through 21st, 1993, and

WHEREAS, funds are available for obtaining said services in line 0100-7320-4000 for \$1,050. NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute the attached agreement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

JUST-IN ENTERTAINMENT, INC.
3349 GENESEE STREET
CHEEKTOWAGA, NY 14225
(716) 633-7406

RENTAL CONTRACT

DATE: 8/26/93
NAME: CHEEKTOWAGA ACTION PARTNERSHIP
ADDRESS: 275 ALEXANDER AVE.
PHONE #1: 895-1598 PHONE #2: _____
DRIVER'S LICENSE NO.: _____
DATE EQUIPMENT TAKEN: OCTOBER 18,19,20,21 1993
DATE DUE BACK: OCTOBER 21 1993
ITEMS RENTED: (1) "BOOM BOX RADIO TRAILER"UNIT,DJ,SOUND SYS., LIGHT SHOW,DELV,SET UP/P/u

RATE PER DAY	\$ 900.00 FLAT RATE PKG. PRICE)
NO. OF DAYS	x <u>4</u>
AMOUNT	\$ 900.00
NYS TAX	+ <u>N/A</u>
TOTAL CHARGES	\$ 900.00 <i>↓ \$150.00 - PORTABLE GENERATOR = 9,050.00 g.m.</i>
DEPOSIT	- <u>450.00</u> (ALL DEPOSITS ARE NON-REFUNDABLE)
BALANCE DUE	\$ <u>450.00 ON OCT. 18 1993 MUST BE PAID IN FULL,NO EXCEPTIONS!!!</u>

JUSTIN ENTERTAINMENT WILL BE PAID NO MATTER WHAT (WEATHER, CANCELED, ETC...)

THIS IS A CONTRACT OF RENTING ONLY AND NOT SALE. THE UNDERSIGNED RENTER AGREES THAT HE HAS RENTED THE ITEM(S) HEREIN DESCRIBED UPON THE EXPRESS CONDITION THAT IT WILL AT ALL TIMES REMAIN THE PROPERTY OF JUST-IN ENTERTAINMENT, INC. THAT HE HAS EXAMINED SAID ITEM(S), FOUND IT TO BE IN GOOD CONDITION, AND WILL RETURN IT IN AS GOOD CONDITION AS WHEN HE RECEIVED IT (ORDINARY WEAR AND TEAR EXCEPTED). THAT HE WILL RETURN AT ONCE TO JUST-IN ENTERTAINMENT, INC. ANY ITEM NOT FUNCTIONING NORMALLY. THAT HE WILL PAY PROMPTLY WHEN DUE ALL CHARGES WHICH ACCRUE BECAUSE OF THIS RENTAL, INCLUDING DAMAGES TO SAID ITEM(S). IN THE EVENT THE RENTER FAILS TO RETURN SAID ITEM(S) AT THE AGREED TIME, OR FAILS TO ABIDE BY ANY OF THE OTHER TERMS OF THIS CONTRACT, JUST-IN ENTERTAINMENT, INC. MAY REPOSSESS IT WITHOUT NOTICE TO THE RENTER, AND JUST-IN ENTERTAINMENT IS HEREBY RELEASED FROM ALL CLAIMS ARISING THEREFROM. ALL CHARGES ARE BASED ON THE TIME ITEM(S) IS IN RENTERS POSSESSION WHETHER IN USE OR NOT. JUST-IN ENTERTAINMENT IS NOT RESPONSIBLE FOR ACCIDENTS OR INJURIES CAUSED DIRECTLY OR INDIRECTLY IN USE OF THE RENTED ITEM(S). IN THE EVENT OF NON-PAYMENT BY THE RENTER. THE RENTER SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED TO SECURE PAYMENT.

SIGNATURE

Dennis A. Galuszka

DATE

9/7/93

Item No. 8c Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, the State Legislature by Chapter 53 of the Laws of 1993 has appropriated the sum of \$15,000 in Local Initiative Funding for the William/Cayuga Creek Road Intersection Safety Improvement Project consisting of the installation of a traffic signal and the widening of the Cayuga Creek Road approach to the intersection from one (1) to two (2) lanes, and

WHEREAS, the New York State Department of Transportation, Project and Fiscal Management Bureau has prepared and forwarded to the Town, the attached agreement which sets forth the terms and conditions for the expenditure of the Local Initiative Funding for the aforesaid project, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Town Supervisor to execute the attached agreement and any and all other documents necessary to effectuate this funding appropriation.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 8d Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is a member of the Northeast Communities Solid Waste Management Board ("Northeast Board"), which Board was created to help reduce the cost of the removal of solid waste for various municipalities, and

WHEREAS, the Northeast Board is now dissolving and a number of municipalities are interested in forming another organization known as the Northeast-Southtowns Solid Waste Management Board ("Northeast-Southtowns Board"), and

WHEREAS, the attached Joint Municipal Agreement Creating the Northeast-Southtowns Board has been prepared and submitted to the Town for its approval, and

WHEREAS, the General Foreman of the Sanitation Department has recommended that the Town execute such agreement and become a member of the Northeast-Southtowns Board, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement creating the Northeast-Southtowns Board, and BE IT FURTHER

RESOLVED, that the Town's annual contribution to such Board, \$2,953.55, shall be appropriated from budget line item number 1500 8173 4475, and BE IT FURTHER

RESOLVED, that the following persons shall serve as representative and alternates to such Board on behalf of the Town:

Representative	David J. Kulik, Foreman Sanitation Department
Alternate	Richard B. Solecki, Chairman Sanitation Committee
Alternate	Supervisor

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of The Town Clerk

Richard M. Moleski

*Town Clerk
686-3434*

Mary F. Holtz

*1st Deputy
686-3433*

Vickie L. Dankowski

*2nd Deputy
686-3430*

Growing In A New Direction



TOWN OF CHEEKTOWAGA

Erie County, New York

This agreement has been signed by Supervisor D. Gabryszak, but must be approved and signed by all towns involved. Since the Town Board approved the Supervisor to sign said agreement and the resolution, I have made a copy of said agreement for these minutes.

If in the future, all parties approve and sign the agreement, and a copy is returned to this office, it will be so noted.

Dated: 9/9/93

DATE: 5/12/93

JOINT MUNICIPAL AGREEMENT CREATING
THE NORTHEAST - SOUTHTOWNS SOLID WASTE MANAGEMENT BOARD

This Agreement dated the _____ of 1993, is entered into by the following participating municipalities (the "Participating Municipalities")

or such of those municipalities that execute this Agreement, for the purpose of organizing and financing an inter-municipal solid waste management board pursuant to Article 5 - G of the General Municipal Law to provide for planning and engineering solutions to solid waste problems confronting the Participating Municipalities.

SECTION 1 - Introduction

- A. The Participating Municipalities can significantly reduce both harm to the environment and the cost of solid waste disposal through cooperative planning efforts associated with solid waste collection, hauling, and disposal operations, as well as the collection, hauling, processing, and marketing of source separated recyclable materials.

SECTION 2 - Terms and Conditions

- A. The Legislative Body of each of the Participating Municipalities shall designate a permanent representative and one or more alternates (as it shall see fit) to serve on the Board. In the event no permanent representative or alternate has been designated, or no designated permanent representative or alternate is able to act, the supervisor of the town, or mayor of the village or city, as the case may be, shall serve as the representative on the Board.
- B. Each member of the Board shall have one (1) vote at all meetings.
- C. In order to take action the Board shall utilize a varying quorum requirement dependent on the nature of the action. The quorum variations shall be as follows.
1. For approval of meeting minutes treasury reports, voucher payments, annual reports, and related items 33 1/3% of the voting members shall be present and approval of 51% of those in attendance shall be required.

2. For approval of budget documents, grant applications, contract authorization, other related items, plans, programs, and related items, 51% of the voting members shall be present and approval of 51% of those in attendance shall be required.
 3. For approval of capital budgets, 67% of the voting members shall be present and approval of 75% of those in attendance shall be required.
 4. For adoption of by-laws and future amendments thereto, 67% of the voting members shall be present and approval of 75% of those in attendance shall be required.
- D. The Board shall elect a Chairman, Vice Chairman, Treasurer, and Secretary and such other officers as it shall deem appropriate, and for such terms as it shall establish, and shall assign to such officers such responsibility and authority, consistent with this Agreement, as it shall deem appropriate. No member of the Board shall receive compensation for services as a member or officer of the Board, but members may be reimbursed for authorized, actual and reasonable expenses.
- E. The Board may adopt by-laws relating to the conduct of its proceedings and such other administrative matters as it may deem appropriate.
- F. The Board may from time to time designate and authorize one or more of the Participating Municipalities or officers or bodies thereof to hold and manage funds and accounts, enter into contracts, apply for financial assistance grants, or otherwise act on behalf of the Board or the Participating Municipalities.
- G. The Board may admit additional municipalities as Participating Municipalities upon approval of the legislative bodies representing each Participating Municipality and upon execution of an agreement with the municipalities undertaking all rights and responsibilities included in this Agreement, and further conditioned upon any other terms which the Board may deem appropriate, including payment of an equitable share of prior years' expenditures under this Agreement.

SECTION 3 - Scope of Authority

- A. The Participating Municipalities as party to this Agreement, agree that the Board shall have the following scope of authority with respect to solid waste management.
1. Development of plans and programs aimed at implementing efficient and cost - effective solutions to solid waste management and related issues.
 2. Development of preliminary design plans and associated environmental studies as pertain to solid waste management and related facilities.

3. Preparation and submission of applications for Federal and/or State grants and aid, accept the grants and aid, and disburse the grants and aid in keeping with their purpose. For purposes of contracting with Federal, State authorities, or consultants, one of the member municipalities may, at the authorization of the Board, act on behalf of the Board as described in Section 2 (Paragraph F) of this Agreement.
4. Authorization of necessary support services, including any administrative expenses, to carry out the tasks described in items 1 through 3 of this section.
5. Retention of legal advisers where legal services cannot be obtained from member municipalities.
6. Preparation of periodic status reports to the legislative bodies of each Participating Municipality of this Agreement, including an Annual Report to be submitted no later than January 30 of each calendar year.

SECTION 4 - Financial Obligation

- A. Each Participating Municipality agrees to appropriate an annual sum of 3.5 cents per capita to the Board for the purpose of carrying out Board activities. For the purpose of this calculation the 1990 census figures shall be used as shown on Attachment A to this Agreement.
- B. The Board shall submit vouchers to the chief elected official of each Participating Municipality no later than January 30 of each calendar year along with an annual report for the preceding year. If any Participating Municipality shall fail to appropriate or pay such funds within a reasonable time set by the Board, it shall thereupon cease to be a Participating Municipality and shall have no further rights as such, but it shall remain liable for its proportionate share of all liabilities incurred by the Board or the Participating Municipalities by reason of any events, prior to the time of its failure to pay.
- C. The chief fiscal officer shall be a mayor or supervisor to be designated from time-to-time by said Board in conjunction with the Board Treasurer, and is hereby appointed to have custody of all funds appropriated by the Board and shall provide a quarterly written statement of the Board's financial status. A separate, interest bearing account of all Board funds shall be established by said chief fiscal officer.
- D. The Board shall not incur any financial obligations in excess of the funds on deposit in the Board's account.
- E. Upon dissolution of the Board, all existing Board funds shall be redistributed to the Participating Municipalities having representatives on the Board at the time of dissolution. Said funds shall be redistributed on a percentage basis to each

Participating Municipality according to per capita population figures as defined in the 1990 Census of Population. The latter figures are outlined in Attachment A to this Agreement.

- F. Each Participating Municipality, by agreeing to the creation of the Erie County Solid Waste Management Board, is only giving authority to this Board to proceed to the point where authorization for final plans, specifications, site acquisition, and construction of solid waste facilities may be considered. At that time, the Board will present to each Participating Municipality the proposed action for construction and/or solution to solving a particular solid waste problem. Each Participating Municipality reserves and, at all times, shall have the right to decide whether or not it will undertake a joint solid waste management project through the Erie County Solid Waste Management Board.
- G. Any Participating Municipality may withdraw from this Agreement. A Participating Municipality which elects to withdraw shall be liable for its full annual contribution as provided in Section 4 of this Agreement of the calendar year in which withdrawal occurs. Notice for withdrawal shall be in writing posted by regular mail to the last known address of the Chairman or, in his absence, Vice-Chairman of the Board.

SECTION 5 - Miscellaneous

- A. If any provision, paragraph, sentence, or clause of this agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such shall not affect the remainder of this Agreement and this Agreement shall be construed and enforced, consistent with its expressed purposes, as if such invalid and unenforceable provision, paragraph, sentence, or clause had not been contained herein.
- B. Each Participating Municipality represents and warrants to the Board, and to the other Participating Municipalities, that it has been fully authorized to execute and to perform this Agreement, and that its execution and performance of this Agreement will not violate any legal duty or restriction.

SECTION 6 - Execution

The Participating Municipalities have executed this Agreement as follows:

TOWN OF ALDEN

VILLAGE OF DEPEW

Date: _____
Hon. John G. Scherlein, Supervisor

Date: _____
Hon. Arthur J. Domino, Mayor

VILLAGE OF ALDEN

Date: _____
Hon. Richard J. Kegler, Mayor

VILLAGE OF SLOAN

Date: _____
Hon. Adeline Sicignano, Mayor

TOWN OF AURORA

Date: _____
Hon. William J. Green, Supervisor

TOWN OF CLARENCE

Date: _____
Hon. Irving Grenzebach, Suprv.

VILLAGE OF EAST AURORA

Date: _____
Hon. John Pagliaccio, Mayor

TOWN OF COLDEN

Date: _____
Hon. Marilyn Calhoun, Suprv.

TOWN OF BOSTON

Date: _____
Hon. Richard L. Kennedy, Supervisor

TOWN OF COLLINS

Date: _____
Hon. Robert Gaylord, Supervisor

TOWN OF BRANT

Date: _____
Hon. William A. Fricano, Supervisor

VILLAGE OF GOWANDA

Date: _____
Hon. Donald Lazar, Mayor

VILLAGE OF FARNHAM

Date: _____
Hon. Anna A. Martorana, Mayor

TOWN OF CONCORD

Date: _____
Hon. Richard Timm, Supervisor

TOWN OF CHEEKTOWAGA

Dennis H. Gabryszak
Date: 9-9-93
Hon. Dennis H. Gabryszak, Supervisor

VILLAGE OF SPRINGVILLE

Date: _____
Hon. Craig R. Helms, Mayor

TOWN OF EDEN

TOWN OF LANCASTER

Date: _____
Hon. Suzanne Bissonette, Supervisor

Date: _____
Hon. Lucian J. Greco, Supervisor

TOWN OF ELMA

VILLAGE OF LANCASTER

Date: _____
Hon. John F. DiJoseph, Supervisor

Date: _____
Hon. Wm. G. Cansdale, Jr. Mayor

TOWN OF EVANS

TOWN OF MARILLA

Date: _____
Hon. Paul J. Garvin, Supervisor

Date: _____
Hon. Earl Jann, Jr. Supervisor

VILLAGE OF ANGOLA

TOWN OF NEWSTEAD

Date: _____
Hon. Michael Walters, Mayor

Date: _____
Hon. Donald C. Holmes, Suprv.

TOWN OF HAMBURG

VILLAGE OF AKRON

Date: _____
Hon. John Michalek, Supervisor

Date: _____
Hon. Michael Charles, Mayor

VILLAGE OF BLASDELL

TOWN OF NORTH COLLINS

Date: _____
Hon. Jeffrey Zimmerman, Mayor

Date: _____
Hon. Wayne A. Awald, Supervisor

VILLAGE OF HAMBURG

VILLAGE OF NORTH COLLINS

Date: _____
Hon. Richard R. Hansen, Mayor

Date: _____
Hon. Michael Gullo, Mayor

TOWN OF HOLLAND

_____ Date: _____
Hon. Gordon B. Hessel, Jr. Suprv.

TOWN OF ORCHARD PARK

_____ Date: _____
Hon. Dennis J. Mill, Supervisor

VILLAGE OF ORCHARD PARK

_____ Date: _____
Hon. Patricia Dickman, Mayor

TOWN OF SARDINIA

_____ Date: _____
Hon. Philip D. Feraldi, Supervisor

TOWN OF WALES

_____ Date: _____
Hon. Robert Kowalewski, Supervisor

TOWN OF WEST SENECA

_____ Date: _____
Hon. Paul T. Clark, Supervisor

VILLAGE OF WILLIAMSVILLE

_____ Date: _____
Hon. Ronald W. Daniels, Mayor

REVISED ATTACHMENT A

<u>MUNICIPALITY</u>	<u>1990 POPULATION</u>
T. Alden	7,915
V. Alden	2,457
T. Aurora	6,786
V. East Aurora	6,647
T. Boston	7,445
T. Brant	1,692
V. Farnham	427
T. Cheektowaga	84,387
V. Depew	17,673
V. Sloan	3,830
T. Clarence	20,041
T. Colden	2,899
T. Collins	5,135
V. Gowanda (Part)	885
T. Concord	4,077
V. Springville	4,310
T. Eden	7,416
T. Elma	10,355
T. Evans	15,247
V. Angola	2,231
T. Hamburg	40,393
V. Blasdell	2,900
V. Hamburg	10,442
T. Holland	3,572
T. Lancaster	13,636
V. Lancaster	11,940
T. Marilla	5,250
T. Newstead	4,534
V. Akron	2,906
T. North Collins	2,167
V. North Collins	1,335
T. Orchard Park	21,316
V. Orchard Park	3,280
T. Sardinia	2,667
T. Wales	2,917
T. West Seneca	47,866
V. Williamsville	<u>5,583</u>
Total	394,559

tjd
527

Item No. 8e Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Erie County Sewer District No. 1 has proposed the installation of a relief sewer on French Road in the Town of Cheektowaga, and

WHEREAS, Erie County Sewer District No. 1 has requested easements from the Town covering Town-owned property fronting on French Road, and

WHEREAS, the Town Engineering Department has reviewed these easements and feels that these easements will not interfere with the Town's use of such lands, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached easements with Erie County Sewer District No. 1 and related paperwork, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under the Town Law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times, the official Town newspaper.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on September 7, 1993 adopted a resolution authorizing the granting of easements for the construction and maintenance of sanitary and storm sewers and appurtenances over and across property located on the north and south side of French Road near Brentwood Drive in the Town of Cheektowaga.

A copy of such Easement agreements are on file in the Town Clerk's Office where the same may be inspected during regular business hours.

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

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

RICHARD M. MOLESKI
Town Clerk

DATED: September 7, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

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

.....Melissa Gugliuzza....., 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 9, 1993..... ;
last publication..... September 9, 1993..... ;
and that no more than six days intervened be-
tween publications.

LEGAL NOTICE

NOTICE OF ADOPTION OF
RESOLUTION

SUBJECT TO PERMISSIVE
REFERENDUM

NOTICE IS HEREBY GIVEN, that
the Town Board of the Town of Cheek-
towaga on September 7, 1993 adopted
a resolution authorizing the granting of
easements for the construction and
maintenance of sanitary and storm
sewers and appurtenances over and
across property located on the north
and south sides of French Road near
Brentwood Drive in the Town of
Cheektowaga.

A copy of such Easement agree-
ments are on file in the Town Clerk's
Office where the same may be in-
spected during regular business hours.

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

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

Dated: September 7, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 9, 1993

.....*Melissa Gugliuzza*.....

Sworn to before me this 9th

day of September, 19⁹³.....

.....*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 12/11/9³

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

.....Melissa Gugliuzza....., 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 9, 1993..... ;
last publication..... September 9, 1993..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this^{9th}.....

day of September , 19⁹³.....

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 12/11/9³

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 September 7, 1993 adopted a resolution authorizing the granting of easements for the construction and maintenance of sanitary and storm sewers and appurtenances over and across property located on the north and south sides of French Road near Brentwood Drive in the Town of Cheektowaga.

A copy of such Easement agreements are on file in the Town Clerk's Office where the same may be inspected during regular business hours.

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

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

Dated: September 7, 1993

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 9, 1993

Item No. 9 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the New York State Department of Environmental Conservation, Division of Hazardous Waste Remediation, in consultation with the New York State Department of Health, has prepared the PROPOSED REMEDIAL ACTION PLAN (PRAP) for the Niagara Transformer Hazardous Waste Site, and

WHEREAS, the Proposed Remedial Action Plan outlines the Preferred Remedial Alternative for the site, specifically Alternate 2b, which consists of removing contaminated soil and sediment from the site and from the off-site drainage ditches and retention pond, and disposing of the material at an approved off-site landfill at an estimated cost of 12.2 million dollars, and

WHEREAS, a public meeting was conducted by N.Y.S.D.E.C. officials on August 26, 1993 at which time the Proposed Remedial Action Plan was presented, detailing the Preferred Remedial Alternative, and

WHEREAS, the Town Conservation Advisory Council, the Town Engineering Department and this Town Board have reviewed the PRAP and the recommended alternate and are in agreement that the chosen alternate would mitigate and reduce the risk of human exposure to contaminated soils and sediments, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the N.Y.S.D.E.C. Preferred Remedial Alternative 2b recommendation outlined in the PRAP and directs the Town Clerk to submit a certified copy of this resolution to Mr. David P. Locey, N.Y.S.D.E.C., Region 9 Project Manager.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilman Rogowski, Seconded by Councilman Wielinski

WHEREAS, representatives from John F. Kennedy High School have requested permission to hold their 7th Annual Cross-Country Meet in Stiglmeier Park on Saturday, October 9, 1993 from 7:00 A.M. to 2:00 P.M., 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 28, 1993 and October 5, 1993 from 4:00 P.M. to 6:00 P.M., 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 28 and October 5 and 9, 1993 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 & 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 & Recreational Services Department Directors.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Motion by Councilman Jaworowicz, seconded by Councilman Blachowski to dispense with the reading of the fees in the following resolution.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
AYES: 0
ABSENT: 0

Item No. 11 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED that the following fees be established for Cheektowaga Youth and Recreation programs:

I.D. CARD

\$3.00 - 7-25 years of age - Children
\$5.00 - 16 year & over - Adults

SKATING

Learn to Skate

Town Residents	Non-residents
\$21.00	\$31.00

Figure Skating

Town Residents	Non-residents
\$28.00	\$38.00
(One day per week)	(One day per week)
\$48.00	\$68.00
(Two days per week)	(Two days per week)

SPECIAL SKATING EVENTS

Santa on Ice - December 12, 1993

One half admission price with donation of non-perishable can goods to be donated to Food Bank

Family Day at the Rink - February 13, 1994

One half admission price with donation of non-perishable can goods to be donated to Food Bank

ATHLETICS

Self Defense

Town Residents	Non-residents
\$19.00, 2nd child - \$16.00	\$29.00, 2nd Child - \$26.00

Youth Swimming Lessons

Town Residents	Non-residents
\$12.00, 2nd Child - \$9.00	\$22.00, 2nd Child - \$19.00

Open Family Swim

Town Residents	Non-residents
\$14.00 - Adult Pass	\$24.00
\$19.00 - Family Pass	\$29.00
Guest Fee: Adults - \$2.00 per visit	
Children - \$1.00 per visit	

Gymnastics

Town Residents	Non-residents
\$19.00, 2nd Child - \$15.00	\$29.00, 2nd Child - \$25.00

Item No. 11 cont'd

Youth Basketball

Town Residents	Non-residents
\$12.00, 2nd child - \$10.00	\$22.00, 2nd Child - \$20.00

YOUTH PROGRAMS

Friday Night Open Recreation*
(T.G.I.F.)
(Occasional fee for special events)

Kids' Kitchen Kapers and Krafts*
\$10.00 (Joiner's Fee)

Dartwood Travel Club*
\$10.00 (Joiner's Fee)

Teen Scene*
\$1.00

* Open to Town Residents Only

Rec Club

Town Residents	Non-residents
\$1.00/week	\$3.00/week

There's More to Life than Video Games

Town Residents	Non-residents
\$1.00	\$3.00

RECESS PROGRAMS

Barney Birthday Party*
Free

Double Dare*
Free

* Open to Town Residents Only

Under the Sea - Easter Recess

Town Residents	Non-residents
\$29.00, 2nd child - \$24.00	\$45.00, 2nd Child - \$39.00

Frontier Explorer Camp - Easter Recess

Town Residents	Non-residents
\$33.00, 2nd Child - \$28.00	\$48.00, 2nd Child - \$43.00

JUST FOR THE LITTLE ONES

Wee Three (Days)

Town Residents	Non-residents
\$26.00	\$38.00

Wee Three (Evenings)

\$26.00	\$38.00
---------	---------

Tiny Tumblers

Town Residents	Non-residents
\$15.00, 2nd child - \$10.00	\$25.00, 2nd Child - \$20.00

Item No. 11 cont'd

SPECIAL INTEREST PROGRAMS

Country Dance Lessons

\$25.00 (per session)	\$30.00 (per session)
\$3.00 (walk-ins)	\$4.00 (walk-ins)

Children's Musical Theatre Beginner Dance Class

Town Residents	Non-residents
\$15.00	\$20.00

JUST FOR ADULTS

Low Impact Aerobics

Town Residents	Non-residents
\$1.00 (per class)	\$2.00 (per class)

High Impact Aerobics

Town Residents	Non-residents
\$1.00 (per class)	\$2.00 (per class)

Volleyball Session I

\$140.00 per team (includes \$20.00 refundable forfeit fee)
Four non-residents per team permitted. \$10.00 for each
additional non-residents. Teams are responsible for referee
fees.

Volleyball Clinic

Town Residents	Non-residents
\$3.00 per session or	\$4.00 per session or
\$5.00 for two sessions	\$6.00 for two sessions

SPECIAL EVENTS

Valentine's Day Race and Sweetheart Walk

\$10.00 - pre-registration
\$12.00 - registration day of race
\$35.00 - family of four

Haunted Forest

\$1.00 per person

LATE REGISTRATION

\$2.00 (Late registration fee becomes effective September 26, 1993)

RETURN CHECK FEE

\$20.00 (Checks returned for any reason will be charged this fee)

MISCELLANEOUS

Other fees and charges for special events, contests, field trips or
special programs to be established by the Director of the Department
of Youth and Recreational Services, and

WHEREAS, by resolution dated August 16th, the Town Board established
"hockey tryout fees" for the "1993-1994" hockey season, and

Item No. 11 cont'd

WHEREAS, said hockey tryout fees should have state the "1994-1995" hockey season, NOW, THEREFORE BE IT

RESOLVED, that the resolution be amended to show the period "1994-1995", and BE IT FURTHER

RESOLVED, that the resolution should also define "prime time" and "non-prime time" as follows:

Prime Time - 7:00 a.m. - 11:00 p.m.
Weekends and holidays

5:00 p.m. - 11:00 p.m.
Monday through Friday

Non-prime time - 7:00 a.m. - 5:00 p.m.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, the Engineering firm of Babinsky Klein Engineering, P.C. has submitted a proposal to provide the Town with professional services related to Energy Monitoring System Expansion at Various Buildings and Fan Coil Installation at the Senior Citizens Center, and

WHEREAS, Energy Monitoring System Expansion is to include the Senior Citizens Center, Alexander Community Center, Dartwood Community Center and Maryvale Community Center, and

WHEREAS, Fan Coil Unit Installation at the Senior Citizens Center is to improve the heating system and comfort level in the administration office, clinic, exercise room, conference room, lounge, card room, craft room, ceramic room and storage room, and

WHEREAS, said Professional Engineering Services shall include field survey work, contract drawing and specifications for bidding purposes, prebid walk thru with potential bidders, review bids and recommendation of award of bid, site inspections, coordinate meetings, review submittals and shop drawings, review contractor's requests for payment and final punch list, NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby retain the firm of Babinsky Klein Engineering, P.C., 150 Creekside Drive, Amherst, New York 14228-2087 at a fixed fee of \$14,900 to provide Professional Engineering Services for Energy Monitoring System Expansion at Various Town Buildings and Fan Coil Unit Installation at the Cheektowaga Senior Citizen Center, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5301-1625-9309 and Account #5301-1625-9307.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, a vacancy exists in the position of Outreach Worker-Senior Citizens in the Senior Services Department, and

Item No. 13a cont'd

WHEREAS, said position was posted as per the collective bargaining agreement between the Town of Cheektowaga and the town of Cheektowaga Employees Association, and

WHEREAS, no full-time employee bid on said vacancy, and

WHEREAS, said position falls within the competitive class of Civil Service, and

WHEREAS, Darlene Senft appears on said Civil Service list and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Darlene Senft of Cheektowaga, New York 14225 be and hereby is appointed to the position of Outreach Worker/Senior Citizens in the Senior Services Department, in accordance with the terms and conditions as set forth in the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 8, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, a vacancy exists in the position of Administrative Clerk in the Youth and Recreational Services Department/Cheektowaga Action Partnership, and

WHEREAS, this position is underwritten by the Alcohol Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services, Public Health Service under grant number 1H86SP04160-01A1, and

WHEREAS, the existing Civil Service list was canvassed for said position, and

WHEREAS, Mark Emminger appears on said Civil Service list, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Mark Emminger of Sloan, New York 14212 be and hereby is appointed to the position of Administrative Clerk with the Youth and Recreational Services Department/Cheektowaga Action Partnership in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 8, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, a vacancy exists in the position of Automotive Mechanic in the Central Garage, and

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, John Ferdinand, currently employed as an Automotive Mechanic's Helper in the Central Garage, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

Item No. 13c cont'd

RESOLVED, that John Ferdinand of 8 Stratford Place, Cheektowaga, New York be and hereby is appointed to the position of Automotive Mechanic in the Central Garage, in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 8, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13d Motion by Councilman Jaworowicz, Seconded by Councilman Johnson

WHEREAS, a temporary vacancy exists in the position of Light Motor Equipment Operator in the Recycling Department, and

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, Joseph Dietl, currently employed as a Laborer's Aide in the Recycling, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Dietl of Cheektowaga, New York be and hereby is appointed to the temporary position of Light Motor Equipment Operator in the Recycling Department, in accordance with the terms and conditions as set forth in the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 8, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, by resolution dated June 21, 1993, this Town Board appointed Ronald Golas to the temporary position of Laborer in the Sanitation Department, and

WHEREAS, said temporary vacancy no longer exists and Ronald Golas is to be returned to his permanent position of Motor Equipment Operator 'B' in the Recycling Department, NOW, THEREFORE, BE IT

RESOLVED, that Ronald Golas be and hereby is returned to his permanent position of Motor Equipment Operator 'B' in the Recycling Department, effective September 8, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Motion by Supervisor Gabryszak, seconded by Councilman Blachowski to dispense with the reading of the names in following resolution:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

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

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

NEW YORK STATE CONSERVATION CORPS

Michael Boczar	14225
Kevin Bogdan	14227
Jon Bova	14225
Todd Corcoran	14043
James DeLair	14215
Jennifer Garcea	14043
John Kulesz	14043
Todd Miller	14206
Emilio Zeolla	14227

CHEEKTOWAGA CONSERVATION CORPS

Kendra Baumgartner	14211
Jason Bolis	14225
Anthony Buccilli	14227
Kevin Corcoran	14043
Scott Corcoran	14043
Chris Cummings	14225
Sean Fiegl	14227
Kevin Gangloff	14043
Kristen Grzankowski	14043
Paul Ivanowski	14043
Jeff Kramer	14227
Lucas Kolasa	14043
John Marchitte	14227
Dave Michalski	14227
Dan Miller	14206
Dave Sobolewski	14225
Matt Starr	14225
Kirk Wilde	14227

TENNIS

Andrew Boczkowski	14227
Caroline Burnicki	14043
James Domzalski	14043
Lisa Frank	14225
Anthony Lorigo	14225
Donald Nowak, Jr.	14227

LACROSSE

David Feickert	14075
Richard Franz	14226
Christopher Goss	14231
Charles Kucinski	14228

DAY CAMPS

Julie Chiarilli	14043
Lynette Geiger	14227
Melissa Grabowski	14043
Tracy Hoerner	14043
Jeffrey Jankowski	14043
Adrienne Jozwiak	14225
Craig Kornacki	14043
Kelly Koshofer	14225
Natalie Lukasiak	14225
Eric Montry	14225

Item No 15a cont'd

Jennifer Pace	14043
Kathleen Pietraszak	14227
Joseph Quinn	14206
Kim Rafanowicz	14227
Karen Safe	14212
Samantha Schanne	14206
Renee Sundquist	14225
Dawn Steiner	14211
Jason Unteg	14225
Jessica Wessel	14212
Joanne Witakowski	14227
Cecelia Panek	14227

ARTS & CRAFTS

Kelly Moreno	14043
Shawn Ryan	14227
Deborah Sokolski	14043
Mary Pat Speyer	14043
Chastity Taber	14227
Gayle Todd	14225
Ginger Wilczak	14227

TGIF

Kyle Graham	14043
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ADMINISTRATIVE INTERN

Melissa Kreavy	14225
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Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 15b Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

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

EFFECTIVE

YOUTH & RECREATIONAL SERVICES/CHEEKTOWAGA ACTION PARTNERSHIP

Kimberly Piccillo	8/16/93
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FACILITIES DEPARTMENT

Jeffrey Rogowski	8/13/93
Jarrett Sinclair	8/12/93
Christopher Boehringer	8/16/93
Jason Ozolins	8/17/93

SANITATION DEPARTMENT

Ronald Fenske, Sr.	7/9/93
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SEWER MAINTENANCE DEPARTMENT

Dena Sarago	7/17/93
Aaron Vanderlip	8/14/93

MAIN PUMP STATION

Timothy Dusing	8/27/93
David Kuerzdoerfer	8/31/93

Item No. 15b cont'd

RECYCLING DEPARTMENT

Christopher Trietly	8/21/93
Stephen Schottman	8/14/93
Jeffrey Nietopski	8/21/93
Ruchard Higley	8/28/93
Brian Hondzinski	8/28/93
James Choinski	8/28/93
Greg Klima	8/28/93
Mark Ostempowski	8/28/93
Jason Kenjockety	8/28/93

YOUTH & RECREATIONAL SERVICES

Sara Kankiewicz	6/7/93
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CENTRAL GARAGE

Vicki Ferdinand	7/23/93
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Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED that the following individuals be and hereby are hired as SEASONAL EMPLOYEES for a period not to exceed 24 weeks in a calendar year in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, in the various departments as listed:

	<u>EFFECTIVE</u>
<u>MAIN PUMP STATION - \$5.00 per hour (Laborer)</u>	
Joseph Sebastiani	9/8/93
Robert Cieslikowski	"
<u>RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)</u>	
Eric Roll	Immediately
Duane Schreiner	"
Stephen Glasser	"
Eric Sobkowiak	"
Steven Petronsky	"
Robert Kowalski	"

and BE IT FURTHER

RESOLVED, that the hourly salary for Dawn Pszczolkowski, who was upgraded to Lifeguard IV-WSI in the Youth and Recreational Services Department, be and hereby is retroactive to June 7, 1993, and BE IT FURTHER

RESOLVED, that the resolution dated August 6, 1993 hiring Daniel Stypa as a part-time employee be and hereby is amended to read by Daniel Stypa be and hereby is hired as a Seasonal Employee in the Facilities Department, effective August 6, 1993.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the below listed individual be hired as a part-time employee for the Youth & Recreational Services Department as indicated:

RECREATIONAL LEADER IV (AFTER SCHOOL PROGRAM) - 7140-1615 - \$6.00 per hour

Laura M. Matulich

14225

and BE IT FURTHER

RESOLVED, that the following individuals be upgraded as indicated (retroactive to June 28th):

FROM RECREATION SUPERVISOR I - TO RECREATION SUPERVISOR II
at \$5.75 per hour - 7140.1615

Chris Mahalic

FROM RECREATION SPECIALIST V TO RECREATION SPECIALIST VI
at \$6.00 per hour - 7140.1615

Patrick Cartenuto
Ron Cyrankowski

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 17b Motion by Councilman Jaworowicz, Seconded 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 departments listed and in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

POLICE DEPARTMENT - Traffic Maintenance Division - \$5.00 per hour

Todd Kopacz

Immediately

POLICE DEPARTMENT - Police Matron - \$8.93 per hour

Kathy Gizzo

Immediately

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Brian Wisniewski

Immediately

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, a National Recycling Conference 12th Annual Congress and Exposition will be held in Nashville, TN. from October 10 - 15, 1993, and

WHEREAS, a said expo being held relates to recycling, and

Item No. 18a cont'd

WHEREAS, David J. Kulik, General Crew Chief of the Town Sanitation/Recycling Departments and Councilman Richard B. Solecki, Chairman of the Town Sanitation/Recycling Departments has requested permission to attend this expo, and

WHEREAS, this Board feels it would be advantageous to the Town for Mr. Kulik and Mr. Solecki to attend this expo, NOW, THEREFORE BE IT

RESOLVED, that David J. Kulik and Richard B. Solecki be and hereby is authorized to attend the aforementioned expo and to be absent from the Town of Cheektowaga from October 10 - 15, 1993 for such expo, and BE IT FURTHER

RESOLVED, that the reasonable and necessary expenses in an amount not to exceed \$3800.00 shall be appropriated from budget line item 1500-8173-4088.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

Item No. 18b Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the 1993 New York State Disaster Preparedness Conference will be held in Albany, New York from September 20-22, 1993, and

WHEREAS, Earl Loder, the Town's Disaster Coordinator, has requested permission to attend this conference, and

WHEREAS, the total cost of the conference is \$350, but the State Emergency Management Office will pay one-half (\$175.00) of the cost of this conference, and

WHEREAS, moneys were appropriated in the Disaster Coordinator's budget to cover the Town's share of the cost of this conference, NOW, THEREFORE, BE IT

RESOLVED, that Earl Loder be and hereby is authorized to attend the aforementioned conference and to utilize his Town-owned vehicle to travel to and from such conference, and BE IT FURTHER

RESOLVED, that the Town's share of the cost of this conference, \$175.00, shall be paid from budget line item number 0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

Item No. 18c Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga Police Department and the School Districts of the Town of Cheektowaga, realizing that substance abuse by the youth of our community has been a major problem, have been cooperating in a Drug Abuse Resistance Education program (D.A.R.E.) program since 1991. The tremendous acceptance and success of this program now requires that the Police Department add six (6) additional officers, on a part time basis, in order to serve the needs of all of the target school population in the Town of Cheektowaga, and

WHEREAS, the New York State Division of Criminal Justice Service and the National office of D.A.R.E. are holding several two week accreditation training programs at Saratoga Springs during the 93-94 school year, NOW, THEREFORE, BE IT

Item No. 18c cont'd

RESOLVED, that Chief Bruce D. Chamberlin is hereby authorized to send six (6) patrol officers to these classes, and the time they spend at this training be authorized as normal duty time. The tuition expense, which includes lodging and meals will be paid by the CAP program and charged to line 0100-7320-4000. The officers will be authorized the use of a police vehicle for their travels. The Police Department will be responsible for gasoline, tolls and meals approximately amounting to \$500.00 and will be charged to line 0100-3120-4085. The two day weekend lodging required during the training to minimize travel expenses will be charged to the Drug Forfeiture account 0600-0881 and will not exceed \$500.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

Item No. 18d Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the New York state Magistrates' Association will be holding its Annual Judicial conference in Rochester, New York on October 10, 11, 12 and 13, 1993, and

WHEREAS, Town Justice Thomas S. Kolbert has requested permission to attend this conference, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to Town Justice Thomas S. Kolbert to attend the aforementioned Judicial Conference, and BE IT FURTHER

RESOLVED, that reasonable and necessary expenses not to exceed \$500.00 shall be paid by the Town from budget line item #0100-1910-4082.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

Item No. 18e Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Office of Court Administration will sponsor a three day seminar from October 12th thru October 15th, 1993 for Town and Village Court Clerk in Rochester, New York, and

WHEREAS, topics to be discussed include forms used in town and village justice courts, recordkeeping, the TSLED ticket system, criminal disposition reporting and the role of the division of criminal justice services in seal orders, new legislation, vehicle and traffic matters, criminal procedures and small claims and civil procedures, and

WHEREAS, it appears that continuing training by the Cheektowaga Court staff on these subject matters is necessary to maintain an efficient court system and to comply with the ongoing and changing administrative rules promulgated by the Unified Court System, NOW, THEREFORE, BE IT

RESOLVED, that Barbara Pinkowski, Barbara Trietly and Sandra Stapleton be and hereby are authorized to attend said seminar in Rochester, New York, and BE IT FURTHER

RESOLVED, that their travel and other actual and necessary expenses to attend said seminar be reimbursed by the Town, not to exceed \$1,500.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski and Wielinski
NAYES: Councilman Johnson
ABSENT: 0

Item No. 19a Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on property located at 919 Dick Road, Cheektowaga, New York, SBL #92.13-4-9 and according to the Assessor's Office is owned by James S. Grey & One, c/o Autotune Center, 3043 Main Street, Buffalo, New York 14214-1333, and,

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds 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 by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19b Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on property located at Harlem Road, North corner of Candlelight Lane, also known as 1571 Harlem Road, Cheektowaga, New York, SBL # 113.54-3-8 and according to the Assessor's Office is owned by Stimm Associates Incorporated, Accounts Payable, P.O. Box 593, Buffalo, New York 14140, and

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds 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 by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 20 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

FROM: 0100-1330-4431	Equipment Repairs-Tax Assment. Bd.	\$ 2,300.00
0100-7140-1645	Sports Rotation-Youth & Rec	4,000.00
0100-7310-1811	YCC Supervisor-Youth & Rec	3,000.00
0100-7310-1811	YCC Supervisor-Youth & Rec	2,000.00
0100-7310-1816	NYSCC Participants-Youth & Rec	2,100.00
0100-7140-4501	Lacross Expense-Youth & Rec	500.00
0100-7180-1903	Life Guards-Youth & Rec	2,000.00
0100-7180-1903	Life Guards-Youth & Rec	1,500.00
0100-1356-4001	Office Supplies-Assessment Board	47.00
0100-1356-4511	Transcript Services-Assessment Board	290.00
0100-9010-8975	Retirement Buyouts	62,350.53
0100-1625-4489	Maintenance Tools-Facilities	2,500.00

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Item No. 20 cont'd

TO:	0100-1330-4001	Office Supplies-Tax	\$ 2,300.00
	0100-7310-1802	Day Camp-Youth & Rec	4,000.00
	0100-7310-1802	Day Camp-Youth & Rec	3,000.00
	0100-7310-1810	Summer Day Camp	2,000.00
	0100-7310-1810	Summer Day Camp	2,100.00
	0100-7140-1625	LaCrosse Salaries	500.00
	0100-7310-1810	Summer Day Camp	2,000.00
	0100-7180-1902	Beach & Pool Supervisors	1,500.00
	0100-1355-2005	Office Equipment	337.00
	0100-3120-1531	Detectives-Police	20,000.00
	0100-3120-1541	Patrolman-Police	42,350.53
	0100-1625-4432	Repairs & Maintenance-Facilities	2,500.00

SPECIAL DISTRICTS FUND

FROM:	1500-8260-4088	Travel & Conferences-Sanitation	\$ 1,500.00
TO:	1500-8173-4088	Travel & Conferences-Recycling	1,500.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following vouchers & warrants are submitted to the Town of Cheektowaga prior to September 3, 1993 are hereby approved and made part hereof:

GENERAL FUND	\$2,203,511.96
HIGHWAY FUND	701,974.35
TRUST & AGENCY FUND	57,856.46
CDBG HUD FUND	13,975.46
PART TOWN FUND	55,178.31
RISK RETENTION FUND	107,261.32
SPECIAL DISTRICTS FUND	1,000,153.95
HUD REHABILITATION FUND	26,604.50
CAPITAL FUND	581,766.06
	<u>\$4,748,282.37</u>

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Building Permits
Received and Filed.

Item No. 23 Independent Auditors Reports from Deloitte & Touche
Received and Filed.

V. GENERAL COMMUNICATIONS

- Item No. 24 Designation of Restricted Highway - Portion of Beach Road
Received and Filed.
- Item No. 25 Summons & Complaint - Canaan Ministries, Inc., Most Holy Redeemer
RCC, Margaret Rice and Pamela Adams vs Town of Cheektowaga
Received and Filed.
- Item No. 26 Notice of Claim - Dennis Cavanaugh vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James
Kirisits, Town Attorney; Beth Lipczynski, Personnel Office;
Facilities Department; ALLIED CLAIMS, Insurance Company.
Received and Filed.
- Item No. 27a Notice of Petition - Carlton & Philip Hasselback vs Town of
Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27b Notice of Petition - Silo, Inc. vs Town of Cheektowaga and Town
Assessor
Received and Filed.
- Item No. 27c Notice of Petition - Snyder Corp. vs Town of Cheektowaga and Town
Assessor
Received and Filed.
- Item No. 27d Notice of Petition - Hills Department Stores vs Town of Cheektowaga
and Town Assessor
Received and Filed.
- Item No. 27e Notice of Petition - Steven Suor & Barbara More vs Town of
Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27f Notice of Petition - New Erie Industrial Center vs Town of
Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27g Notice of Petition - Legion Assoc. Joint Venture vs Town of
Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27h Notice of Petition - Manufacturers Hanover Trust Co. vs Town of
Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27i Notice of Petition - The Price Co. vs Town of Cheektowaga and Town
Assessor
Received and Filed.
- Item No. 27j Notice of Petition - N.Y.S. Electric & Gas vs Town of Cheektowaga and
Town Assessor
Received and Filed.

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- Item No. 27k Notice of Petition - Bridgestone/Firestone vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27l Notice of Petition - Flanigan's Furniture Showroom vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27m Notice of Petition - Orange Valley Assoc. Ltd. Partnership vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27n Notice of Petition - General Cinema Corp. vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27o Notice of Petition - Friendly Ice Cream vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27p Notice of Petition - Legion Assoc./Quality Markets, Inc. vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27q Notice of Petition - Ford Leasing vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27r Notice of Petition - N.Y. Telephone vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27s Notice of Petition - Leica, Inc. vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27t Notice of Petition - Sonwil Distribution Center, Inc./E.C. Industrial Development Agency vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27u Notice of Petition - Robert Bradley & Manor Oak Skilled Nursing Facilities, Inc. vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27v Notice of Petition - James Welch & Associates vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 27w Notice of Petition - Tops Markets, Inc. vs Town of Cheektowaga and Town Assessor
Received and Filed.

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Item No. 28 Motion by Supervisor Gabryszak, Seconded by Unanimous
to adjourn the meeting in memory of Frank Goshlewski, former police
officer.

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 20th day of September, 1993 at 7:30 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.

ABSENT: Councilman Richard B. Solecki
Councilman William L. Wielinski

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Salvatore LaGreca, Chairman, Planning Board; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police and Kenneth Kopacz, Director of Youth and Recreational Services.

I. RESOLUTIONS

Item No. 2 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Hospice Association of Western New York, Inc. has petitioned for the rezoning, from R-Residential District to CF-Community Facilities District, of property owned by Julia B. Reinstein, et al, and located on Como Park Boulevard near Hawthorne Avenue (SBL #113.12-2-26), Cheektowaga, New York, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of August, 1993 at 7:00 P.M., after publication and service of the notices required by the provisions of the Zoning Law 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 subject to the following conditions:

1. landscape plan approval
2. ingress and egress shall be provided utilizing two driveways

and

WHEREAS, the Applicant, although exempt from taxes under the Real Property Tax Law, has agreed to enter into a payment-in-lieu-of-taxes arrangement with the Town wherein it will pay the sum of \$10,000.00 to the Town on an annual basis for ten (10) years, commencing with the 1994 tax year, covering any and all special district changes for general lighting, general garbage and fire/hydrant districts, and

WHEREAS, the Applicant has submitted, and has agreed to abide by, a tree preservation plan and a drainage plan, which plans are acceptable to the Cheektowaga Conservation Advisory Council and the Town Engineer, 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 aforementioned rezoning, and, based on the above mentioned commitments from the Applicant, has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

Item No. 2 continued

NOW, THEREFORE, BE IT RESOLVED, that based on the aforementioned commitments by the Applicant this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Hospice Association of Western New York, Inc. for the rezoning from R-Residential District to CF-Community Facilities District of the property specified in the attached legal description be and the same is hereby approved subject to:

(1) the aforesaid P.I.L.O.T. arrangement, which the Supervisor is authorized to execute on behalf of the Town,

(2) the tree preservation plan submitted pursuant to the Town's Tree Preservation Law (Local Law No. 7 - 1992),

(3) the development/site plan submitted pursuant to Article X of the Town's Zoning Law,

(4) Applicant's agreement not to develop those areas of the rezoned property which are not shown on said plans for buildings or parking, but instead will permanently keep such areas as green spaces, preserving same for wetlands, trees, shrubs and other forms of approved vegetation, and

(5) drainage plan approval by the Town's Supervising Building Inspector and/or Engineer, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson

NAYES: 0

ABSENT: Councilman Solecki and Wielinski

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

LEGAL DESCRIPTION

EL "A" 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. 10, 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. 483, is known as Subdivision Lots numbers one (1) to five (5) inclusive in Block "A"

EL "B" 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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the northwest corner of lands as shown on Map filed in Erie County Clerk's Office under Cover No. 483: thence westerly along the south line of Como Park Boulevard, eighty-two and fifty hundredths (82.50) feet: thence southerly parallel with the west line of lands shown on Map filed in said Clerk's Office under Cover No. 483 to the northwesterly line of Bennett Road: thence northeasterly along the northwesterly line of Bennett Road, one hundred three and twenty hundredths (103.20) feet more or less to the westerly line of lands shown on Map filed in said Clerk's Office under Cover No. 483: thence northerly along said west line of Map filed in said Clerk's Office under Cover No. 483 to the south line of Como Park Boulevard, at the point of beginning

EL "C" 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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the east line of lands conveyed to Edward L. Koons by deed recorded in Erie County Clerk's Office in liber 732 of Deeds at page 584, said point being eighty-two

and five tenths (82.5) feet westerly from the northwest corner of Subdivision Lot No. 1 in Block "A" according to Map filed in said Clerk's Office under Cover No. 483: thence westerly along the south line of Como Park Boulevard, one hundred twenty-three and seventy-five hundredths (123.75) feet: thence southerly parallel with the east line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 732 of Deeds at page 584 to the north line of Bennett Road: thence northeasterly along the north line of Bennett Road, one hundred thirty-six and sixty-eight hundredths (136.68) feet more or less to the east line of lands conveyed by said deed recorded in said Clerk's Office in liber 732 of Deeds at page 584: thence northerly along said east line to the south line of Como Park Boulevard, at the point of beginning

REL "D"

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at its intersection with the east line of lands conveyed to Anna M. Reinstein by deed recorded in Erie County Clerk's Office in liber 2053 of Deeds at page 326: thence southerly along the east line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 2053 of Deeds at page 326 and its extension southerly to the north line of Bennett Road: thence southwesterly along said north line of Bennett Road, one hundred seventy-six and eighty-four hundredths (176.84) feet more or less to the east line of lands conveyed to Pearl R. Rupp by deed recorded in said Clerk's Office in liber 2209 of Deeds at page 188: thence northerly along the said east line of Rupp's lands, one hundred forty-four and sixty-five hundredths (144.65) feet to the northeast corner thereof: thence westerly along the north line of said Rupp's lands, two hundred thirteen and

(over)

and twenty-seven hundredths (213.27) feet to the northwest corner thereof and the west line of the middle third of Lot No. 10: thence northerly along the said west line of the middle third of Lot No. 10 to the south line of Como Park Boulevard: thence easterly along the south line of Como Park Boulevard, three hundred seventy-one and twenty-five hundredths (371.25) feet to the point of beginning

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

.....Melissa Gugliuzza....., 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 23, 1993.....;
last publication.....September 23, 1993.....;
and that no more than six days intervened be-
tween publications.

.....*Melissa Gugliuzza*.....

Sworn to before me this^{23rd}.....

day ofSeptember....., 19⁹³.....

.....*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 12/11/93

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 20th day of September, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.

ABSENT:

Councilman Richard B. Solecki
Councilman William L. Wielinski

Motion by Councilman Johnson, seconded by Supervisor Gabryszak

WHEREAS, Hospice Association of Western New York, Inc. has petitioned for the rezoning, from R-Residential District to CF-Community Facilities District, of property owned by Julia B. Reinstein, et al. and located on Como Park Boulevard near Hawthorne Avenue (SBL #113.12-2-26), Cheektowaga, New York, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of August, 1993 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Zoning Law 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 subject to the following condition:

1. landscape plan approval
2. ingress and egress shall be provided utilizing two driveways and

WHEREAS, the Applicant, although exempt from taxes under the Real Property Tax Law, has agreed to enter into a payment-in-lieu-of-taxes arrangement with the Town wherein it will pay the sum of \$10,000.00 to the Town on an annual basis for ten (10) years, commencing with the 1994 tax year, covering any and all special district charges for general lighting, general garbage and fire/hydrant districts, and

WHEREAS, THE Applicant has submitted, and has agreed to abide by, a tree preservation plan and a drainage plan, which plans are acceptable to the Cheektowaga Conservation Advisory Council and the Town Engineer, 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 aforementioned rezoning, and, based on the above mentioned commitments from the Applicant, has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that based on the aforementioned commitments by the Applicant this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Hospice Association of Western New York, Inc. for the rezoning from R-Residential District to CF-Community Facilities District of the property specified in the attached legal description be and the same is hereby approved subject to:

- (1) the aforesaid P.I.L.O.T. arrangement, which the Supervisor is authorized to execute on behalf of the Town,
- (2) the tree preservation plan submitted pursuant to the Town's Tree Preservation Law (Local Law No. 7-1992),
- (3) the development/site plan submitted pursuant to Article X of the Town's Zoning Law,

(4) Applicant's agreement not to develop those areas of the rezoned property which are not shown on said plans for buildings or parking, but instead will permanently keep such areas as green spaces, preserving same for wetlands, trees, shrubs and other forms of approved vegetation, and

(5) drainage plan approval by the Town's Supervising Building Inspector and/or Engineer, and BE IT FURTHER

RESOLVED that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

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 Lot No. 10, 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. 483, is known as Subdivision Lots numbers one (1) to five (5) inclusive in Block "A".

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the northwest corner of lands as shown on Map filed in Erie County Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, eighty-two and fifty hundredths (82.50) feet; thence southerly parallel with the west line of lands shown on Map filed in said Clerk's Office under Cover No. 483 to the northwesterly line of Bennett Road; thence northeasterly along the northwesterly line of Bennett Road, one hundred three and twenty hundredths (103.20) feet more or less to the westerly line of lands shown on Map filed in said Clerk's Office under Cover No. 483; thence northerly along said west line of Map filed in said Clerk's Office under Cover No. 483 to the south line of Como Park Boulevard, at the point of beginning.

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the east line of lands conveyed to Edward L. Koons by deed recorded in Erie County Clerk's Office in liber 732 of Deeds at page 584, said point being eighty-two and five tenths (82.5) feet westerly from the northwest corner of Subdivision Lot No. 1 in Block "A" according to Map filed in said Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, one hundred twenty-three and seventy-five hundredths (123.75) feet; thence southerly parallel with the east line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 732 of Deeds at page 584 to the north line of Bennett Road; thence northeasterly along the north line of Bennett Road, one hundred thirty-six and sixty-eight hundredths (136.68) feet more or less to the east line of lands conveyed by said deed recorded in said Clerk's Office in liber 732 of Deeds at page 584; thence northerly along said east line to the south line of Como Park Boulevard, at the point of beginning.

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at its intersection with the east line of lands conveyed to Anna M. Reinstein by deed recorded in Erie County Clerk's Office in liber 2053 of Deeds at page 326; thence southerly along the east line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 2053 of Deeds at page 326 and its extension southerly to the north line of Bennett Road; thence southwestwesterly along said north line of Bennett Road, one hundred seventy-six and eighty-four hundredths (176.84) feet more or less to the east line of lands conveyed to Pearl R. Rupp by deed recorded in said Clerk's Office in liber 2209 of Deeds at page 188; thence northerly along the said east line of Rupp's lands, one hundred forty-four and sixty-five hundredths (144.65) feet to the northeast corner thereof; thence westerly along the north line of said Rupp's lands, two hundred thirteen and twenty-seven hundredths (213.27) feet to the northwest corner thereof and the west line of the middle third of Lot No. 10; thence northerly along the said west line of the middle third of Lot No. 10 to the south line of Como Park Boulevard; thence easterly along the south line of Como Park Boulevard, three hundred seventy-one and twenty-five hundredths (371.25) feet to the point of beginning.

Upon roll call...

Supervisor Gabryszak voting AYE
Councilman Jaworowicz voting AYE
Councilman Solecki voting ABSENT
Councilman Rogowski voting AYE
Councilman Blachowski voting AYE
Councilman Johnson voting AYE
Councilman Wielinski voting ABSENT
AYES: 5
NAYES: 0
ABSENT: 2

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 20, 1993, 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 2, 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 20 day of September, 1993.

RICHARD M. MOLESKI
Town Clerk

PUBLISH; September 23, 1993

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

.....Melissa Gugliuzza....., 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 23, 1993.....;
last publication.....September 23, 1993.....;
and that no more than six days intervened be-
tween publications.

.....*Melissa Gugliuzza*.....

Sworn to before me this23rd.....

day ofSeptember....., 19⁹³.....

.....*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 12/11/93

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 20th day of September, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:

- Supervisor Dennis H. Gabryszak
- Councilman Patricia A. Jaworowicz
- Councilman William P. Rogowski
- Councilman Jacqueline A. Blachowski
- Councilman Thomas M. Johnson, Jr.

ABSENT:

- Councilman Richard B. Solecki
- Councilman William L. Wielinski

Motion by Councilman Johnson, seconded by Supervisor Gabryszak

WHEREAS, Hospice Association of Western New York, Inc. has petitioned for the rezoning, from R-Residential District to CF-Community Facilities District, of property owned by Julia B. Reinstein, et al. and located on Como Park Boulevard near Hawthorne Avenue (SBL #113.12-2-26), Cheektowaga, New York, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 2nd day of August, 1993 at 7:00 o'clock P.M., after publication and service of the notices required by the provisions of the Zoning Law 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 subject to the following condition:

1. landscape plan approval
2. ingress and egress shall be provided utilizing two driveways and

WHEREAS, the Applicant, although exempt from taxes under the Real Property Tax Law, has agreed to enter into a payment-in-lieu-of-taxes arrangement with the Town wherein it will pay the sum of \$10,000.00 to the Town on an annual basis for ten (10) years, commencing with the 1994 tax year, covering any and all special district charges for general lighting, general garbage and fire/hydrant districts, and

WHEREAS, THE Applicant has submitted, and has agreed to abide by, a tree preservation plan and a drainage plan, which plans are acceptable to the Cheektowaga Conservation Advisory Council and the Town Engineer, 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 aforementioned rezoning, and, based on the above mentioned commitments from the Applicant, has recommended that this Town Board issue a determination that such rezoning will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that based on the aforementioned commitments by the Applicant this Town Board hereby agrees with the recommendation made by the Environmental Advisory Review Committee, and directs that a "Negative Declaration" for this project be issued, and BE IT FURTHER

RESOLVED, that the application of Hospice Association of Western New York, Inc. for the rezoning from R-Residential District to CF-Community Facilities District of the property specified in the attached legal description be and the same is hereby approved subject to:

- (1) the aforesaid P.L.L.O.T. arrangement, which the Supervisor is authorized to execute on behalf of the Town,
- (2) the tree preservation plan submitted pursuant to the Town's Tree Preservation Law (Local Law No. 7-1992),
- (3) the development/site plan submitted pursuant to Article X of the Town's Zoning Law,
- (4) Applicant's agreement not to develop those areas of the rezoned property which are not shown on said plans for buildings or parking, but instead will permanently keep such areas as green spaces, preserving same for wetlands, trees, shrubs and other forms of approved vegetation, and
- (5) drainage plan approval by the Town's Supervising Building Inspector and/or Engineer, and BE IT FURTHER

RESOLVED that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

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 Lot No. 10, 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. 483, is known as Subdivision Lots numbers one (1) to five (5) inclusive in Block "A".

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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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at the east line of lands conveyed to Edward L. Koons by deed recorded in Erie County Clerk's Office in liber 732 of Deeds at page 584, said point being eighty-two and five tenths (82.5) feet westerly from the northwest corner of Subdivision Lot No. 1 in Block "A" according to Map filed in said Clerk's Office under Cover No. 483; thence westerly along the south line of Como Park Boulevard, one hundred twenty-three and seventy-five hundredths (123.75) feet; thence southerly parallel with the east line of lands conveyed by aforesaid deed recorded in said

Clerk's Office in liber 732 of Deeds at page 584 to the north line of Bennett Road; thence northeasterly along the north line of Bennett Road, one hundred thirty-six and sixty-eight hundredths (136.68) feet more or less to the east line of lands conveyed by said deed recorded in said Clerk's Office in liber 732 of Deeds at page 584; thence northerly along said east line to the south line of Como Park Boulevard, at the point of beginning.

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. 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the south line of Como Park Boulevard, at its intersection with the east line of lands conveyed to Anna M. Reinstein by deed recorded in Erie County Clerk's Office in liber 2053 of Deeds at page 326; thence southerly along the east line of lands conveyed by aforesaid deed recorded in said Clerk's Office in liber 2053 of Deeds at page 326 and its extension southerly to the north line of Bennett Road; thence southwesterly along said north line of Bennett Road, one hundred seventy-six and eighty-four hundredths (176.84) feet more or less to the east line of lands conveyed to Pearl R. Rupp by deed recorded in said Clerk's Office in liber 2209 of Deeds at page 188; thence northerly along the said east line of Rupp's lands, one hundred forty-four and sixty-five hundredths (144.65) feet to the northeast corner thereof; thence westerly along the north line of said Rupp's lands, two hundred thirteen and twenty-seven hundredths (213.27) feet to the northwest corner thereof and the west line of the middle third of Lot No. 10; thence northerly along the said west line of the middle third of Lot No. 10 to the south line of Como Park Boulevard; thence easterly along the south line of Como Park Boulevard, three hundred seventy-one and twenty-five hundredths (371.25) feet to the point of beginning.

Upon roll call...

- Supervisor Gabryszak voting AYE
- Councilman Jaworowicz voting AYE
- Councilman Solecki voting ABSENT
- Councilman Rogowski voting AYE
- Councilman Blachowski voting AYE
- Councilman Johnson voting AYE
- Councilman Wielinski voting AYE
- ABSENT:
- AYES: 5
- NAYES: 0
- ABSENT: 2

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 20, 1993, 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 2, 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 20 day of September, 1993.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 23, 1993

191 b/c

Item No. 3 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board held a public hearing on September 7, 1993 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. no parking anytime

RUSHFORD LANE	west side	from the north lot line of No. 38 southerly to the north curblines of Hillpine Road
---------------	-----------	---

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. no parking anytime

RUSHFORD LANE	west side	from the north curblines of Butternut Road extended southerly to the north curblines of Hillpine Road
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WEDGEWOOD DRIVE	west side	from the north curblines of Castlewood Drive to the south curblines of Losson Road
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ARTHUR STREET	west side	from the south curblines of Genesee Street southerly a distance of 200 feet <u>±</u> to a point
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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.

Item No. 3 continued

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.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

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 20th day of September, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were

PRESENT: Supervisor Dennis H. Gabryszak Councilman Patricia A. Jaworowicz Councilman William P. Rogowski Councilman Jacqueline A. Blachowski Councilman Thomas M. Johnson, Jr.

ABSENT: Councilman Richard B. Solecki, Councilman William L. Wielinski

Motion by: Councilman Johnson, seconded by: Councilman Rogowski

WHEREAS, this Town Board held a public hearing on September 7, 1993 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. no parking anytime

RUSHFORD LANE - west side - from the north lot line of No. 38 southerly to the north curblin of Hillpine Road

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B: No parking anytime

RUSHFORD LANE - west side - from the north curblin of Butternut Road extended southerly to the north curblin of Hillpine Road

WEDGEWOOD DRIVE - west side - from the north curblin of Castlewood Drive to the south curblin of Losson Road

ARTHUR STREET - west side - from the south curblin of Genesee Street southerly a distance of 200 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 amendment 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.

Upon roll call... Supervisor Gabryszak voting AYE Councilman Jaworowicz voting AYE Councilman Solecki voting ABSENT Councilman Rogowski voting AYE Councilman Blachowski voting AYE Councilman Johnson voting AYE Councilman Wielinski voting ABSENT

AYES: 5 NAYES: 0 ABSENT: 2

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 20, 1993, 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 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 20th day of September, 1993.

RICHARD M. MOLESKI Town Clerk

PUBLISH: September 23, 1993

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

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk 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 for 1 weeks: first publication September 23, 1993; last publication September 23, 1993; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 23rd day of September, 1993

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 12/11/93

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 20th day of September, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were

PRESENT:
Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.

ABSENT: Councilman Richard B. Solecki, Councilman William L. Wielinski

Motion by: Councilman Johnson, seconded by: Councilman Rogowski

WHEREAS, this Town Board held a public hearing on September 7, 1993 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 X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-102 of the traffic ordinance shall be amended by deleting therefrom the following:

B. no parking anytime

RUSHFORD LANE - west side - from the north lot line of No. 38 southerly to the north curblin of Hillpine Road

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B: No parking anytime

RUSHFORD LANE - west side - from the north curblin of Butternut Road extended southerly to the north curblin of Hillpine Road

WEDGEWOOD DRIVE - west side - from the north curblin of Castlewood Drive to the south curblin of Losson Road

ARTHUR STREET - west side - from the south curblin of Genesee Street southerly a distance of 200 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 amendment 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.

Upon roll call...
Supervisor Gabryszak voting AYE
Councilman Jaworowicz voting AYE
Councilman Solecki voting ABSENT
Councilman Rogowski voting AYE
Councilman Blachowski voting AYE
Councilman Johnson voting AYE
Councilman Wielinski voting ABSENT

AYES: 5
NAYES: 0
ABSENT: 2

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 20, 1993, 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 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 20th day of September, 1993.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: September 23, 1993

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

Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk..... 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 23, 1993.....; last publication..... September 23, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza.....

Sworn to before me this 23rd

day of September, 19⁹³.....

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 12/11/92

Item No. 4 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, Raleigh C. Warden, Randall C. Warden and Richard J. Warden, d/b/a Randy's Snowplowing & Highlift Service, has made application and requested the Rezoning from M1-Light Manufacturing District to MS-Motor Services District for property located at 5 Old Indian Road, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 4, 1993 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: Councilman Solecki and Wielinski

AFFIDAVIT - NEXT PAGE

2 LEGAL NOTICE

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 20th day of September, 1993 at 7:30 o'clock p.m. Eastern Daylight Saving Time there were:

PRESENT:
Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.

ABSENT:
Councilman Richard B. Solecki
Councilman William L. Wielinski

Motion by: Councilman Johnson, seconded by: Councilman Rogowski

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RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 4, 1993 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon roll call....
Supervisor Gabryszak voting AYE
Councilman Jaworowicz voting AYE
Councilman Solecki voting ABSENT
Councilman Rogowski voting AYE
Councilman Blachowski voting AYE
Councilman Johnson voting AYE
Councilman Wielinski voting ABSENT

AYES: 5
NAYES: 0
ABSENT: 2

PUBLISH: September 23, 1993

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

Melissa Gugliuzza....., of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk..... 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 23, 1993.....; last publication.....September 23, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza.....

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Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.

ABSENT:

Councilman Richard B. Solecki
Councilman William L. Wielinski

Motion by: Councilman Johnson, seconded by: Councilman Rogowski

WHEREAS, Raleigh C. Warden, Randall C. Warden and Richard J. Warden, d/b/a Randy's Snowplowing & Highlift Service, has made application and requested the Rezoning from M1-Light Manufacturing District to MS-Motor Services District for property located at 5 Old Indian Road, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on October 4, 1993 at 7:00 o'clock P.M., Eastern Daylight Saving Time at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon roll call....

Supervisor Gabryszak voting AYE
Councilman Jaworowicz voting AYE
Councilman Solecki voting ABSENT
Councilman Rogowski voting AYE
Councilman Blachowski voting AYE
Councilman Johnson voting AYE
Councilman Wielinski voting ABSENT

AYES: 5
NAYES: 0
ABSENT: 2

PUBLISH: September 23, 1993

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

.....Melissa Gugliuzza....., 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 23, 1993.....; last publication.....September 23, 1993.....; and that no more than six days intervened between publications.

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.....*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 12/11/93

Item No. 5 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the construction of two (2) recreational fields (football and soccer) including storm water drainage at the Alexander Community Center, which bids were duly received and opened at a public bid opening held on August 26, 1993, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated September 15, 1993, AND

WHEREAS, the construction of the recreational fields, including storm water drainage, is funded in part through a grant obtained through the State Office of Parks and Recreation which guarantees 50% reimbursement for the construction of said recreational fields (and storm drainage) and requires that said field be constructed during the 1993 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the construction of two (2) recreational fields, including storm water drainage, at the Alexander Community Center be awarded to Pilot Construction, Inc., 3020 Clinton Street, West Seneca, New York 14224 for its base bid price of \$97,330 and Alternate #1 at the low bid of \$22,800, said bidder being the lowest responsible bidder meeting specifications, AND, BE IT FURTHER

RESOLVED, that the total cost of \$120,130 for said project shall be appropriated from Account #5309-1440-9373 and #5007-8540-1100.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: Councilman Solecki and Wielinski

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



September 15, 1993

TO SUPERVISOR GABRYSZAK AND
HONORABLE TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: General Construction of one Football
and one Soccer Field, Including Storm
Water Drainage, at the Alexander
Community Center

Gentlemen:

Bids were received and opened on August 26, 1993 for the construction of two (2) recreational fields, including storm water drainage and two (2) additional alternate bid items, of which only one (1) was accepted by Supervisor Gabryszak. Four (4) bidders submitted bids as follows:

<u>BIDDER</u>	<u>BASE BID PRICE</u>
Pilot Construction Company	\$ 97,330
Buffalo Creek Landscaping, Inc.	\$131,634
B.D.R. Inc.	\$132,970
Rammer Nursery, Inc.	\$134,807

ACCEPTED ALTERNATE #1 (UNDERDRAIN)

Pilot Construction Company	\$ 22,800
Buffalo Creek Landscaping, Inc.	\$ 15,200
B.D.R. Inc.	\$ 15,360
Rammer Nursery, Inc.	\$ 58,589

Alternate bid item #2, which was not accepted, was for an additional 21 space parking lot at the west end of the existing parking lot. Bids for this alternate are as follows:

Pilot Construction Company	\$ 16,300
Buffalo Creek Landscaping, Inc.	\$ 14,150
B.D.R. Inc.	\$ 12,949
Rammer Nursery, Inc.	\$ 11,760

TO SUPERVISOR GABRYSZAK
AND TOWN BOARD MEMBERS

September 15, 1993
Page 2

The bids were reviewed by the Engineering Department, Supervisor Gabryszak and James Matecki. It is, therefore, recommended that the bid for one football and one soccer field, including storm water drainage and Alternate #1 (underdrain system), be awarded to Pilot Construction Company, 3020 Clinton Street, West Seneca, New York 14224 for their submission of the lowest bid meeting the requirements of the specifications and available funding.

Very truly yours,

TOWN OF CHEEKTOWAGA



Paul G. Piwowarski
Engineering Assistant

PGP:dms

CC: S. Barnes
J. Matecki
D. Gabryszak

Item No. 6 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Facilities Department has requested the services of the Engineering Department and is in need of various vehicles to replace existing trucks now in use, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said vehicles, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 4th day of October, 1993 at 11:00 A.M., Eastern Daylight Savings Time.

* * * * *

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 4, 1993 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of various vehicles for the Facilities Department.

Information for bidders and specifications may be obtained from the Town Clerk at his office in said Town.

The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to other than the low bidder, should it be in the best interest of the Town, or reject any or all bids.

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

Richard M. Moleski
Town Clerk

DATED: September 20, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

Chester L. Bryan, P.E.
Town Engineer



September 15, 1993

TO THE SUPERVISOR AND
TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Various Vehicles
Facilities Department

Gentlemen:

Attached for your approval is a resolution authorizing the receipt of bids for three (3) pick-up trucks, one (1) van and one (1) stake truck.

The following vehicles are to be traded in: one (1) 1981 pick-up truck, one (1) 1983 pick-up truck, one (1) 1978 stake truck and one (1) 1983 van.

Very truly yours,

TOWN OF CHEEKTOWAGA

Allan B. Blachowski, ds

Allan B. Blachowski
Sr. Engineer Assistant

ABB:dms

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

LEGAL NOTICE
NOTICE TO BIDDERS

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By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
Town Clerk

Dated: September 20, 1993

PUBLISH: September 23, 1993

Melissa Gugliuzza....., 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-
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said paper once a week for¹..... weeks:
first publication.....September 23, 1993..... ;
last publication.....September 23, 1993..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza
.....

Sworn to before me this^{23rd}.....

day ofSeptember....., 19⁹³.....

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 12/11/93

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

**LEGAL NOTICE
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By order of the Town Board of the Town of Cheektowaga, Erie County, New York.

Richard M. Moleski
 Town Clerk

Dated: September 20, 1993

PUBLISH: September 23, 1993

.....Melissa Gugliuzza....., of the town
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.....*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 12/11/93

Item No. 7 Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, on July 6, 1992 this Town Board awarded the contract for the replacement of the Ledyard Avenue Bridge for the total sum of \$194,500.00 to Tom Greenauer Development, Inc. under a State Aid Local Bridge Program, AND

WHEREAS, as the result of a field inspection, the Town Engineer and the consultant, Krehbiel Associates, directed the contractor to extend grouted rip-rap along the southwest bank for erosion protection, replace sidewalk damaged as a result of rip-rap extension work and add extra guide rail tubing at the southwest and northeast corners of the new structure, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 in the amount of \$4,413.75 as an increase to the contract of Tom Greenauer Development, Inc. be approved.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 8 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, on May 3, 1993, this Town Board awarded Contract A for General Construction Work for the Sewer Maintenance Garage Restoration and Digester Conversion at Plant #5 to Baker Development Construction Inc. for the total sum of \$314,700.00, and awarded Contract D for Electrical Work for the aforesaid project to Warren's Electric for the total sum of \$34,022.00, AND

WHEREAS, upon removal under Contract A by the contractor of the fire damaged roof elements, additional structural deficiencies resulting from the fire not previously visible were found to exist following inspection by the Town Engineer and by representatives of Nussbaumer & Clarke, Inc., the Town's Project Consultant, AND

WHEREAS, it is necessary to undertake additional repairs to the Maintenance Garage to assure an acceptable structural condition and to remove and reinstall electrical devices to allow for the additional repairs which are enumerated in the attached August 30, 1993 and September 15, 1993 communications from Nussbaumer & Clarke, Inc., attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of \$19,000 as an increase to the contract of Baker Development Construction Inc., Contract A; and in the amount of \$485.30 as an increase to the contract of Warren's Electric, Contract D, be and hereby are approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby directed and authorized to sign said Change Order No. 1 on behalf of this Town Board.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

*SEE NEXT PAGE(S) FOR ATTACHMENT



Nussbaumer & Clarke, Inc.

Consulting Engineers

Surveyors

3556 Lake Shore Rd., Suite 500 • Buffalo, NY 14219-1494

(716) 827-8000

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

Buffalo Office Fax:
(716) 828-7958
Oawego Office Fax:
(315) 342-6114

September 15, 1993

William R. Pugh, P.E.
Assistant Town Engineer
275 Alexander Avenue
Cheektowaga, New York 14211

Re: Town of Cheektowaga, New York
Maintenance Garage Restoration
NCI File No. 92-176

Dear Mr. Pugh:

In regard to our letter of August 30, 1993, to you addressing the additional work required in the fire related portion of the maintenance garage restoration, we delivered a bulletin on September 1, 1993, to Baker Development. The bulletin outlined required additional work and requested a price for the work.

Baker Development submitted a quotation on September 14, 1993, of \$21,680.00 for the work. NCI prepared a parallel estimate for this work. We recommend that \$ 19,000.00 be authorized for this work. Baker Development will revise his quotation to reflect the \$19,000.00 cost.

Additional electrical work is also required due to the above fire related damage. This work consists of removing and reinstalling electrical devices to allow for repair of the damaged walls. Warren's Electric submitted a quote for \$485.30. We recommend that this amount be authorized to replace these fixtures.

If you have any comments or questions, please call.

Yours truly,

NUSSBAUMER & CLARKE, INC.

Dean T. Perry, P.E.
Vice President

John H. McFadden
Electrical Coordinator

STAFFED BY: ENGINEERS • PLANNERS • SURVEYORS



Nussbaumer & Clarke, Inc.

Consulting Engineers

Surveyors

3556 Lake Shore Rd., Suite 500 • Buffalo, NY 14219-1494
(716) 827-8000

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

Buffalo Office Fax:
(716) 826-7958
Oswego Office Fax:
(315) 342-6114

August 30, 1993

William R. Pugh, P.E.
Assistant Town Engineer
275 Alexander Avenue
Cheektowaga, New York 14211

RECEIVED

AUG 31 1993
ENGINEERING
DEPT.

Re: Town of Cheektowaga, New York
Maintenance Garage Restoration
NCI File No. 92-176

Dear Mr. Pugh:

Baker Construction contacted Nussbaumer & Clarke, Inc. the week of August 16, 1993 regarding extensive additional damages caused by the fire. The Contractor removed the steel decking, windows, fascia siding and bar joists exposing additional structural deficiencies which were not visible during our original inspection, due to soot and inaccessibility.

Upon further visual inspection, (August 20 and 23, 1993), we find it necessary to recommend additional repairs to the maintenance garage to assure an acceptable structural condition. The additional repairs due to fire damage are as follows:

1. Removal and replacement of the three (3) remaining reinforced concrete corners with reinforcement at each face of concrete (southeast corner is presently included in the contract).
2. Upon further review and site investigation of the damage to the concrete walls caused by the fire's heat and thermal expansion of the roof trusses, we recommend reinforcement at each face of concrete instead of a single layer in the center (southeast corner).
3. The top 1 foot portion of the top reinforced concrete wall extension, directly above the proposed wall repair, should be removed and replaced due to delamination of the top inside corner of the concrete.
4. All existing bar joints should have new bearing plates and anchor bolts. Also, at a selected location of bar joist bearing, removal and replacement of concrete due to parabolic cracking through the centerline of the existing anchor bolts is required.

STAFFED BY: ENGINEERS • PLANNERS • SURVEYORS

Nussbaumer & Clarke, Inc.

William R. Pugh, P.E.

Page 2

August 30, 1993

5. Remaining structural steel will require resetting of bearing plates with new grout bearing pads. Also, concrete removal and replacement and new anchor bolts will be required at selected locations.
6. Existing bar joist end bridging that is to remain should be repaired.
7. The outside edge of the cold joint between the original tank and the wall extension should be waterproofed with silicone caulk instead of grout.
8. End fascia steel angle used to fasten the siding is loose and should be fastened to the concrete wall.

A bulletin has been sent to the contractor detailing the above-mentioned additions and changes, to obtain additional construction costs.

If you should have any questions, or need further information regarding any aspect of these additions and changes, please do not hesitate to contact our office.

Upon your approval of these items we will prepare said bulletin. We will also be available to assist the Town in meetings with the insurance adjuster, to amend the Town's reimbursement.

Yours truly,

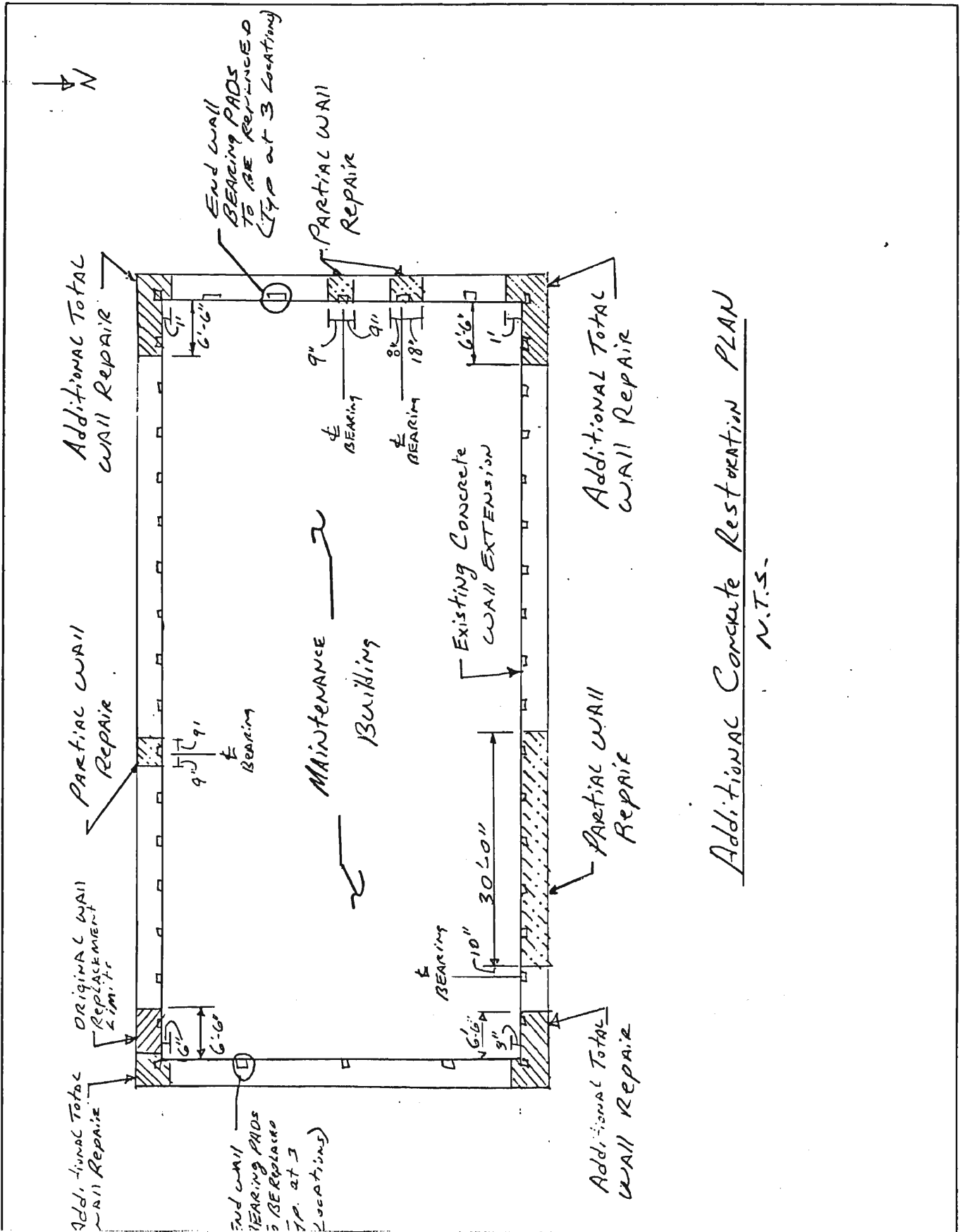
NUSSBAUMER & CLARKE, INC.


John H. McFadden
Project Manager

JT/DTP/s

NUSSBAUMER & CLARKE, INC.
 BUFFALO, N.Y., OSWEGO, N.Y.

Project: Chicktown Main Garage Original By: JMT Date: 8/27/93 Proj. No. 92-176
 Type of Work: Additional Work Diagram Checked By: _____ Date: _____ Sheet No. 1 of 1



Additional Concrete Restoration Plan
 N.T.S.

Item No. 9 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga is desirous of placing banners across Harlem Road near Cheektowaga Town Park in order to advertise certain Town Park and Town events, and

WHEREAS, New York State Electric and Gas Corporation has offered to supply and erect the necessary poles for such banners; wires would then be connected to such poles for the placement of banners, and

WHEREAS, it would be necessary to erect one of the poles on property owned by St. Joseph Hospital at 2605 Harlem Road, and

WHEREAS, St. Joseph Hospital has agreed to allow the erection of this pole on its property subject to the conditions stated below, and

WHEREAS, the Town is agreeable to the conditions stated by St. Joseph Hospital, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, as a condition to St. Joseph Hospital allowing the Town to erect a pole on its property, hereby agrees as follows:

1. The Town hereby agrees to indemnify and hold harmless St. Joseph Hospital for any injuries, liabilities, accidents, etc. which may be associated with the banner display erected by the Town of Cheektowaga now and in the future.
2. St. Joseph Hospital is given the option of hanging banners on the banner display announcing festivities of the hospital.
3. Nothing will be displayed on the banner which would conflict with the religious mission of St. Joseph or its sponsor, the Franciscan Sisters of St. Joseph.
4. The poles will be placed at a location that will not interfere with traffic ingressing and egressing the St. Joseph Hospital property or interfere with patient, visitor and ambulance line of sight as they approach the Hospital.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

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

WHEREAS, Cheektowaga Central High School desires to have a Homecoming Parade on Friday, October 8, 1993 starting at 6:00 P.M., and

WHEREAS, the Homecoming Parade route will be as follows: Beginning at the north end of South Creek Drive and Benbro Drive, thence proceeding westbound on South Creek Drive to Nantucket Drive, West; thence westbound on Zoerb Avenue to Union Road; thence westbound across Union Road at the Traffic Signal to the Cheektowaga Central High School parking lot and football field, and

WHEREAS, Cheektowaga Central High School has requested permission from this Town Board to have its Homecoming Parade and desires a police escort therefore, and

WHEREAS, this Town Board desires to approve the Homecoming Parade for Cheektowaga Central High School, NOW, THEREFORE, BE IT

RESOLVED, that Cheektowaga Central High School be and hereby is authorized to conduct its Homecoming Parade along the above mentioned route, and, BE IT FURTHER

Item No. 10 continued

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort arrangements for such Homecoming Parade and to ensure compliance with Section 1660 (a) (6) of the Vehicle and Traffic Law of the State of New York, and BE IT FURTHER

RESOLVED, that this Town Board hereby also encourages Forks Hose Company No. 2 to supervise and extinguish the Bon Fire planned by Cheektowaga Central High School for its Homecoming Pep-Rally.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 11 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Villa Maria Academy has requested the use of John C. Stiglmeier Park on October 5, 1993 for a Cross County Track Meet in the Monsignor Martin Girls Athletic League, and

WHEREAS, four races will start at 3:40 P.M., 4:00 P.M., 4:20 P.M. and 4:40 P.M. and will be completed by approximately 5:15 P.M., and

WHEREAS, Villa Maria Academy has also requested that the Town have the restroom facilities in Stiglmeier Park open for this Track Meet, and

WHEREAS, Villa Maria Academy has provided the Town with an insurance certificate to cover the Town for liability associated with this Track Meet, NOW, THEREFORE, BE IT

RESOLVED, that permission be and hereby is granted to Villa Maria Academy to use Stiglmeier Park on October 5, 1993 for its Cross County Track Meet, and BE IT FURTHER

RESOLVED, that the Athletic Director of Villa Maria Academy should contact the Director of the Town Facilities Department to make arrangements for such Cross County Track Meet.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 12a Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 130 Anderson Road, Cheektowaga, New York, SBL #102.03-2-24 and according to the Assessor's Office is owned by The Independent Order of Foresters, 789 Don Mill Road, Don Mills, Ontario M3C 1T4 (Canada), 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. 12a continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 12b Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1735 Walden Avenue, Cheektowaga, New York, SBL #102.03-2-21 and according to the Assessor's Office is owned by The Independent Order of Foresters, 789 Don Mill Road, Don Mills, Ontario M3C 1T4 (Canada), 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 Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 12c Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1745 Walden Avenue, Cheektowaga, New York, SBL #102.03-2-22 and according to the Assessor's Office is owned by The Independent Order of Foresters, 789 Don Mill Road, Don Mills, Ontario M3C 1T4 (Canada), 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 Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 12d Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1753 Walden Avenue, Cheektowaga, New York, SBL #102.03-2-23 and according to the Assessor's Office is owned by The Independent Order of Foresters, 789 Don Mill Road, Don Mills, Ontario M3C 1T4 (Canada), and

Item No. 12d 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 Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 12e Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property (dimension 30'x115.21') located South of 369 Shanley Street, Cheektowaga, New York, SBL #112.67-5-14 and according to the Assessor's Office is owned by Victor Skubinski, Cheektowaga, 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 Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 13a Motion by Councilman Blachowski, Seconded by Councilman Rogowski

WHEREAS, the Town of Cheektowaga is eligible for partial reimbursement of funds expended for youth programming during fiscal year 1994, and

WHEREAS, the Town of Cheektowaga will submit a State Aid application to the New York State Division for Youth for funding under the following Project Funding Categories: Youth Bureau, Youth Service, Youth Initiatives, and Recreation, NOW, THEREFORE, BE IT

RESOLVED, that said application is approved contingent upon the appropriation of funds in the adopted 1994 Town of Cheektowaga budget and that the Supervisor is hereby directed and authorized to duly execute and present same to the New York State Division for Youth.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 13b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Town of Cheektowaga gave Mr. & Mrs. Richard Burzynski a Housing Rehabilitation Community Development loan for property owned by them and located at 14 A-D Springfield, Cheektowaga, New York 14225, and

Item No. 13b continued

WHEREAS, Mr. & Mrs. Burzynski are now applying for a separate mortgage loan through Midcoast Mortgage Corp., and Midcoast Mortgage Corp. 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. Burzynski and the Town's Housing Rehabilitation Community Development loan for 14 Springfield Drive, Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 13c Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the Supervisor be and hereby is directed to sign an agreement between the Department of Youth and Recreational Services and Justin Entertainment Mobile Van to cover the expense of their performances during the annual Haunted Forest to be held in Stiglmeier Park during the period of October 18th-21st, 1993, at a cost not to exceed \$600 (Line Item 7140.4492).

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 14a Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

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

EFFECTIVE

FACILITIES DEPARTMENT

Cynthia Szymanski	8/26/93
Al Rodzoch	8/30/93
David Kasprowicz	8/28/93
Gary Catlin	8/23/93

MAIN PUMP STATION

Walter Szafranec	9/08/93
Joseph Sebastiani	9/08/93

POLICE DEPARTMENT

Todd Kopacz	Immediately
Janet Mutka	"
Leonard Skoczylas	"
Jennifer Nowicki	"

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

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

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

DINGENS POOL
BATH HOUSE 7180.1901

Deena Fischer	14206
Beth Krajewski	14227
Michelle Miszewski	14043
Melissa Newhouse	14227
Mara Serafin	14227

LIFEGUARDS 7180.1903

Amy Garbacz	14206
Sarah Garcea	14227
Renee Kazukiewicz	14227
Kim Kubiak	14206
David Owens	14227
Tony Pawlowski	14227
Sarah Warfield	14043

SUPERVISORS 7180.1903

Kathy Bobeck	14227
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MARYVALE POOL
BATHHOUSE 7180.1901

Elizabeth Kreavy	14225
Shawn Paa	14225

LIFEGUARDS 7180.1903

Greg Bean	14225
Craig Bova	14225
Kathleen Kriel	14225
Jared Martin	14043
Brian Roehboldt	14225
Michael Wyse	14225

TOWN PARK POOL
BATHHOUSE 7180.1901

Linda Patrick	14225
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LIFEGUARDS 7180.1903

Margaret Brezowski	14211
Michael Callahan	14227
Amy Dauscher	14227
Doug Egloff	14215
Ann Marie Gorski	14225
Amber Gorzynski	14206
Brian Gould	14227
Jackie Houser	14225
Michael Hughes	14043
Jose Joven	14043
Karen Kuehmeier	14225
Lisa Lewandowski	14225
Michelle Olewnik	14227
Amy Owens	14227
Amy Pacer	14043
Ed Pawlowski	14043
Keith Polanski	14207
Dawn Pszcolkowski	14211
Denee Schallmo	14225

Item No. 14b continued

Lifeguards 7180.1903

Jill Szczulblewski	14043
Jason Tolsma	14043
Brian Zanghi	14215

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 15 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Lawrence Watson is a member of the Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, due to work conflicts, Lawrence Watson has been unable to attend CCAC meetings and has expressed a desire to resign from the CCAC, and

WHEREAS, Jane Wiercioch has attended a number of CCAC meetings over the past year and has served as the unofficial secretary to such Council, and

WHEREAS, Jane Wiercioch has indicated a willingness to serve as a member of the CCAC, and

WHEREAS, the CCAC agrees that Jane Wiercioch should become a member of the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the resignation of Lawrence Watson from the CCAC, effective immediately, and BE IT FURTHER

RESOLVED, that Jane Wiercioch, Depew, New York 14043, be and hereby is appointed to serve the unexpired term of Lawrence Watson on the CCAC, effective immediately and expiring on October 15, 1994.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 16a Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

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 between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

POLICE DEPARTMENT - Dog Control Office - \$6.00 per hour

Greg Fuchs Immediately

POLICE DEPARTMENT - Clerical - \$5.00 per hour

Richard Ford Immediately

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 16b Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED, that the following individuals be hired as indicated:

Recreation Attendant I (7140.1614) - \$4.25

Rebecca Lynn Volk 14211
Ginger Wilczak 14227

Recreation Specialist (7140.1614) - \$5.00

Sarah Noonan 14225

Recreation Attendant I (7140.1639) - \$4.25

Lynn C. Butts 14225

Recreation Supervisor III (7140.1639) - \$5.50

Norbert Rzeski 14086

Senior Recreation Supervisor - Gymnastics - (7140.1630) - \$9.50

Colleen Tonsoline 14086

BE IT RESOLVED, that the following individuals be transferred as indicated:

From Pool Supervisor (7180.1902) to Supervisor V (7140.1613) \$6.50

Keith Sokolowski

From Pool Supervisor I (7180.1902) to Recreation Leader VII - \$6.75 - (7140.1612) - (Effective September 20, 1993)

Michelle Kunkel

From Recreation Leader V to Recreation Leader VII - \$6.75 - (7140.1612) - (Effective September 20, 1993)

Laila Desjardins

From Recreation Leader VI to Recreation Leader VIII - \$7.00 - (7140.1612) - (Effective September 20, 1993)

Mary Beth Seivert

From Recreation Attendant IV (Counselor IV) (7310.1801) to Recreation Attendant IV (7140.1614) - \$5.00

Mike Rokitka

From Head Lifeguard (7180.1902) to Supervisor IV (7140.1613) - \$6.25

Keith J. Stachura

From Recreation Attendant I (ID Cards) (7140.1615) to Recreation Attendant I (TGIF) (7140.1614) - \$4.25

Andrew Rokitka

From Recreation Attendant II (7140.1648) to Recreation Attendant II (7140.1614) - \$4.25

Corinne Kindzierski

From Recreation Attendant I (7140.1648) Recreation Attendant II (7140.1614) - \$4.50

Dawn Smith

Item No. 16b continued

From Recreation Attendant IV (7140.1615) to Supervisor I (7140.1613) - \$5.50

Constance Stewart

From Recreation Leader II (7140.1613) to Supervisor V (1740.1613) - \$6.50

Susan Kopp

From Recreation Leader IV (7140.1613) to Recreation Leader IV (7140.1613) - \$5.00

Dawn Zilbauer

From Water Safety Instructor (WSI) (7180.1902) to Recreation Leader V (7140.1613) - \$6.25

Michael Mekarski

From Recreation Attendant V (Counselor V) (7310.1810) to Recreation Attendant V (7140.1614) - \$5.25

Deborah A. Reed

From Recreation Supervisor (7310.1811) to Recreation Leader IV (7140.1613) - \$6.00

Fawn Bova

From Recreation Supervisor III (7140.1645) to Recreation Leader IV (7140.1630) - \$6.00

Amy Sieczkarek

From Recreation Leader VIII (Soccer) (7140.1636) to Recreation Leader X (Hockey) (7140.1639) - \$7.50

Paul Dennis

From Recreation Leader II (Soccer) - (7140.1636) to Recreation Leader IV (Hockey) (7140.1639) - \$6.00

Matthew Bean

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson

NAYES: 0

ABSENT: Councilman Solecki and Wielinski

Item No. 17 Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, Thaddeus Brudz, an employee in the Sewer Maintenance Department, has used all of his accumulated time as of October 1, 1993, AND

WHEREAS, he is currently under doctor's care and unable to return to work, AND

WHEREAS, he has requested extended sick leave, pursuant to the provisions of the Town's agreement with the Town of Cheektowaga Supervisory Unit, NOW, THEREFORE, BE IT

RESOLVED, that Thaddeus Brudz is hereby granted extended sick leave of fifteen (15) days, pursuant to Section 8.02(d) of the Town of Cheektowaga Supervisory Unit agreement, which days are to be repaid to the Town upon his return to work; said extension to be effective October 1, 1993.

Item No. 17 continued

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 18 Motion by Councilman Rogowski, Seconded by Councilman Johnson

BE IT RESOLVED, that, as per Section 11.01 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit, Robert Sprada be and hereby is granted a one (1) year leave of absence from his position of Working Foreman in the Highway Department as to allow him to serve as Deputy Highway Superintendent.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 19a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, Operation Tri-Star is hosting the annual Tactical Unit training at Fort Drum Army Base in Watertown, New York September 27th through October 1, 1993.

WHEREAS, this session is a cooperative effort with the Tactical teams from Buffalo, Amherst, Tonawanda and the FBI. The units train together on the latest techniques in building entry, Violent felony warrant execution, Gang Weapons interdiction, Sniper training, Hostage extraction, deployment of diversionary devices, and other tactics. This training session offers the best facilities available in this region for a combined operation with surrounding jurisdictions, and is critical to maintaining the training proficiency of this unit.

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Capt. Richard Chamberlin, Sgt. Kenneth Hycner, Sgt. James Speyer, Det. Russel Paul, Officer Gerald Jankowski, Officer Donald Strozyk, Officer Carl Hendel, Officer Daniel Kean, Officer Daniel Smith and Officer Lawrence Bauer to this training school. The Police Department will be responsible for the registration fee, meal expense and travel. The registration of \$700.00 will be charged to line 0100-3120-4007. Meals and Travel amounting to \$1175.00 will be charged to line 0100-3120-4085. Cheektowaga Police vehicles will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Bruce Chamberlin is authorized to send the above officers to this training, and that the time they spend at this training be authorized as normal duty time.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 19b Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the New York State Officer of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York, on October 12-14, 1993, AND

WHEREAS, Matthew D. Kawczynski and Edward J. Saternus, Fire Inspectors for the Town of Cheektowaga, have requested permission to attend such seminar, AND

Item No. 19b continued

WHEREAS, such seminar will provide the Town's Fire Inspectors with up-to-date information and legislation on fire prevention and control and satisfied a State of New York requirement for "in-service" training, NOW, THEREFORE, BE IT

RESOLVED, that Matthew D. Kawczynski and Edward J. Saternus's be and hereby are authorized to attend the "Fire Marshals and Inspectors Seminar" on October 12-14, 1993, and BE IT FURTHER

RESOLVED, that the Town pay Mr. Kawczynski's and Mr. Saternus's registration fee of \$20.00 each, lodging costs of \$75.00 each and travel costs not to exceed \$90.00 for both in attending such seminar, and such expenses be charged to account number 0800-3620-4088.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 20 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

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

GENERAL FUND

From:	0100-1355-4575	Contracted Appraisals	\$3,400.00
	0100-7310-4683	Publications, Printing	1,250.00
	0100-7310-4698	Overnight Camp	1,500.00
	0100-7310-4698	Overnight Camp	1,250.00
	0100-7310-4698	Overnight Camp	750.00
	0100-7140-4501	LaCrosse	53.00
	0100-7140-1621	Umpires & Referees	3,401.00
	0100-7140-1654	Basketball	2,000.00
	0100-7180-4612	Transportation	563.75
	0100-7310-1801	Camp Ji-Ik-To-Wa-Ga Salaries	1,200.00
	0100-7310-1802	Dev. Disabled Camp Salaries	8,018.00
	0100-7310-1810	Alexander Day Camp	6,379.00
	0100-7310-1812	YCC Participants	2,478.00
	0100-7140-1622	Rec. Attendants-Playground	1,400.00
	0100-7140-1642	Tennis	2,170.00
	0100-7140-1645	Sport Rotation	1,200.00
	0100-7140-1648	Arts & Crafts-Playground	2,400.00
	0100-1910-4711	Contingency	1,500.00
To:	0100-1355-4431	Maintenance Agreement	400.00
	0100-1355-2005	Office Equipment	3,000.00
	0100-7140-4061	Programs Brochures	1,250.00
	0100-7310-4201	Telephone	1,500.00
	0100-7310-4681	In Service Training	1,250.00
	0100-7310-4001	Office Supplies	750.00
	0100-7140-4527	Soccer	53.00
	0100-7140-4521	Hockey	3,401.00
	0100-7140-4521	Hockey	2,000.00
	0100-7180-4191	Miscellaneous Supplies	563.75
	0100-7310-1803	Adapted Recreation-Salaries	1,200.00
	0100-7310-1803	Adapted Recreation-Salaries	8,018.00
	0100-7310-1803	Adapted Recreation	6,379.00
	0100-7310-1804	Administrative Interns	2,478.00
	0100-7140-1614	Recreation Attendant	1,400.00
	0100-7140-1614	Recreation Attendant	2,170.00
	0100-7140-1613	Recreation Supervisors	1,200.00
	0100-7140-1613	Recreation Supervisors	2,400.00
	0100-1220-4093	Town Training	1,500.00

Item No. 20 continued

HIGHWAY FUND

From: 0300-5141-1402 Principal Engineering 1,200.00
To: 0300-5141-1391 Part-Time Clerk 1,200.00

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

Item No. 21 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to September 17, 1993 are hereby approved and made a part hereof:

GENERAL FUND	\$147,402.58
HIGHWAY FUND	118,674.32
TRUST & AGENCY FUND	7,783.42
CDBG HUD FUND	77,446.67
PART TOWN FUND	95.00
RISK RETENTION FUND	57,105.24
DEBT SERVICE FUND	7,562.50
SPECIAL DISTRICTS FUND	69,246.02
HUD REHABILITATION FUND	2,925.00
CAPITAL FUND	<u>81,481.95</u>
	\$569,722.70

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

II. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Minutes of Cheektowaga Planning Board - August 12, 1993
Received and Filed.

Item No. 23 Supervisor's Statement of Funds - July 1993
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 24a Notice of Claim: Richard D. Maniak vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Beth Lipczynski, Personnel Office; Highway Department
and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24b Notice of Claim: Hartford Ins. a/s/o Paul and Jane Hibscheiler vs
the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Beth Lipczynski, Personnel Office; Highway Department
and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25 Summons: Keycorp. Mortgage Inc. vs Karen J. DeMont; Robert C. DeMont; Joseph R. Gervasi, a/k/a Joseph R. Gervasi, Jr.; Nancy J. Gervasi n/k/a Nancy Gervasi Davis; Town of Cheektowaga; Health Care Plan Inc. and Childrens Hospital
Received and Filed.

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN BLACHOWSKI TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

IV. SUSPENSION OF RULES

Item No. 26 Motion by Councilman Johnson, 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 recommendation concerning the environmental significance of such application, 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 September 8, 1993, recommended the environmental determinations shown on the attached memo dated September 9, 1993 for 2501 Broadway, and

WHEREAS, this Town Board has reviewed the application submitted and the recommendation made by the Environmental Advisory Committee for 2501 Broadway, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby issues a Negative Declaration for the proposed addition to 2501 Broadway subject to the following conditions:

1. Applicant shall strictly comply with the Town's Noise Ordinance and Zoning Law provisions relating to noise; and adhere to its formerly approved noise abatement program for the said property and the New Erie Industrial Center.
2. Applicant shall strictly comply with the landscaping maintenance provisions of the Town's Commercial Property Maintenance Code and the Town Zoning Law; and shall maintain and replace landscaping as per its previously approved landscape plan for this property and the New Erie Industrial Center.

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN ROGOWSKI TO TABLE ITEM 26 ABOVE AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

* * * * *

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

WHEREAS, the Agreement for Pre-Hospital Emergency Services between the Town of Cheektowaga and Town's Ambulance Service, Inc. is scheduled to expire on September 30, 1993, and

WHEREAS, the Town of Cheektowaga is presently engaged in negotiations with Town's Ambulance Service, Inc. on a new Agreement for Pre-Hospital Emergency Services, and

WHEREAS, additional time is needed to finalize the terms of the new agreement and, until the new agreement is approved, this Town Board wishes to extend the term of the existing agreement, NOW, THEREFORE, BE IT

RESOLVED, that the existing agreement by and between the Town of Cheektowaga and Town's Ambulance Service, Inc. for Pre-Hospital Emergency Services be and hereby is extended until November 30, 1993, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an addendum to the existing Pre-Hospital Emergency Services Agreement to approve the aforesaid extension.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

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

WHEREAS, bids were duly received by this Town Board at a bid opening on September 17, 1993 for the purchase of TIRES & TUBES ALONG WITH RECAPPING OF OUR USED CASINGS 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 & SERVICES, INC., 1869 Harlem Road, Cheektowaga, New York 14212 and GOODYEAR TIRE & RUBBER INC., 740 Young Street, Tonawanda, New York 14150 and DIVISION TIRE & AUTO PARTS, INC., 2750 Kenmore Avenue, 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 Gabryszak, Councilmen Jaworowicz, Rogowski, Blachowski
and Johnson
NAYES: 0
ABSENT: Councilman Solecki and Wielinski

*SEE NEXT PAGE(S) FOR ATTACHMENT

Minimum Tire Quality Grading as Follows:

- A. ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.
- B. All tires and tubes listed herein shall be supplied as new & unused except for those labelled (Recapped).
- C. The price per recapped tire shall be based on recapping our used tire casings.
- D. * All new P225/75R15 and P225/70R15 size tires shall have a quality rating of at least: (Temperature "B", Traction "A", and Thread Wear "240").

ITEM 1: PASSENGER CAR TIRES (RADIAL PLY)

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
P175/80R13	Invicta GL Black	<u>25.84</u>
P185/80R13	Invicta Gl Black	<u>25.85</u>
P185/75R14	" " white	<u>31.05</u>
P195/75R14	" " black	<u>29.49</u>
P205/75R14	Invicta Gl "	<u>34.42</u>
P215/70R14	" " "	<u>33.72</u>
P205/75R15	" " "	<u>34.42</u>
P215/75R15	Invicta Gl Black	<u>36.21</u>
P225/75R15	" " "	<u>38.06</u>
* Temp. Rating (B), Trac. Rating (A), Wear Rating (280)		
P235/75R15	Invicta Gl Black	<u>44.61</u>
P225/70R15	Eagle Ga. Black	60.18
* Temp. Rating (B), Trac. Rating (A), Wear Rating (280)		

Goodyear

SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
P175/80R13	F32	<u>33.35</u>
P185/80R13	F32	<u>33.89</u>
P185/75R14	F32	<u>35.96</u>
P195/75R14	F32	<u>38.58</u>
P205/75R14	F32	40.16
P215/70R14	F32	<u>37.75</u>
P205/75R15	F32	43.19
P215/75R15	F32	43.52
P225/75R15	F32	<u>45.02</u>
* Temp. Rating (B), Trac. Rating (A), Wear Rating (280)		
P235/75R15	F32	48.09
P225/70R15	F32	<u>41.04</u>
* Temp. Rating (B), Trac. Rating (A), Wear Rating (280)		

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 2: LIGHT TRUCK TIRES (RADIAL PLY)

Goodyear

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	Workhorse Radial	65.18
LT235/85R16	8/D	wrangler radial lt	71.34
LT235/85R16	10/E	Workhorse Radial	70.52
LT225/75R16	8/D	Workhorse radial	66.89
LT245/75R16	10/E	Workhorse Radial	71.33
7.50R16LT	8/D	Wrangler Radial Lt	72.98
8.75R16.5LT	8/D	Wrangler radial Lt	67.85
9.50R16.5LT	8/D	Wrangler Radial Lt.	74.02

MUD & SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	Workhorse Radial Ext. Grip	67.90
LT235/85R16	8/D	Wrangler At	74.52
LT235/85R16	10/E	Workhorse Rad. Ex. Grip	73.46
LT225/75R16	8/D	Workhorse Rad. Ext. Grip	69.68
LT245/75R16	10/E	" " " "	67.90
7.50R16LT	8/D	Wrangler AT	75.83
8.75R16.5LT	8/D	Wrangler AT	70.82
9.50R16.5LT	8/D	Workhorse Rad. Ext. Grip	73.45

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 3: LIGHT TRUCK TIRES AND TUBES (BIAS PLY)

Goodyear

REGULAR HIGHWAY THREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
8-14.5LT	12/F	Traction Hi-Miler	59.02
7.00-15LT	8/D	Workhorse Rib	33.91
7.50-16LT	8/D	Workhorse Rib	37.17
8.00-16.5LT	8/D	Workhorse Rib	35.09
8.75-16.5LT	8/D	Workhorse Rib	37.38
9.50-16.5LT	8/D	Workhorse Rib	40.78
10-16.5LT	8/D	n/a	n/a

MUD & SNOW THREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
7.50-16LT	8/D	Workhorse M&S	40.09
8.00-16.5LT	8/D	n/a	n/a
8.75-16.5LT	8/D	Workhorse M & S	40.67
9.50-16.5LT	8/D	Workhorse M&S	44.26

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 4: TRUCK & BUS TIRES AND TUBES (RADIAL PLY)

Goodyear

REGULAR HIGHWAY THREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
215/75R17.5	12/F	n/a	n/a
11R22.5	14/G	VE II	200.55
11R22.5	16/H	VE II	221.89
385/65R22.5	18/J	G286	<u>327.50</u>
385/65R22.5	20/K	G286 (LR J only)	<u>327.50</u>
11R24.5	16/H	G 159	259.28

MUD & SNOW THREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
11R22.5	14/G	TD	207.17
11R22.5	16/H	TD	226.23
11R22.5	(Recapped)	G167 m/c 22/32	82.00
11R24.5	16/H	TD	244.01
11R24.5	(Recapped)	G167 m/c 22/32	82.00

REGULAR HIGHWAY THREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
8.25R20	12/F	VE II	12.59	<u>151.36</u>
9.00R20	12/F	VE II	13.10	168.97
10.00R20	14/G	VE II	16.21	182.97
10.00R20	16/H	VE II	16.21	194.58
10.00R20	(Recapped)	VE II	16.21	86.00
11.00R20	16/H	VE II	19.00	222.31
12.00R20	18/J	G186	23.70	263.94
14/80R20	20/K	G186 (LR J only)	34.38	<u>273.64</u>
11.00R22	16/H	G286	21.94	257.17

MUD & SNOW THREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
8.25R20	12/F	TD	12.59	<u>154.33</u>
9.00R20	12/F	TD	13.10	172.25
10.00R20	14/G	TD	16.21	187.48
10.00R20	16/H	TD	16.21	198.41
11.00R20	16/H	TD	19.00	226.71
12.00R20	18/J	G186	23.70	<u>263.94</u>
11.00R22	16/H	G144	21.94	286.25
11.00R22	(RECAPPED)	TD 22/32	21.94	109.52
11.00R24	16/H	G188	25.08	<u>312.57</u>
11.00R24	(RECAPPED)	n/a	25.08	na

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 5: TRUCK & BUS TIRES AND TUBES (BIAS PLY)

REGULAR HIGHWAY THREAD (Tube Type,)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price</u>	
			<u>Per Tube</u>	<u>Per Tire</u>
7.50-20	10/E	SHM	11.35	94.68
8.25-20	10/E	SHM	10.05	100.15
9.00-20	10/E	SHM	10.83	117.34
9.00-20	12/F	SHM	10.83	134.95
10.00-20	12/F	SHM	12.13	155.91
10.00-20	14/G	SHM	12.13	179.31
11.00-20	12/F	SHM	17.78	183.30
11.00-20	14/G	SHM	17.78	210.83
12.00-20	14/G	CHM	na	274.91
12.00-20	16/H	n/a	n/a	n/a
11.00-22	14/G	SHM	n/a	219.47

Goodyear

MUD & SNOW THREAD (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price</u>	
			<u>Per Tube</u>	<u>Per Tire</u>
8.25-20	10/E	CXG	10.05	118.04
9.00-20	10/E	CXG	10.85	135.68
9.00-20	12/F	CXG	10.85	159.95
10.00-20	12/F	CXG	12.13	170.29
10.00-20	14/G	CXG	12.13	196.42
11.00-20	12/F	CXG	17.78	193.61
11.00-20	14/G	CXG	17.78	222.66
12.00-20	14/G	N/A	n/a	n/a
12.00-20	16/H	n/a	n/a	n/a
11.00-22	14/G	n/a	n/a	n/a

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 6: OFF-THE-ROAD TRUCK, INDUSTRIAL, & FARM TIRES AND TUBES

Goodyear

LOADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
17.5-25 L2 Sure Grip	12/F	Sure grip Loader	440.49
20.5-25 L2 Sure Grip	12/F	Sure Grip loader	733.62
20.5-25 L3 Hard Rock	12/F	Super Hard Rock Lug	841.62
20.5R25 L2 Sure Grip	12/F	RLZF	1262.24
20.5R25 L3 Hard Rock	12/F	RLZF	<u>1262.24</u>

GRADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
14.00-24 G2 Sure Grip	12/F	Grader Sure Grip	330.37

FARM TRACTOR (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
11L-16SL F3 Contractor	12/F	Laborer	117.40
16.9-24 R3 All Weather	6/C	All Weather (tube type only)	263.36
18.4-26 R1 Torc Trac	10/E	Dyna Torque II	455.80
18.4-16.1 R1 Torc Trac	6/C	Traction Sure Grip	<u>280.63</u>

FARM TRACTOR (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
9.00-10 Implement Rib	4/B	Implement Rib	15.27	<u>47.06</u>
7.50-16 Implement Rib	8/D	na	n/a	n/a
14.9-24 R4 Sure Grip	6/C	Industrial Sure Grip	25.67	<u>197.98</u>
16.9-28 R4 Sure Grip	8/D	Industrial sure grip	25.43	359.60

INDUSTRIAL (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
4.80-12 Trailer	4/B	Hi Lander Ct.	28.80

INDUSTRIAL (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
6.50-10 Mine Xtra Trac	10/E	Extra Traction minc	6.91	87.40
7.00-12 Mine Xtra Trac	14/G	n/a	n/a	n/a

Minimum Tire Quality Grading as Follows:

- A. ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.
- B. All tires and tubes listed herein shall be supplied as new & unused except for those labelled (Recapped).
- C. The price per recapped tire shall be based on recapping our used tire casings.
- D. * All new P225/75R15 and P225/70R15 size tires shall have a quality rating of at least: (Temperature "B", Traction "A", and Thread Wear "240").

ITEM 1: PASSENGER CAR TIRES (RADIAL PLY)

Division Tire

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
P175/80R13	FIRESTONE FR440	32.53
P185/80R13	FIRESTONE FR440	32.02
P185/75R14	FIRESTONE FR440	34.93
P195/75R14	FIRESTONE FR440	36.43
P205/75R14	FIRESTONE FR440	38.63
P215/70R14	FIRESTONE FR440	40.55
P205/75R15	FIRESTONE FR440	40.08
P215/75R15	FIRESTONE FR440	41.85
P225/75R15	FIRESTONE FR440	43.64
* Temp. Rating (B), Trac. Rating (A), Wear Rating (360)		
P235/75R15	FIRESTONE FR440	45.65
P225/70R15	FIRESTONE FR440	43.56
* Temp. Rating (B), Trac. Rating (A), Wear Rating (360)		

SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
P175/80R13	MULTIMILE RADIAL SNOW	33.68
P185/80R13	MULTIMILE RADIAL SNOW	35.62
P185/75R14	MULTIMILE RADIAL SNOW	37.53
P195/75R14	MULTIMILE RADIAL SNOW	38.62
P205/75R14	MULTIMILE RADIAL SNOW	40.13
P215/70R14	MULTIMILE RADIAL SNOW	42.71
P205/75R15	MULTIMILE RADAIL SNOW	41.64
P215/75R15	MULTIMILE RADIAL SNOW	43.13
P225/75R15	MULTIMILE RADIAL SNOW	45.71
* Temp. Rating (N/A), Trac. Rating (N/A), Wear Rating (N/A)		
P235/75R15	MULTIMILE RADIAL SNOW	47.66
P225/70R15	MULTIMILE RADIAL SNOW	48.91
* Temp. Rating (N/A), Trac. Rating (N/A), Wear Rating (N/A)		

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 2: LIGHT TRUCK TIRES (RADIAL PLY)

Division Tire

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	FIRESTONE R4S	62.91
LT235/85R16	8/D	FIRESTONE R4S	67.31
LT235/85R16	10/E	FIRESTONE R4S	70.09
LT225/75R16	8/D	FIRESTONE R4S	65.96
LT245/75R16	10/E	FIRESTONE R4S	70.09
7.50R16LT	8/D	FIRESTONE R4S	72.17
8.75R16.5LT	8/D	FIRESTONE R4S	66.77
9.50R16.5LT	8/D	FIRESTONE R4S	72.09

MUD & SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	FIRESTONE RADIAL 23°	78.46
LT235/85R16	8/D	FIRESTONE RADIAL A/T	75.57
LT235/85R16	10/E	FIRESTONE RADIAL 23°	85.10
LT225/75R16	8/D	FIRESTONE RADIAL A/T	72.52
LT245/75R16	10/E	FIRESTONE RADIAL A/T	77.36
7.50R16LT	8/D	FIRESTONE RADIAL A/T	78.98
8.75R16.5LT	8/D	FIRESTONE RADIAL A/T	72.09
9.50R16.5LT	8/D	FIRESTONE RADIAL 23°	84.11

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 3: LIGHT TRUCK TIRES AND TUBES (BIAS PLY)

Division Tire

REGULAR HIGHWAY THREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
8-14.5LT	12/F	MULTIMILE POWERKING LOW BOY	63.22
7.00-15LT	8/D	FIRESTONE T110	58.23
7.50-16LT	8/D	FIRESTONE T110	69.23
8.00-16.5LT	8/D	FIRESTONE T1 WIDE DUAL	58.23
8.75-16.5LT	8/D	FIRESTONE T1 WIDE DUAL	65.72
9.50-16.5LT	8/D	FIRESTONE T1 WIDE DUAL	76.35
10-16.5LT	8/D	NO BID	

MUD & SNOW THREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
7.50-16LT	8/D	FIRESTONE SUPER ALL TRACTION	76.35
8.00-16.5LT	8/D	FIRESTONE TOWN AND COUNTRY	59.25
8.75-16.5LT	8/D	FIRESTONE TOWN AND COUNTRY	66.72
9.50-16.5LT	8/D	FIRESTONE TOWN AND COUNTRY	77.35

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 4: TRUCK & BUS TIRES AND TUBES (RADIAL PLY)

Division Tire

REGULAR HIGHWAY THREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price</u> <u>Per Tire</u>
215/75R17.5	12/F	GENERAL 16 PLY AMERI STEEL	113.03
11R22.5	14/G	FIRESTONE T520	178.67
11R22.5	16/H	FIRESTONE T520	189.06
385/65R22.5	18/J	FIRESTONE HP3000	360.01
385/65R22.5	20/KL	GENERAL AMERI STEEL	360.88
11R24.5	16/H	FIRESTONE T520	203.98

MUD & SNOW THREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price</u> <u>Per Tire</u>
11R22.5	14/G	FIRESTONE T663	198.86
11R22.5	16/H	FIRESTONE T506	205.33
11R22.5	(Recapped)	OLIVER XDT	66.64
11R24.5	16/H	FIRESTONE T 506	221.22
11R24.5	(Recapped)	OLIVER XDT	71.68

REGULAR HIGHWAY THREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price</u> <u>Per Tire</u>
8.25R20	12/F	GENERAL AMERI STEEL	9.75	173.93
9.00R20	12/F	FIRESTONE T520	11.00	150.96
10.00R20	14/G	FIRESTONE T520	12.10	169.92
10.00R20	16/H	FIRESTONE UT2000	12.10	223.41
10.00R20	(Recapped)	OLIVER HIGHWAY HISPEED	12.10	50.42
11.00R20	16/H	FIRESTONE UT2000	14.81	253.47
12.00R20	18/J	FIRESTONE HP3000	18.32	285.91
14/80R20	18/KJ	FIRESTONE HP2000	18.32	325.80
11.00R22	16/H	FIRESTONE WAT2000	15.78	265.86

MUD & SNOW THREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price</u> <u>Per Tire</u>
8.25R20	12/F	NO BID		
9.00R20	12/F	FIRESTONE T546	11.00	157.54
10.00R20	14/G	FIRESTONE T546	12.10	181.78
10.00R20	16/H	FIRESTONE T506	12.10	201.59
11.00R20	16/H	FIRESTONE T506	14.81	228.67
12.00R20	18/J	NO BID		
11.00R22	16/H	NO BID		
11.00R22	(RECAPPED)	OLIVER XDT	15.78	79.80
11.00R24	16/H	NO BID		
11.00R24	(RECAPPED)	OLIVER XDT	18.92	85.68

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 5: TRUCK & BUS TIRES AND TUBES (BIAS PLY)

Division Tire

<u>REGULAR HIGHWAY THREAD (Tube Type,)</u>			<u>Price</u>	
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Per Tire</u>
7.50-20	10/E	FIRESTONE TRANSPORT 1	8.08	84.18
8.25-20	10/E	FIRESTONE TRANSPORT 1	8.17	94.29
9.00-20	10/E	FIRESTONE TRANSPORT 1	9.22	102.78
9.00-20	12/F	FIRESTONE TRANSPORT 1	9.22	113.06
10.00-20	12/F	FIRESTONE TRANSPORT 1	10.13	130.14
10.00-20	14/G	FIRESTONE TRANSPORT 1	10.13	143.16
11.00-20	12/F	FIRESTONE TRANSPORT 1	14.81	160.84
11.00-20	14/G	FIRESTONE TRANSPORT 1	14.81	176.24
12.00-20	14/G	NO BID		
12.00-20	16/H	FIRESTONE TRANSPORT 1	18.32	247.62
11.00-22	14/G	FIRESTONE TRANSPORT 1	15.78	200.45

<u>MUD & SNOW THREAD (Tube Type)</u>			<u>Price</u>	
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Per Tire</u>
8.25-20	10/E	FIRESTONE SUPER ALL GRIP	8.17	108.00
9.00-20	10/E	FIRESTONE SUPER ALL GRIP	9.22	125.59
9.00-20	12/F	FIRESTONE SUPER ALL TRACTION	9.22	132.63
10.00-20	12/F	FIRESTONE POWER DRIVE	10.13	144.08
10.00-20	14/G	FIRESTONE SUPER ALL TRACTION	10.13	159.95
11.00-20	12/F	FIRESTONE POWER DRIVE	14.81	170.53
11.00-20	14/G	FIRESTONE SUPER ALL TRACTION	14.81	182.86
12.00-20	14/G	NO BID		
12.00-20	16/H	NO BID		
11.00-22	14/G	NO BID		

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 6: OFF-THE-ROAD TRUCK, INDUSTRIAL, & FARM TIRES AND TUBES

Division Tire

LOADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
17.5-25 L2 Sure Grip	12/F	FIRESTONE SUPER GROUND GRIP	(365.09)
20.5-25 L2 Sure Grip	12/F	FIRESTONE SUPER GROUND GRIP	675.22
20.5-25 L3 Hard Rock	12/F	FIRESTONE SUPER ROCK GRIP	(762.67)
20.5R25 L2 Sure Grip	12/F	BRIDGESTONE VKT	1280.00
20.5R25 L3 Hard Rock	12/F	FIRESTONE GSR	1274.00

GRADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
14.00-24 G2 Sure Grip	12/F	FIRESTONE SUPER GROUND GRIP	322.34

FARM TRACTOR (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
11L-16SL F3 Contractor	12/F	MULTIMILE POWEKING F-3	(75.75)
16.9-24 R3 All Weather	6/C	FIRESTONE ANS	(260.51)
18.4-26 R1 Torc Trac	10/E	FIRESTONE SUPER ALL TRACTION FWD	(410.51)
18.4-16.1 R1 Torc Trac	6/C	FIRESTONE TRACTION F&R	335.28

FARM TRACTOR (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
9.00-10 Implement Rib	4/X 8/D	8 PLY FIRESTONE RIB F3	(6.04)	92.37
7.50-16 Implement Rib	8/D	FIRESTONE FARM IMP.	(6.55)	(44.05)
14.9-24 R4 Sure Grip	6/X 8/D	8 PLY FIRESTONE AT UTILITY	(17.27)	226.68
16.9-28 R4 Sure Grip	8/D	FIRESTONE AT UTILITY	(20.61)	(277.85)

INDUSTRIAL (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
4.80-12 Trailer	4/B	CARLISLE SAWTOOTH	(18.63)

INDUSTRIAL (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
6.50-10 Mine Xtra Trac	10/E	MULTIMILE POWERKING IND. DP TRAC	(5.30)	(48.60)
7.00-12 Mine Xtra Trac	14/G	MULTIMILE POWERKING IND. DP TRAC	(5.38)	(64.55)

Minimum Tire Quality Grading as Follows:

- A. ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.
- B. All tires and tubes listed herein shall be supplied as new & unused except for those labelled (Recapped).
- C. The price per recapped tire shall be based on recapping our used tire casings.
- D. * All new P225/75R15 and P225/70R15 size tires shall have a quality rating of at least: (Temperature "B", Traction "A", and Thread Wear "240").

ITEM 1: PASSENGER CAR TIRES (RADIAL PLY)

D & D

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>	
P175/80R13			
P185/80R13			
P185/75R14	<i>NO BID</i>		
P195/75R14			
P205/75R14			
P215/70R14			
P205/75R15			
P215/75R15			
P225/75R15			
* Temp. Rating (), Trac. Rating (), Wear Rating ()			
P235/75R15			
P225/70R15			
* Temp. Rating (), Trac. Rating (), Wear Rating ()			

SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>	
P175/80R13			
P185/80R13			
P185/75R14	<i>NO BID</i>		
P195/75R14			
P205/75R14			
P215/70R14			
P205/75R15			
P215/75R15			
P225/75R15			
* Temp. Rating (), Trac. Rating (), Wear Rating ()			
P235/75R15			
P225/70R15			
* Temp. Rating (), Trac. Rating (), Wear Rating ()			

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 2: LIGHT TRUCK TIRES (RADIAL PLY)

Dr B

ALL SEASON THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	Dunlop Rover AT	74.71
LT235/85R16	8/D		NO BID
LT235/85R16	10/E	Dunlop Rover AT	81.09
LT225/75R16	8/D	Dunlop Rover AT	76.00
LT245/75R16	10/E	Dunlop Rover AT	81.09
7.50R16LT	8/D	Dunlop Rover AT	74.05
8.75R16.5LT	8/D	Dunlop Rover AT	71.81
9.50R16.5LT	8/D	Dunlop Rover AT	77.44

MUD & SNOW THREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	Dunlop Rover RT	77.71
LT235/85R16	8/D	NO BID	NO BID
LT235/85R16	10/E	Dunlop Rover RT	85.09
LT225/75R16	8/D	Dunlop Rover RT	81.00
LT245/75R16	10/E	Dunlop Rover RT	87.09
7.50R16LT	8/D	Dunlop Rover RT	79.05
8.75R16.5LT	8/D	Dunlop Rover RT	76.81
9.50R16.5LT	8/D	Dunlop Rover RT	83.44

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 3: LIGHT TRUCK TIRES AND TUBES (BIAS PLY)

DrD

REGULAR HIGHWAY THREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>
8-14.5LT	12/F	
7.00-15LT	8/D	
7.50-16LT	8/D	
8.00-16.5LT	8/D	
8.75-16.5LT	8/D	
9.50-16.5LT	8/D	
10-16.5LT	8/D	

NO BID

Price
Per Tire

MUD & SNOW THREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>
7.50-16LT	8/D	
8.00-16.5LT	8/D	
8.75-16.5LT	8/D	
9.50-16.5LT	8/D	

NO BID

Price
Per Tire

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 4: TRUCK & BUS TIRES AND TUBES (RADIAL PLY)

D & D

REGULAR HIGHWAY THREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
215/75R17.5	12/F	Michelin XZA	150.64
11R22.5	14/G	Dunlop 160	197.18
11R22.5	16/H	Dunlop 160	212.88
385/65R22.5	18/J	Dunlop 231	341.66
385/65R22.5	20/K	No Bid	
11R24.5	16/H	Dunlop 160	239.68

MUD & SNOW THREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
11R22.5	14/G	Dunlop 431A	203.69
11R22.5	16/H	Dunlop 431A	222.43
11R22.5	(Recapped)	Bardag 118170	81.56
11R24.5	16/H	Dunlop 431A	239.92
11R24.5	(Recapped)	Bardag 118190	86.30

REGULAR HIGHWAY THREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
8.25R20	12/F	No Bid	10.47	
9.00R20	12/F	Dunlop 160	10.90	166.14
10.00R20	14/G	Dunlop 160	13.50	179.90
10.00R20	16/H	Dunlop 160	13.50	191.32
10.00R20	(Recapped)	Bardag 113495	13.50	75.48
11.00R20	16/H	Dunlop 160	15.80	218.58
12.00R20	18/J	Double Coin RR6	19.36	259.52
14/80R20	20/K	Dunlop 150	26.75	274.43
11.00R22	16/H	Dunlop 831	18.26	248.60

MUD & SNOW THREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
8.25R20	12/F	No Bid	10.47	
9.00R20	12/F	Dunlop 431	10.90	169.36
10.00R20	14/G	Dunlop 431	13.50	184.34
10.00R20	16/H	Dunlop 431	13.50	195.08
11.00R20	16/H	Dunlop 431	15.82	222.90
12.00R20	18/J	No Bid	19.36	
11.00R22	16/H	Dunlop 777	18.26	252.85
11.00R22	(RECAPPED)	Bardag 118220	18.26	86.30
11.00R24	16/H	No Bid	20.87	
11.00R24	(RECAPPED)	Bardag 118240	20.87	96.94

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 5: TRUCK & BUS TIRES AND TUBES (BIAS PLY)

Dy D

REGULAR HIGHWAY THREAD (Tube Type,)

Size	PLY/RANGE	MAKE & MODEL	Price	
			Per Tube	Per Tire
7.50-20	10/E	Cooper Road Master	9.49	92.14
8.25-20	10/E	Cooper Road Master	8.38	97.92
9.00-20	10/E	Cooper Road Master	9.03	111.07
9.00-20	12/F	No Bid	9.03	---
10.00-20	12/F	Cooper Road Master	10.10	147.12
10.00-20	14/G	Firestone T-1	10.10	169.74
11.00-20	12/F	Cooper Road Master	14.80	173.50
11.00-20	14/G	No Bid	14.80	---
12.00-20	14/G	No Bid	15.27	---
12.00-20	16/H	No Bid	15.27	---
11.00-22	14/G	No Bid	13.61	---

MUD & SNOW THREAD (Tube Type)

Size	PLY/RANGE	MAKE & MODEL	Price	
			Per Tube	Per Tire
8.25-20	10/E	Cooper Super TRAC	8.38	121.48
9.00-20	10/E	Cooper Super TRAC	9.03	136.62
9.00-20	12/F	No Bid	9.03	---
10.00-20	12/F	Cooper Super TRAC	10.10	165.33
10.00-20	14/G	Firestone SAT	10.10	185.94
11.00-20	12/F	Cooper RM XML	14.80	183.28
11.00-20	14/G	No Bid	14.80	---
12.00-20	14/G	No Bid	15.27	---
12.00-20	16/H	No Bid	15.27	---
11.00-22	14/G	No Bid	13.61	---

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 6: OFF-THE-ROAD TRUCK, INDUSTRIAL, & FARM TIRES AND TUBES

D & D

LOADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
17.5-25 L2 Sure Grip	12/F	Dynastar L2	399.50
20.5-25 L2 Sure Grip	12/F	Dynastar L2	575.00
20.5-25 L3 Hard Rock	12/F	Dynastar L2	778.57
20.5R25 L2 Sure Grip	12/F	Michelin XGL	1212.31
20.5R25 L3 Hard Rock	12/F	Michelin XHA	1425.96

GRADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
14.00-24 G2 Sure Grip	12/F	Dynastar G2	299.02

FARM TRACTOR (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
11L-16SL F3 Contractor	12/F	Kelly PM Ind Front	109.00
16.9-24 R3 All Weather	6/C	NO Bi D	---
18.4-26 R1 Torc Trac	10/E	NO Bi D	---
18.4-16.1 R1 Torc Trac	6/C	NO Bi D	---

FARM TRACTOR (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
9.00-10 Implement Rib	4/B	NO Bi D	---	---
7.50-16 Implement Rib	8/D	NO Bi D	---	---
14.9-24 R4 Sure Grip	6/C	NO Bi D	---	---
16.9-28 R4 Sure Grip	8/D	NO Bi D	---	---

INDUSTRIAL (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Price Per Tire</u>
4.80-12 Trailer	4/B	Carlisle Rib	25.95

INDUSTRIAL (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE & MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
6.50-10 Mine Xtra Trac	10/E	Gateway Ind lug	5.80	71.20
7.00-12 Mine Xtra Trac	14/G	Gateway Ind lug	6.65	124.95

Item No. 29 *Final Order Establishing the Town-Wide Drainage District*

*SEE NEXT PAGE(S) FOR ATTACHMENT

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, State of New York held at the Town Hall, in said Town, on the 20th day of September, 1993.

PRESENT:

Hon. Dennis H. Gabryszak, Supervisor
Patricia A. Jaworowicz, Councilperson

William P. Rogowski, Councilperson
Jacqueline A. Blachowski, Councilperson
Thomas M. Johnson, Jr., Councilperson

ABSENT:

Richard B. Solecki, Councilperson
William L. Wielinski, Councilperson

-----X

FINAL

In the Matter

: ORDER

of the

: ESTABLISHING

Establishment of the Cheektowaga
Town-wide Drainage District, in the
Town of Cheektowaga,
County of Erie, New York, pursuant
to Article 12-A of the Town Law.

: DISTRICT

: SEPTEMBER 20, 1993

-----X

WHEREAS, the Town Board of the Town of Cheektowaga (the "Town") has heretofore duly caused the Town Engineer, a competent engineer duly licensed by the State of New York, to prepare a general map, plan and report relating to the establishment of the proposed Cheektowaga Town-wide Drainage District, in the Town (herein called "District"), to be effective on January 1, 1994, which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, on August 2, 1993, the Town Board determined to proceed with the establishment of the District, and adopted an

Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the proposed method of paying costs of operation and maintenance of facilities of the District, the fact that no funds are currently expected to be expended for any capital improvements therein, the proposed method of financing to be employed for future capital improvements, if any, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying August 16, 1993, at 7:30 o'clock P.M. (Prevailing Time) as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the establishment 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 in relation thereto, as may be required by Law; and

WHEREAS, following publication and posting of certified copies of said Order pursuant to Article 12-A of the Town Law and after a public hearing duly held by the Town Board at the time and place herein referred to, the Town Board, by resolution duly adopted August 16, 1993, subject to permissive referendum, determined that the notice of public hearing was published and posted, as required by law, and is otherwise sufficient, that all property and property owners within the proposed establishment are benefited thereby, that all property and property owners

benefited are within the proposed District, and that it is in the public interest to establish the District, and within thirty (30) days thereafter, no petition requesting that the matter be submitted to a referendum was filed with the Town Clerk of the Town; and

WHEREAS, it is not currently contemplated that the Town shall expend funds for new capital improvements in the District or finance any costs thereof by the issuance of bonds, notes or other evidences of indebtedness of the Town, and the permission of the State Comptroller is therefore not required for the establishment of the District;

Now, therefore, be it

ORDERED, that a drainage district is hereby established in the Town of Cheektowaga to be known as the Cheektowaga Town-wide Drainage District, in the Town of Cheektowaga, and bounded and described as follows:

All of the unincorporated area within the Town,
excluding any villages.

and be it further

ORDERED, that the costs of operation and maintenance of the District, including future capital improvements, if any, shall be paid by the assessment, levy and collection of assessments upon the several lots or parcels of land in the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which such District confers upon the same;

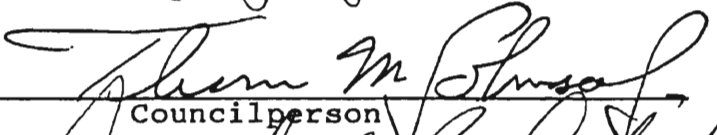
and be it further

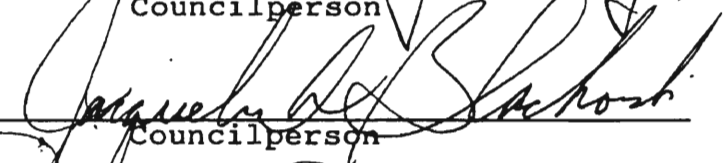
ORDERED, that within ten (10) days after adoption of this Order, the Town Clerk shall record with the Clerk of the County of Erie and file with the Department of Audit and Control in Albany, New York, copies of the Order, certified by said Town Clerk.

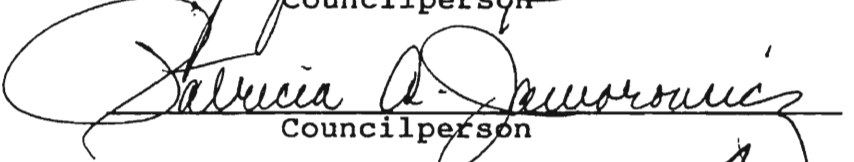
DATED: September 20, 1993

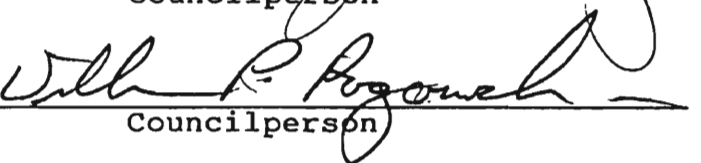
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA


Supervisor


Councilperson


Councilperson


Councilperson


Councilperson

Councilperson

Councilperson

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 Final Order Establishing District with the original thereof filed in my office on the 20th day of September, 1993, 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 seal of said Town this 20th day of September, 1993.

SEAL


Town Clerk

MEETING NO. 19
September 20, 1993

Item No. 30

Motion by Councilman Johnson, Seconded by Supervisor Gabryszak to adjourn this meeting.

RICHARD M. MOLESKI
TOWN CLERK

Item No. 1 At a special 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 29th day of September, 1993 at 6:45 o'clock P.M., Eastern Daylight Saving Time there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman William P. Rogowski
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: 0

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

I. RESOLUTIONS

Item No. 2 Motion by Unanimous Seconded by Unanimous

WHEREAS, petitions for the submission of propositions, hereinafter described, were filed in the office of the Town Clerk of the Town of Cheektowaga on the 5th day of August, 1993, subscribed and authenticated in accordance with law by a sufficient number of electors of said Town qualified to vote upon a proposition to raise and expend money, said electors equalling, in number, at least 5% of the total votes cast for Governor in said Town at the last general election held for the election of State Officers, and

WHEREAS, the aforesaid petitions called for the submission to the voters of the Town of Cheektowaga of propositions approving the following referenced resolutions of the Town Board adopted on July 6, 1993 relating to the proposed construction and financing of an 18-hole municipal golf course on Town-owned land located south of Genesee Street and west of Transit Road in the Town of Cheektowaga:

1. Authorizing a Lease Purchase Agreement and Trust Agreement between the Town of Cheektowaga and M and T Bank
2. Authorizing a Facility Site Lease between the Town of Cheektowaga and M & T Bank.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. That a special election of the residents and taxpayers of the Town of Cheektowaga is hereby authorized and directed to be held on the 19th day of October, 1993, between the hours of 2:00 o'clock P.M. and 8:00 P.M., for the purpose of voting by ballot on the propositions set forth in the attached Notice of Special Election.

Section 2. The polling places for such election are hereby designated as follows:

<u>Polling Place</u>	<u>For Election Districts Nos.</u>
Infant of Prague School Hall 921 Cleveland Drive Cheektowaga, New York 14225	9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 28, 71, 72, 73, 75, 90, 100

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 2 cont'd

U-Crest Fire Hall 255 Clover Place Cheektowaga, New York 14225	5, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 69, 70, 93, 101
Our Lady of The Blessed Sacrament School Hall 2620 George Urban Blvd. Depew, New York 14043	3, 4, 6, 7, 59, 60, 61, 62, 63, 65, 66, 68, 76, 86, 87, 88, 89 91, 92, 96, 98, 99, 102, 103
South Line Fire Hall 1049 French Road Cheektowaga, New York 14227	1, 2, 8, 18, 67, 74, 79, 80, 81, 82, 83, 84, 85, 95, 106, 107, 108, 109, 110, 111
Cheektowaga South Branch Library 2660 William Street Cheektowaga, New York 14227	46, 47, 48, 49, 50, 51, 52, 53 54, 55, 56, 57, 58, 64, 77, 78 94, 97, 104, 105

Section 3. The notice of such special election shall be in substantially the form attached hereto.

Section 4. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Cheektowaga Times, such publication to be at least ten days prior to the date of such special election, and by posting on the sign board of said Town a copy of such notice at least ten days before such special election.

Section 5. The Erie County Board of Elections is hereby requested and directed to prepare printed ballots in sufficient quantity for use at said special election, and also to prepare for the use of the election officers the necessary oaths and certificates of election, and also to procure and deliver to such election officers any and all necessary paraphernalia for the proper conduct of such election.

Section 6. This resolution shall take effect immediately.

* * * * *

LEGAL NOTICE

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a Special Election of the residents and taxpayers of the Town of Cheektowaga, Erie County, New York, will be held in said Town on the 19th day of October, 1993, at which the polls will be kept open between the hours of 2:00 o'clock P.M. and 8:00 o'clock P.M. for the purpose of voting by ballot upon the following propositions:

Proposition No. 1

SHALL THE RESOLUTION of the Town Board of Cheektowaga, New York, adopted July 6, 1993, authorizing a Lease Purchase Agreement and Trust Agreement and authorizing and directing the Supervisor to execute such agreements on behalf of the Town, in connection with the lease purchase financing of construction costs and equipment for a municipal golf course on Town-owned property, located south of Genesee Street and west of Transit Road in the Town BE APPROVED?

Proposition No. 2

SHALL THE RESOLUTION of the Town Board of Cheektowaga, New York, adopted July 6, 1993, authorizing and directing the Supervisor to execute a Facility Site Lease in connection with the lease purchase financing of construction costs and equipment for a municipal golf course on Town-owned property, located south of Genesee Street and west of Transit Road in the Town BE APPROVED?

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 2 cont'd

The polling places at such election will be as follows:

<u>Polling Place</u>	<u>For Election Districts Nos.</u>
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Cheektowaga South Branch Library 200 Como Park Blvd. Cheektowaga, New York 14227	46, 47, 48, 49, 50, 51, 52, 53 54, 55, 56, 57, 58, 64, 77, 78 94, 97, 104, 105

Only those electors of the Town of Cheektowaga, Erie County, New York who are pre-registered to vote, as are evidenced by the most recent list of eligible voters maintained by the Erie County Board of Elections, shall be qualified to vote at such special election.

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

Dated: September 29, 1993
Cheektowaga, New York

Town Clerk

Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski to amend the above resolution, and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AMENDED

Motion by Unanimous seconded by Unanimous

WHEREAS, petitions for the submission of propositions, hereinafter described, were filed in the office of the Town Clerk of the Town of Cheektowaga on the 5th day of August, 1993, subscribed and authenticated in accordance with law by a sufficient number of electors of said Town qualified to vote upon a proposition to raise and expend money, said electors equalling, in number, at least 5% of the total votes cast for Governor in said Town at the last general election held for the election of State Officers, and

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 2 cont'd

WHEREAS, the aforesaid petitions called for the submission to the voters of the Town of Cheektowaga of propositions approving the following referenced resolutions of the Town Board adopted on July 6, 1993 relating to the proposed construction and financing of an 18-hole municipal golf course on Town-owned land located south of Genesee Street and west of Transit Road in the Town of Cheektowaga:

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Ukranian Holy Trinity Orthodox Hall 200 Como Park Blvd. Cheektowaga, New York 14227	46, 47, 48, 49, 50, 51, 52, 53 54, 55, 56, 57, 58, 64, 77, 78 94, 97, 104, 105

Section 3. The notice of such special election shall be in substantially the form attached hereto.

Section 4. The Town Clerk is hereby ordered and directed to give notice of such election by publication thereof in the Cheektowaga Times, such publication to be at least ten days prior to the date of such special election, and by posting on the sign board of said Town a copy of such notice at least ten days before such special election.

Section 5. The Erie County Board of Elections is hereby requested and directed to prepare printed ballots in sufficient quantity for use at said special election, and also to prepare for the use of the election officers the necessary oaths and certificates of election, and also to procure and deliver to such election officers any and all necessary paraphernalia for the proper conduct of such election.

Section 6. This resolution shall take effect immediately.

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 2 cont'd

LEGAL NOTICE

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a Special Election of the residents and taxpayers of the Town of Cheektowaga, Erie County, New York, will be held in said Town on the 19th day of October, 1993, at which the polls will be kept open between the hours of 2:00 o'clock P.M. and 8:00 o'clock P.M. for the purpose of voting by ballot upon the following propositions:

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Proposition No. 2

SHALL THE RESOLUTION of the Town Board of Cheektowaga, New York, adopted July 6, 1993, authorizing and directing the Supervisor to execute a Facility Site Lease in connection with the lease purchase financing of construction costs and equipment for a municipal golf course on Town-owned property, located south of Genesee Street and west of Transit Road in the Town BE APPROVED?

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Only those electors of the Town of Cheektowaga, Erie County, New York who are pre-registered to vote, as are evidenced by the most recent list of eligible voters maintained by the Erie County Board of Elections, shall be qualified to vote at such special election.

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 2 cont'd

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

Dated: September 29, 1993
Cheektowaga, New York

Town Clerk

PUBLISHED: October 7, 1993
October 14, 1993

* * * * *

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE
NOTICE OF SPECIAL ELECTION**

NOTICE IS HEREBY GIVEN that a Special Election of the residents and taxpayers of the Town of Cheektowaga, Erie County, New York, will be held in said Town on the 19th day of October, 1993, at which the polls will be kept open between the hours of 2:00 o'clock P.M. and 8:00 o'clock P.M. for the purpose of voting by ballot upon the following propositions:

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Polling Place	For Election Districts Nos.
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Crest Fire Hall 5 Clover Place Cheektowaga, New York 14225	5, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 69, 70, 93, 101
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Only those electors of the Town of Cheektowaga, Erie County, New York who are pre-registered to vote, as are evidenced by the most recent list of eligible voters maintained by the Erie County Board of Elections, shall be qualified to vote at such special election.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTO-
WAGA, ERIE COUNTY, NEW YORK.

Dated: September 29, 1993
Cheektowaga, New York

Richard M. Moleski
Town Clerk

PUBLISH: October 7, 1993 & October 14, 1993

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

.....Melissa Gugliuzza....., 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.....October 7, 1993.....;
last publication.....October 7, 1993.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza.....

Sworn to before me this7th.....

day ofOctober....., 19.93...

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 12/11/93

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

.....Melissa.Gugliuzza....., 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.....October..7..1993.....;
last publication.....October..7..1993.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza.....

Sworn to before me this7th.....

day ofOctober....., 19.93...

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 12/11/93

LEGAL NOTICE

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a Special Election of the residents and taxpayers of the Town of Cheektowaga, Erie County, New York, will be held in said Town on the 19th day of October, 1993, at which the polls will be kept open between the hours of 2:00 o'clock P.M. and 8:00 o'clock P.M. for the purpose of voting by ballot upon the following propositions:

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Proposition No. 2

SHALL THE RESOLUTION of the Town Board of Cheektowaga, New York, adopted July 6, 1993, authorizing and directing the Supervisor to execute a Facility Site Lease in connection with the lease purchase financing of construction costs and equipment for a municipal golf course on Town-owned property, located south of Genesee Street and west of Transit Road in the Town BE APPROVED?

The polling places at such election will be as follows:

Polling Place	For Election Districts Nos.
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Ukrainian Holy Trinity Orthodox Hall 200 Como Park Blvd. Cheektowaga, New York 14227	46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 64, 77, 78, 94, 97, 104, 105

Only those electors of the Town of Cheektowaga, Erie County, New York who are pre-registered to vote, as are evidenced by the most recent list of eligible voters maintained by the Erie County Board of Elections, shall be qualified to vote at such special election.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTO-
WAGA, ERIE COUNTY, NEW YORK.

Dated: September 29, 1993
Cheektowaga, New York

Richard M. Moleski
Town Clerk

PUBLISH: October 7, 1993 & October 14, 1993

LEGAL NOTICE
NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a Special Election of the residents and taxpayers of the Town of Cheektowaga, Erie County, New York, will be held in said Town on the 19th day of October, 1993, at which the polls will be kept open between the hours of 2:00 o'clock P.M. and 8:00 o'clock P.M. for the purpose of voting by ballot upon the following propositions:

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

Dated: September 29, 1993
Cheektowaga, New York

Richard M. Moleski
Town Clerk

PUBLISH: October 7, 1993 & October 14, 1993

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

...Melissa Gugliuzza....., 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.....October 14, 1993.....; last publication.....October 14, 1993.....; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this14th.....

day ofOctober....., 19⁹³.....

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 12/11/93

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

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first publication.....October 14, 1993..... ;
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Melissa Gugliuzza.....

Sworn to before me this14th.....

day ofOctober....., 19⁹³....

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 12/11/9³

LEGAL NOTICE

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Only those electors of the Town of Cheektowaga, Erie County, New York who are pre-registered to vote, as are evidenced by the most recent list of eligible voters maintained by the Erie County Board of Elections, shall be qualified to vote at such special election.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTO-WAGA, ERIE COUNTY, NEW YORK.

Dated: September 29, 1993
Cheektowaga, New York

Richard M. Moleski
Town Clerk

PUBLISH: October 7, 1993 & October 14, 1993

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 3 Motion by Unanimous Seconded by Unanimous

RESOLVED that hereafter personal registration of voters shall be required for special town elections, provided however, that with respect to the special election to be held on October 19, 1993, any elector of the Town shall be entitled to vote upon any proposition without regard to ownership of property assessed upon the last preceding town assessment roll, and BE IT FURTHER

RESOLVED, that a board of registration be convened on October 8, 1993, being a date not more than 15 nor less than 10 days preceding such special town election, at the Town Hall of the Town of Cheektowaga, corner of Broadway and Union Road, Cheektowaga, New York between the hours of 12:00 P.M. and 4:00 P.M., being at least four consecutive hours between 12:00 o'clock noon and 9:00 P.M. in the evening, for the purpose of preparing a register of voters of the Town qualified to vote in such special election, who shall present themselves personally for registration for such special election, and BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice in the Cheektowaga Times and in addition post in five conspicuous places in the Town, specifying October 8, 1993 at the Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York between the hours of 12:00 noon and 4:00 P.M., as the day, place and hours during which the board of registration will meet for the purpose of preparing a registrar of voters of the town as provided in section 84 of the town law, and BE IT FURTHER

RESOLVED that the following persons as appointed from the list of election inspectors previously designated for general election purposes are hereby designated as constituting the board of registration for such special town election:

* * * * *

Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski to amend the above resolution and the voting was as follows:

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
 Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

* * * * *

AMENDED

Motion by Unanimous seconded by Unanimous

RESOLVED that hereafter personal registration of voters shall be required for special town elections, provided however, that with respect to the special election to be held on October 19, 1993, any elector of the Town shall be entitled to vote upon any proposition without regard to ownership of property assessed upon the last preceding town assessment roll, and BE IT FURTHER

RESOLVED, that a board of registration be convened on October 8, 1993, being a date not more than 15 nor less than 10 days preceding such special town election, at the Town Hall of the Town of Cheektowaga, corner of Broadway and Union Road, Cheektowaga, New York between the hours of 12:00 P.M. and 4:00 P.M., being at least four consecutive hours between 12:00 o'clock noon and 9:00 P.M. in the evening, for the purpose of preparing a register of voters of the Town qualified to vote in such special election, who shall present themselves personally for registration for such special election, and BE IT FURTHER

SPECIAL MEETING NO. 20
September 29, 1993

Item No. 3 cont'd

RESOLVED, that the Town Clerk shall give notice in the Cheektowaga Times and in addition post in five conspicuous places in the Town, specifying October 8, 1993 at the Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York between the hours of 12:00 noon and 4:00 P.M., as the day, place and hours during which the board of registration will meet for the purpose of preparing a registrar of voters of the town as provided in section 84 of the town law, and BE IT FURTHER

RESOLVED, that the Town Board will appoint, from the list of election inspectors previously designated for general election purposes, a board of registration for such special town election.

Upon Roll Call....

AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk