

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 4th day of April, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings 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 of Planning Board; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector and Kenneth Kopacz, Director of Youth and Recreational Services Department.

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 XIV Parking of Commercial Vehicles [Added 8-16-71]

§76-140. Commercial vehicles restricted: certain streets.

A. No commercial vehicle, truck, tractor, travel trailer, truck camper, camping trailer, motor home or any licenses camper vehicle shall park on the following streets or the rights-of-way of said streets, nor shall said streets, rights-of-way or lots within said streets be used for the sale of goods, wares or merchandise from motor vehicles:

(1) Felber Lane. The foregoing shall not prohibit the delivery or pickup of goods, wares, merchandise and building materials previously ordered and solicited by the owner or occupant of the premises, the loading and unloading and the reasonable use of the street for such purpose and the parking of a vehicle for a limited period of time to load and unload same. Such restriction shall be conspicuously posted upon said street.

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

II. RESOLUTIONS

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

WHEREAS, Mr. & Mrs. Joseph Prezemielewski and Mr. & Mrs. Eugene Rogalski have made application and requested the Rezoning from NS-Neighborhood Service District to C-Retail Business District for property located at 2719 William Street, NOW, THEREFORE, BE IT

Item No. 3 continued

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on April 18, 1994 at 6:30 o'clock P.M., Eastern Daylight Savings Time at the Cheektowaga Town Hall, corner of Broadway and Union Road.

Upon Roll Call....

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

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 18th day of APRIL, 1994 at 6:30 o'clock, P.M., Eastern DAYLIGHT SAVING Time of said day for the purpose of considering the application of M&M JOS. PRZEMIELEWSKI/M&M EUGENE ROGALSKI to Rezone from NS-NEIGHBORHOOD SERVICE District to C - RETAIL BUSINESS District on property located at 2719 WILLIAM STREET 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.

DESCRIPTION

All that Tract or Parcel of Land, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number sixty-eight (68), Township ten (10), Range seven (7) of the Buffalo Creek Reservation as laid down on a survey and map of part of said reservation made by James Sperry, Surveyor and thereafter subdivided by Witmer and Browning, Surveyors, which said subdivision map is dated September 13, 1920 and is filed under Cover Number 1054 in the Erie County Clerk's Office; and therein designated as part of Parcel "A", bounded and described as follows:

COMMENCING in the northwest corner of Farm Lot Number sixty-eight (68), which said point of beginning is also situate on the easterly line of Laura Court; running thence southerly along the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet; thence easterly parallel with the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet; thence northerly parallel with the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet to a point; thence westerly along the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet to the point 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: April 7, 1994

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.....April 7, 1994.....;
last publication.....April 7, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this7th.....

day of April....., 19⁹⁴.....

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 12/11/95

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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: April 7, 1994

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

.....Melissa Guglinzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
.....clerk..... of the Cheek-
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weekly in said town; that the notice, of which
the annexed printed slip, taken from said news-
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first publication.....April 7, 1994.....;
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Item No. 4 Motion by Councilman Solecki, Seconded by Unanimous

WHEREAS, the New York State Ethics in Government Act of 1987 requires the promulgation of a form of annual statement of financial disclosure for certain designated municipal officers and employees, and

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted "A Local Law Establishing a Board of Ethics" (Local Law No. 1 of the Year 1993), which, among things promulgated a form of annual statement of financial disclosure, and

WHEREAS, the Board of Ethics of the Town of Cheektowaga has carefully and thoroughly reviewed the aforesaid adopted form; and, based upon such review, has recommended the adoption of a revised annual financial disclosure form, and

WHEREAS, a public hearing was held on the 21st day of March, 1994 at 7:00 p.m. at the Town Hall, 3301 Broadway, Cheektowaga, New York, to consider the advisability of adopting a local law known as "A Local Law Amending the Board of Ethics", and

WHEREAS, this Town Board feels it is in the public interest to adopt "A Local Law Amending the Board of Ethics Law" as Local Law No. 1 of the Year 1994, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts "A Local Law Amending the Board of Ethics Law" as Local Law No. 1 of the Year 1994, and BE IT FURTHER

RESOLVED, that, within twenty (20) days, the Town Clerk shall file one (1) certified copy hereof in his office and one (1) certified copy with the Secretary of State, and BE IT FURTHER

RESOLVED, that this local law shall be effective immediately, and the revised Annual Statement of Financial Disclosure shall be utilized beginning in 1995.

Upon Roll Call....

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

* * * * *

The above resolution and amended form will be listed on the next Town Board Meeting agenda. Please see those minutes to view the Board of Ethics Law and form.

* * * * *

Item No. 5 Motion by Councilman Johnson, Councilman Solecki

WHEREAS, this Town Board held a public hearing on March 21, 1994 at 7:00 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:

Item No. 5 continued

ARTICLE VIII
Stop and Yield Intersections

Section 76-80. Stop intersections designated, shall be amended by adding thereto the following:

The following intersection is designated as a stop intersection and stop signs shall be erected on the following entrance street:

<u>Street</u>	<u>Direction</u>	<u>Entrance Street</u>	<u>Traffic Stops</u>	<u>Sign Location</u>
Bison Pkwy.	east-west	Bison Pkwy.	southbound	N.W. corner
Bison Pkwy.	North-South	Bison Pkwy.	eastbound	S.W. corner
Bison Pkwy.	east-west	driveway to Norfolk-Southern Railroad Facility	northbound	S.E. corner

ARTICLE X
Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-102 of the traffic ordinance shall be amended by adding thereto the following:

B. No parking anytime

Bison Pkwy.	east side	from the south curbline of Gruner Road southerly to a point intersecting the extension of the north curbline of Bison Parkway (east-west).
Bison Pkwy.	west side	from the south curbline of Gruner Road southerly to the north curbline of Gruner Road southerly to the north curbline of Bison Parkway (east-west).

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 of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application.

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the Villages of Depew and Sloan.

Section 4. Publications.

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, Solecki, Blachowski
Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

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 4th day of April, 1994 at 7:00 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 Rogowski

Motion by Councilman Johnson seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on March 21, 1994 at 7:00 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 VIII

Stop and Yield Intersections

Section 76-80. Stop intersections designated, shall be amended by adding thereto the following:

The following intersection is designated as a stop intersection and stop signs shall be erected on the following entrance street:

Street: Bison Pkwy. Direction: east-west Entrance Street: Bison Pkwy. Traffic Stops: southbound Sign Location: N.W. corner

Street: Bison Pkwy. Direction: north-south Entrance Street: Bison Pkwy. Traffic Stops: eastbound Sign Location S.W. corner

Street: Bison Pkwy. Direction: east-west Entrance Street: driveway to Norfolk-Southern Railroad Facility Traffic Stops: northbound Sign Location: S.E. corner

ARTICLE X

Parking, Standing and Stopping

76-102. Parking prohibited in designated locations.

Section 76-102 of the traffic ordinance shall be amended by adding there-to the following:

B. No parking anytime

Bison Pkwy. - East side - from the south curbline of Gruner Road southerly to a point intersecting the extension of the north curbline of Bison Parkway (east-west).

Bison Pkwy. - West side - from the south curbline of Gruner Road southerly to the north curbline of Gruner Road southerly to the north curbline of Bison Parkway (east-west).

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in the 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 AYE
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

PUBLISH: April 7, 1994

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)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.....April 7, 1994..... last publication.....April 7, 1994..... and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this7th.....

day of April....., 1994

Margaret J. Bourdette

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

MARGARET J. BOURDETTE
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Councilman Patricia A. Jaworowicz
Councilman Richard B. Solecki
Councilman Jacqueline A. Blachowski
Councilman Thomas M. Johnson, Jr.
Councilman William L. Wielinski

ABSENT: Councilman Rogowski

Motion by Councilman Johnson seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on March 21, 1994 at 7:00 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,

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Street: Bison Pkwy. Direction: east-west Entrance Street: driveway to Norfolk-Southern Railroad Facility Traffic Stops: northbound Sign Location: S.E. corner

ARTICLE X

Parking, Standing and Stopping

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Upon roll call...
Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

PUBLISH: April 7, 1994

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA

ss.

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of Cheektowaga, in said County of Erie, being
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Item No. 6 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 ("EAC") 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, modify or reject the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application to rezone a parcel of land on Anderson Road and Walden Avenue from M2-General Manufacturing to C-Retail Business to construct a hotel/motel to be known as the Hampton Inn and restaurants, AND

WHEREAS, the Advisory Committee, at its meeting held on March 10, 1994, rendered the determination shown on the attached memo dated March 11, 1994, AND

WHEREAS, following receipt of comments from various agencies and reviewing groups the Advisory Committee has suggested a number of conditions be made part of a Negative Declaration, AND

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee for the item listed above, AND

WHEREAS, a public hearing was held on March 21, 1994 before the Town Board, AND

WHEREAS, comments were submitted by adjacent property owners raising concerns relative to noise generated by existing nearby trucking operations that may affect the repose of hotel/restaurant patrons, AND

WHEREAS, the Developer has submitted a letter in response to such comments, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Conditional Negative Declaration" for the purposes of SEQRA with the conditions as follows:

- 1) Sidewalks be installed along Walden Avenue and along Anderson Rd. to their driveway on Anderson.
- 2) That the Anderson Road curbing (both sides)/drainage/paving work details be reviewed by the Highway and Engineering Departments and that the applicant construct all improvements necessary.
- 3) That easements be granted to the Town for the drainage system that runs through the site and that drainage design/run-off management plans be approved by the Town Engineer.
- 4) That the corridor landscaping plan be incorporated in future developments along Walden Avenue.
- 5) Any mitigation required by the New York State Department of Transportation be installed and completed prior to issuance of a Certificate of Occupancy.
- 6) Plans/studies, satisfactory to the Building Inspector and Disaster Coordinator, of the air circulation systems to be installed in the hotel and restaurants which would minimize the entry of pollutants are to be submitted to the Building Inspection Department.

Item No. 6 continued

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

- ° That the applicant verify that a maintenance agreement for the detention basin is in place and if now presently exist that an agreement on maintaining the basin be reached with the Town of Cheektowaga through the Engineering and Highway Departments.

ITEM V Southeast Corner of Broadway - Proposed 24,000 Square
and Allied Drive Foot Building

Applicant: Allied Builders

This building would be constructed as a "spec" building and leased out at a later date. The applicant would provide a berm in the area of the southeast corner of the property to screen the Wallace homes from the rear of the building. The location of the berm and the types of plantings would be determined at a later date based on tenants needs and Planning Board and Conservation Council recommendations.

This building is designed as a small office/warehousing facility that would not typically utilize semi-trucks. This is reflected in the design of the parking area in the front which has maneuvering space only for automobiles and small vans.

The committee is recommending that the Town Board issue a Negative Declaration for this project with the condition:

- ° That the berm and plantings be approved by the Planning Board at such time that a tenant desires a rear service/overhead door.

ITEM VI Walden and Anderson - Proposed Rezoning From M2
To C For Hampton Inn And
Restaurants

Applicant: Benderson Development Incorporated

This proposal had been referred to the Erie County Department of Environment and Planning, New York State Department of Transportation and New York State Thruway Authority. The agencies sent comments with the greatest concern being traffic situation on Walden Avenue.

The applicant has had numerous discussions with the DOT with regards to the proposed access on Walden Avenue and has reached an agreement whereby an "all-movement" driveway would be installed at the west end of the property on Walden and a right-in/right out driveway installed in the middle of the frontage on Walden Avenue. An additional "all-movement" driveway would be installed on Anderson Road to allow for traffic to utilize the traffic signal at Walden and Anderson. This site design has been approved by the New State DOT and the Thruway Authority has been advised of the approval.

The site had been previously occupied by a motor vehicle sales and repair operation and the applicant had an environmental analysis conducted for the site. The various fuel and waste oil tanks that had been on the site were removed and disposed of properly, according to state regulations.

A leaking transformer that contained PCB's was disposed of and the spill cleaned up by New York State Electric and Gas.

The Planning Board has approved the landscaping for the site and this project which is believed to be the first of many along Walden Avenue that will result in a landscaped corridor from the New York State Thruway to points west of Harlem Road.

The Town Engineer is reviewing the drainage plan and will review any impacts on tributary T1.

As part of the project the applicant will be installing curbing along both sides of Anderson Road from Walden Avenue to the end of their property. In addition to the curbing, drainage and paving will be addressed. The detailed plans are not yet available but will be reviewed by the Highway and Engineering Departments when they are completed.

The committee is recommending that the Town Board issue a Conditional Negative Declaration for this project. The suggested conditions as follows:

- ° Sidewalks be installed along Walden Avenue and along Anderson Road to their driveway on Anderson.
- ° That the Anderson Road curbing/drainage/paving work details be reviewed by the Highway and Engineering Departments and that the applicant construct all improvements necessary.

EAC - March 10, 1994
March 11, 1994
Page: 6

- ° That easements be granted to the Town for the drainage system that runs through the site.
- ° That the corridor landscaping plan be incorporated in future developments along Walden Avenue.

Attachments

=====

THE NEXT MEETING OF THE ENVIRONMENTAL ADVISORY COMMITTEE
WILL BE HELD ON WEDNESDAY, MARCH 23, 1994 AT 9:30 A.M. IN THE
TOWN HALL COUNCIL CHAMBERS.

=====

AMONG OUR TENANTS

A & P
Ames Department Stores
AMC Theatres
Applebee's
Barnes & Noble
Bly's Wholesale Club
Blockbuster Video
Brown Group
Bugsy Boy
Builders Square
Burlington Coat
Chase Lincoln First Bank
Citibank
City Mattress
Conagra
Consolidated Stores
Corning
Cub Foods
Danco
Denny's
Dress Barn
Drug Emporium
Dunkin' Donuts
Eddie Bauer
Edison Brothers Apparel
F.W. Woolworth
Fashion Bug
Fabri-Contex of America
Family Dollar Stores
Fashion Factory
Fay's Drugs
Federal Express
Fleet Bank
Food Inn
Freddy's
Friendly's Ice Cream
G.H. Bass
Gap Stores
General Electric
General Mills/Olive Garden
Gianni
Goodyear
Hancock Fabrics
Hills Department Stores
Hit or Miss
HomeStyle Buffet
HomeBase
Home Depot
IBM
Isid/Cant
J.C. Penney
K-Mart
Key Bank of New York
Kido
Kinney Shoe
Kobacker Company
Lane Bryant
Lechters
Levi Strauss
Lichman's
London Fog
M & T Bank
Manufacturers Hanover
Marine Midland Bank
McMille
National Auto
Nautica
Office Depot
Office Max
Old Country Buffet
Pace Club
Payless Shoe
Pop-Gays
Perkins
Phar-Mor
Phillips Van Heusen
Pier 1 Imports
Pizza Hut
Polo/Ralph Lauren
Ponderosa
Price Chopper
Reebok
Revea
Rite Aid
Royal Doulton
Sara's Wholesale Club
Sara Lee
Scribner
Swann Bookbuck & Company
Swarthout/Williams
Shop Rite
So-Fro Fabrics
Sports Authority
Staples
Super Yaks
Taco Bell
Tandy/Radio Shack
Targit
Thriftway Markets
T.J. Maxx
Tops Markets
TransWorld Records
U.S. Shoe
Video Factory
Wal-Mart
Walgreens

March 25, 1994

Town of Cheektowaga
Cheektowaga Town Board
Broadway & Union Roads
Cheektowaga, New York 14227

RE: Hampton Inn/Bob Evans
Proposed Walden/Anderson Complex
Cheektowaga, New York

Dear Members of the Board:

As you are aware, several neighboring business have offered their objections to our proposed development with consideration for potential noise and traffic problems perceived to impact our proposed development with the surrounding businesses.

With regard to the potential noise emanating from the nearby properties, we undertook an extensive evaluation of the site prior to the selection of this site for the proposed Hampton Inn Hotel. Ralph Blum, Managing Partner, and his management staff, engaged in several site visits to witness first-hand the potential for objectionable noise levels, specifically in the proximity of the southerly portion of the property adjoining Upstate Milk. At no time during their evaluation, were they concerned over the noise levels witnessed during their inspections and frankly, are surprised that the neighboring businesses have offered any objections.

It is our opinion and that of the hotel management that road noise emanating from vehicular traffic on Walden Avenue and the adjacent New York State Thruway would be more of a concern than that of any commercial or industrial operation located on the adjoining parcels.

Further, the hotel is situated directly in the southwest flight pattern from the Buffalo International Airport. Planes flying overhead would likely create significantly more noise than that of the activities which occur on the adjacent properties.

file

Commercial and Industrial Properties • Offices • Plazas • Apartments • Hotels

Page 2
Cheektowaga Town Board
March 25, 1994

In consideration of the foregoing, we feel sole responsibility to our decision-making process to construct, occupy and operate the hotel facility on this site.

Representatives of Upstate Milk also indicated their concern with regards to the potential of traffic congestion and inaccessibility to our site due to the exiting of tractor trailers from the Upstate Milk parcel. A review of the plans submitted for approval indicates three (3) means of ingress and egress to the Hampton Inn/Bob Evans site. Two (2) from Walden Avenue and one (1) on Anderson Road. The traffic patterns, as well as the potential for traffic congestion have been analyzed by our Traffic Consultant and the New York State Department of Transportation and have met with their approval. Additionally, Upstate Milk maintains direct access to Dale Road, as well as Walden Avenue and, therefore, we feel their vehicular activity will in no way hamper or impede access to our site by customers of either the Hampton Inn/Bob Evans or the future proposed restaurant.

In conclusion, we feel our original determination for the development of a hotel complex has not changed based on the objections set forth at the Town Board Meeting, Monday, March 21st and, therefore, request rezoning in accordance with our original petition.

Your consideration in this matter is greatly appreciated.

Sincerely,



Michael Yeomans
Director of Construction

cc: R. Blum
T. Morgan
File
blum1

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

WHEREAS, Ralph Blum has petitioned for the rezoning from M2-General Manufacturing to C-Retail Business of property owned by Ralph Blum as general partner and located at 1735, 1745 and 1753 Walden Avenue, 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 March, 1994 at 6:15 o'clock P.M., after publication and service to 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 Cheektowaga Planning Board has reviewed such application and has made a recommendation that the rezoning be approved, 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

WHEREAS, the Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, NOW, THEREFORE, BE IT

RESOLVED, that the application of Ralph Blum for the rezoning from M2-General Manufacturing to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions found in the Conditional Negative Declaration of April 4, 1994, 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, Solecki, Blachowski
Johnson and Wielinski

NAYES: 0

ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate, lying and being in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot 24, Township 11, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of lands taken by the State of New York of the Walden Avenue as described in Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4614 of Deeds at Page 504 at the intersection of the east line of lands recorded in Erie County Clerk's Office in Liber 6644 of Deeds at Page 378;

THENCE southerly along the east line of Liber 4644 of Deeds at Page 378 a distance of Three Hundred (300.00) feet to a point;

THENCE easterly perpendicular to the aforementioned line a distance of One Hundred Ninety-eight (198.00) feet to a point in the west line of lands conveyed to James A. Roy by Petition Deed recorded in Erie County Clerk's Office in Liber 32 of Deeds at page 339;

THENCE southerly perpendicular to the aforementioned line a distance of Sixty-five and 20/100 (65.20) feet to a point;

THENCE easterly perpendicular to the aforementioned line a distance of Three Hundred Fifteen and 60/100 (315.60) feet to a point in the westerly line of Anderson Road being 60 feet wide as conveyed to Town of Cheektowaga by Deed recorded in the Erie County Clerk's Office in Liber 6222 of Deeds at page 699;

THENCE northerly along the westerly line of Anderson Road (60.00' wide) a distance of Four Hundred Twenty-seven and 25/100 (427.25) feet to a point;

THENCE westerly perpendicular to the aforementioned line a distance of Twenty (20.00) feet to a point;

THENCE northerly perpendicular to the aforementioned line a distance of One Hundred Three and 43/100 (103.43) feet to a point in the southerly line of Walden Avenue as established by New York State Department of Public Works as described in the Notice of Appropriation recorded November 4, 1947 in the Erie County Clerk's Office in Liber 4579 of Deeds at Page 508;

THENCE westerly along the southerly line of Walden Avenue a distance of One Hundred Twenty-six and 17/100 (126.17) feet to a point;

THENCE continuing westerly along the southerly line of Walden Avenue a distance of One Hundred Eighty-three and 32/100 (183.32) feet to a point at the intersection of the southerly line of Walden Avenue Extension as described in Notice of Appropriation recorded in Erie County Clerk's Office in Liber 4614 of Deeds at Page 504;

THENCE westerly along the southerly line of Walden Avenue Extension a distance of Two Hundred Eleven and 96/100 (211.96) feet to the point or place of beginning, containing 5.00 acres more or less.

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 publicationApril 14, 1994..... ;
last publicationApril 14, 1994..... ;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this14th.....

day ofApril....., 19..94..

.....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 12/11/95

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 4th day of April, 1994 at 7:00 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 Rogowski

Motion by Councilman Blachowski
Seconded by Councilman Johnson

WHEREAS, Ralph Blum has petitioned for the rezoning from M2-General Manufacturing to C-Retail Business of property owned by Ralph Blum as general partner and located at 1735, 1745, 1753 Walden Avenue, 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 March, 1994 at 6:15 o'clock P.M., after publication and service to 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 Cheektowaga Planning Board has reviewed such application and has made a recommendation that the rezoning be approved, 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

WHEREAS, the Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, NOW THEREFORE BE IT

RESOLVED, that the application of Ralph Blum for the rezoning from M2-General Manufacturing to C-Retail Business District of the property specified in the attached legal description be and the same is hereby approved subject to the conditions found in the Conditional Negative Declaration of April 4, 1994, AND BE IT FURTHER

RESOLVED, That the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate, lying and being in the Town of Cheektowaga, County of Erie, and State of New York, being part of Lot 24, Township 11, Range 7 of the Holland Land Company's Survey and more particularly bounded and described as follows:

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THENCE southerly along the east line of Liber 4644 of Deeds at Page 378 a distance of Three Hundred (300.00) feet to a point;

THENCE easterly perpendicular to the aforementioned line a distance of One Hundred Ninety-eight (198.00) feet to a point in the west line of lands conveyed to James A. Ray by Petition Deed recorded in Erie County Clerk's Office in Liber 32 of Deeds at page 339;

THENCE southerly perpendicular to the aforementioned line a distance of Sixty-five and 20/100 (65.20) feet to a point;

THENCE easterly perpendicular to the aforementioned line a distance of Three Hundred Fifteen and 60/100 (315.60) feet to a point in the westerly line of Anderson Road being 60 feet wide as conveyed to Town of Cheektowaga by Deed recorded in the Erie County Clerk's Office in Liber 6222 of Deeds at page 699;

THENCE northerly along the westerly line of Anderson Road (60.00' wide) a distance of Four Hundred Twenty-seven and 25/100 (427.25) feet to a point;

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THENCE westerly along the southerly line of Walden Avenue Extension a distance of Two Hundred Eleven and 96/100 (211.96) feet to the point or place of beginning, containing 5.00 acres more or less.

Upon roll call....

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 6

NAYES: 0

ABSENT: 1

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 April 4, 1994, 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 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 4th day of April, 1994.

RICHARD M. MOLESKI,
Town Clerk

PUBLISH: April 14, 1994

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.....April 14, 1994.....;
last publication.....April 14, 1994.....;
and that no more than six days intervened be-
tween publications.

.....*Melissa Gugliuzza*.....

Sworn to before me this^{14th}.....

day ofApril....., 19⁹⁴.....

.....*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 12/11/9⁵

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Councilman William L. Wielinski

ABSENT: Councilman Rogowski

Motion by Councilman Blachowski
Seconded by Councilman Johnson

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WHEREAS, the Cheektowaga Planning Board has reviewed such application and has made a recommendation that the rezoning be approved, 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

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Upon roll call...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

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 April 4, 1994, 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 7, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 4th day of April, 1994.

RICHARD M. MOLESKI,
Town Clerk

PUBLISH: April 14, 1994

Item No. 8a Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

WHEREAS, bids were duly received by this Town at a public bid opening for the purchase of new trees for the Town's planting season, spring 1994, by the Cheektowaga Highway Department, as a result of advertisement, therefore, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report has been completed,
NOW, THEREFORE, BE IT

RESOLVED, that the bid be awarded to Schichtel's Nursery, 6745 Chestnut Ridge Road, Orchard Park, New York 14127, said bidder being the lowest responsible bidder, meeting specifications as set forth in the tabulation attached hereto and made a part hereof.

RESOLVED, that said monies be charged to line item #5005-8560-0700.

Upon Roll Call.....

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

NAYES: 0

ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

SPECIFICATIONS AND BID SHEET FOR NEW TREES

TOWN OF CHEEKTOWAGA, NEW YORK

1. All trees are to conform with the standards as set forth by the American Association of Nurserymen.
2. Trees are to arrive in a moist horticultural, satisfactory condition.
3. All trees to be bare root or balled in burlap.
4. Caliber of trees shall be measured at a point 6" above ground level. Caliber of all trees shall be 1-1/2" to 2" diameter.
5. All trees must be branched.
6. F.O.B., 3145 Union Road, Cheektowaga, New York, 14227.
7. All trees shall be supplied to the Cheektowaga Highway Department commencing on: April 11, 1994,
AND NO LATER THAN May 2, 1994.

LAKE COUNTY NURSERY

<u>TYPE OF TREE</u>	<u>UNIT PRICE BID</u>	
	<u>Bareroot</u>	<u>Ball/Burlap</u>
1. Mountain Ash (Sorbus Alnifolia)	N/A	N/A
2. European Hornbeam (Carpinus Betulus) Fastigiata	N/A	60.00
3. Spring Snow Crabapple (Malus 'Spring Snow')	N/A	N/A
4. Elmsted Col. Maple (Acer Plat.Col.'Elmsted')	N/A	N/A
5. Japanese Tree Lilac (Syringa Reticulata) ^{25'}	N/A	N/A
6. R. H. Pink Serviceberry (Amelanchier ^{25'} 'Robin Hill') Sub. Tradition 1 1/4" - 1 1/2"	22.00	35.00
7. American Hophorbeam (Ostrya Virginiana)	N/A	N/A
8. Red Baron Crabapple (Malus 'Red Baron')	26.00	45.00
9. Summit Ash (Fraxinus Pennsylvanica Lanceolata 'Summit')	30.00	50.00

Please Note: This bid based on 150 trees.

SPECIFICATIONS AND BID SHEET FOR NEW TREES

TOWN OF CHEEKTOWAGA, NEW YORK

1. All trees are to conform with the standards as set forth by the American Association of Nurserymen.
2. Trees are to arrive in a moist horticultural, satisfactory condition.
3. All trees to be bare root or balled in burlap.
4. Caliper of trees shall be measured at a point 6" or above ground level. Caliper of all trees shall be 1-1/2" to 2" diameter.
5. All trees must be branched.
6. F.O.B., 3145 Union Road, Cheektowaga, New York, 14227.
7. All trees shall be supplied to the Cheektowaga Highway Department commencing on: April 11, 1994,
AND NO LATER THAN May 2, 1994.

SCHICHTEL'S NURSERY

<u>TYPE OF TREE</u>	<u>UNIT PRICE BID</u>	
	<u>Bareroot</u>	<u>Ball/Burlap</u>
1. Mountain Ash (Sorbus Alnifolia)	See Substitute	
Crataegus c. inermis 1 1/2-2"	24.00	38.00
② European Hornbeam (Carpinus Betulus)	24.00	41.00
③ Spring Snow Crabapple (Malus 'Spring Snow')	21.00	38.00
④ Elmsted Col. Maple (Acer Plat. Col. 'Elmsted')	24.00	38.00
⑤ Japanese Tree Lilac (Syringa Reticulata)	See Substitute	
Size Only - 1 1/2"	24.00	41.00
6. R. H. Pink Serviceberry (Amelanchier	See Substitute	
'Robin Hill')		
Size Only - 1 1/2"	24.00	41.00
7. American Hophornbeam (Ostrya Virginiana)	See Substitute	
Cornus racemosa 1 1/2-2"	19.00	36.00
⑧ Red Baron Crabapple (Malus 'Red Baron')	21.00	38.00
⑨ Summit Ash (Fraxinus Pennsylvanica Lanceolata	19.00	36.00
'Summit')		

Item No. 8b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, sealed proposals for Cheektowaga Town Park Site Improvements were received by the Town Clerk at a public meeting held for said purpose on March 16, 1994, AND

WHEREAS, Darryl L. Jones, Registered Landscape Architect and the Facilities Director have reviewed said bid proposal for compliance with the terms set forth in the Plans and Specifications Manual, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby award Cheektowaga Town Park Site Improvements Construction Work to:

American Paving & Excating, Inc.
5880 Thompson Road
Clarence Center, New York 14032

Base Bid (includes 6 additional shelters)	\$399,400.00
Alternate "A" (24" culvert pipe for path)	3,403.00
Alternate "B" (Seal & stripe ex. parking lot near pool)	1,200.00
Alternate "C1" (Concrete walk @ playground)	2,750.00
Alternate "D" (Install three benches @ playground)	2,000.00
Alternate "E" (Install one waste receptacle @ playground)	950.00
Alternate "F" (8' high chain link fence @ new basketball ct.)	10,990.00
Alternate "G" (Planting @ playground)	8,800.00
Alternate "H" (Underdrain @ playground)	6,278.00
Alternate "I" (Extension of parking lot @ Reinstein Library)	62,000.00
Total Bid Proposal	\$497,771.00

AND BE IT FURTHER RESOLVED, that funds for said action are available from Capital Improvement Account #5402-7110-9402, 5402-7110-9403, 5811-7410-1103, 5003-7410-1100 and 0600-0850.

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilman Rogowski

Item No. 8c Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, sealed bid proposals for General Construction Work, Site Work, Roof Replacement and Masonry Work at the Alexander Community Center were received by the Town Clerk at a public meeting held for said purpose on March 16, 1994, AND

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed said bid proposals for compliance with the terms set forth in the Plans and Specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby award contracts to the following low bidders for construction work at the Alexander Community Center:

General Construction

LakeSide Contracting Company, Inc.
303 South Park Avenue
Buffalo, New York 14204

Base Bid	- \$ 25,000.00
Alternate GC-3	- +3,100.00
Total Contract	\$ 28,100.00

Site Work

Tom Greenauer Development Inc.
P.O. Box 250
Springbrook, New York 14140

Base Bid	- \$ 50,990.00
Alternate A	- +3,990.00
Alternate C	- +6,500.00
Total Contract	- \$ 61,480.00

Roof Replacement

All Weather Contractors, Inc.
510 Ellicott Road
Cheektowaga, New York 14227

Base Bid	- \$133,270.00
Total Contract	- 133,270.00

Item No. 8c continued

Masonry Work

Lake Side Contracting, Inc.
303 South Park Avenue
Buffalo, New York 14204

Base Bid - \$ 33,600.00
Alternate M-1 - +11,000.00
Total Contract - \$ 44,600.00

AND BE IT FURTHER RESOLVED, that funds for said action are available from Capital Improvement Accounts #5301-1625-9308 and #5301-1625-9313.

Upon Roll Call....

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

Item No. 9a Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz
Councilman Solecki

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of TOPSOIL for the 1994 Season (regular, shredded and screened).

Information for bidders and specifications may be obtained from the office of the Superintendent of Highways located at 3145 Union Road, Cheektowaga, New York 14227, between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 a.m. on April 27th, 1994.

* * * * *

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of Topsoil 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 April 27, 1994 at 11:00 a.m.

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 TOPSOIL".

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

Richard Moleski

Date: April 4, 1994

Published: April 7, 1994

* * * * *

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
TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT
LEGAL NOTICE TO
BIDDERS
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11 A.M.
Information for bidders and specifi-
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tendent 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 TOPSOIL".
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: April 4, 1994
PUBLISH: April 7, 1994

.....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.....April 7, 1994..... ;
last publication.....April 7, 1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this7th.....

day of April....., 19⁹⁴.....

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 12/11/95

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LEGAL NOTICE

TOWN OF CHEEKTOWAGA
HIGHWAY DEPARTMENT

LEGAL NOTICE TO
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NOTICE IS HEREBY GIVEN, that
the Town of Cheektowaga Highway
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purchase of Topsoil for use by various
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an Opaque envelope plainly marked
"BIDS FOR TOPSOIL".

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: April 4, 1994

PUBLISH: April 7, 1994

55
13.83

Item No. 9b Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Sewer Maintenance Department is in need of two (2) bucketing machines, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of two (2) sewer bucketing machines for the Sewer Maintenance Department, information for bidders and specifications may be obtained from the office of the Town Clerk, said notice to be published in the CHEEKTOWAGA TIMES, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 27th day of April, 1994 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 April 27, 1994 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of two (2) hydraulic bucketing machines for the Sewer Maintenance 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, any 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: April 4, 1994

* * * * *

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.

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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 and all bids.

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

Richard M. Moleski
Town Clerk

Dated; April 4, 1994

PUBLISH: April 7, 1994

Melissa Gugliuzza

Sworn to before me this7th.....

day ofApril....., 19⁹⁴.....

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 12/11/95

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COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

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13 43

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: April 4, 1994

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Item No. 9c Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga Sewer Maintenance Department desires to purchase one 1994 vacuum truck with jet sewer cleaner, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the purchase of a 1994 vacuum truck with jet sewer cleaner, notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 27th day of April, 1994 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 April 27, 1994 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of a 1994 Truck with Combination Sewer Cleaner.

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, any 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: April 4, 1994

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.

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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: April 4, 1994

PUBLISH: April 7, 1994

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COUNTY OF ERIE
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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: April 4, 1994

PUBLISH: April 7, 1994

Item No. 10a Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Dick Road is a County road maintained by the Erie County Department of Public Works, Division of Highways ("ECDPW"), and

WHEREAS, New York State Electric & Gas Corporation ("NYSEG") filed a Highway Work Permit Application for Utility Work with ECDPW requesting permission to install 36 new overhead utility poles on the easterly and westerly sides of Dick Road for a distance of about 7260 feet, and such permit was granted by the ECDPW, and

WHEREAS, NYSEG has begun installation of these utility poles, and residents of this area of Town have expressed their concern regarding the extensive size and girth of these poles, and

WHEREAS, it appears that the location of these poles creates a sight visibility problem and traffic safety hazard due to their proximity to the paved roadway, and

WHEREAS, an environmental review of NYSEG'S application the ECDPW should have been done, and the Town of Cheektowaga should have been given an opportunity to provide input, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the ECDPW to review the aforementioned application and permit issued to NYSEG with respect to traffic safety and aesthetics, and to solicit formal approval from the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the ECDPW to adopt procedures for requiring environmental review of applications for permits for the erection of utility poles in County rights-of-way, and to require the consent of the local municipality for such permits, and BE IT FURTHER

RESOLVED, that this Town Board hereby also memorializes the New York State Public Service Commission ("PSC") to review NYSEG'S application to the ECDPW, and to adopt regulations requiring the local municipality's approval of the location of utility poles in such municipality, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the ECDPW and the PSC.

Upon Roll Call....

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

Item No. 10b Memorialize the EPA to Conduct and Review Environmental Tests
Regarding Pfohl Road
This item was withdrawn.

Item No. 10c Motion by Unanimous, Seconded by Unanimous

WHEREAS, the Pfohl Brothers Landfill, located on Pfohl Road in the Town of Cheektowaga, has been classified by the New York State Department of Environmental Conservation ("DEC") as an inactive hazardous waste disposal site, and cleanup of such site is currently taking place, and

WHEREAS, the New York State Department of Health ("DOH") and DEC previously conducted environmental testing and investigation of this site and surrounding properties, and such investigation has supposedly determined that no health hazards to residents of the area was found, and

WHEREAS, recently, investigations conducted by residents/former residents of this area have alleged that there is a connection between the Pfohl Brothers Landfill and health problems experienced by residents/former residents of this area, and

Item No. 10c continued

WHEREAS, it has also been alleged that there is new health information and additional testing information relating to the effects from the Pfohl Road Landfill, and

WHEREAS, the United States Environmental Protection Agency ("EPA") and the U.S. Department of Health and Human Services ("HHS") are Federal agencies having expertise in the areas of environmental and health-related testing and investigation, and

WHEREAS, this Board feels that the EPA and HHS should become involved in this matter and conduct various environmental and health studies, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the EPA and HHS to conduct independent environmental tests, to review environmental tests already conducted, and to review and conduct related health effects studies with respect to the Pfohl Brothers Dump and to take whatever action they deem necessary to protect the safety and health of residents of 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 EPA Region 2 Headquarters, Energy and Remedial Response Division, Att'n: William McCabe; EPA Administrator Carol Browner; HHS Center of Disease Control, Division of Preventive Health Services; Senators Alfonse M. D'Amato and Daniel P. Moynihan, and to Congressman Jack Quinn.

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

WHEREAS, the Parade Committee of the United Way of Buffalo and Erie County and the Buffalo AFL-CIO Council have requested the Town's permission to hold their annual Labor Day Parade on Monday, September 5, 1994, and to have a police escort for same, and

WHEREAS, this parade would begin at the Thruway Mall, then proceed north on Harlem Road to Greenleaf Lane; then proceed west on Greenleaf Lane and ending in Cheektowaga Town Park, and

WHEREAS, this Town Board desires to approve the aforesaid parade and to provide a police escort for same, NOW, THEREFORE, BE IT

RESOLVED, that the United Way of Buffalo and Erie County and the Buffalo AFL-CIO be and hereby are authorized to conduct their parade on the above mentioned date and place, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort arrangements for such parade and to ensure compliance with Section 1660 (a) (6) of the Vehicle and Traffic Law of the State of New York.

Upon Roll Call....

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

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

WHEREAS, this Town Board engaged the services of C & S Engineers, Inc. to survey, map and define a proposed sidewalk alignment along both sides of Union Road, which work was completed, AND

Item No. 12 continued

WHEREAS, a committee including interested citizen and traffic safety persons reviewed and approved a sidewalk alignment and scope of proposed sidewalk construction along a portion of Union Road, AND

WHEREAS, it is necessary to undertake additional professional tasks in order to obtain necessary easements and to finalize designs for construction of sidewalks along both sides of Union Road from Orchard Place southerly to Scajaquada Creek, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of C & S Engineers, Inc., as submitted to the Town Engineer and dated January 21, 1994, for preparation of easement maps and descriptions at \$200.00 per parcel and Right-of-Way stakeout at a fee of \$6,320.00 be and hereby is accepted and approved as an addendum to the agreement with C & S Engineers, AND, BE IT FURTHER

RESOLVED, that the proposal of C & S Engineers, Inc. dated January 13, 1994 for the final design of new sidewalks at a fee of \$12,000.00 bid document reproduction fee of \$900.00 and construction observation services at a fee of \$5,600.00 be and hereby is accepted and approved as an addendum to the agreement with C & S Engineers, Inc., AND, BE IT FURTHER

RESOLVED, that the cost of said listed professional services be charged to the Union Road Sidewalk Account #5314-5141-9345.

Upon Roll Call....

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

Item No. 13 Motion by Councilman Wielinski, Seconded by Councilman Solecki

WHEREAS, the developer of the Park Place Estates Subdivision is required to furnish and install the highway lighting system on Park Place consisting of seven (7) 5200 lumen H.P.S. luminaries, standards and related equipment as part of the development of said subdivision, AND

WHEREAS, based on the limited number of housing starts to date, the Town Engineering Department recommends that light standards No. 1 through No. 4 be energized at this time, and that standards No. 5, 6 and 7 be energized at a later date upon the commencement of additional housing construction, NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation is hereby authorized to connect standards No. 1 through No. 4 inclusive, on Park Place at an annual increase to the Town's General Lighting District of \$188.40, in accordance with the Service Classification Rate No. 2 as indicated on the attached NYSEG proposal dated March 23, 1994, AND, BE IT FURTHER

RESOLVED, that standards No. 5, 6 and 7 shall be energized at a future date pending additional housing construction on Park Place as authorized by future Town Board approval.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE



March 23, 1994

STREET LIGHTING PROPOSAL
TOWN OF CHEEKTOWAGA DISTRICT
PARK PLACE ESTATES SUBDIVISION

SC #2

Park Place

Connect 7 - 5200 Lumen HPS Lamps (energy & bulb rate)
Std. 1 - 7 @ \$47.10 ea.

TOTAL ANNUAL INCREASE \$329.70

Standards, underground conductors and fixtures to be supplied and installed by developer, owned and maintained by the Town of Cheektowaga.

Connections, energy, lamp and photo-eye replacements to be supplied by NYSEG.

(This proposal is made contingent upon the terms and conditions covered in NYSEG's street lighting filed tariff agreement with your municipality.)

RAM/kk

STD No. 1 - No. 4

4 @ \$47¹⁰ = \$188⁴⁰

RECEIVED

MAR 25 1994

**ENGINEERING
DEPT.**

An Equal Opportunity Employer

New York State Electric & Gas Corporation 150 Erie Street, Lancaster, NY 14086-1998 (716) 684-9800

Item No. 14 Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, water mains and hydrants are required to be installed in the rights-of-way of new developments, and

WHEREAS, a hydrant must be installed in the Sonwil Drive First Phase Extension, and Sonwil Distribution Center, Inc. will be responsible for paying the cost associated with such installation, and

WHEREAS, in order to receive a building permit for its construction of a new building along the First Phase Extension of Sonwil Drive, Sonwil Distribution Center, Inc. must obtain from the Erie County Water Authority ("ECWA") a Main Extension Agreement, and

WHEREAS, prior to approval of such Main Extension Agreement, ECWA requires a Commitment from the Town that it will assume responsibility for the payment of annual hydrant rental charges for the aforementioned hydrant, and

WHEREAS, Hy-View Fire District has reviewed plans for the location of a hydrant in the First Phase Extension of Sonwil Drive, and has approved same, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby assumes responsibility for the payment of annual hydrant rental charges to the ECWA for the aforementioned hydrant, with said charges being recovered by Town billing to the respective fire company.

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 Solecki

WHEREAS, the Town Sanitation Department has initiated a one-man automated garbage truck Pilot Program, and

WHEREAS, such Pilot Project anticipates the use of a Peterbilt Chassis with Maxon Garbage Automated Packer which will be loaned to the Town at no charge by Bison Truck Center, Inc. for six months (with two - 30 day extensions) and

WHEREAS, Bison Truck Center, Inc. requires that the Town of Cheektowaga agree to indemnify and hold it harmless from any liability associated with the Town's use of such vehicle, NOW, THEREFORE, BE IT

RESOLVED, that, in exchange for the use of the Peterbilt Chassis with Maxon Garbage Automated Packer at no charge to the Town, the Town of Cheektowaga hereby agrees to defend, indemnify and hold harmless Bison Truck Center, Inc. from and against all claims, damages, losses and expenses that shall or may be brought against or occasioned by Bison Truck Center, Inc. arising out of or resulting from the use of the Peterbilt Chassis with Maxon Garbage Automated Packer by the Town of Cheektowaga, its officers, agents or employees, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga agrees to pay its legal obligations for uninsured liability claims through its self-insured program and will guarantee such claims by the full faith and credit of the Town.

Upon Roll Call....

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

Item No. 16a 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, 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, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

AFFIDAVIT - NEXT PAGE

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT</u> <u>EXPIRES</u>
* Jeffrey Place	Cheektowaga, NY 14225	Towns'	2/28/97
Dean Hyder	Akron, NY 14001	Towns'	2/28/97

* Indicates renewal

Item No. 16b 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
	1988 Ford	AA 4075	554
	1987 Ford	AA 1220	555
	1987 Ford	AA 1221	556
	1986 Ford	AA 3023	557
	1990 Chevrolet	AA 3261	558
	1982 Ford	AA 4606	561
	1993 Ford	AB 4370	562
	1985 Ford	AA 4623	563
	1989 Ford	AA 4371	564
	1986 Ford	AA 3262	565
	1993 Ford	AA 4369	566
	1990 Chevrolet	AA 3265	567
	1982 Ford	AA 4682	568
	1992 Ford	AA 4804	569

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, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

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

WHEREAS, the Town of Cheektowaga, in September, 1987, gave Mr. & Mrs. Robert Baker a Housing Rehabilitation Community Development loan for property owned by them and located at 31 Basswood Drive, Cheektowaga, New York, and

WHEREAS, Mr. & Mrs. Baker are now applying for a separate mortgage loan through Beneficial New York, Inc., and Beneficial 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. Baker and the Town's Housing Rehabilitation Community Development loan for 31 Basswood Drive, Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

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

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

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

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

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owner of the property located at 15 Hedwig Avenue in an amount of up to \$47,000 due to the amount of work that is required to bring the property into compliance with Town housing codes, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in the amount not to exceed \$47,000 to the owner of 15 Hedwig Avenue, Cheektowaga, New York, and authorizes the Supervisor to execute a loan agreement with the owner of said property and any other necessary related documents.

Upon Roll Call....

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

Item No. 17c Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of renting campground facilities known as Camp Aloha for a summer camp for handicapped Cheektowaga youths from August 14, 1994 through August 20, 1994, and

WHEREAS, said facilities are owned by the Camp Fire Council of Buffalo and Erie County, Inc. and are located in Wales Center, New York, and

WHEREAS, the Camp Fire Council of Buffalo and Erie County, Inc. is willing to rent such facilities to the Town provided that the Town execute an appropriate agreement for such rental of said property at a cost of \$1,800 and a meals cost not to exceed \$68 per person, and

WHEREAS, such agreement has been prepared and is acceptable between parties, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Camp Fire Council of Buffalo and Erie County, Inc. for the renting of the aforementioned campground facilities, and BE IT FURTHER

RESOLVED, that the Cheektowaga Youth and Recreational Services Department, as in the past, seek reimbursement from any appropriate state and charitable source, in addition to any camper fees to cover the necessary costs of said activity.

Upon Roll Call....

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

Item No. 18a Motion by Councilman Wielinski, Seconded by Councilman Solecki

BE IT RESOLVED, that the following seasonal and/or part-time employees be and hereby are terminated as listed:

Item No. 18a continued

EFFECTIVE

SANITATION DEPARTMENT

Justine Sinnott
Kregg Krause
Tim Majerowski
Thomas Samara
Beverly Timmons

Immediately
"
"
"
"

Upon Roll Call....

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

Item No. 18b Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

BE IT RESOLVED, that the below listed individuals be terminated from the Youth and Recreational Services Department (Part-Time):

Brenda Alder 14227
Carrier Taber 14227

Upon Roll Call....

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

Item No. 19a Motion by Councilman Wielinski, Seconded by Councilman Solecki

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

WHEREAS, said vacancy was posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, Mark Wegner, currently employed as a Motor Equipment Operator in the Highway Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Mark Wegner be and hereby is appointed to the position of General Mechanic in the Facilities Department, in accordance with the terms and conditions as set forth in the T.C.E.A. Agreement, effective April 5, 1994.

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 Wielinski

WHEREAS, due to a transfer, a vacancy exists in the position of Clerk-Typist in the Justice Court, AND

WHEREAS, said vacancy was posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, the current valid Civil Service list for said position was canvassed and candidates interviewed, AND

Item No. 19b continued

WHEREAS, Constance Chojnacki appears on said list and is interested in the position, NOW, THEREFORE, BE IT

RESOLVED, that Constance Chojnacki of Cheektowaga, New York be and hereby is appointed to the position of Clerk-Typist in the Justice Court, in accordance with the terms and conditions as set forth in the T.C.E.A. Agreement, effective April 5, 1994.

Upon Roll Call....

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

Item No. 20 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

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

EFFECTIVE

FACILITIES DEPARTMENT - \$6.00 per hour (Laborer) (0100-7110-1491)

Raymond Full	4/04/94
Gordon Hagmier	4/04/94

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer) (0100-7110-1491)

Timothy Blakowski	4/04/94
Andrew Sciandra, Jr.	"
Eric Gerlach	"
Jarrett Sinclair	"
Steven Cody	"

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

Randall Boersma	4/18/94
George Alder	"
Michael Sklener	"
Patrick Fix	"
Patrick Gallagher	"
David Kreuzer	"
John Kapron	"
John Ross	"
Jeffrey Lewsinki	"
Jerritt Wilson	"
William Galuszka	"

SEWER MAINTENANCE DEPARTMENT - 4.65 per hour (Laborer)

Jason P. Mueller	4/05/94
------------------	---------

Upon Roll Call....

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

Item No. 21a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Police Executive Research Forum is hosting their 1994 Training Conference May 4-7, 1994 in Orlando, Florida.

Item No. 21a continued

WHEREAS, Chief Bruce Chamberlin is requesting authorization to attend this conference which will cover such topics as Critical Incident Management, Integrating Technology and Community Policing, The Changing Nature of Patrol, The Price of Privatization and Reinventing the Role of Sergeants and Lieutenants. The Police Department will be responsible for the registration, lodging and travel not to exceed the amount of \$1,000.00, NOW, THEREFORE, BE IT

RESOLVED, that Chief Bruce Chamberlin is authorized to attend this conference. 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. 21b Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the 1994 Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN) Annual Conference and "Narcotics in the 90's" Sharing Conference, is being held in Pittsburgh, Pennsylvania on April 18-22, 1994.

WHEREAS, Lt. Starr is our primary representative in MAGLOCLN and his attendance is mandatory and, MAGLOCLN will cover transportation and lodging expense and the Police Department will be responsible for the registration fee and meal expenses which will amount to \$202.00 NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police is authorized to sent Lt. Starr to this annual meeting and that the time he spends at this training be authorized as normal duty time. This 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. 22a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, Darryl L. Jones, Registered Landscape Architect (RLA), has submitted a proposal for Professional services related to New Playground Equipment and Related Site Work at Various Town Parks, AND

WHEREAS, said professional services shall include Preliminary Design, Design Development, Construction Documents and Construction Observation, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retains the firm of Darryl L. Jones, RLA, 55 Marsdale Road, Cheektowaga, New York 14215-2033 at a fee of \$6,425.00 for Professional Services related to New Playground Equipment and Related Site Work at Various Town Parks, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5907-7110-1203.

Upon Roll Call....

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

Item No. 22b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, a need has been shown for the location of a full service library in the south end of Town, and

WHEREAS, this Town Board has previously retained the services of an architect and environmental consultant for the purpose of constructing a library on Town-owned land on Losson Road, and

WHEREAS, based on estimates received for this project, it will be necessary for the Town to bond \$2.4 million to construct such library, and

WHEREAS, DeGraff, Wilson, Ralston & Dwyer, P.C., an Albany law firm having municipal bond experience, has submitted a proposal to perform bond counsel work on this project for the Town, and

WHEREAS, such proposal includes the use of a local attorney associated with such firm, Donald A. Alessi, NOW, THEREFORE, BE IT

RESOLVED, that this Town hereby retains the services of DeGraff, Wilson, Ralston & Dwyer, P.C., 39 North Pearl Street, Albany, New York 12207 to provide bond counsel services to the Town in connection with the \$2.4 million bond for the proposed library on Losson Road, and BE IT FURTHER

RESOLVED, that fees for such services shall be appropriated from the bond issue in an amount not to exceed \$11,500.

Upon Roll Call....

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

Item No. 23 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:	0100-7140-4051	Lacrosse Expenses	\$ 750.00
	0100-7140-4051	Lacrosse Expenses	1,250.00
	0100-1440-1982	Special Districts Labor Allocation	27,570.00
	0100-9010-8902	Special Districts FICA Allocation	2,430.00
To:	0100-7310-4061	Publications & Dues	750.00
	0100-7310-2501	Equipment	1,250.00
	0100-1440-1492	Part-Time Engineering Assistants	27,570.00
	0100-9010-8121	Allocated FICA	2,430.00

* * * * *

MOTION BY COUNCILMAN WIELINSKI, SECONDED BY COUNCILMAN JOHNSON
TO TABLE TO ABOVE RESOLUTION, ITEM NO. 23, 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. 24 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 March 31, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$170,999.55
HIGHWAY FUND	69,703.72
TRUST & AGENCY FUND	11,799.36
CDBG HUD FUND	173.30
PART TOWN FUND	3,572.29
HUD RENTAL REHAB	15,000.00
RISK RETENTION FUND	37,719.84
SPECIAL DISTRICTS FUND	636,836.32
CAPITAL FUND	<u>10,303.26</u>
	\$956,107.64

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Building Permits.
Received and Filed.

Item No. 26 Minutes of Cheektowaga Traffic Safety Commission - March 15, 1994
Received and Filed.

Item No. 27 Supervisor's Statement of Funds - February 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 28a Notice of Claim: Linda Moench vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 28b Notice of Claim: Jeffrey Reznicki vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 28c Notice of Claim: Joseph E. Engelhaupt vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 28d Notice of Claim: James A. Flanigan vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 28e Notice of Claim: Michael A. Gurnett vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department and Allied Claims Insurance
Carrier.
Received and Filed.

Item No. 29 Request to Speak: Rosanne Wolford Regarding Well Water Testing on
Rehm Road.
Received and Filed.

* * * * *

MOTION BY COUNCILMAN WIELINSKI, 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, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

* * * * *

V. SUSPENSION OF RULES

Item No. 30 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, the Institute of Transportation Engineers, District 1, is
holding its 25th Annual Meeting on May 11-13, 1994, in Niagara Falls, New York, AND

WHEREAS, the Cheektowaga Traffic Safety Commission is requesting that
David Metz, a member of their Commission, be allowed to attend this meeting, AND

WHEREAS, said meeting will be presented by experts in fields such as
traffic signals and traffic safety which are issues that the Traffic Safety
Commission regularly deal with, NOW, THEREFORE, BE IT

RESOLVED, that David Metz be and hereby is authorized to attend the
Annual Meeting of the Institute of Transportation Engineers, AND BE IT FURTHER

RESOLVED, that Mr. Metz be reimbursed for the registration fees
totalling \$115.00 from budget line item number 0100-1910-4082.

Upon Roll Call....

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

Item No. 31 Motion by Councilman Wielinski, Seconded by Councilman Solecki

BE IT RESOLVED, that the Supervisor be and hereby is authorized to
sign the attached Notice of Hearing.

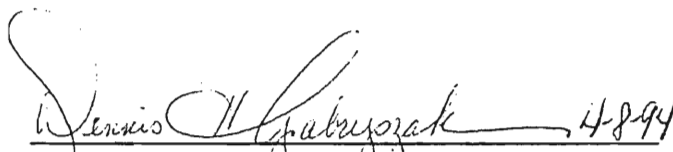
Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

TO: James Kirisits, Esq.

Pursuant to Section 75 of the Civil Service Law, you are hereby designated and directed to hold a hearing on the charge contained in the letter authored by Gregory D. Joos, Coordinator of Employee Relations, dated March 16, 1994 and amended April 4, 1994, addressed to Francis Keefe, and on any amendments or supplements to such charge as may hereafter be preferred by the Town. You shall cause a transcript to be made of such hearing, and, following your analysis, you shall submit the record of such hearing to the Cheektowaga Town Board with your recommendations for review and decision.


Dennis H. Gabryszak, Supervisor
Town of Cheektowaga

Dated: APRIL 8, 1994

jk

Item No. 32 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated March 21, 1994, this Town Board adopted a Master Plan for Bicycle Trails and made application for a Federal Grant to fund the construction of same, and

WHEREAS, this Town Board wishes to hold a public information meeting to educate the public concerning the proposed bicycle trails, NOW, THEREFORE, BE IT

RESOLVED, that a public information meeting on the Master Plan for Bicycle Trails be held on the 2nd day of May, 1994 at 6:45 P.M. at the Town Hall, corner of Broadway and Union Road in the Town of Cheektowaga, at which time and place all residents and persons interested in such subject shall have an opportunity to be heard, and BE IT FURTHER

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

* * * * *

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public information hearing will be held before the Town Board on the 2nd day of May, 1994 at 6:45 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss the Master Plan for Bicycle Trails for the Town of Cheektowaga.

At such information hearing, the public will be allowed an opportunity to be heard concerning such master plan.

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

Richard M. Moleski
Town Clerk

Dated: April 4, 1994

* * * * *

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.

.....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.....April 7, 1994..... ;
last publication.....April 7, 1994..... ;
and that no more than six days intervened be-
tween publications.

.....*Melissa Gugliuzza*.....

Sworn to before me this7th.....

day ofApril....., 19⁹⁴.....
.....*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 S

LEGAL NOTICE
NOTICE OF HEARING
NOTICE IS HEREBY GIVEN that
a public information hearing will be
held before the Town Board on the 2nd
day of May, 1994 at 6:45 P.M. at the
Town Hall, corner of Broadway and
Union Road, Cheektowaga, New York
to consider and discuss the Master
Plan for Bicycle Trails for the Town of
Cheektowaga.
At such information hearing, the
public will be allowed an opportunity
to be heard concerning such master
plan.
BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
CHEEKTOWAGA, ERIE COUNTY,
NEW YORK.
Dated: April 4, 1994
RICHARD M. MOLESKI
Town Clerk
PUBLISH: April 7, 1994

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.....April 7, 1994.....;
last publication.....April 7, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this7th.....

day ofApril....., 19⁹⁴.....

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 S

LEGAL NOTICE

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public information hearing will be held before the Town Board on the 2nd day of May, 1994 at 6:45 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss the Master Plan for Bicycle Trails for the Town of Cheektowaga.

At such information hearing, the public will be allowed an opportunity to be heard concerning such master plan.

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

Dated: April 4, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 7, 1994

Item No. 33 Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

WHEREAS, bids were received and opened by the Town Clerk at a bid opening on March 30, 1994 for the replacement of existing sidewalks in the Town, and

WHEREAS, said bids were reviewed and tabulated by the Highway Superintendent and the Town Attorney, and an analysis, tabulation and report are attached and made part of these minutes, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the construction of sidewalks, including incidental piping and landscaping be and hereby is awarded to:

CAMPOBELLO CONSTRUCTION CO., INC.
3170 Delaware Avenue
Kenmore, New York 14217

for their submission of the lowest responsible bid total of \$474,780.00, with the award being made at the following unit prices:

Item 1	4" thick sidewalk	\$ 2.27/sq. ft.
Item 2	6" thick sidewalk	2.64/sq. ft.
Item 3	Excess fill or excavation	15.00/cu. ft.
Item 4	4" diameter P.V.C. underdrain	2.00/lin. ft.
Item 5	6" sidewalk reinforced 6x6x10 mesh	2.74/sq. ft.
Item 6	Landscaping beyond Item 1	4.00/sq. yd.
Item 7	Fine Asphalt mix beyond Item 1	8.00/sq. yd.
Item 8	6" reinforced driveway apron	2.78/sq. ft.
Item 9	Root cutting	.45/lin. ft.
Item 10	Traffic Control	2,250.00

RESOLVED, that the Supervisor on behalf of this Town Board, sign the agreement with said contractor for the construction of area sidewalks and the related work, AND BE IT FURTHER

RESOLVED, that funding for this work is to be made under Bond Resolution of the Town of Cheektowaga, New York, adopted August 6, 1990 authorizing the reconstruction of various sidewalks within said Town, line item 5013-5410-1100.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

SIDEWLAK BIDS OPENED 3/30/94

	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	Total
CAMPOBELLO CONS CO INC	2.27 272,400.	2.64 158,400.	15.00 3,000.	2.00 1,000.	2.74 21,920.	4.00 4,000.	8.00 4,000.	2.78 5,560.	.45 2,250.	2,250.	\$474,480.
M. PASSUCCI INC	2.45 294,000.	2.85 171,000.	1.00 200.	1.00 500.	2.85 22,800.	.10 100.	1.00 500.	2.00 4,000.	1.00 5,000.	1.00 1.00	498.101.
SUNSHINE CONCRETE	2.65 318,000.	2.95 177,000.	20.00 4,000.	1.65 825.	2.95 23,600.	4.50 4,500.	15.00 7,500.	2.95 5,900.	.50 2,500.	5,000.	548,825.
MASTER'S EDGE INC	2.60 312,000.	3.20 192,000.	6.00 1,200.	2.00 1,000.	3.25 26,000.	5.00 5,000.	12.50 6,250.	3.25 6,500.	.90 4,500.	12,000.	566,450.
CEMULINE-PECORARO CONS.	2.95 354,000.	3.40 204,000.	20.00 4,000.	2.00 1,000.	3.50 28,000.	5.00 5,000.	5.00 2,500.	3.50 7,000.	2.00 10,000.	1,000.	616,500.
AMHERST PAVING INC	3.21 385,200.	4.21 252,600.	10.00 2,000.	2.75 1,375.	4.35 34,800.	6.50 6,500.	16.50 8,250.	4.35 8,700.	.20 1,000.	3,000.	703,425.
S FEDEROWICZ CONCRETE	3.20 384,000.	4.15 249,000.	75.00 15,000.	21.80 10,900.	2.95 23,600.	23.40 23,400.	7.25 3,625.	2.95 5,900.	No Bid	No Bid	715,425.

Item No. 34 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 ("EAC") reviews 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, modify or reject the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application to rezone a parcel of land on Losson Road from R-Residential to CF-Community Facilities to construction a Public Library to be known as the Julia Boyer Reinstein Library, AND

WHEREAS, the Town will install 5' sidewalks on the site along Losson Road, AND

WHEREAS, the landscaping plan will include plantings complimentary to the preserve vegetation adjacent to the site, AND

WHEREAS, drainage will be designed to handle storm waters generated on the site and said design will be approved by the Town Engineer, AND

WHEREAS, the Advisory Committee, at its meeting held on March 23, 1994, rendered the determination shown on the attached memo dated March 24, 1994, AND

WHEREAS, following receipt of comments from various agencies and reviewing groups the Advisory Committee has recommended issuance of a Negative Declaration, AND

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Committee for the item listed above, AND

WHEREAS, a public hearing was held on April 4, 1994 before the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for the purposes of SEQRA and directs that a notice thereof be filed in accordance with SEQRA.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

C - March 23, 1994

March 24, 1994

Page: 3

ITEM III Union Consumer Square - - Construction Of
Phase II Approximately 160,000
Square Feet Of Retail Space

Applicant: Benderson Development Corporation
The applicant is proposing to demolish the 6 theaters located on the north half of the Union Consumer Square Holiday Theater complex. In their place they would construct approximately 160,000 square feet of retail space. 45,000 would be located in the area of the Theaters I and II, with the balance along the east line as a continuation of the existing Union Consumer Square facility.

A traffic study was submitted with the proposal and has been referred to the NYSDOT and the Town Traffic Safety Commission for review. The traffic study indicates that there is a need for a traffic signal at the intersection of Union Road and South Creek Drive. With the installation of the signal must be an establishment of left turn lanes.

The public comment period is open until March 28th and there have been some inquiries with regard to the project. Some residents are interested in pedestrian access to the facility from Wellington or any of the other public streets that dead end along the north property line of the complex.

This item will remain tabled for further review and for comments to be submitted.

ITEM IV 1030 Losson Road - Rezoning From R To CF For
Construction of a Public
Library

Applicant: Town of Cheektowaga
The comment period for agencies is still open until April 5th but the committee recommends that the Town proceed with a public hearing on April 4th in the hope that final agency comments will be available at that time.

The committee has previously indicated that they believe a need for a public library in this area of town is great. At the present time there is a store-front library located on Kelly Drive off French Road which is far too small to adequately handle the demand for the area.

As noted previously this area of Losson Road has no public sidewalks and the committee would suggest that 5 foot sidewalks be installed as part of library project and that the Town Board target Losson Road as the next road for sidewalk construction as soon as possible.

The committee would recommend the Town Board issue a Negative Declaration for this project provided that the agencies, which have yet to comment, do not have objections or concerns with regards to the project.

ITEM V 47 Anderson Road - Proposed Rezoning From M2
To MS

Applicant: Ryder Truck Rental Incorporated
The applicant is proposing to utilize this property for the maintenance and storage of small rental/lease vehicles.

The plan that was submitted is an enlargement of the survey of the property and has been deemed inadequate by this committee for review purposes. Therefore a letter will be sent to the applicant requesting a plan 1 in 20 scale showing drainage, parking layout, landscaping, as well as other information with regard to the type of work to be done on the site, number of employees, number of trucks, etc.

Until the information is received, this item will remain tabled.

Attachments

THE NEXT MEETING OF THE ENVIRONMENTAL ADVISORY COMMITTEE
WILL BE HELD ON WEDNESDAY, APRIL 6, 1994 AT 9:30 A.M. IN THE
TOWN HALL COUNCIL CHAMBERS.

ITEM II 1030 Losson Road

- Proposed Rezoning From R
To CF For Public Library

Applicant: Town of Cheektowaga

The Town is proposing to construct an 18,600 square foot public library on a 2.75 acre parcel of vacant land located on the north side of Losson Road between Wedgewood and Philip Drive. This parcel is adjacent to the Dr. Victor Reinstein Woods Nature Preserve.

This proposal was referred to the New York State Department of Environmental Conservation (the agency which operates the preserve), the Erie County Department of Environment and Planning and the Buffalo and Erie County Library Board.

As of this date none of the agencies have replied or commented and they have until April 5th to do so. Public comment through the Environmental Impact Ordinance is open until March 21st.

The site had been the subject of a tree survey and wetlands delineation. These were conducted by Earth Dimensions Incorporated and their reports are part of the file. The State has indicated to EDI that a cultural resource survey is not necessary for the site.

The committee believes there is a need for a public library in this quadrant of the Town. There are a large number of residential streets with more being constructed and these are served by the Kelly Drive library which is a small "store-front" facility. With the large number of children in the area, and more to come, a large facility of this nature is needed to accomodate them.

The committee noted that there are no sidewalks at the present time along Losson Road and as part of this project would suggest that sidewalks be installed in front of the library and that the Town Board target Losson Road for a sidewalk project as soon as possible. A library of this size, as well as the Town Park, will be visited by large numbers of children as well as adults on foot or on bicycle. Without sidewalks the public would be forced to walk or bike within the Losson Road pavement area. This would present intolerable safety hazards.

This item will remain tabled for agency and public comment.



BUILDING & PLUMBING DEPT.

APR 4 1994

RECEIVED

County of Erie

DENNIS T. GORSKI
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT AND PLANNING

RICHARD M. TOBE
COMMISSIONER

March 31, 1994

SHARON M. WEST
DEPUTY COMMISSIONER
PLANNING

Building Inspections Office
Cheektowaga Town Hall
Broadway and Union Roads
Cheektowaga, New York 14227-1088

Re: SEQR Referral Review Lead Agency Description
Action: Julia Reinstein Library - 1030 Losson Road
Review #: - M-617-94-20

To Whom It May Concern:

Pursuant to Article 8 of the Environmental Conservation Law and to adopted procedures, Erie County has reviewed this Type I action referred to us on March 4, 1994.

The results of this review are as follows:

- o Erie County is an involved agency for this action and agrees that the Town of Cheektowaga should act as SEQR lead agency for this action.
- o It appears the Town has undertaken a thorough investigation of all possible environmental concerns regarding wetlands, archaeology, natural - ecological setting.

It appears these issues will be mitigated according to appropriate regulations.

- o The impact (driveways) of the proposed project on the Losson Road right-of-way will require permit approval from the County Highways Division. I have forwarded project information to this Division but the Town should contact the Division directly regarding this permit review.

(Please note statutory review/approval procedures and criteria will apply, regardless of any environmental determinations issued by the lead agency pursuant to SEQR).

Very truly yours,

CHARLENE A. CAILE
Special Projects Coordinator

Item No. 35 Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has petitioned for the rezoning from R-Residential District to CF-Community Facilities District of property owned by the Town of Cheektowaga and located at 1030 Losson Road, 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 4th day of April, 1994 at 6:15 o'clock P.M., after publication and service to 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 Cheektowaga Planning Board has reviewed such application and has made a recommendation that the rezoning be approved, 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

WHEREAS, the Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, NOW, THEREFORE, BE IT

RESOLVED, that the application of the Town of Cheektowaga 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 the conditions found in the Conditional Negative Declaration of April 4, 1994, 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, Solecki, Blachowski
Johnson and Wielinski
NAYES: 0
ABSENT: Councilman Rogowski

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga,
County of Erie and State of New York, being part of Lot 47, Township 10, Range
7, Buffalo Creek Indian Reservation;

BEGINNING at a point in the center line of William Street or Losson Road
at the intersection of the east line of the Bellevue Land and Improvement Company
tract and William Street (Losson Road), said point being two thousand five hun-
dred four and sixty-one one hundredths (2,504.61) feet west of the center line of
Borden Road measured along the center line of William Street (Losson Road);
from this point of beginning northerly along the east line of the Bellevue Land and
Improvement Company tract parallel to the east line of Lot 47 four hundred (400)
feet; thence westerly parallel to William Street (Losson Road) three hundred
(300) feet; thence southerly parallel to the east line of Lot 47 for four hundred
(400) feet, more or less, to the center line of William Street (Losson Road);
thence east along the center line of William Street (Losson Road) to the point or
place of beginning.

LEGAL NOTICE

EXTRACTS FROM MINUTES
OF
CHEEKTOWAGA TOWN
BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads in said Town on the 4th day of April, 1994 at 7:00 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 Rogowski

Motion by Councilman Blachowski seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has petitioned for the rezoning from R-Residential District to CF-Community Facilities District of property owned by the Town of Cheektowaga and located at 1030 Losson Road, 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 4th day of April, 1994 at 6:15 o'clock P.M., after publication and service to 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 Cheektowaga Planning Board has reviewed such application and has made a recommendation that the rezoning be approved, 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

WHEREAS, the Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, NOW THEREFORE BE IT

RESOLVED, that the application of the Town of Cheektowaga 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 the conditions found in the Conditional Negative Declaration of April 4, 1994, AND BE IT FURTHER,

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

DESCRIPTION

THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 47, Township 10, Range 7, Buffalo Creek Indian Reservation;

BEGINNING at a point in the center line of William Street or Losson Road at the intersection of the east line of the Bellevue Land and Improvement Company tract and William Street (Losson Road), said point being two thousand five hundred four and sixty-one one hundredths (2,504.61) feet west of the center line of Borden Road measured along the center line of William Street (Losson Road); from this point of beginning northerly along the east line of the Bellevue Land and Improvement Company tract parallel to the east line of Lot 47 four hundred (400) feet; thence westerly parallel to William Street (Losson Road) three hundred (300) feet; thence southerly parallel to the east line of Lot 47 for four hundred (400) feet, more or less, to the center line of William Street (Losson Road); thence east along the center line of William Street (Losson Road) to the point or place of beginning,

Upon roll call...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

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 April 4th, 1994, 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 36, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 5th day of April, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: April 7, 1994

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA

ss.

.....Melissa Guglinzza....., 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.....April 7, 1994.....;
last publication.....April 7, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Guglinzza

Sworn to before me this7th.....

day ofApril....., 19⁹⁴.....

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 12/11/95

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 4th day of April, 1994 at 7:00 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 Rogowski

Motion by Councilman Blachowski
seconded by Councilman Johnson

WHEREAS, the Town of Cheektowaga has petitioned for the rezoning from R-Residential District to CF-Community Facilities District of property owned by the Town of Cheektowaga and located at 1030 Losson Road, 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 4th day of April, 1994 at 6:15 o'clock P.M., after publication and service to 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 Cheektowaga Planning Board has reviewed such application and has made a recommendation that the rezoning be approved, 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

WHEREAS, the Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, NOW THEREFORE BE IT

RESOLVED, that the application of the Town of Cheektowaga 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 the conditions found in the Conditional Negative Declaration of April 4, 1994, AND BE IT FURTHER,

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above,

DESCRIPTION

THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 47, Township 10, Range 7, Buffalo Creek Indian Reservation;

BEGINNING at a point in the center line of William Street or Losson Road at the intersection of the east line of the Bellevue Land and Improvement Company tract and William Street (Losson Road), said point being two thousand five hundred four and sixty-one one hundredths (2,504.61) feet west of the center line of Borden Road measured along the center line of William Street (Losson Road); from this point of beginning northerly along the east line of the Bellevue Land and Improvement Company tract parallel to the east line of Lot 47 four hundred (400) feet; thence westerly parallel to William Street (Losson Road) three hundred (300) feet; thence southerly parallel to the east line of Lot 47 for four hundred (400) feet, more or less, to the center line of William Street (Losson Road); thence east along the center line of William Street (Losson Road) to the point or place of beginning,

Upon roll call...

Supervisor Gabryszak Voting AYE
Councilman Jaworowicz Voting AYE
Councilman Solecki Voting AYE
Councilman Rogowski Voting ABSENT
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 6
NAYES: 0
ABSENT: 1

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 April 4th, 1994, 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 36, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 5th day of April, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: April 7, 1994

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.....April 7, 1994.....;
last publication.....April 7, 1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this7th.....

day ofApril....., 19⁹⁴.....

.....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 12/11/95

MEETING NO. 7
April 4, 1994

Item No. 36 Bond Resolution: Construction of the Julia Boyer Reinstein Library
Received and Filed.

*SEE NEXT PAGE(S) FOR ATTACHMENT

A regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York was convened in public session at the Town Hall, located at 3301 Broadway in the Town of Cheektowaga, New York, on April 4, 1994 at 7:00 o'clock p.m., local time.

The meeting was called to order by Supervisor Gabryszak, and, upon roll being called, the following members 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:

Councilman William P. Rogowski

The following persons were ALSO PRESENT:

Town Clerk Richard M. Moleski
 Town Attorney, James J. Kirisits

The following resolution was offered by Supervisor Gabryszak, seconded by Councilman Jaworowicz, to wit;

BOND RESOLUTION DATED APRIL 4, 1994

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,400,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE CONSTRUCTION OF THE JULIA BOYER REINSTEIN LIBRARY AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Cheektowaga, Erie County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the construction of the Julia Boyer Reinstein Library on Losson Road,

within the Town. The estimated maximum cost of said purpose is \$2,400,000.

SECTION 2. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$2,400,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 11(a) of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years.

SECTION 4. This resolution is intended to constitute a declaration of "official intent" to issue obligations to finance said purpose, as referred to in Section 1.150-2 of the Federal Income Tax Regulations.

SECTION 5. It is hereby determined that the proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

SECTION 6. Current funds in an amount sufficient to pay at least five per centum (5%) of the estimated cost of said purpose are required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 7. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes and the power to prescribe the terms, form and contents of said serial bonds, and said bond anticipation notes, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said

serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

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

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Cheektowaga Times, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, after the period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed.

SECTION 12. This resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

<u>Supervisor Gabryszak</u>	VOTING	<u>Aye</u>
<u>Councilman Jaworowicz</u>	VOTING	<u>Aye</u>
<u>Councilman Solecki</u>	VOTING	<u>Aye</u>
<u>Councilman Rogowski</u>	VOTING	<u>Absent</u>
<u>Councilman Blachowski</u>	VOTING	<u>Aye</u>
<u>Councilman Johnson</u>	VOTING	<u>Aye</u>
<u>Councilman Wielinski</u>	VOTING	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

NOTICE OF ADOPTION OF RESOLUTION SUBJECT
TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that at a regular meeting held on the 4th day of April, 1994 the Town Board of the Town of Cheektowaga, Erie County, New York duly adopted a resolution, an abstract of which follows, which resolution is subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law of the State of New York.

Said resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$2,400,000. The proceeds from the sale of the obligations authorized in said resolution shall be used for the specific purpose of financing the construction of the Julia Boyer Reinstein Library on Losson Road. The period of probable usefulness for said purpose is thirty (30) years. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located at Town Hall, 3301 Broadway in the Town of Cheektowaga, New York.

Dated: April 5, 1994



Richard M. Moleski
Town Clerk
Town of Cheektowaga

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

LEGAL NOTICE

NOTICE OF ADOPTION OF
RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM

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Dated: April 5, 1994

Richard M. Moleski
Town Clerk
Town of Cheektowaga

PUBLISH: April 7, 1994

.....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.....April 7, 1994.....;
last publication.....April 7, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this7th.....

day ofApril....., 19⁹⁴.....

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 12/11/99 5

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

LEGAL NOTICE

NOTICE OF ADOPTION OF
RESOLUTION SUBJECT TO
PERMISSIVE REFERENDUM

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Dated: April 5, 1994

Richard M. Moleski
Town Clerk
Town of Cheektowaga

PUBLISH: April 7, 1994

.....Melissa Gugliuzza....., of the town
of Cheektowaga, in said County of Erie, being
duly sworn, deposes and says that he (she) is
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towaga Times, a public newspaper published
weekly in said town; that the notice, of which
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last publication April 7, 1994 ;
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Melissa Gugliuzza

Sworn to before me this7th.....

day of April....., 19⁹⁴.....

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 12/11/95

Item No. 37 Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, The 1993 Polish American Festival Children's Program, entitled Polish Heritage Passport, was nominated by the Cheektowaga Department of Youth and Recreational Services for the 1994 National Recreation and Park Association's Dotti Mullen Arts and Humanities Award, and

WHEREAS, The Passport Program has been selected as the Class 1 winner for reaching metropolitan populations of over 200,000 in the Mid-Atlantic region and

WHEREAS, the Regional Award will now compete for the overall National Award, BE IT

RESOLVED, that Bonnie Platt, Recreational Instructor for the Department of Youth and Recreational Services, because of her work in helping to coordinate the project, be permitted to attend the New York Recreation & Park Society Annual Conference to accept the award on behalf of the Town of Cheektowaga, the Department of Youth and Recreational Services, and The Polish Festival Committee, BE IT FURTHER,

RESOLVED, that in addition, Mrs. Platt will also accept the New York State Recreation & Parks Society's Arts & Humanities award for Judith Krauza who assisted the Polish American Festival Committee in developing the Passport Program, as well as accept the Society's Voluntary Service Award on behalf of the "Get Off Your Seat Program" whose members have assisted the department in numerous volunteer projects over the past year BE IT FURTHER

RESOLVED, that she attend the conference in Ellenville, New York, at a cost not to exceed \$475 (Tolls and Mileage - 1910.4083: \$210; Meals and Lodging - 1910.4082: \$160; and Registration 7310.4684: \$105).

Upon Roll Call....

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

Item No. 38 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that, on the recommendation of its Insurance Consultant, this Town Board hereby accepts the following insurance renewals from Clauss and Company for the period March 30, 1994 to March 30, 1995:

1. Property insurance with Hartford Fire Insurance Company at a cost of \$41,993;
2. Addition of Truck Rental Reimbursement coverage for loss by fire with limits of \$8,300 per day up to \$1,000,000 after a 48 hour waiting period, at a cost of \$1,050;
3. Boiler and Machinery insurance with Lumbermans Mutual Casualty Company, as proposed, at a cost of \$3,857.

Upon Roll Call....

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

Item No. 39 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz to adjourn this meeting in memory of Arnold Kogut.

RICHARD M. MOLESKI
TOWN CLERK

PUBLIC HEARINGS
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 8 April 18, 1994

- 1 Rezoning of Property at 2719 William St. from NS-Neighborhood Services District to C-Retail Business District

Meeting No. 9 May 2, 1994

- 1 Master Plan for Bicycle Trails

PUBLIC HEARINGS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 9 May 2, 1994</u>		
2	Amendment to Traffic and Vehicle Ordinance: Art X, "Parking, Standing and Stopping" - William Street	1
<u>Meeting No. 10 May 16, 1994</u>		
2	Amendment to Traffic and Vehicle Ordinance: Art X, "Parking, Standing and Stopping" - William Street (Side Roads - Starlite Ave. Laura Ct.)	1
<u>Meeting No. 11 June 6, 1994</u>		
2	Amendment to Traffic and Vehicle Ord.: Art X, "Parking, Standing, Stopping" - Woodell Avenue	1
3	SONWIL DRIVE: a. Petition for Street Improvements b. Petition for Lateral Sewers	1-2 2

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

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 April 18, 1994</u>		
2	Transfer of Funds	1
<u>Meeting No. 9 May 2, 1994</u>		
3	Decision to Amend Traffic and Vehicle Ordinance: Art XIV, "Parking of Commercial Vehicles" - Felber Lane	1

RESOLUTIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 April 18, 1994</u>		
3	Adoption of Rules of Procedure	1-2
4	Adopt Local Law No. 1 of year 1994 entitled "A Local Law Amending the Board of Ethics Law"	2-3
5	Decision on amendment to Traffic Ordinance - Art. XIV "Parking of Commercial Vehicles" - Felber Lane	4
6	Direct property owners to repair/replace sidewalks	5
7	AUTHORIZATION TO HOLD PARADES: a. Cleveland Hill Baseball League b. Cheektowaga Southside Little League	6 6
8	AUTHORIZE SUPERVISOR TO EXECUTE AGREEMENTS: a. Community Development Block Grant Program b. Subordination agreement re: Town's Housing Rehab Community Development Loan	6-7 8
9	Accept proposal regarding preparation & plans for upgrading Harlem Road Pump Station	9
10	Retain firm to complete application for grant re: Cheektowaga Action Partnership	8-9
11	Return employee to former position of Laborer's Aide in Recycling Department	9
12	Termination of Seasonal and/or part-time employees - various depts.	9-10
13	HIRING: a. Part-time employees - various departments b. Seasonal employees - various departments	10 10
14	Appointment to (3) positions of Lieutenant in Police Department	10-11
15	AUTHORIZATION TO ATTEND CONFERENCE/MEETINGS: a. Executive Director of Youth Bureau b. Employees in Assessor's Office c. Sgt. and P/O to attend symposium d. Chief of Police	11 11 11-12 12
16	Transfer of Funds	12-13
17	Warrant List	13

Meeting No. 9 May 2, 1994

4	Call for Public Hearing: Amendment to Vehicle & Traffic Ordinance Art X "Parking, Standing and Stopping" - William Street	2
5	Award of Bid: Topsoil	3
6	Issue Negative Declaration Regarding 2719 William Street	4
7	Decision on Rezoning of 2719 William Street	5
8	Grant Permission to Conduct Overnight Campout at Stiglmeier Park	6
9	Notice to Property Owners Regarding Sidewalk Repair/Replacement	6
10	Authorize Supervisor to Execute Housing Rehabilitation Loan	7
11	Create Position of Civilian Crossing Guard Supervisor (Part-Time)	7
12	Appointment to Fill Vacancy in the Position of General Mechanic in the Facilities Department	7

RESOLUTIONS cont'd

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 9 May 2, 1994 cont'd</u>		
13	Appointment to the Position of Civilian Crossing Guard Supervisor (Part-Time)	8
14	HIRING OF PART-TIME EMPLOYEES: a. Engineering Assistant and Eng. Laborers in the Engineering Dept. b. Various Departments	8 8
15	Hiring of Seasonal Employees in Various Departments	8-9
16	Increase Hourly Wage for Seasonal and Part-Time Employees in Facilities Department	9
17	Grant Leave of Absence in the Sewer Maintenance Department	9-10
18	AUTHORIZE EMPLOYEES TO ATTEND MEETINGS/CONFERENCE/INSTITUTE: a. Supervising Accountant b. Program Coordinator for Dept. of Youth and Recreational Services c. Cheektowaga Action Partnership and Cheektowaga Action Partnership Project Director	10-11 11 11-12
19	RETAIN FIRM TO PERFORM PROFESSIONAL SERVICES RE: a. Baseball and Softball Diamond Drainage at Various Parks b. Tennis and Basketball Court Reconstruction, Phase II	12 12-13
20	Transfer of Funds	13
21	Warrant List	13-14

Meeting No. 10 May 16, 1994

3	Establish General Public Comment Period	1-2
4	Decision on amendment to Traffic Ordinance - Art. X "Parking, Standing, Stopping" - William Street at various Side Streets	2-3
5	ORDER CALLING FOR PUBLIC HEARINGS - SONWIL DRIVE a. Petition for Street Improvement b. Petition for Lateral Sewers	4 5
6	Call for public hearing - Amendment to Traffic Ordinance - Art. X "Parking, Standing, Stopping" - Woodell	6
7	Request Erie County to distribute to Town, our share of additional (1%) of sales tax	7
8	Memorialize NYS Dept. of Trans. to issue signal permit to Wegmans	7-8
9	Proclaim "Cheektowaga Day at the Buffalo Bisons"	8
10	SETTLEMENT OF CLAIMS: a. Rae Hastings b. Steven Cecchini	8 9
11	Permission for J.C. Penney to use Stiglmeier Park for Walk-A-Thon	9
12	AUTHORIZE SUPERVISOR TO EXECUTE: a. License Agreement/Aquarius Diving Systems b. General Release regarding Harlem Road reconstruction project c. Agreement with Chemical Bank d. Documents with Robert J. Miller and Assoc. e. Agreement with Ecology and Environment	9-10 11 11 12 12
13	Termination of seasonal and/or part-time employees - various depts.	13
14	Create position of Engineering Assistant (Part-time) and abolish Engineering Assistant (Seasonal)	13
15	Employee transfer in Facilities Department (General Mechanic)	13
16	Amend resolution of 5/2/94 regarding Appointment of General Mechanic in Facilities	13-14

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 10 May 16, 1994 cont'd</u>		
17	APPOINTMENTS:	
	a. Public Safety Dispatcher	14
	b. Clerk to the Supervisor (part-time)	14
18	HIRING:	
	a. Engineering Assistant (part-time)	14
	b. Engineering Assistant (part-time) & Eng. Laborers (Part-time)	14
	c. Seasonal employees - various departments	15
19	AUTHORIZATION TO ATTEND CONFERENCE/TRAINING SESSIONS:	
	a. Director of Senior Services	15
	b. Captain	16
	c. Police Officer	16
20	Retain firm re: surveys & appraisals for property on Walden/Harlem	16-17
21	CHANGE ORDERS:	
	a. Tennis & Basketball Court reconstruction	17
	b. Rehm Road tennis court project	17-18
22	Transfer of Funds	18
23	Warrant List	18-19

Meeting No. 11 June 6, 1994

4	BOND RESOLUTIONS:	
	a. Sonwil Drive - Street Improvements	2
	b. Sonwil Drive - Lateral Sewers	3
5	DECISION ON REZONINGS:	
	a. 2719 William Street	4
	b. 1735, 1745, 1753 Walden Avenue (Reaffirmation of rezoning)	5
6	Issue Negative Declaration regarding 2200 Old Union Road	5-6
7	Call for public hearing for amendment to Traffic Ordinance - Art X "Parking, Standing, Stopping" - Starlite Avenue	6
8	Memorialize Congressman Jack Quinn to secure Federal Funding for construction of drainage system	7
9	Dedicate Town-owned property as a Town Highway (Sonwil Drive)	7
10	Authorize sidewalk construction on portion of Union Road	8
11	Authorize hydrant on Sonwil Drive	8
12	Adopt Wetland map/User's guide as reference for Town's review process	9
13	AWARD OF BIDS:	
	a. Two (2) hydraulic bucket machines	9
	b. Jet/vac sewer unit	9-10
14	NOTICE TO BIDDERS:	
	a. Traffic signal installation (William St. and Cayuga Creek Rd.)	11-12
	b. Tennis and Basketball Court reconstruction - Phase II	13
	c. Bus transportation for summer camps for children	14
15	Authorize Chief of Police to assign Officer to Federal Fugitive Task Force	15
16	AUTHORIZE SUPERVISOR TO EXECUTE DOCUMENTS/AGREEMENTS:	
	a. Community Development Block Grant Fund	15
	b. Housing Assistance Center of Niagara Frontier, Inc.	16
	c. Grant for highway safety programs	16-17
	d. Public Utility Work Agreement	17
	e. Indemnification Agreement	17-18
	f. Anna M. Reinstein Memorial Library expansion	19
	g. Municipal Cooperation Agreement with various fire districts	20
	h. Notice of Hearing	21
	i. Rental agreement regarding CAP	22

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 11 June 6, 1994 cont'd</u>	
17	Retain firm regarding erosion control & drainage improvements plan	22
18	Termination of seasonal and part-time - various departments	22-23
19	Return Temporary Clerk-typist to her part-time Clerk position in Police Dept.	23
20	Create position of "Supervising School Crossing Guard (Part-time)	23
21	Amend resolution of 5/2/94 regarding appointment to position of Supervising School Crossing Guard (part-time)	23-24
22	APPOINTMENTS:	
	a. Clerk-typist in Police (temporary vacancy)	24
	b. Equipment Maintenance Man in Sewer Maintenance Dept. (temporary)	24
	c. Public Safety Dispatcher	25
	d. Board of Assessment Review	25
23	Youth & Recreational Services - transfer of employees (seasonal)	25-28
24	Hiring of part-time employees - various departments	28
25	SEASONAL EMPLOYEES:	
	a. Various departments	28-29
	b. Youth & Recreational Services	29-34
26	BUFFALO/CHEEKTOWAGA/TONAWANDA SUMMER YOUTH PROGRAM	
	a. Counselors	34-35
	b. Summer Youth	35-37
27	AUTHORIZATION TO ATTEND CONFERENCE:	
	a. Supervising Accountant and Accountant	37
	b. Police Officer	38
28	AUTHORIZE PAYMENT:	
	a. Repair of sanitary sewer main at George Urban and Harlem	38
	b. Consulting engineer regarding Flood Study for Scajaquada Creek	39
29	Change Order - Walden Neighborhood Improvements Project	39
30	ESTABLISH BUDGET LINES:	
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	b. Youth Center Initiative	40
31	Transfer of Funds	40-41
32	Warrant List	41

DEPARTMENTAL COMMUNICATIONS

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
	<u>Meeting No. 8 April 18, 1994</u>	
18	Cheektowaga Planning Board - Minutes of meeting of March 10, 1994	13
	<u>Meeting No. 9 May 2, 1994</u>	
22	Supervisor's Statement of Funds - March 1994	14
23	Office of Disaster Preparedness - Quarterly Report: January to March, 1994	14
24	Building Permits	14
	<u>Meeting No. 10 May 15, 1994</u>	
24	Annual Financial Report, Update Document for Town of Cheektowaga	19
25	MINUTES OF MEETINGS:	
	a. Cheektowaga Library Board - March 23, 1994	19
	b. Cheektowaga Planning Board - April 14, 1994	19
	c. Cheektowaga Traffic Safety Commission - April 19, 1994	19
	<u>Meeting No. 11 June 6, 1994</u>	
33	Comprehensive Annual Financial Report for Fiscal Year ending December, 1993	42
34	Supervisor's Statement of Funds - April	42
35	Building Permits	42
36	Minutes of Library Board - April, 1994	42

G E N E R A L C O M M U N I C A T I O N S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
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19	E.C. Department of Public Works, Division of Highways - proposed permit regarding block intersections on William Street	13
20	Notice of Petition of Pfohl Brothers Landfill Site Steering Committee to perpetuate testimony	13
21	NOTICES OF CLAIM:	
	a. Kevin Lutz vs Town of Cheektowaga	13
	b. N.Y. Central Mutual as subrogee of Harry & Theresa Jaszcz vs Town of Cheektowaga	14
	c. Sharon Ellis vs Town of Cheektowaga	14
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	e. Janet Moeller vs Town of Cheektowaga	14
<u>Meeting No. 9 May 2, 1994</u>		
25	NOTICE OF CLAIM:	
	a. Michelle Missel vs the Town of Cheektowaga	14
	b. Ruth Mariusky vs the Town of Cheektowaga	14
<u>Meeting No. 10 May 16, 1994</u>		
26	N.Y.S. Dept. of Trans. - Reconstruction on Rte. 33 and 78 - Work completion	19
27	Petitions for Sonwil Drive - Street Improvements and Lateral Sewers	19
28	Notice of Petition & Notice of Motion - Lawrence Brownell vs Town of Cheektowaga	19
29	Notice of Claim - Brendon Zubek vs Town of Cheektowaga	19
30	Letter from Joe & Gail Frazer wishing to speak regarding Pfohl Brothers Hazardous Waste Site and Rehm Road Well Water Contamination	20
<u>Meeting No. 11 June 6, 1994</u>		
37	COMPLAINT - N.Y. Telephone vs State Board of Equalization of Assessment	42
38	ORDER TO SHOW CAUSE - Police Captains and Lieutenants Assoc. vs Town of Cheektowaga and Chief of Police	42
39	SUMMONS & COMPLAINT - Kathleen Radley vs Town of Cheektowaga	42
40	NOTICES OF CLAIM:	
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S U S P E N S I O N O F R U L E S

<u>NO.</u>	<u>ITEM</u>	<u>PAGE</u>
<u>Meeting No. 8 April 18, 1994</u>		
22	Appointment to position of Working Crew Chief in Facilities	14
23	Authorize Police officer to attend seminar	14-15
24	Call for public hearing to amend Traffic Ordinance - William Street at side roads (Raymond Ave., Vern Lane, Ceil Dr., Tamarck Ct.)	15-16
<u>Meeting No. 9 May 2, 1994</u>		
26	Acceptance and Dedication of Quit Claim Deeds and Easements for Sonwil Drive and the First Phase Extension of Sonwil Drive	26
<u>Meeting No. 11 June 6, 1994</u>		
41	Create Position of Recreation Attendant in the Department of Youth and Recreational Services	43
42	Create Position of Housing Inspector (Full-Time) in the Building Department	43

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 18th day of April, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings Time there were:

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

ABSENT: Councilman Patricia A. Jaworowicz

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Salvatore LaGreca, Chairman of Planning Board; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector and Kenneth Kopacz, Director of Youth and Recreational Services Department; John Schaller, Assistant Chief of Police.

I. FROM THE TABLE

Item No. 2 Transfer of Funds
This item was withdrawn.

* * * * *

The Town Board recessed at 8:30 P.M. and returned at 9:10 P.M.
Regular Meeting started at 9:20 P.M.

* * * * *

Item No. 3 Motion by Councilman Rogowski, Seconded by Councilman Wielinski

BE IT RESOLVED that the following rules of procedure be and hereby are adopted by the Town Board:--

1. All resolutions and other items of business must be filed in writing with the Town Clerk no later than noon of each Thursday preceding the regular Town Board meetings which are to be held on the first and third Mondays of the month.

2. Each resolution must contain the name of a sponsor at the time of filing. Prior to a resolution being considered by the Board, it must be moved and seconded. The sponsor of the resolution shall have the privilege of speaking first upon the subject matter. The Town Board member who seconds the resolution shall have the privilege of speaking on the subject matter immediately after the sponsor. After the sponsor and the person who seconds the resolution have been given the privilege of speaking thereon, any other member of the Board who is on the committee relating to the topic of the resolution who so desires will be recognized and allowed to speak prior to the vote being taken on said resolution. After these members have spoken, any other member of the Town Board may be allowed to speak concerning such resolution.

3. Two votes are needed for the first tabling of a resolution which may then be acted upon at the next regular Town Board meeting. Any further tabling of a resolution after a first tabling must have a majority of all the Town Board members present.

Item No. 3 cont'd

4. A motion to suspend the rules for considering a resolution may be defeated by a single nay vote.

5. In addition to the foregoing, Roberts Rules of Order shall be used to govern the procedures of the Town Board.

6. This Town Board hereby establishes the following described public comment period be placed on the agenda of regularly scheduled Town Board meetings:

- public comment period shall begin at 6:45 p.m. (Except when public hearings go beyond such time, in which case public comment period shall begin at the end of the public hearings).
- public comment period shall last 15 minutes maximum
- each speaker may speak only once
- each speaker shall be limited to a maximum of 3 minutes speaking time
- items discussed during public comment period shall be limited and restricted to items appearing on the agenda of the Town Board meeting only.

7. The following shall be time limit guidelines for Town Board members wishing to speak concerning resolutions on the agenda for Town Board meetings:

- a. sponsor of resolution - 3 minutes
- b. Member second resolution - 1.5 minutes
- c. Member on committee relating to topic of resolution - 1 minute
- d. Other Town Board members - 1 minute

Upon Roll Call....

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

Item No. 4 Motion by Councilman Solecki, Seconded by Unanimous

WHEREAS, the New York State Ethics in Government Act of 1987 requires the promulgation of a form of annual statement of financial disclosure for certain designated municipal officers and employees, and

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted "A Local Law Establishing a Board of Ethics" (Local Law No. 1 of the Year 1993), which, among other things promulgated a form of annual statement of financial disclosure, and

WHEREAS, the Board of Ethics of the Town of Cheektowaga has carefully and thoroughly reviewed the aforesaid adopted form; and, based upon such review, has recommended the adoption of a revised annual financial disclosure form, and

WHEREAS, a public hearing was held on the 21st day of March, 1994 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York, to consider the advisability of adopting a local law known as "A Local Law Amending the Board of Ethics Law", and

WHEREAS, this Town Board feels it is in the public interest to adopt "A Local Law Amending the Board of Ethics Law" as Local Law No. 1 of the Year 1994, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts "A Local Law Amending the Board of Ethics Law" as Local Law No. 1 of the year 1994, and BE IT FURTHER

RESOLVED, that, within twenty (20) days, the Town Clerk shall file one (1) certified copy hereof in his office and one (1) certified copy with the Secretary of State, and BE IT FURTHER

Item No. 4 cont'd

RESOLVED, that this local law shall be effective immediately, and the revised Annual Statement of Financial Disclosure shall be utilized beginning in 1995, and BE IT FURTHER

RESOLVED, that the resolution of April 4, 1994, adopting the afore-said local law, be and the same is hereby rescinded.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~
~~XXXX~~ ofCheektowaga.....
Town
~~XXXXXX~~

Local Law No.1..... of the year 19 94..

A local lawAmending the Board of Ethics Law.....
(Insert Title)

Be it enacted by theTown Board.....of the
(Name of Legislative Body)

~~XXXXXX~~
~~XXXX~~ ofCheektowaga..... as follows:
Town
~~XXXXXX~~

(See attached pages 2 - 18)

(If additional space is needed, attach pages the same size as this sheet, and number each.)
(1)

BOARD OF ETHICS LAW

I. Purpose:

The purpose of this local law is to (i) promulgate a form of annual statement of financial disclosure which is designated to assure disclosure by certain municipal officers and employees and to assure disclosure by elected officials of such financial information as is determined by this Town Board. (ii) to continue the use of an authorized form of annual statement of financial disclosure in use on the date when such local law is adopted. (iii) designate the Board of Ethics of the Town of Cheektowaga as the Board to receive and review such filing.

II. Enactment:

This Local Law is being enacted pursuant to Section 811 subsection 1 and Section 812 subsection 3 of the General Municipal Law and any other applicable section of the General Municipal Law of the State of New York and is enacted pursuant to the authority granted therein by the State of New York to the Town of Cheektowaga.

III. Definitions

A. The term "local elected official" shall mean an elected official of the Town except judges or justices of the unified court system.

B. The term "local officer or employee" shall mean the heads (other than local elected officials) of any agency, department, division, council, board, commission, or bureau of the Town of Cheektowaga and their deputies and assistants, and the officers and employees of the Town, departments, divisions, boards, bureaus, commissions or councils who hold policymaking and advisory positions, as annually determined by the Town of Cheektowaga and set forth in a written instrument which shall be filed with the Board of Ethics during the month of February; except that the term "local officer or employee" shall not mean a judge, justice, officer or employee of the unified court system.

C. The term "spouse" shall mean the husband or wife of the reporting individual unless living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (a) a judicial order, decree or judgment, or (b) a legally binding separation agreement.

D. The term "relative" shall mean such individual's spouse, child, stepchild, stepparent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse.

E. The term "unemancipated child" shall mean any son, daughter, stepson or stepdaughter who is under the age of eighteen, unmarried and living in the household of the reporting individual.

IV. Board of Ethics:

A. A Board of Ethics is established and shall be known as the Town of Cheektowaga Board of Ethics.

B. The Board of Ethics shall consist of five (5) members who shall serve a five (5) year term of office, one such term expiring each year. Members shall be appointed by the Town Board. The Town Attorney shall serve as an ex-officio member of the Board of Ethics. In the event a vacancy occurs prior to the expiration of the five (5) year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms. All members shall reside within the Town of Cheektowaga. All members shall serve without compensation except that any member who is a Town of Cheektowaga officer or employee shall be entitled to his usual compensation when attending upon the business of the Board, during normal working hours.

C. No more than three (3) members of the Board may be affiliated with the same political party. No member of the Board of Ethics may hold any position in any political party (including committeeman). For purposes of this section, political party shall mean any political party which appears on the ballot in the last biennial town election. The members shall elect a chairman from among themselves and such other officers as may be deemed necessary from time to time.

D. A Board of Ethics member may be removed by the Town Supervisor with the approving consent of not less than five members of the Town Board after a finding of substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of the office or violation of this act after written notice of the charges and an opportunity for reply.

E. The Town Clerk shall be the Clerk of the Board of Ethics and all documents filed with the Town Clerk shall be deemed for the purposes of this local law to be filings with the Board of Ethics.

F. The Board of Ethics shall have all the powers and duties as prescribed by Article 18 of the General Municipal Law. The Board of Ethics may adopt and amend such rules or procedures as are appropriate.

V. Disclosure of Financial Status:

The Town of Cheektowaga recognizes that matters of finance do exist which are so personal in nature and are so unrelated to the performance of public employees' duties that no useful purpose can be served by such disclosure. Nonetheless, certain financial information may be relevant to a public official or employee's duties and impact the integrity of the Town Government. To that extent:

A. The following Town Officers and Elected Officials shall file with the Board of Ethics of the Town of Cheektowaga annually, on or before May 15th of every year following the enactment of this law during the term of their office, a statement of their financial holdings, assets, liabilities and net worth. The time for filing such statement may be extended, pursuant to the rules of the Board of Ethics, for justifiable cause and for undue hardship upon application to the Board of Ethics pursuant to the rules and regulations set forth in this local law and, if applicable to Sections 811, 812 and 813 of General Municipal Law of the State of New York:

Supervisor
Councilmen (6)
Town Clerk
Deputy Town Clerks (2)
Receiver of Taxes and Assessments
Deputy Receiver of Taxes and Assessments
Superintendent of Highways
Deputy Superintendent of Highways
Chief Accountant
Accountant
Assessor
Real Property Appraiser
Supervising Building & Plumbing Inspector
Building Inspector
Fire Inspectors
Housing Inspectors
Assistant Plumbing Inspector
Zoning Inspectors
Assistant Building Inspector
Crew Chief, Central Garage
Automotive Mechanic Crew Chief
Director of Community Development
Town Engineer/Chairman, Environmental Advisory Committee
Assistant Town Engineer
Director, Facilities Department
Working Crew Chief, Facilities Department
General Crew Chief, Sewer Maintenance Department
Working Crew Chief, Sewer Maintenance Department
Superintendent, Wastewater Pump Station
Assistant Superintendent, Wastewater Pump Station
Town Attorney
Deputy Town Attorneys (2)
Director, J.T.P.A./Chairman, Planning Board
Members, Planning Board (6)
Members, Zoning Board of Appeals (5)
Members, Board of Assessment Review
Chairman, Emergency Medical Services Board
Chairman, Traffic Safety Commission
Director, Senior Services Department
Coordinator of Employee Relations
Chief of Police
Assistant Chief of Police
Administrative Captain, Police Department
Lieutenant in Charge of Vice, Gambling & Narcotics
Detective Captain
Director, Youth and Recreational Services Department
Senior Youth Board Supervisor
Senior Recreation Supervisor
General Crew Chief, Sanitation Department
Working Crew Chiefs (2), Sanitation Department
Members, Cheektowaga Economic Development Corporation (14)
Chairman, Cheektowaga Conservation Advisory Council
Bingo Inspectors
Members, Board of Ethics
Candidates for Local (Town) Elected Office

B. In addition to the officers and employees listed in subparagraph A. above, all elected officials of the Town of Cheektowaga and any local officer or employee who is determined by the Town Board to be a policymaker or perform any of the duties listed in paragraph VI (I) (1-4) of this local law shall be required to file a financial disclosure statement.

C. The designated officers and employees and elected officials shall file with the Board of Ethics a disclosure statement answering each and every question. The statement shall be in the form set forth in Appendix A attached hereto.

VI. Powers of the Board of Ethics

The Board of Ethics shall have the power to:

A. Adopt, amend, and rescind rules and regulations to govern procedures of the Board of Ethics, which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Board of Ethics may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship; such rules and regulations shall provide for a date beyond which in all cases of justifiable cause or undue hardship no further extension of time will be granted. The Board of Ethics may utilize or modify such rules and regulations or adopt separate rules and regulations for the purpose of paragraph (d) of subdivision one of Section 811 of the General Municipal Law.

B. Promulgate guidelines to assist the Town Board in determining which persons hold policy-making positions for purposes of Section 811 and 812 (3) of the General Municipal Law and this law.

C. Make available forms for annual statements of financial disclosure required to be filed pursuant to this Local Law.

D. Review completed financial disclosure statements in accordance with the provisions of this law, the rules and regulations of the Board of Ethics and any Local Law, Ordinance, Code of Ethics established by the Town Board of the Town of Cheektowaga.

E. Receive complaints alleging a violation of this local law or a violation of the criteria for reporting requirements established by this law, any Code of Ethics of the Town of Cheektowaga, local law, ordinance or resolution regarding the filing of completed statements with the Board of Ethics.

G. Permit any person required to file a financial disclosure statement to request the Board of Ethics to delete from the copy thereof made available for public inspection one or more items of information, which may be deleted by the Board of Ethics, upon a finding that the information which would otherwise be required to be disclosed will have no material bearing on the discharge of the reporting person's official duties. If such request for deletion is denied, the Board of Ethics, in its notification of denial, shall, inform the person of his right or her right to appeal the Board's determination pursuant to the rules governing adjudicatory

proceedings and appeals adopted pursuant to this law and any applicable section of the General Municipal Law. The Board of Ethics shall promulgate rules and regulations governing the issuance of written decisions in connection with appeals.

G. Permit any person required to file a financial disclosure statement to request an exemption from any requirement to report one or more items of information which pertain to such person's spouse or unemancipated children which item or items may be exempted by the Board of Ethics upon a finding by the majority of the total members of the Board of Ethics without vacancy that the reporting individual spouse, on his or her own behalf or on behalf of an unemancipated child, objects to providing the information necessary to make such disclosure and that the information which would otherwise be required to be reported will have no material bearing on the discharge of the reporting person's official duties.

H. Advise and assist any local official in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former elected officials, local party officials and local officers and employees.

I. Permit any person who has not been determined by the Town Board to hold a policy-making position but who is otherwise required to file a financial disclosure statement to request an exemption from such requirement in accordance with the rules and regulations governing such exemptions. Such rules and regulations shall provide for exemptions to be granted either on the application of the individual or on behalf of persons who share the same job title or employment classification which the Board of Ethics deems to be comparable for purposes of this section. Such rules and regulations may permit the granting of an exemption where, in the discretion of the Board of Ethics, the public interest does not require disclosure and the applicant's duties do not involve the negotiation, authorization or approval of:

(1) contracts, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section seventy-three of the public officers law;

(2) the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;

(3) the obtaining of grants of money or loans, or

(4) the adoption or repeal of any rule or regulation having the force and effect of law.

J. Prepare an annual report to the Supervisor and the Town Board summarizing the activities of the Board of Ethics and recommending changes in the laws governing the conduct of local elected officials and officers and employees of the Town covered by this act.

K. Act as a repository for completed financial disclosure forms filed pursuant to this local law.

L. Upon certification of a question by the Town Board to the Ethics Board, the Board may determine a question common to a class or defined category of persons or items of information required to be disclosed, where determination of the question will prevent undue repetition of requests for exemption or deletion or prevent undue complication in complying with the requirements of this local law.

M. The Board of Ethics shall inspect all financial disclosure statements filed with the Board of Ethics to ascertain whether any person subject to the reporting requirements of this law, Code of Ethics, local law, ordinance or resolution, has failed to file such a statement, has filed a deficient statement, or has filed a statement which reveals a possible violation of this local law, Code of Ethics, law, ordinance or resolution of the Town of Cheektowaga.

N. The Board of Ethics shall have all necessary authority to enforce the filing requirements of this local law, including the authority to promulgate such rules and regulations as the Board of Ethics determines are necessary to implement this law. The Board of Ethics shall be authorized to review requests for exceptions with respect to complying with timely filing of such disclosure statements due to justifiable cause or undue hardship.

O. The Board of Ethics shall have the power to retain or hire legal counsel to advise it on any matter arising under this law.

P. The Board of Ethics shall have the right to inspect any written disclosures of interest filed pursuant to Section 24-3 of the Code of the Town of Cheektowaga (Code of Ethics).

VII. Failure to File Report or Filing Incomplete Reports

If a person required to file a financial disclosure statement with the Board of Ethics has failed to file a disclosure statement or has filed a deficient statement, the Board of Ethics shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen day period to cure the deficiency, and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time period, the Board of Ethics shall send a notice of delinquency: (a) to the reporting person; and (b) to the appointing authority for such person.

VIII. Violations or Conflicts of Interest

A. If a reporting person has filed a statement which reveals a possible violation of the duly adopted code of ethics of the Town of Cheektowaga, local law, ordinance or resolution, or the Board of Ethics receives a sworn complaint alleging such a violation, or if the Board of Ethics determines on its own initiative to investigate a possible violation, the Board of Ethics shall notify the reporting person in writing, describe the possible or alleged violation of such code of ethics, local law, ordinance or resolu-

tion or this local law, and provide the person with a fifteen day period in which to submit a written response setting forth information relating to the activities cited as a possible or alleged violation of law. If the Board of Ethics thereafter makes a determination that further inquiry is justified, it shall give the reporting person an opportunity to be heard. The Board shall also inform the reporting individual of its rules regarding the conduct of adjudicatory proceedings and appeals and the due process procedural mechanisms available to such individual. If the Board determines at any stage of the proceeding, that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the reporting person and the complainant, if any. All of the foregoing proceedings shall be confidential.

B. If the Board determines that there is reasonable cause to believe that a violation has occurred, it shall send a notice of reasonable cause; (i) to the reporting person; (ii) to the complainant if any; and (iii) to the Town Board of the Town of Cheektowaga.

IX. Penalties

A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this local law shall be assessed a civil penalty in an amount not to exceed \$10,000. Assessment of a civil penalty hereunder shall be made by the Board of Ethics with respect to the persons subject to its jurisdiction. For a violation of this subdivision, other than for conduct which constitutes a violation of subdivision twelve of section seventy-three of Public Officers Law, the Board of Ethics may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a class A misdemeanor. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal may be imposed for a failure to file, or for a false filing, of such statement, except that the Town Board of the Town of Cheektowaga may impose disciplinary action as otherwise provided by law. The Board of Ethics shall be deemed to be an agency within the meaning of article three of the state administrative procedure act and shall adopt rules governing the conduct of adjudicatory proceedings and appeals. relating to the assessment of civil penalties herein authorized. Such rules, which shall not be subject to the approval requirements of the state administrative procedure act, shall provide for due process procedural mechanism substantially similar to those set forth in such article three but such mechanisms need not be identical in terms or scope. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition, with respect to the assessment of such penalty, and upon becoming final shall be subject to review at the instance of the affected reporting individuals in a proceeding commenced against the Board of Ethics pursuant to Article 78 of the Civil Practice Law and Rules.

X. Copy of Notice

A copy of any notice of delinquency or notice of reasonable cause sent pursuant to this local law shall be included in the reporting person's file

and be available for public inspection.

XI. Advisory Opinions

Upon written request from any person who is subject to the jurisdiction of the Board of Ethics, the Board of Ethics shall render advisory opinions on the requirements of said provisions. An opinion rendered by the Board of Ethics, until and unless amended or revoked, shall be binding on the Board of Ethics in any subsequent proceeding concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such opinion may also be relied upon by such person, and may be introduced and shall be a defense, in any criminal or civil action. Such requests shall be confidential, but the Board of Ethics may publish such opinions provided that the name of the requesting person and other identifying details shall not be included in the publication.

XII. Additional Powers and Duties

In addition to any other powers and duties specified by this law, the Board of Ethics shall have the power and duty to:

A. Administer and enforce all the provisions of this law;

B. Conduct any investigation necessary to carry out the provisions of this law. Pursuant to this power and duty, the Board may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material.

XIII. Public Information

A. Notwithstanding the provisions of article six of the Public Officers Law, the only records of the Board of Ethics which shall be available for public inspection are:

(1) the information set forth in an annual statement of financial disclosure filed pursuant to this local law except the categories of value or amount which shall remain confidential and any other item of information deleted pursuant to Section VI subsection F and G of this law.

(2) notices of delinquency sent under Section VII of this law.

(3) notices of reasonable cause sent under Section VIII subsection B of this law.

B. Notwithstanding the provisions of article seven of the Public Officers Law, no meeting or proceeding of the Board of Ethics shall be open to the public, except if expressly provided otherwise by the Board of Ethics.

C. Any individual who requests to review any financial disclosure statement filed under this law must provide the Board of Ethics with his/her name, address and telephone number. The Board of Ethics shall then make an expurgated copy of such statement(s) available to such individual for review at a location chosen by the Board of Ethics. No individual shall be permitted to retain such statement or make a photocopy of same.

XIV. Expenses

Members of the Board of Ethics shall not receive compensation but shall be reimbursed for reasonable expenses incurred in the performance of their official duties.

XV. Staff

The Board of Ethics shall be empowered to request support staff, assistance from the Town Board or Supervisor in furtherance of its duties and responsibilities.

XVI. Copies to be Distributed

Upon the adoption of this local law, the Town Coordinator of Employee Relations shall cause a copy thereof to be distributed to every individual required to file an annual statement of financial disclosure. Failure to distribute such copy or failure of any Town employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of the provisions hereof. The Town Coordinator of Employee Relations shall further cause a copy of this local law to be kept posted conspicuously on the sign-board maintained by the Town Clerk in the Town Hall. Failure to post this local law shall have no effect on the duty of compliance herewith, nor enforcement provisions hereof.

XVII. Filing

Within thirty days of the adoption of this local law, the Town Clerk shall file a copy thereof in the Comptroller's Office of the State of New York addressed to Michael E. Kupterman, Office of the State Comptroller, Legal Services, 6th Floor, Alfred E. Smith State Office Building, Albany, New York 12236.

XVIII. Appropriation of Funds

The Town Board may appropriate monies from the General Town Funds for the maintenance of and for personal services to the Board of Ethics established hereunder, but such Board of Ethics may not commit expenditures of Town monies except within the appropriations provided herein.

XIX. Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudicated by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be continued in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

XX. Effective Date

This local law shall become effective upon filing with the Secretary of State.

Answer all questions completely, write "none" in each case where appropriate, or if a question is not applicable, write "not applicable" and attach a detailed statement explaining why.

To be returned to the Town Clerk by May 15th

ANNUAL STATEMENT OF FINANCIAL DISCLOSURE FOR THE
TOWN OF CHEEKTOWAGA

Part A.

1. NAME AND ADDRESS

Last Name Middle Initial First Name

Title

Department or Agency

Department or Agency Address Telephone No.

Residence Address Telephone No.

2. SPOUSE AND CHILDREN

Provide the name of your spouse (if married) and the names of any dependent children:

Spouse Child/Age

Child/Age Child/Age

Child/Age Child/Age

Name: _____

3. INTEREST IN CONTRACTS

Describe any interest of you, your spouse or your dependent children in any contract involving the Town or any municipality located within the Town of Cheektowaga:

Name of Family Member

Contract Description

4. POLITICAL PARTIES

List any position you held within the last five (5) years as an officer of any political party, political committee or political organization. The term "political organization" includes any independent body or any organization that is affiliated with or a subsidiary of a political party:

[End of Part A]

Name: _____

Part B.

Note: For questions 5 to 8, do not report exact dollar amounts. Instead, report categories of amounts using the following:

Category A: Under \$5,000	Category D: \$25,001 to \$50,000
Category B: \$5,001 to \$10,000	Category E: \$50,001 to \$75,000
Category C: \$10,001 to \$25,000	Category F: \$75,001 to \$100,000
	Category G: Over \$100,000

5. FINANCIAL INTERESTS.

a. Business Positions. List any office, trusteeship, directorship, partnership or other position in any business, association, proprietary or not-for-profit organization held by you and your spouse and dependent children, if any, and indicate whether these businesses are involved with the Town of Cheektowaga in any manner:

Name of Family Member Involvement	Position	Organization	Town Dept. or Agency and Nature of
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

b. If the reporting individual practices law, is licensed by the Department of State as a real estate broker or agent or practices a profession licensed by the Department of Education, give a general description of the principal subject areas of matters undertaken by such individual. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation. Do not list the names of the individual clients, customers or patients:

Name: _____

c. Outside Employment. Describe any outside occupation, employment, trade, business or profession providing more than \$1,000/year for you and your spouse and dependent children, if any, and indicate whether such activities are regulated by any state or local agency:

Name of Family Member	Position	Name, Address and Description of Organization	State or Local Agency	Category of amount
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

d. Future Employment. Describe any contract, promise or other agreement between you and anyone else with respect to your employment after leaving your Town office or position:

e. Past Employment. Identify the source and nature of any income in excess of \$1,000 per year from any prior employer, including deferred income, contributions to a pension or retirement fund, profit sharing plan, severance pay or payments under a buy-out agreement:

Name and Address of Income Source	Description of (i.e., pension, deferred, etc.)	Category of amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name: _____

f. Investments. Itemize and describe all investments which exceed a value of \$1,000 except for investments held as shares or fractional interests of an entity or enterprise and the value of the investment does not exceed 5% of the total value of the entity or enterprise, in any business, corporation, partnership or other assets, excluding personal savings and retirement accounts, but including stocks, bonds, loans, pledged collateral and other investments, for you and your spouse and dependent children, if any:

Name of Family Member	Description of Investment	Name and Address of Business	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

g. Real Estate. List the location of all real estate, including your personal residency, within the Town of Cheektowaga in which you, your spouse or dependent children, if any, have an interest, regardless of its value:

Name of Family Member	Description of Investment	Name and Address of Business	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

h. Trusts. Identify each interest in a trust or estate or similar beneficial interest in any assets in excess of \$1,000, except for IRS eligible retirement plans or interests in an estate or trust of a relative, for you and your spouse and dependent children:

Name of Family Member	Trustee/Executor	Description Trust/Estate	Category of Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name: _____

i. Other Income. Identify the source and nature of any other income in excess of \$1,000/year from any source not described above, including teaching income, lecture fees, consultant fees, contractual income or other income of any nature, for you and your spouse and your dependent children, if any:

Name of Family Member	Name and Address of Income Source	Nature of Income	Category of amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

j. List the sources of any deferred income in excess of \$1,000 from each source to be paid to the reporting individual following the close of the calendar year for which this disclosure statement is filed, other than deferred compensation reported hereinabove. Deferred income derived from the practices of a profession shall be listed in the aggregate and shall identify as the source the name of the firm, corporation, partnership or association through which the income was derived, but shall not identify individual clients:

k. List below all notes and accounts receivable, other than from goods or services sold, held by the reporting individual at the close of the taxable year last occurring prior to the date of filing and other debts owed to such individual at the close of the taxable year last occurring prior to the date of filing, in excess of \$1,000, including the name of the debtor, type of obligation, date due and the nature of the collateral securing payment of each, if any, excluding securities reported in item 5(a) hereinabove. Debts, notes and accounts receivable owed to the individual by a relative shall not be reported:

Name of Debtor	Type of Obligation, Date Due, and Nature of collateral, if any
_____	_____
_____	_____
_____	_____
_____	_____

Name: _____

6. GIFTS AND HONORARIUMS.

List the source of all gifts aggregating in excess of \$100.00 received during the last year by you, your spouse or dependent child, excluding gifts from a relative. The term "gifts" includes gifts of cash, property, personal items, payments to third parties on your behalf, forgiveness of debt, honorariums and any other payments that are not reportable as income:

Name of Family Member	Name and Address of Donor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. THIRD-PARTY REIMBURSEMENTS.

Identify and describe the source of any third-party payment or reimbursement for Town of Cheektowaga travel-related expenditures in excess of \$250.00 for any matter that relates to your official duties. The term "reimbursement" includes any travel-related expenses provided by anyone other than the Town for speaking engagements, conferences or fact-finding events that relate to your official duties:

Source	Description	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. DEBTS.

Describe all debts of you, your spouse and dependent children in excess of \$5,000:

Name of Family Member	Name and Address of Creditor	Category of Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature

Date

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 94 of the ~~County~~(City)(Town)(Village) of Cheektowaga was duly passed by the Town Board on April 18, 19 94, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Richard M. Moleski
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: April 18, 1994

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Kevin S. Schenk
Signature

Town Attorney
Title

XXXXX
XXXXX of Cheektowaga
Town
XXXXX

Date: April 18, 1994

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

WHEREAS, this Town Board held a public hearing on April 4, 1994 at 7:00 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:

Chapter 76 of the Code of the Town of Cheektowaga shall be amended by deleting therefrom the following:

ARTICLE XIV
Parking of Commercial Vehicles
[Added 8-16-71]

§76-140. Commercial vehicles restricted: certain streets.

A. No commercial vehicle, truck, tractor, travel trailer, truck camper, camping trailer, motor home or any licenses camper vehicle shall park on the following streets or the rights-of-way of said streets, nor shall said streets, rights-of-way or lots within said streets be used for the sale of goods, wares or merchandise from motor vehicles:

(1) Felber Lane. The foregoing shall not prohibit the delivery or pickup of goods, wares, merchandise and building materials previously ordered and solicited by the owner or occupant of the premises, the loading and unloading and the reasonable use of the street for such purpose and the parking of a vehicle for a limited period of time to load and unload same. Such restriction shall be conspicuously posted upon said street.

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Item No. 5 cont'd

* * * * *

Motion by Councilman Johnson, Seconded by Councilman Wielinski to table the above item and the voting was as follows:

Upon Roll Call....

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

* * * * *

The above resolution was tabled.

Item No. 6 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, on June 6, 1955, the Town Board of the Town of Cheektowaga adopted an ordinance now known as Chapter 65, Article II, of the Code of the Town of Cheektowaga, setting forth specifications for the construction of sidewalks in the Town, and

WHEREAS, Section 200-a of the Town law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by resolution dated September 3, 1991, adopted Local Law No. 4 of the year 1991, entitled "A Local Law Apportioning the Cost of Repairing Sidewalks", and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties listed on the attached sheets be and hereby are directed to repair/replace the sidewalks abutting such properties on or before May 18, 1994, in accordance with the Town's Streets and Sidewalks Ordinance, and BE IT FURTHER

ORDERED, that, should such property owners choose not to repair/replace their sidewalks as so notified, the Town will cause such sidewalks to be repaired/replaced, and audit and pay 50% of the expense thereof against the property which abuts such sidewalk over a period of two (2) years, with interest at the rate of 6.00%, and BE IT FURTHER

ORDERED that the Town Clerk be and hereby is directed to notify the owners of properties listed on the attached sheets of this order by sending the attached Notice via certified mail addressed to each such owner at his address as it appears on the Town assessment roll.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

1994 SIDEWALK REPLACEMENT PROGRAM

CUNARD AVENUE

	<u>ADDRESS:</u>	<u>FOOTAGE TO BE REPLACED:</u>
	15	6'
	27	5'
	31	6'
	37	15'
	45	5'
	53	5'
	59	15'
	63	5'
	* T.R.W.	20'
	105	5'
	109	10'
	115	15'
	125	5'
	139	25'
Winston	145	15'
	* T.R.W.	41'
	68	5'
	64	16'
	58	10'
	54	5'
	44	10'
	36	20'
	18	24'

* T.R.W. (Town Right of Way)

1994 SIDEWALK REPLACEMENT PROGRAM

GLENDALE

ADDRESS:

FOOTAGE TO BE
REPLACED:

#36	48'
42	5'
46	30'
52	20'
58	15'
62	18'
66	12'
70	24'
76	60'
75	40'
69	10'
61	63'
57	10'
51	10'
45	30'
41	15'
35	36'
31	20'

*TR (TOWN RIGHT OF WAY)

1994 SIDEWALK REPLACEMENT PROGRAM

VEGOLA

<u>ADDRESS:</u>	<u>FOOTAGE TO BE REPLACED:</u>
126	10'
116	11'
112	25'
106	15'
*TR	9'
74	5'
68	5'
64	35'
50	5'
44	16'
38	5'
34	20'
22	6'
18	18'
GENESEE 3356	55'
GENESEE 3366	89'
23	36'
29	17'
37	10'
43	48'
51	31'
65	5'
73	5'
79	10'
*TR	17'
107	5'
111	5'
117	5'
121	15'
127	6'
133	10'

1993 SIDEWALK REPLACEMENT PROGRAM

ANDREWS AVENUE

ADDRESSES:

FOOTAGE TO BE REPLACED:

East Delevan #1625	(Cor. of Andrews) - Reno Fusani	19'
Genesee (2320)	Cor. (Fay's Drug Store) - Michael Baier & W ^{GENESEE-ANDREWS INC.} 125' ^{1/61 N. HADACIA FRONTIER FOOD TERMINAL - AFLD 14200}	
86	- Anna Mayerhofer c/o Joseph & Cassie	20' Mayerhofer
✓ 82	- June Paradowski	25'
✓ 70	- Peter Girgurdson	36'
✓ 62	- Gregory Matuch ^{5 BRADLEY DR, LANI, 14086}	16'
✓ 56	- Bruce Hines & W	40'
✓ 54	- Paul Smith & W	25'
✓ 52	- Dawn Dudek ^{210 ENCHANTED FOREST N, DEPEW 14043}	16'
✓ 50	- John Ambrose & W	32'
✓ 46	- Michael Kalinowski	32'
✓ 38	- Roy Robinson & W	24'
✓ 36	- Anthony Fronczak & W	10'
✓ 28	- Robert Burger ^{117 BLOSSOM RD W. SENECA 14224}	15'
✓ 26	- Ronald Jones ^{E W}	15'
✓ 24	- Eugene Jason ^{6495 TRANSIT RD, BOWMANVILLE NY 14026}	25'
✓ 20	- Walter Dudzic & W	31'
✓ 18	- Kenneth Scoville & W	33'
✓ 16	- Robert Prieur	27'
54 Genesee	✓ 2352 - (mail to #2354) - Michael V. Tomasula - 112' - ^{575 AUBURN AVE BFL 1422}	
✓ 15	- Frank Gordon & W - ^{447 CENTRAL AVE LANI, 14080}	25'
✓ 17	- Marie Wiesenmayer	20'
✓ 19	- Marie Wiesenmayer	15'
✓ 27	- Joseph Neuner - ^{1515 CENTER RD W. SENECA 14224}	26'
✓ 33	- E.C. Dept. of Social Svcs. - c/o Carl ^{95 FRANKLIN ST BFLD 14202}	15' Kozlikowski
✓ 43	- Walter ^{GRZYBOWSKI, E W}	40'
✓ 45	- Guerino ^{Battistoni} & W	20'
✓ 49	- Allen Baehre & W ^{98 HICKORY HILL RD, WMSVL 14221}	40'
✓ 51	- Russell Schiess & W	25'
✓ 55	- Randy Grimm - ^{210 PACE CREST Ct. W. SENECA}	25'
✓ 75	- ^{LESLIE} Michael Masters & W ¹⁴⁸²⁴	40'
✓ 79	- William Cray & W	40'

1009'

(\$9,888.20)

1993 SIDEWALK REPLACEMENT PROGRAM

CRESTVIEW AVENUE

14225

ADDRESSES:

FOOTAGE TO BE
REPLACED:

✓ 16	- Richard Harvey & W	34'
✓ 26	- Edward Jurewicz Jr. & W	20'
✓ 30	- Samuel Ralabate & Lena	36'
✓ 34	- Thomas Samer Jr.	40'
✓ 38	- Geoffrey Pridgeon	20'
✓ 52	- Scott Freilich & W	30'
✓ 56	- Kathleen Wiepert	76'
✓ 62	- Harold Wiepert & W	46'
✓ 68	- James Lewandowski ^{GAESSER} & W ELAINE	31'
✓ 74	- Terrence Jarosz & Joan ^{CHRISTOPHER CHUDY & KATHY THOMAS}	36'
✓ 78	- Robert Galland & W	36'
✓ 82	- Linda Glick & Marsha Barber	55'
✓ 86	- Richard Czech & W	24'
✓ 90	- Dan Mallwitz & Debbie Budzynski	16'
✓ 94	- Paul Foyster & W	21'
Kuhn RD ✓ 25	(Cor. of Crestview) - Paul Kraft & Lorraine Kraft	40'

561'

(\$5,497.80)

1993 SIDEWALK REPLACEMENT PROGRAM

DARWIN DRIVE

14225

ADDRESSES:

FOOTAGE TO BE
REPLACED:

Cleveland

✓ 574 (Cor. of Darwin) - Marilyn Bardol	50'
✓ 503 - Thomas Novy	56'
✓ 499 - Philip Christner & W	54'
✓ 495 - Stephen Kantowski & W	25'
✓ 485 - Joan Klinck	37'
✓ 481 - Edward McCarthy & W	25'
✓ 477 - Thomas Stepka	30'
✓ 471 - Michael Philipps & W	41'
✓ 465 - Paul Didomenico & W	18'
✓ 460 - Michael Kokanovich & W	29'
✓ 464 - John Heckt Jr. & W	50'
✓ 472 - Robert Chieslo & W	7'
✓ 476 - Harry Kowalski & W	21'
✓ 486 - Mathias Thielman & W	25'
✓ 494 - Alex Lukis & W	7'
✓ 500 - Kathleen Heineman	62'
✓ 504 - Daniel Mulhern TIMOTHY & BARBARA CUNNINGHAM	15'
✓ 512 - Michael Baier & W	11'

563'

(\$5,517.40)

1994 SIDEWALK REPLACEMENT PROGRAM

WALTON

ADDRESS:

FOOTAGE TO BE
REPLACED:

#511	61'
507	36'
503	50'
499	44'
495	14'
491	50'
487	39'
483	32'
479	30'
475	24'
480	10'
484	15'
488	50'
492	5'
496	24'
500	20'
504	45'
508	50'
512	64'

1994 SIDEWALK REPLACEMENT PROGRAM

KUHN

ADDRESS:

FOOTAGE TO BE
REPLACED:

2
6
10
14
22
26
19
15
11
7

40'
13'
13'
10'
10'
31'
15'
44'
15'
45'

1994 SIDEWALK REPLACEMENT PROGRAM

LAMARCK DRIVE

	<u>ADDRESS:</u>	<u>FOOTAGE TO BE REPLACED:</u>
	405	10'
	411	20'
	415	19'
	421	28'
	425	36'
	435	25'
	441	25'
	445	44'
	451	45'
	455	30'
	461	25'
	465	50'
	471	39'
	475	40'
	483	15'
	485	24'
	491	25'
	497	25'
	501	10'
	505	25'
	509	17'
	515	34'
	521	10'
	525	30'
Cleveland	664	88'
	402	25'
	408	35'
	412	20'
	418	25'
	422	5'
	428	22'
	432	28'
	438	20'
	442	44'
	448	15'
	452	18'
	458	18'
	462	20'
	472	44'
	482	15'
	488	30'
	492	20'
	498	25'
	504	49'
Manlon	512	40'

1994 SIDEWALK REPLACEMENT PROGRAM

YVONNE AVENUE

<u>ADDRESS:</u>	<u>FOOTAGE TO BE REPLACED:</u>
91	52'
87	15'
83	14'
79	35'
75	10'
71	15'
67	25'
63	25'
59	10'
53	30'
47	16'
43	24'
39	20'
35	10'
29	10'
23	20'
17	10'
13	15'
Cleveland 840	25'
12	15'
16	10'
32	20'
36	35'
40	6'
58	14'
60	50'
64	34'
68	30'
72	13'
76	15'
80	25'
84	38'
88	43'
92	42'
96	41'
100	41'
104	10'
108	15'
112	25'

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

WHEREAS, Cleveland Hill Baseball League has requested the Town's permission to hold its Opening Day Parade on Saturday, May 7, 1994, at 11:00 a.m., and to have a police escort for same, and

WHEREAS, this parade would begin at the Cleveland Hill School rear parking lot; then proceed on Gilmore Road and around the traffic circle to Merrymont Drive; and then make a left onto Cleveland Drive to Harlem Road; and then left onto Harlem Road to Huth Road; and then left on Huth Road to the Cleveland Hill School property, and

WHEREAS, this Town Board desires to approve the aforesaid parade and to provide a police escort for same, NOW, THEREFORE, BE IT

RESOLVED, that Cleveland Hill Baseball League be and hereby is authorized to conduct its parade on the above mentioned date and place, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort arrangements for such parade and to ensure compliance with Section 1660 (a) (6) of the Vehicle and Traffic Law of the State of New York.

Upon Roll Call....

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

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

WHEREAS, Cheektowaga Southside Little League has requested the Town's permission to hold its annual parade on Saturday, June 4, 1994, and to have a police escort for same, and

WHEREAS, this parade would begin at Doyle I Fire Hall (William and Alaska Streets); then proceed east on William Street to Standard Parkway; then proceed north on Standard Parkway to the terminus of Standard Parkway, and

WHEREAS, this Town Board desires to approve the aforesaid parade and to provide a police escort for same, NOW, THEREFORE, BE IT

RESOLVED, that Cheektowaga Southside Little League be and hereby is authorized to conduct its parade on the above mentioned date and place, and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort arrangements for such parade and to ensure compliance with Section 1660 (a) (6) of the Vehicle and Traffic Law of the State of New York.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$802,000 in Community Development Block Grant Funds for the 1994-95 Program, and

WHEREAS, a Public Hearing regarding the use of said funds was held on March 21, 1994, and

Item No. 8a cont'd

WHEREAS, the Town Director of Community Development has submitted a recommendation regarding the use of said funds, which includes activities to principally benefit low and moderate income persons pursuant to the goals and objectives of the Housing and Community Development Act and its governing rules and regulations, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed on behalf of the Town to submit to the U.S. Department of Housing and Urban Development a Program Statement for Community Development Block Grant Funds totaling \$802,000 for the 1994-95 Program Year, said Statement incorporating the attached project allocations of Community Development Block Grant Funds, and BE IT FURTHER

RESOLVED, that the Supervisor is authorized to execute any necessary and related documents in conjunction with said Community Development Block Grant Program Statement.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

Town of Cheektowaga

Community Development Block Grant Program
Budget Summary

1994-95 Program Year

Administration.	\$ 120,000
Village of Depew Projects	81,250
- Senior Citizen Center	\$ 81,250
Village of Sloan Projects	30,420
- Handicap Accessible Playground Equipment.	\$ 24,420
- Housing Rehabilitation.	\$ 6,000
Code Enforcement/Housing Inspections.	73,000
Housing Rehabilitation - Town	237,730
Economic Development Activities	75,000
Neighborhood Community Development - Walden Ave	25,000
Supplemental Services	14,600
- Supportive Services Corp (5,600)	
- Housing Assistance Center (9,000)	
Planning Services	30,000
Senior Citizen Services - Motorized Wheelchair.	2,000
Senior Citizen Transportation Van	25,000
Family Counseling Services.	30,000
Capital Project - Cedargrove Heights Sewers/Drainage.	55,000
Contingency	3,000
	SUBTOTAL \$ 802,000
Program Income - Housing Rehabilitation	160,000
Program Income - Economic Development	480,000
	<u>TOTAL \$ 1,442,000</u>

TOTAL P.02

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

WHEREAS, the Town of Cheektowaga, August, 1985, give Mr. & Mrs. Kevin Fischer a Housing Rehabilitation Community Development Loan for property owned by them and located at Cheektowaga, New York, and

WHEREAS, Mr. & Mrs. Fischer are now applying for a separate mortgage loan through Key Bank, of NY, and Key Bank is requesting the Town to execute a Subordination Agreement relating to the Town's Community Development Loan, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Subordination Agreement relating to Mr. & Mrs. Fischer and the Town's Housing Rehabilitation Community Development Loan for Cheektowaga, New York, and any other documents necessary to effectuate the subordination agreement.

Upon Roll Call....

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

Item No. 9 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board approved the preparation of plans and specifications for the reconstruction of the Harlem Road Pump Station building and the re-wiring of the electric controls for pump operation, and

WHEREAS, recent emergency repairs substantiated the need to replace the obsolete 50 year old pump control system, including motors and pumps, for which parts are no longer available, and

WHEREAS, additional funds have been budgeted for said control/pump replacements and for the provision of standby power, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. as submitted to the Town Engineer and dated April 8, 1994 for the preparation of plans and specifications and for additional professional services to provide for said upgrading of the Harlem Road Pump Station, as recommended by the Town Engineer, is hereby accepted and approved, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc., and BE IT FURTHER

RESOLVED, that the cost for said professional services in the total amount of \$36,020.00 is to be charged to the Harlem Road Pump Station Capital and Reconstruction Account #8125-4953.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga 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 misuse and abuse of alcohol, tobacco, and other drugs is a continuing concern in the community, and

Item No. 10 cont'd

WHEREAS, the Town of Cheektowaga and other members of the Cheektowaga Action Partnership have committed significant resources toward the coordination and planning of a Town-wide substance abuse prevention/education program, and

WHEREAS, the Town of Cheektowaga further recognizes the need to encompass the entire community in the war on substance abuse and is seeking additional sources of funding to undertake this mission, and

WHEREAS, grant monies are available through the United States Department of Health and Human Services, Center for Substance Abuse Prevention to identify and demonstrate effective communication-centered approaches for the prevention of alcohol, tobacco, and other drug problems, and

WHEREAS, the Town of Cheektowaga, as lead agency for the Cheektowaga Action Partnership, desires to submit a grant application in the amount not to exceed \$50,000, and

WHEREAS, no matching funds are required to secure this grant, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, Inc., grant consultants, be authorized and directed to complete the necessary application forms, etc. to be submitted to the United States Department of Health and Human Services, Center for Substance Abuse Prevention for the purpose of securing 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 on behalf of the Cheektowaga Action Partnership.

Upon Roll Call....

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

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

WHEREAS, by resolution dated September 7, 1993, this Town Board appointed Joseph Dietl to the temporary vacancy of Light Motor Equipment Operator in the Recycling Department, and

WHEREAS, said temporary vacancy no longer exists and Joseph Dietl is to return to his permanent position, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Dietl be and hereby is returned to his position of Laborer's Aide in the Recycling Department, effective April 19, 1994.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following seasonal and/or part-time employees be and hereby are terminated as listed:

JUSTICE COURT

Kim Kaminski

EFFECTIVE

04/12/94

Item No. 12 cont'd

Upon Roll Call....

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

Item No. 13a Motion by Councilman Blachowski, Seconded by Councilman Rogowski

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

EFFECTIVE

JUSTICE COURT - \$6.00 per hour (Clerical)

Kathryn Kmiotek

04/18/94

Upon Roll Call....

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

Item No. 13b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

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

EFFECTIVE

SEWER MAINTENANCE DEPARTMENT - \$4.65 per hour (Laborer)

Brian Kostelny

4/19/94

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

Mitchell Marciszewski

4/19/94

Upon Roll Call....

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

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

WHEREAS, three (3) permanent vacancies exist in the position of Lieutenant in the Police Department, and

WHEREAS, candidates from the existing Civil Service list were interviewed and their resume and work performances were studied, and

WHEREAS, the Chief of Police recommends that Sergeants Craig Moriarity, Gary Schmidt and John Glascott be promoted to the position of Lieutenant, NOW, THEREFORE, BE IT

RESOLVED, that Craig Moriarity, Gary Schmidt and John Glascott be and hereby are appointed to the position of Lieutenant in the Police Department, effective April 18, 1994.

Item No. 14 cont'd

Upon Roll Call....

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

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

WHEREAS, the Cheektowaga Action Partnership is concerned about community attitudes and changes within our society, especially those regarding the positive use of leisure time by youth and youth adults, and

WHEREAS, the University of Indiana and Purdue University, in conjunction with the Indianapolis Department of Parks & Recreation, are sponsoring a conference entitled "Models of Change", and

WHEREAS, this conference addresses a representative sampling of new and innovative recreational programming being instituted across the United States as a means to improve upon the conditions of society, and the positive development of youth and young adults, NOW, THEREFORE, BE IT

RESOLVED, that Kenneth J. Kopacz, Executive Director of the Department of Youth & Recreational Services be authorized to attend this conference at the Indiana University-Purdue Campus, Indianapolis, Indiana from Wednesday evening, May 18th thru Saturday, May 21 at a cost not to exceed \$995 (line item: 0100-7320-4000)

Upon Roll Call....

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

Item No. 15b Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, the Erie County Assessor's Association is offering a D-Base Training Course at the Kenton B.O.C.E.S. Center on Monday, April 18, 1994 through Thursday, April 21st, 1994 from 12:00 P.M. to 3:30 P.M., and

WHEREAS, William Conway, Town Assessor, has requested that two of his employees, Kevin Gawel and Lorraine Ackerman, attend said training, NOW, THEREFORE, BE IT

RESOLVED, that Kevin Gawel and Lorraine Ackerman be and hereby are authorized to attend the D-Base Training Course, and BE IT FURTHER

RESOLVED, that the cost of \$80.00 per person (Total \$160.00) be charged to account #0100-1910-4082. 1

Upon Roll Call....

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

Item No. 15c Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, members of the Cheektowaga S.W.A.T. Team have been invited by Niagara Regional Police to attend a Tactical Symposium held in Ontario Police College April 25-26, 1994, and

Item No. 15c cont'd

WHEREAS, Chief Bruce Chamberlin is requesting permission to send Sgt. Kenneth Hycner and P/O Gerald Jankowski to this symposium. Speakers will be present from Los Angeles County Sheriff's Office regarding proper uses and deployment of distraction devices. A forum will also be held on standards for tactical officers. The registration has been waived for our officers and lodging will be provided. The police department will be responsible for meals, gasoline and tolls amount to approximately \$128.00. A Town of Cheektowaga vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send these officers to this symposium and that the time they spend there will be authorized as normal duty. The expense will be charged to line 0100-3120-4085.

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilman Jaworowicz

Item No. 15d Motion by Councilman Blachowski, Seconded by Councilman Rogowski

WHEREAS, on April 28, 1994, the Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System will conduct a hearing on policing strategies and youth crime and violence at the New York County Lawyers Association in Manhattan, NY, and

WHEREAS, Chief Bruce Chamberlin has been invited to testify at the hearing. The Commission will examine various approaches to addressing the growing problem of youth crime and will hear from a number of police officers from New York City, New York State and around the country, along with academics, community groups and others. The Commission will especially look at how community policing concepts, many of which the Cheektowaga Police Department has instituted, interact with law enforcement efforts to prevent and reduce juvenile crime, NOW, THEREFORE, BE IT

RESOLVED, that Chief Bruce Chamberlin is authorized to attend this hearing and the travel expenses amounting to \$250.00 be charged to line 0100-3120-4085.

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilman Jaworowicz

Item No. 16 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:	0100-7140-4051	Lacrosse Expenses	\$ 750.00
	0100-7140-4051	Lacrosse Expenses	1,250.00
	0100-1440-1082	Special Districts Labor Allocation	18,000.00
	0100-9010-8902	Special Districts FICA Allocation	1,377.00
To:	0100-7310-4061	Publication & Dues	\$ 750.00
	0100-7310-2501	Equipment	1,250.00
	0100-1440-1492	Part-time Engineering Assistants	18,000.00
	0100-9010-8121	Allocated FICA	1,377.00

Item No. 16 cont'd

SPECIAL DISTRICTS FUND

From:	4000-8140-4432	Repairs & Maintenance	\$19,377.00
To:	4000-8140-4805	Engineering Allocated	\$18,000.00
	4000-8140-8902	Allocated Payroll Taxes	1,377.00

Upon Roll Call....

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

Item No. 17 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 April 15, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$3,066,507.67
HIGHWAY FUND	802,207.33
TRUST & AGENCY FUND	50,052.66
CDBG HUD FUND	17,841.37
PART TOWN FUND	48,549.77
RENTAL REHABILITATION FUND	16,006.00
HOUSING REHABILITATION FUND	10,759.88
RISK RETENTION FUND	124,358.81
DEBT SERVICE FUND	337,394.36
SPECIAL DISTRICTS FUND	3,616,435.21
CAPITAL FUND	719,238.06
	<u>\$8,809,351.12</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 18 Cheektowaga Planning Board - Minutes of meeting of March 10, 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 19 E.C. Department of Public Works, Division of Highways - proposed
permit regarding block intersections on William Street
Copies were sent to: Supervisor's Office; Cheektowaga Town Board.
Received and Filed.

Item No. 20 Notice of Petition of Pfohl Brothers Landfill Site Steering Committee
to perpetuate testimony
Copies were sent to: Town Attorney; Supervisor's Office; Cheektowaga
Town Board
Received and Filed.

Item No. 21a Notice of Claim - Kevin Lutz vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department; Allied Claims, Insurance Carrier.
Received and Filed.

- Item No. 21b Notice of Claim - N.Y. Central Mutual as subrogee of Harry & Theresa Jaszcz vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department; Allied Claims, Insurance Carrier.
Received and Filed.
- Item No. 21c Notice of Claim - Sharon Ellis vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department; Allied Claims, Insurance Carrier.
Received and Filed.
- Item No. 21d Notice of Claim - Jeffrey Litterio vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Chief of Police; Allied Claims, Insurance Carrier.
Received and Filed.
- Item No. 21e Notice of Claim - Janet Moeller vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; J. Matecki, Facilities Director; Allied Claims, Insurance Carrier.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Johnson, Seconded by Councilman Solecki to suspend the rules to include the following items and the voting was as follows.

Upon Roll Call....

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

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

WHEREAS, the position of Working Crew Chief in the Facilities Department has been posted in accordance with the provisions of the Town's Agreement between the Town and the Town of Cheektowaga Supervisory Unit, NOW, THEREFORE, BE IT

RESOLVED, that Norbert Rutkowski of Cheektowaga, New York, 14225, be and hereby is appointed to the position of Working Crew Chief in the Facilities Department, effective immediately.

Upon Roll Call....

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

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

WHEREAS, the Binghamton Police Department is holding its first advanced K-9 Seminar in Binghamton, NY May 2-6, 1994.

WHEREAS, the Binghamton Police Department has invited Officer Daniel Smith and Gringo to teach the Narcotic Detection portion of the school and in return for Officer Smith's services, the Binghamton Police Department will waive the tuition and will also provide lodging, meals and related expenses. The Cheektowaga Police Department will be responsible for gasoline and tolls to and from this training. Officer Smith will be using a Town of Cheektowaga vehicle for transportation, NOW, THEREFORE, BE IT

Item No. 23 cont'd

RESOLVED, that Chief Chamberlin is authorized to send Officer Smith to this training. The time that he spends at this training will be authorized as normal duty time. The expenses amounting to approximately \$30.00 will be charged to line 0100-3120-4085.

Upon Roll Call....

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

Item No. 24 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, by resolution dated March 21, 1994, this Town Board requested the County of Erie and the Erie County Department of Public Works, Division of Highways, to conduct a traffic study along that portion of William Street near the New York Thruway to determine the necessity of posting "State Law - Do Not Block Side Road" signs near town highways known as Raymond Avenue, Ceil Drive, Vern Lane and Tamarck Court, and

WHEREAS, the Town must enact an amendment to its Vehicle and Traffic Ordinance (Chapter 76), prohibiting the stopping or standing of vehicles which block access to the aforementioned town highways from William Street, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 2nd day of May, 1994 at 7:00 p.m. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined whether the Vehicle and Traffic Ordinance of the Town of Cheektowaga shall be amended as provided in the attachment hereto; and BE IT FURTHER

RESOLVED, that the Town Clerk publish a Notice of Hearing in the Cheektowaga Times, a newspaper published in the town and having a general circulation therein, not less than 10 nor more than 20 days prior to the date of hearing.

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on May 2, 1994 at 7:00 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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads, from the following main roads, shall be prohibited:

Main Road

William Street
William Street
William Street
William Street

Side Road

Raymond Avenue
Vern Lane
Ceil Drive
Tamarck Court

Item No. 24 cont'd

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

Dated: April 18, 1994

RICHARD M. MOLESKI
Town Clerk

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

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 May 2, 1994 at 7:00 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

ARTICLE X shall be amended by adding thereto the following section

§76-107 Do Not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Main Road	Side Road
William Street	Raymond Avenue
William Street	Vern Lane
William Street	Ceil Drive
William Street	Tamarck Court

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

Dated: April 18, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 21, 1994

.....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.....April 21, 1994..... ;
last publication.....April 21, 1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this21st.....

day ofApril....., 19..94..

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 5

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.....April 21, 1994..... ;
last publication.....April 21, 1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this21st.....

day ofApril....., 19⁹⁴.....

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 12/11/95

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 May 2, 1994 at 7:00 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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do Not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Main Road	Side Road
William Street	Raymond Avenue
William Street	Vern Lane
William Street	Ceil Drive
William Street	Tamarck Court

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

Dated: April 18, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: April 21, 1994

49
19.36

MEETING NO. 8
April 18, 1994

Item No. 25 Motion by Councilman Rogowski, Seconded by Councilman Blachowski
to adjourn the meeting.

RICHARD M. MOLESKI
Town Clerk

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd day of May, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings 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 of Planning Board; Bill Pugh, Engineering Department; Ronald Marten, Building and Plumbing Inspector; Kenneth Kopacz, Director of Youth and Recreational Services Department; John Schaller, Assistant Chief of Police; Al Blachowski, Engineering Department; Robert Kaczmarek, Supervising Accountant; Leonard Szymanski, Facilities Foreman and Ellen Fischer, Cheektowaga Action Partnership.

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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

<u>Main Road</u>	<u>Side Road</u>
William Street	Raymond Avenue
William Street	Vern Lane
William Street	Ceil Drive
William Street	Tamarck Court

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 Decision to Amend Traffic and Vehicle Ordinance: Article XIV, "Parking of Commercial Vehicles" - Felber Lane
This item was withdrawn.

Item No. 4 Motion by Councilman Johnson, Seconded by Councilman Blachowski

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 May 16, 1994 at 7:00 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 May 5, 1994, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on May 16, 1994 at 7:00 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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do Not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

<u>Main Road</u>	<u>Side Road</u>
William Street	Starlite Avenue
William Street	Laura Court

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

Richard M. Moleski
Town Clerk

Dated: May 2, 1994

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

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 May 16, 1994 at 7:00 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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do Not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Main Road: William Street
Side Road: Starlite Avenue

Main Road: William Street
Side Road: Laura Court

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

Dated: May 2, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 5, 1994

.....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.....May 5, 1994.....;
last publication.....May 5, 1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this5th.....

day ofMay....., 19..94..

.....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 12/11/95

MEETING NO. 9
May 2, 1994

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

WHEREAS, bids were duly received by the Town Board at a bid opening on April 27th, 1994, for TOPSOIL for use by the Town of Cheektowaga, 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 has been completed,
NOW, THEREFORE, BE IT

RESOLVED, that the bid for topsoil be awarded to VISIONE CONSTRUCTION COMPANY, 79 Sheldon Avenue, Depew, New York 14043, being the lowest responsible bidder meeting specifications as per the schedule attached and made a part hereof, and

BE IT ALSO RESOLVED, that payment of topsoil be charged to line item 0300-5110-4186.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

TOPSOIL - 1994

VISONE CONS CO
79 Sheldon Ave
Depew 14043
681-7331

CUSTOM TOPSOIL INC
320 Crabapple Lane
Cheektowaga 14227
668-4444

CJ KRANTZ TOPSOIL
8960 Lapp Rd
Clarence Ctr 14032
741-3850

REGULAR

Delivered	\$9.00	\$13.00	\$16.65
Pick-Up	8.50	11.00	14.85

SCREENED

Delivered	14.50	16.25	16.65
Pick-Up	12.00	13.00	14.85

SHREDDED

Delivered	14.50	15.50	16.65
Pick-Up	12.00	12.00	14.85

Item No. 6 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 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 must render determinations concerning environmental significance of projects, and

WHEREAS, the Environmental Advisory Committee reviewed the application of Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski for the rezoning of 2719 William Street from NS-Neighborhood Services District to C-Retail Business District, and

WHEREAS, this Town Board has reviewed the application submitted and the materials submitted to the Environmental Advisory Committee for this rezoning, and

WHEREAS, the applicants have made a commitment to the Town that this property will be developed only for a Wilson Farms store or similar small volume grocery store and accessory sales store, and will not be utilized for a restaurant or other retail sales store, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renders a negative declaration for the above referenced rezoning application conditioned on the following items:

1. No driveway/vehicle access shall be allowed along Laura Court.
2. There shall be prompt and efficient snow removal on the property from the areas bordering Laura Court and William Street.
3. Sidewalks shall be installed along Laura Court and William Street.
4. Placement and size of driveways on William Street and the need for any traffic control devices shall be approved by the Cheektowaga Traffic Safety Committee and the Erie County Department of Public Works.
5. Drainage plan to be approved by Town Engineering Department.
6. Site and landscaping plans shall be submitted to the Planning Board for approval. Any such landscape plan shall show a 30 foot buffer area along the south property line planted with conifers of a sufficient size and density to minimize noise and air pollution. Landscaping near the intersection of William Street and Laura Court shall not interfere with the line of sight for vehicles approaching such intersection.
7. An eight (8) foot high solid fence shall be installed and maintained along the southern boundary adjacent to residential properties.
8. Maintenance and emptying of dumpster so as to not create a noise problem or health hazard be provided for. Such dumpster is to be located on the east side of any building in an appropriate enclosure.
9. Brick or decorative block be used on all four sides of any building.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

MEETING NO. 9
May 2, 1994

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

WHEREAS, Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski have petitioned for the rezoning from NS-Neighborhood Services District to C-Retail Business District of property owned by them and located at 2719 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1994 at 6:30 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

WHEREAS, the petitioners have made a commitment to the Town that this property will be developed only for a Wilson Farms store or similar small volume grocery and accessory sales store, and will not be utilized for a restaurant or other retail sales store, NOW, THEREFORE, BE IT

RESOLVED, that the application of Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski for the rezoning from NS-Neighborhood Services District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby granted subject to the conditions and requirements as stated in the Town Board resolution previously adopted rendering the environmental determination for this project, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

* * * * *

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN WIELINSKI TO TABLE THE ABOVE RESOLUTION, ITEM 7, UNTIL THE THE JUNE 6TH TOWN BOARD MEETING AND THE VOTING WAS AS FOLLOWS

Upon Roll Call....

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

* * * * *

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 9
May 2, 1994

Item No. 8 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, Cub Scout Pack #618 has requested permission to conduct an overnight campout on Saturday, June 11, 1994 to Sunday, June 12, 1994 at Stiglmeier Park, and

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, a no person shall lounge about or remain in any of the parks during the hours when so closed", NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, and that said waiver be extended to Cub Scout Pack #618 for use of Stiglmeier Park on June 11th and June 12th, 1994, and BE IT FURTHER

RESOLVED, that a copy of said resolution be forwarded to the Chief of Police and the Facilities Department Director.

Upon Roll Call....

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

Item No. 9 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, on June 6, 1955, the Town Board of the Town of Cheektowaga adopted an ordinance now known as Chapter 65, Article 11, of the Code of the Town of Cheektowaga, setting forth specifications for the construction of sidewalks in the Town, and

WHEREAS, Section 200-a of the Town law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by resolution dated September 3, 1991, adopted Local Law No. 4 of the Year 1991, entitled "A Local Law Apportioning the Cost of Repairing Sidewalks", and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties listed on the attached sheets be and hereby are directed to repair/replace the sidewalks abutting such properties on or before June 2, 1994, in accordance with the Town's Streets and Sidewalks Ordinance, and BE IT FURTHER

ORDERED, that, would such property owners choose not to repair/replace their sidewalks as so notified, the Town will cause such sidewalks to be repaired/replaced, and audit and pay 50% of the expense thereof against the property which abuts such sidewalk over a period of two (2) years, with interest at the rate of 6.00%, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties listed on the attached sheets of this order by sending the attached Notice via certified mail addressed to each such owner at his address as it appears on the Town assessment roll.

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



May 3, 1994

Dear Resident:

Based on a recommendation from the Town Highway Superintendent, the Cheektowaga Town Board adopted a resolution on May 2, 1994 directing you and other property owners to repair the sidewalks in front of your properties. This letter and the enclosed Notice are being mailed by this office pursuant to such Town Board resolution.

In accordance with State law, the Cheektowaga Town Board enacted a local law in September of 1991 requiring property owners to pay 50% of the cost of repairing their sidewalks. This new law applies to you. Property owners, under this new law, are given the option of repairing the sidewalks themselves; if you choose to repair your own sidewalk, you must do so on or before June 2, 1994 and the Town will not reimburse you for any of these costs. If, however, you allow the Town to perform the sidewalk repair work, the Town will pay 50% of the cost of such work; you will then be billed for 50% of the actual cost for such work. Payment to the Town shall be made as follows:

1. On or before September 15, 1994, you may submit full payment to the Town.
2. If the Town does not receive full payment from you by September 15, 1994, the Town will add your cost of the sidewalk repair to your 1995 and 1996 County/Town tax bills.

The Town Highway Department will be responsible for scheduling the approved Town contractor to do the necessary sidewalk repair work. The repair work to be done to your sidewalk will be estimated by markings placed on your sidewalk by the Town Highway Department; please be advised that the actual repair work may differ from the estimated sidewalk repair work in some instances. The cost of the sidewalk repair work will also be computed by the Town Highway Department based on a cost of \$2.27 per square foot (\$45.40 per 20 square foot block). If you have any questions about your sidewalk replacement or cost to you, please contact the Highway Department at 686-3450.

I hope the above information is of some assistance to you.

Sincerely yours,

Richard M. Moleski

Richard M. Moleski
Town Clerk

Encl.

Town Hall, Broadway & Union Road + Cheektowaga, New York 14227

NOTICE OF ADOPTION OF ORDER
OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE that, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on May 2, 1994, YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before June 2, 1994.

In the event you choose not to perform this work before the specified date, be advised that the Town of Cheektowaga shall cause such work to be done and will audit and pay the expense of doing such work and assess 50% of the expense thereof (including interest at the rate of 6.00%) against your property in two (2) annual installments; this amount will be added to your Town tax bills for the next two (2) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before September 15, 1994; you will be notified of the amount you owe for sidewalk repairs.

If the Town performs the work, it is estimated that your cost for the sidewalk repair will be \$2.27 per square foot (estimated cost of \$45.40 per 20-square-foot block).

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work (the Town will not pay 50% of the cost).

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

Dated: May 2, 1994



RICHARD M. MOLESKI
Town Clerk

1994 SIDEWALK REPLACEMENT PROGRAM

“ QUEENS

ADDRESS:

FOOTAGE TO BE
REPLACED:

9
17
26
22
14
10
6
2

25'
50'
14'
10'
20'
44'
20'
32'

1994 SIDEWALK REPLACEMENT PROGRAM

N. PARK

ADDRESS:

FOOTAGE TO BE
REPLACED:

34
30
26
22
18
14
10
3
7
11
19
23
27
31

20'
38'
30'
33'
35'
33'
20'
25'
39'
19'
31'
49'
34'
46'

1994 SIDEWALK REPLACEMENT PROGRAM

FARMINGDALE

ADDRESS:

FOOTAGE TO BE
REPLACED:

CLEVELAND	1259	35'
	235	20'
	223	5'
	219	15'
	211	5'
	207	20'
	203	10'
	199	28'
	187	5'
	183	25'
	179	15'
	171	15'
	167	20'
	163	12'
FAIRHAVEN	96	30'
FAIRHAVEN	90	44'
	166	25'
	170	20'
	174	30'
	178	25'
	182	5'
	186	20'
	196	20'
	214	17'
	220	15'
		10'
	224	15'
	236	15'
CLEVELAND	1265	25'
	97	15'
	155	30'
	151	24'
	147	35'
	143	21'
	139	10'
	135	20'
	131	5'
	127	20'
	121	35'
	117	30'
	111	5'
	105	20'
	101	16'
	108	20'
	112	20'
	118	15'
	122	18'
	128	20'
	132	20'
	140	5'
FAIRHAVEN	89	10'

POWER COMPANY RIGHT A WAY

1994 SIDEWALK REPLACEMENT PROGRAM

FARMINGDALE

ADDRESS:

FOOTAGE TO BE
REPLACED:

87
83
79
75
71
67
63
57
51
47
41
37
GREENWAY 26
34
42
48
52
58
64
68
72
76
80
31
GREENWAY 221

35'
5'
20'
25'
32'
35'
30'
25'
30'
15'
35'
40'
21'
26'
20'
10'
20'
15'
15'
10'
15'
15'
24'
30'
26'

1994 SIDEWALK REPLACEMENT PROGRAM

S. HUTH

ADDRESS:

FOOTAGE TO BE
REPLACED:

N. PARK	51	30'
	818	26'
	812	34'
	806	15'
	800	12'
	794	18'
	788	25'
	782	12"
	776	17"
	770	13"
	764	37'
	758	5'
	752	5'
	746	42'
	740	20'
	734	25"
	728	42'
	724	40"
	718	53'
	714	55'
	708	52"
	704	8"
	698	36'
	690	17"
	682	30'
	676	61'
	672	137'
	660	54'
	630	82'
	659	20'
	661	36'
	665	36"
	669	20'
	675	12'
	677	24'
	683	55'
	687	25'
	693	12"
	699	20'
	705	32'
	709	52'
	715	54"
	719	30"
	725	24'
	729	28'
	733	31'
	739	23'
	743	26'
	747	46'
	751	19'

1994 SIDEWALK REPLACEMENT PROGRAM

S. HUTH

ADDRESS:

FOOTAGE TO BE
REPLACED:

755
757
759
761
763
767
771
775
779
785
793
797
801
807
815
819
61

10'
47'
16'
21'
25'
5'
60'
15'
12'
35'
15'
38'
27'
20'
35'
20'
38'

N. PARK

1994 SIDEWALK REPLACEMENT PROGRAM

PRINCESS

ADDRESS:

FOOTAGE TO BE
REPLACED:

46
42
38
34
30
26
18
14
10
6
2
30
9
17
33

21'
24'
37'
25'
24'
10'
19'
34'
15'
34'
14'
23'
21'
22'
48'

1994 SIDEWALK REPLACEMENT PROGRAM

WALTON

ADDRESS:

FOOTAGE TO BE
REPLACED:

511	43'
507	40'
503	24'
499	30'
495	9'
491	32'
487	38'
483	37'
479	17'
475	24'
480	5'
484	30'
488	50'
492	8'
496	24'
500	20'
504	10'
508	36'
512	39'

1994 SIDEWALK REPLACEMENT PROGRAM

FEDERAL

ADDRESS:

FOOTAGE TO BE
REPLACED:

27	93'
31	18"
39	40"
43	43'
45	12'
47	51'
51	36'
55	35'
59	30'
63	53"
67	12"
87	4"
99	30"
101	16"
BURDETTE 84	15'
80	35'
76	22'
72	20'
68	8'
64	19'
60	15"
56	15"
52	25'
48	8"
44	45'
40	16'
36	38'
32	12'
28	13'
24	15'
20	15'
16	28"
12	27'

BURDETTE BETWEEN PRINCESS AND N. PARK

133	20'
137	15'
130	10'
122	15'

1993 SIDEWALK REPLACEMENT PROGRAM

ANDREWS AVENUE

<u>ADDRESSES:</u>	<u>FOOTAGE TO BE REPLACED</u>
25	15'
39	15'
73	36'
57	15'
32	10'
34	10'
66	10'
90	14'
92	4'
94	13'

MEETING NO. 9
May 2, 1994

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

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

WHEREAS, the Town's Housing Rehabilitation Loan Program Policy Guidelines requires Town Board approval of rehabilitation loans of more than \$25,000.00,

WHEREAS, the Community Development Office has requested the Town Board to consider authorizing a housing rehabilitation loan to the owners of the property located at 179 Jackson Street, in an amount of up to \$27,500.00 and to the owners of 67 Ellwood Place, in an amount of up to \$34,500.00, due to the amount of work that is required to bring the properties into compliance with Town housing codes, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes a housing rehabilitation loan in an amount not to exceed a \$27,500.00 to the owners of 179 Jackson Street, Sloan, New York, and authorizes a loan in an amount not to exceed \$34,500.00 to the owners of 67 Ellwood Place, Cheektowaga, New York, and authorizes the Supervisor to execute loan agreements with the owners of said property and any other necessary related documents.

Upon Roll Call....

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

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

BE IT RESOLVED, that the position of Civilian Crossing Guard Supervisor (Part-Time) be and hereby is created in the Police Department, effective immediately.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Wielinski, Seconded by Councilman Johnson

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

WHEREAS, said vacancy was posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc., AND

WHEREAS, James Demler, currently employed as a Laborer in the Sanitation Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that James Demler be and hereby is appointed to the position of General Mechanic in the Facilities Department in accordance with the terms and conditions as set forth in the T.C.E.A. agreement, effective May 3, 1994.

Upon Roll Call....

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

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

WHEREAS, by resolution, this Town Board created the position of Civilian Crossing Guard Supervisor (P.T.) in the Police Department, AND

WHEREAS, Frank Piacente, a police officer for over 40 years, expressed interests in said position and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Frank Piacente be and hereby is appointed to the position of Civilian Crossing Guard Supervisor (P.T.), effective June 13, 1994, at an annual salary of \$12,500.

Upon Roll Call....

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

Item No. 14a Hiring of Engineering Assistant (Part-Time) and Engineering Laborers (Part-Time) in the Engineering Department
This item was withdrawn.

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

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

EFFECTIVE

SANITATION DEPARTMENT - \$5.50 per hour (Clerical)

Nancy J. Ruhl 5/3/94

SEWER MAINTENANCE DEPARTMENT - \$4.65 per hour (Laborer)

Ryan Czubaj 5/2/94

Upon Roll Call....

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

Item No. 15 Motion by Councilman Wielinski, Seconded by Councilman Solecki

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

EFFECTIVE

SEWER MAINTENANCE DEPARTMENT - \$4.65 per hour (Laborer)

Mark Burkard 5/3/94
Douglas Lauber "

MEETING NO. 9
May 2, 1994

Item No. 15 continued

EFFECTIVE

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer) 0100-7110-1491

Randall D. Boersma	5/3/94
John Bratek	"
Eugene J. Demler	"
John English	"
Charles Gau	"
Tom Jakubowicz	"
Jason Jankowiak	"
Justin Keating	"

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer) 0100-1625-1491)

Gordon Ganczewski	5/3/94
Jeff Mallory	"
Thomas Mills	"

FACILITIES DEPARTMENT - \$5.00 per hour (0100-7110-1496)

Douglas Guy	5/3/94
Jason Ozolins	"
Ronald Sobocinski	"

AND, BE IT FURTHER

RESOLVED, that John Mazgaj, currently employed as a Season in the Recycling Department, be and hereby is transferred to the Facilities Department as a Seasonal employee at the rate of \$5.00 per hour (Acct. #0100-7110-1491), effective May 3, 1994.

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 Johnson

BE IT RESOLVED, that the hourly wage be and hereby is increased for the following Seasonal and Part-Time employees in the Facilities Department as follows, effective immediately:

Felix Lampke	Seasonal	\$5.50	0100-7110-1491
Douglas Champagne	Seasonal	5.50	"
Dawn Matecki	Part-Time	5.50	"
Patricia Kantor	Part-Time	5.50	"
Monty Viau	Part-Time	5.50	0100-1625-1491
Francis Strong	Part-Time	5.50	"
Daniel Stypa	Seasonal	5.00	"
Ronald Kaczmarek	Seasonal	5.00	"

Upon Roll Call....

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

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

WHEREAS, by resolution dated April 18, 1994, this Town Board appointed Norbert Rutkowski to the position of Working Crew Chief in the Facilities Department, AND

MEETING NO. 9
May 2, 1994

Item No. 17 continued

WHEREAS, per Section 11.02 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc., Norbert Rutkowski has requested a one (1) year leave of absence from his position of Equipment Maintenance Man in the Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that Norbert Rutkowski be and hereby is granted a one (1) year leave of absence from his position of Equipment Maintenance effective April 19, 1994 and expiring on April 19, 1995.

Upon Roll Call....

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

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

WHEREAS, The New York State Government Finance Officers' Association (GFOA) held its Annual Conference in Albany, New York on March 22-25, 1994, and

WHEREAS, on March 24, 1994, Supervising Accountant Robert E. Kaczmarek has been elected Western Regional Chairman of GFOA, and

WHEREAS, by virtue of his election, Mr. Kaczmarek immediately becomes an Officer of the State of GFOA Association, and

WHEREAS, it is required of Mr. Kaczmarek to attend a minimum of six Association Officer meetings at the State Association Office in Albany, New York throughout the fiscal year April, 1994 through March, 1995 in order to coordinate the activities of the Western Regional Council with the other Councils throughout the State, NOW, THEREFORE, BE IT

RESOLVED, that Supervising Accountant Robert E. Kaczmarek, be and hereby is authorized to properly perform his duties of Western Regional Chairman of GFOA, and be permitted to attend these meetings when scheduled by the President of NYS GFOA, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable costs associated with Mr. Kaczmarek's attendance at these meetings and are to be paid out of budget line number 0100-1910-4082.

* * * * *

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN JOHNSON
TO AMEND THE ABOVE RESOLUTION AND THE VOTING WAS 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 Government Finance Officers' Association (GFOA) held its Annual Conference in Albany, New York on March 22-25, 1994, and

WHEREAS, on March 24, 1994, Supervising Accountant Robert E. Kaczmarek has been elected Western Regional Chairman of GFOA, and

WHEREAS, by virtue of his election, Mr. Kaczmarek immediately becomes an Officer of the State of GFOA Association, and

MEETING NO. 9
May 2, 1994

Item No. 18a continued

WHEREAS, it is required of Mr. Kaczmarek to attend a minimum of six Association Officer meetings at the State Association Office in Albany, New York throughout the fiscal year April, 1994 through March, 1995 in order to coordinate the activities of the Western Regional Council with the other Councils throughout the State, NOW, THEREFORE, BE IT

RESOLVED, that Supervising Accountant Robert E. Kaczmarek, be and hereby is authorized to properly perform his duties of Western Regional Chairman of GFOA, and be permitted to attend these meetings when scheduled by the President of NYS GFOA, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable costs associated with Mr. Kaczmarek's attendance at the first meeting and is to be paid out of budget line number 0100-1910-4082.

Upon Roll Call....

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

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

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is in the process of automating its management information records and data processing capability, and

WHEREAS, a department user group reviewed numerous software packages before selecting the CLASS software system for its adaptability and ease of use by temporary employees, and

WHEREAS, the CLASS software will, one; enable the department to keep uniform, accurate and up-to-date client and account receivable records; two, enable the department to pinpoint marketing efforts toward specific clientele; and three, facilitate the process of receipt issuance through automation; BE IT

RESOLVED, that Kerry Switalski, Program Coordinator for the Department of Youth and Recreational Services, who has served as the department's user group chairperson, be and hereby is permitted to attend a CLASS software user group conference in British Columbia, June 21st through 26th, and be reimbursed for all necessary travel and lodging costs, not to exceed \$900 (01-7140-4191).

Upon Roll Call....

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

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

WHEREAS, the Cheektowaga Action Partnership has been selected to attend the Institute for Partnership Development from June 1st through June 4th in Philadelphia, Pennsylvania, AND

WHEREAS, this Institute is designed for intermediate level Partnerships and will address such areas as Team Building, Organizational Development and Prevention Strategies, AND

WHEREAS, the Federal Center For Substance Abuse Prevention is requesting a team of six Partnership representatives to attend the Institute, AND

WHEREAS, the Macro, Inc., a consultant for the Federal Center For Substance Abuse Prevention will assume all lodging and per diem expenses of the attending Partnership members, NOW, THEREFORE, BE IT

Item No. 18c continued

RESOLVED, that the Cheektowaga Action Partnership be authorized to attend the CSAP Institute for Partnership Development and reimburse the necessary travel expenses for the attendees at a total cost not to exceed \$1,500.00 and BE IT FURTHER

RESOLVED, that Ellen Fischer, CAP Project Director be the authorized staff representative accompanying the Partnership members to said Institute.

Upon Roll Call....

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

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

WHEREAS, Darryl L. Jones, RLA has submitted a proposal for Professional Services related to Baseball and Softball Diamond Drainage at Cheektowaga Town Park and Stiglmeier Park, AND

WHEREAS, said Professional Services shall include Preliminary Design, Design Development, Construction Documentation and Construction Observation, AND

WHEREAS, said Baseball and Softball Diamond Drainage at Town Park and Stiglmeier Park will include reconstruction of existing baseball and softball diamonds and underdrainage, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retains the firm of Darryl L. Jones, RLA, 55 Marsdale Road, Cheektowaga, New York 14227 to perform Professional Services related to Baseball and Softball Diamond Drainage at Cheektowaga Town Park and Stiglmeier Park at a fee not to exceed \$6,750.00, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5402-7110-9404.

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 Supervisor Gabryszak

WHEREAS, Darryl L. Jones, RLA has submitted a proposal for Professional Services related to Tennis and Basketball Court Reconstruction, Phase II, AND

WHEREAS, said Tennis and Basketball Court Reconstruction will include Cedargrove tennis and basketball courts, Cheektowaga Town Park tennis courts, Raymond basketball court, Theodore Roosevelt School basketball court and U-Crest School tennis court, AND

WHEREAS, Professional Services of Darryl L. Jones, RLA shall include Preliminary Design, Project Plans and Specifications, Construction Documentation, Construction Observation, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retains the firm of Darryl L. Jones, RLA, 55 Marsdale Road, Cheektowaga, New York 14227 to perform Professional Services related to Tennis and Basketball Court Reconstruction, Phase II at a fee of \$8,200.00, AND BE IT FURTHER

RESOLVED, that funds for this action are available from Capital Improvement Account #5402-7110-9405.

Item No. 19b continued

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:	0100-9010-8141	Medical Insurance	\$400.00
To:	0100-1430-4752	Pre-Employment Physicals	400.00

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 and Warrants are sub-
mitted to the Town of Cheektowaga prior to April 29, 1994 and are hereby approved
and made a part hereof:

GENERAL FUND	\$263,083.28
HIGHWAY FUND	40,848.01
TRUST & AGENCY FUND	193,539.92
CDBG HUD FUND	459.50
PART TOWN FUND	3,973.91
RENTAL REHABILITATION FUND	5,750.00
HOUSING REHABILITATION FUND	18,118.76
RISK RETENTION FUND	13,289.28
SPECIAL DISTRICTS FUND	78,851.07
CAPITAL FUND	<u>23,964.00</u>
	\$641,877.73

* * * * *

MOTION BY COUNCILMAN WIELINSKI, SECONDED BY SUPERVISOR
GABRYSZAK TO AMEND THE ABOVE RESOLUTION, ITEM 21, 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. 21 continued

AMENDED

BE IT RESOLVED, that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to April 29, 1994 and are hereby approved and made a part hereof:

GENERAL FUND	\$265,523.28
HIGHWAY FUND	40,848.01
TRUST & AGENCY FUND	193,539.92
CDBG HUD FUND	459.50
PART TOWN FUND	3,973.91
RENTAL REHABILITATION FUND	5,750.00
HOUSING REHABILITATION FUND	18,118.76
RISK RETENTION FUND	13,289.28
SPECIAL DISTRICTS FUND	78,851.07
CAPITAL FUND	<u>23,964.00</u>
	\$644,317.73

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNUNICATIONS

Item No. 22 Supervisor's Statement of Funds - March 1994
Received and Filed.

Item No. 23 Office of Disaster Preparedness - Quarterly Report: January to
March, 1994
Received and Filed.

Item No. 24 Building Permits
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 25a Notice of Claim: Michelle Missel vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25b Notice of Claim: Ruth S. Mariusky vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.

* * * * *

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

Upon Roll Call....

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

* * * * *

VI. SUSPENSION OF RULES

Item No. 26 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, by resolution dated July 19, 1993, this Town Board
authorized the Supervisor to execute an agreement with Sonwil Distribution, Inc.
relating to the transfer and reconstruction of a private roadway known as Sonwil
Drive to the Town, and

WHEREAS, such agreement required Sonwil Distribution, Inc. to deliver
to the Town Quit Claim Deeds for premises known as Sonwil Drive and the First Phase
Extension of Sonwil Drive, and easements for sanitary sewer and drainage purposes,
and

WHEREAS, Sonwil Distribution, Inc. has submitted the attached Quit
Claim Deeds and easements to the Town for acceptance and dedication, NOW, THEREFORE,
BE IT

RESOLVED, that the premises known as Sonwil Drive and the First Phase
Extension of Sonwil Drive, as further described in the attached deeds, be and hereby
are accepted and dedicated by this Town Board as a Town highway, and BE IT FURTHER

RESOLVED, that the sanitary sewer and drainage easements also be
accepted by this Town Board, and BE IT FURTHER

RESOLVED, that, the Town Attorney be and hereby is directed to record
such deeds and easements in the Erie County Clerk's Office.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

This Indenture

Made, the

day of

BETWEEN April/ 29th Nineteen Hundred and Ninety-four (1994)
SONWIL DISTRIBUTION CENTER, INC., 100 Sonwil Drive
Cheektowaga, New York 14225

a corporation organized under the laws of the State of New York

party of the first part, and

TOWN OF CHEEKTOWAGA, Town Hall, Broadway and Union Streets,
Cheektowaga, New York 14227

part y of the second part,

WITNESSETH that the party of the first part, in consideration of One and

No More-----Dollar (\$ 1.00 & No More
lawful money of the United States,

paid by the part y of the second part, does hereby remise, release and quitclaim
unto the part y of the second part, its successors and assigns forever, all

SEE SCHEDULE A ANNEXED HERETO AND MADE A PART HEREOF FOR A DESCRIPTION OF THE PREMISES
WHICH ARE THE SUBJECT OF THIS DEED.

This deed is made subject to all easements, agreements, instruments
and rights of way of record.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, of the and assigns forever.

IN WITNESS WHEREOF, The party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this day of April

Nineteen Hundred and Ninety-four (1994)

SONWIL DISTRIBUTION CENTER, INC.

By Stuart J. Wilson
Stuart J. Wilson, President

STATE OF NEW YORK
COUNTY OF ERIE

} ss.:

On this 29th day of April
Nineteen Hundred and Ninety-four

before me personally came Stuart J. Wilson

to me personally known, who, being by me duly sworn, did depose and say that he resides in
Amherst, New York that he is
the President of Sonwil Distribution Center, Inc.
the corporation described in, and which executed, the within Instrument; that he knows the seal of
said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed
by order of the Board of Directors of said corporation; and that he signed name thereto
by like order.

Elsie T. Strabel

ELSIE T. STRABEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1996

Deed
Corporation Quit-Claim

SONWIL DISTRIBUTION CENTER, INC.
100 Sonwil Drive
Cheektowaga, NY 14225

to

TOWN OF CHEEKTOWAGA
Town Hall
Broadway and Union Streets
Cheektowaga, NY 14227

Dated, 19

SCHEDULE A

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 74, Township 11, Range 7 of the Holland Land Company's survey being more particularly described as follows:

Beginning at a point on the east line of Louis Maigret by Liber 93 of Deeds at Page 472, 136.19 feet more or less southerly of the north line of Lot 74 as measured along the east line of Maigret, thence S 00°-18'-54" E along the east line of Maigret, 211.92 feet, thence S 89 W-41'-06" W, 60.00 feet to a point, thence N 00°-18'-54" W, 100.00 feet, thence northeasterly, along a curve to the right having a radius of 130.00 feet and an arc length of 114.11 feet to a point of reverse curve, thence northerly along a curve to the left having a radius of 190.00 feet and an arc length of 17.67 feet to the point of beginning, being 0.24 acres more or less.

This Indenture *Made, the*

day of

April 29th Nineteen Hundred and Ninety-four (1994)
BETWEEN SONWIL DISTRIBUTION CENTER, INC., 100 Sonwil Drive,
Cheektowaga, New York 14225

a corporation organized under the laws of the State of New York

party of the first part, and

TOWN OF CHEEKTOWAGA, Town Hall, Broadway and Union Streets,
Cheektowaga, New York 14227

party of the second part,

WITNESSETH that the party *of the first part, in consideration of* One and
No More----- Dollar (\$ 1.00 & No More

lawful money of the United States,
paid by the party of the second part, does hereby remise, release and quitclaim
unto the party of the second part, its successors and assigns forever, all

SEE SCHEDULE A ANNEXED HERETO AND MADE A PART HEREOF FOR A DESCRIPTION OF THE PREMISES
WHICH ARE THE SUBJECT OF THIS DEED.

This deed is made subject to all easements, agreements, instruments
and rights of way of record.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the part y of the second part, and assigns forever.

IN WITNESS WHEREOF, The party of the first part has caused its corporate seal to be hereunto affixed, and these presents to be signed by its duly authorized officer this day of

Nineteen Hundred and Ninety-Four (1994)

SONWIL DISTRIBUTION CENTER, INC.

By Stuart J. Wilson
Stuart J. Wilson, President

STATE OF NEW YORK
COUNTY OF ERIE

} ss.:

On this 29th day of April
Nineteen Hundred and Ninety-four

before me personally came Stuart J. Wilson

to me personally known, who, being by me duly sworn, did depose and say that he resides in Amherst, New York that he is the President of Sonwil Distribution Center, Inc. the corporation described in, and which executed, the within Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation; and that he signed name thereto by like order.

Elsie T. Strabel

ELSIE T. STRABEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 1996

Deed
Corporation Quit-Claim

SONWIL DISTRIBUTION CENTER, INC.
100 Sonwil Drive
Cheektowaga, NY 14225

to

TOWN OF CHEEKTOWAGA
Town Hall
Broadway and Union Streets
Cheektowaga, NY 14227

Dated, 19

SCHEDULE A

TRACT I:

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. 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

COMMENCING at the center line of Genesee Street and the northeast corner of lands conveyed by deed recorded in Erie County Clerk's Office in Liber 452 of Deeds at page 389; thence southwesterly along the center line of Genesee Street, a distance of 257.85 feet to the principal point or place of beginning; thence south parallel to the west line of Lot No. 77 a distance of 189.29 feet to a point on the northwest boundary of the right of way (100 feet wide) now or formerly of the New York State West Shore and Buffalo Railway (V.S. Number 122); thence southeasterly along the line that is drawn at right angles to the said northwest boundary of the right of way now or formerly of the New York West Shore and Buffalo Railway (V.S. Number 122), a distance of 515.76 feet to a point, said point being 2 feet westerly of, as measured at right angles to the east line of lands conveyed to New York State Realty and Terminal Company by deed recorded in Erie County Clerk's Office in Liber 1689 of Deeds at page 606; thence southerly along a line drawn parallel with and distant 2 feet westerly of, as measured at right angles to, the east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at page 606, a distance of 1793.82 feet to a point, said point being on the south line of Lot No. 77 and the south line of lands conveyed by deed so recorded in Liber 1689 of Deeds at page 606; thence westerly along said line, a distance of 60 feet to its point of intersection with a line drawn parallel with and distant 62 feet westerly of, as measured at right angles to, the east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at page 606; thence northerly along said last mentioned parallel line, a distance of 1765.83 feet to a point; thence northwesterly along a line that is drawn at right angles to said right of way now or formerly of the New York West Shore and Buffalo Railway (V.S. Number 122), a distance of 511.83 feet to a point, said point being on the northwest boundary of said right of way now or formerly of the New York West Shore and Buffalo Railway (V.S. Number 122); thence northerly along a line drawn parallel to the west line of Lot No. 77, a distance of 206 feet to a point, said point being in the center line of Genesee Street; thence northeasterly along said center line of Genesee Street, a distance of 60 feet to the point or principal place of beginning.

EXCEPTING AND EXCLUDING THEREFROM the lands appropriated by the People of the State of New York from Sonwil Distribution Center, Inc. for the widening of Genesee Street pursuant to a Notice of Appropriation dated February 10, 1992 and recorded February 10, 1992 in Liber 10389 of Deeds at Page 683.

The following described portion of the above premises is not owned in fee simple by Sonwil Distribution Center, Inc., and the rights of Sonwil Distribution Center, Inc. in and to the following described premises arise from an easement from the New York Central Railroad Company to Sonwil Distribution Center, Inc. dated December 28, 1962, and recorded in the Erie County Clerk's Office in Liber 6849 of Deeds at Page 65:

BEGINNING at a point in the northwesterly exterior line of right of way of the West Shore Railroad of the Grantor opposite Chaining Station 2202 plus 027 in the center line thereof; and running

Thence southwesterly, along said northwesterly exterior line, sixty-six and twenty-six hundredths (66.26) feet;

Thence southeasterly, at right angles to the last preceding course, two hundred fifty-four (254) feet, more or less, to a point in the northwesterly line of the premises

conveyed or about to be conveyed by New York State Realty & Terminal Company to the Grantee herein as aforesaid;

Thence northeasterly, along said northwesterly line of the premises conveyed or about to be conveyed by New York State Realty & Terminal Company to the Grantee herein as aforesaid, sixty-eight (68) feet, more or less, to its intersection with a line drawn southeasterly, parallel with the second course above described, from the above described point of beginning;

Thence northwesterly, along said line drawn southeasterly, as aforesaid, two hundred thirty-nine (239) feet, more or less, to the point or place of beginning.

The terms "Grantor" and "Grantee" as used in the above description of easement shall have the same meanings intended therefor in the easement recorded in the Erie County Clerk's Office in Liber 6849 of Deeds at page 65.

TRACT II:

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

COMMENCING at a point at the southeasterly corner of lands conveyed to New York Realty and Terminal Company by deed recorded in Erie County Clerk's Office in Liber 1689 of Deeds at Page 606 said point also being on the south line of Lot No. 77; thence westerly along said south line of Lot No. 77 a distance of two feet to a point; thence northerly on a line drawn parallel with and distant two feet westerly of, as measured at right angles to, the east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at Page 606, a distance of 1793.82 feet to a point; thence easterly at a right angle to the last mentioned course a distance of two feet to a point in the east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at Page 606; thence southerly along said east line of lands conveyed by deed so recorded in Liber 1689 of Deeds at Page 606, a distance of 1794 feet, more or less, to the point of beginning.

SANITARY SEWER EASEMENT

THIS SANITARY SEWER EASEMENT is made as of the 29th day of April, 1994, by Sonwil Distribution Center, Inc., a New York corporation with offices at 100 Sonwil Drive, Cheektowaga, New York 14225 (hereinafter referred to as the "GRANTOR") in favor of Town of Cheektowaga, New York a municipal corporation with its offices at the Town Hall, Broadway and Union Road, Cheektowaga, New York (hereinafter referred to as the "GRANTEE").

W I T N E S S E T H :

In consideration of the sum of One Dollar (\$1.00) and no more, lawful money of the United States, the receipt of which is hereby acknowledged, the GRANTOR hereby grants unto to the GRANTEE its successors and assigns, a permanent right of way and easement, subject to all easements and other instruments of record, without any material change of finish grade, for the perpetual and exclusive right to construct, lay, relay, operate, maintain, repair, replace, reconstruct, change the size of, or remove at its sole costs and expense, a sanitary sewer pipeline, and appurtenances, and to construct and maintain a stone maintenance road for use in connection with said sanitary sewer pipeline, across, through and under the premises described in Schedule A annexed hereto and made a part hereof and further identified in the location plan annexed hereto and made a part hereof as Schedule B.

TO HAVE AND TO HOLD the rights and easements herein granted unto the Grantee, its successors and assigns forever.

All pipelines and appurtenances laid or to be laid by or for the GRANTEE, its successors or assigns and/or its contractors shall be and remain the property of the GRANTEE its successors and assigns forever.

The GRANTOR will retain all rights not specifically conveyed by this Instrument, except that the GRANTOR covenants not to construct any building, structure, equipment, mechanical or otherwise on or upon said premises described in said Schedule A and Schedule B. .

IN WITNESS WHEREOF, the GRANTOR has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer, the day and year first above written.

GRANTOR:

SONWIL DISTRIBUTION CENTER, INC.

By: Stuart J. Wilson
Stuart J. Wilson, President

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

On the 29th day of April, 1994, before me personally came Stuart J. Wilson, to me personally known, who being by me duly sworn, did depose and say that he resides in the Town of Amherst, New York; 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, 1996

SCHEDULE A

SANITARY SEWER EASEMENT

Description of East-West Strip

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

A strip of land twenty-six (26) feet in width bounded on the east and west by the easterly line and westerly line of the Property, respectively, and the southerly line of which is the following described line:

BEGINNING at a point in the west line of Property 304.68 northerly of the southwest corner of the Property as measured along the westerly line of the Property said point being the principal point of beginning of the line described hereby, thence north $89^{\circ} - 41' - 06''$ east a distance of 387.00 feet more or less to the easterly line of the Property.

Description of the Northerly Extension

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11 and Range 7 of the Holland Land Company's Survey and described as follows:

A strip of land forty (40) feet in width, the southerly line of which is the northerly line of the East-West strip of land described above, the easterly line of which is a line parallel to, and thirty (30) feet westerly of, the easterly line of the Property, and the northerly line of which is a line parallel to, and 200 feet southerly of the northerly line of the Property.

Description of Parwood Estates Connection

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11 and Range 7 of the Holland Land Company's Survey and described as follows:

A strip of a land twenty-five (25) feet wide centered over the proposed sixty \pm linear feet of ten inch diameter PVC sanitary sewer located at station 44+ 90 \pm as shown on sheet number 9 of the Sonwil Drive Pavement and Improvement Design

Drawings prepared by Nussbaumer & Clarke, Inc., which design drawings are hereby incorporated by reference. The easterly end of said twenty-five (25) foot strip is the easterly line of the Property and the westerly end of said twenty-five (25) foot strip is the easterly line of the northerly extension described above.

Notes:

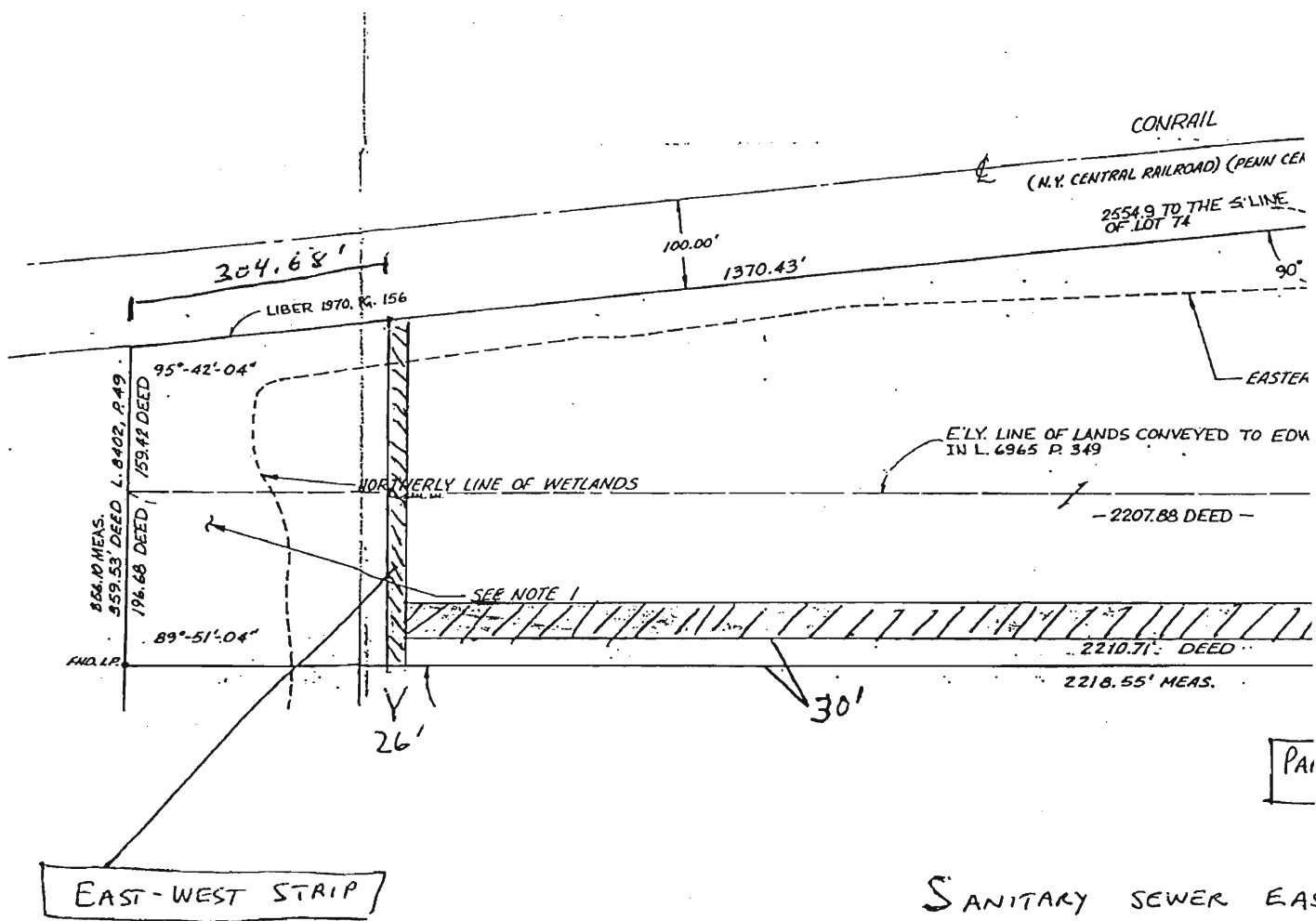
The Property burdened by the above described easement is defined as follows:

PROPERTY

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11, Range 7 of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the southerly line of said Lot Number 74, where the same is intersected by the easterly line of the parcel of land described and designated as Parcel No. 3 in Deed from New York State Realty and Terminal Company, predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the clerk of the said County of Erie in Liber 1970 of Deeds at Page 156; and running thence northerly along the easterly line of that parcel of land described and designated Parcel No. 3 in said Deed dated and recorded as aforesaid, said line is also being the westerly line of lands described in a Deed to Lawrence Reger and others as Trustees, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at Page 233, 1184.47 feet to the northwest corner of said lands conveyed to Reger and others as Trustees, said point being the principal point or place of beginning; thence northerly 1370.43 feet along the east line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly continuing along the easterly line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company, dated and recorded as aforesaid, 844.82 feet to the northeasterly corner of said parcel, said point being on the northerly line of Lot Number 74; thence easterly along the northerly line of Lot Number 74, 540.76 feet to the easterly line of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at Page 472; thence southerly along the east line of the aforesaid lands conveyed to Louis Maigret by Deed recorded as aforesaid, 2218.55 feet to the north line of the Village of Depew; thence westerly along the north line of said Village of Depew and along north line of lands conveyed to Lawrence Reger and others as Trustees, by Deed

recorded as aforesaid, 356.10 feet to the principal point or place of beginning.



NOT TO SCALE

DRAINAGE EASEMENT

THIS DRAINAGE EASEMENT is made as of the 29 day of April, 1994, by Sonwil Distribution Center, Inc., a New York corporation with offices at 100 Sonwil Drive, Cheektowaga, New York 14225 (hereinafter referred to as the "GRANTOR") in favor of Town of Cheektowaga, New York a municipal corporation with its offices at the Town Hall, Broadway and Union Road, Cheektowaga, New York (hereinafter referred to as the "GRANTEE").

W I T N E S S E T H :

In consideration of the sum of One Dollar (\$1.00) and no more, lawful money of the United States, the receipt of which is hereby acknowledged, the GRANTOR hereby grants unto to the GRANTEE its successors and assigns, a permanent right of way and easement, subject to all easements and other instruments of record, for the perpetual and exclusive right to construct, lay, relay, operate, maintain, repair, replace, reconstruct, change the size of, or remove at its sole costs and expense, a drainage ditch, and storm sewer pipeline and appurtenances, across, through and under the premises described in Schedule A annexed hereto and made a part hereof and further identified in the location plan annexed hereto and made a part hereof as Schedule B. All pipelines and appurtenances laid or to be laid by or for the GRANTEE, its successors or assigns and/or its contractors shall be and remain the property of the GRANTEE its successors and assigns forever.

TO HAVE AND TO HOLD the rights and easements herein granted unto the Grantee, its successors and assigns forever.

The GRANTOR will retain all rights not specifically conveyed by this Instrument, except that the GRANTOR covenants not to construct any building, structure, equipment, mechanical or otherwise on or upon said premises described in said Schedule A and Schedule B.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate seal to be hereunto affixed and these presents to be signed by its duly authorized officer, the day and year first above written.

GRANTOR:

SONWIL DISTRIBUTION CENTER, INC.

By: Stuart J. Wilson
Stuart J. Wilson, President

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

On the 29th day of April, 1994, before me personally came Stuart J. Wilson, to me personally known, who being by me duly sworn, did depose and say that he resides in the Town of Amherst, New York; 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.

Kevin G. Schenk
Notary Public

KEVIN G. SCHENK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 28, 1995

DRAINAGE EASEMENT

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11 and Range 7 of the Holland Land Company's Survey and described as follows:

A strip of land fifteen (15) feet in width, the easterly line of which is the easterly line of the Property, the westerly line of which is a line parallel to and 15 feet westerly of the easterly line of the Property, the southerly line of which is the southerly line of the Property, and the northerly line of which is the northerly line of the Property.

Notes:

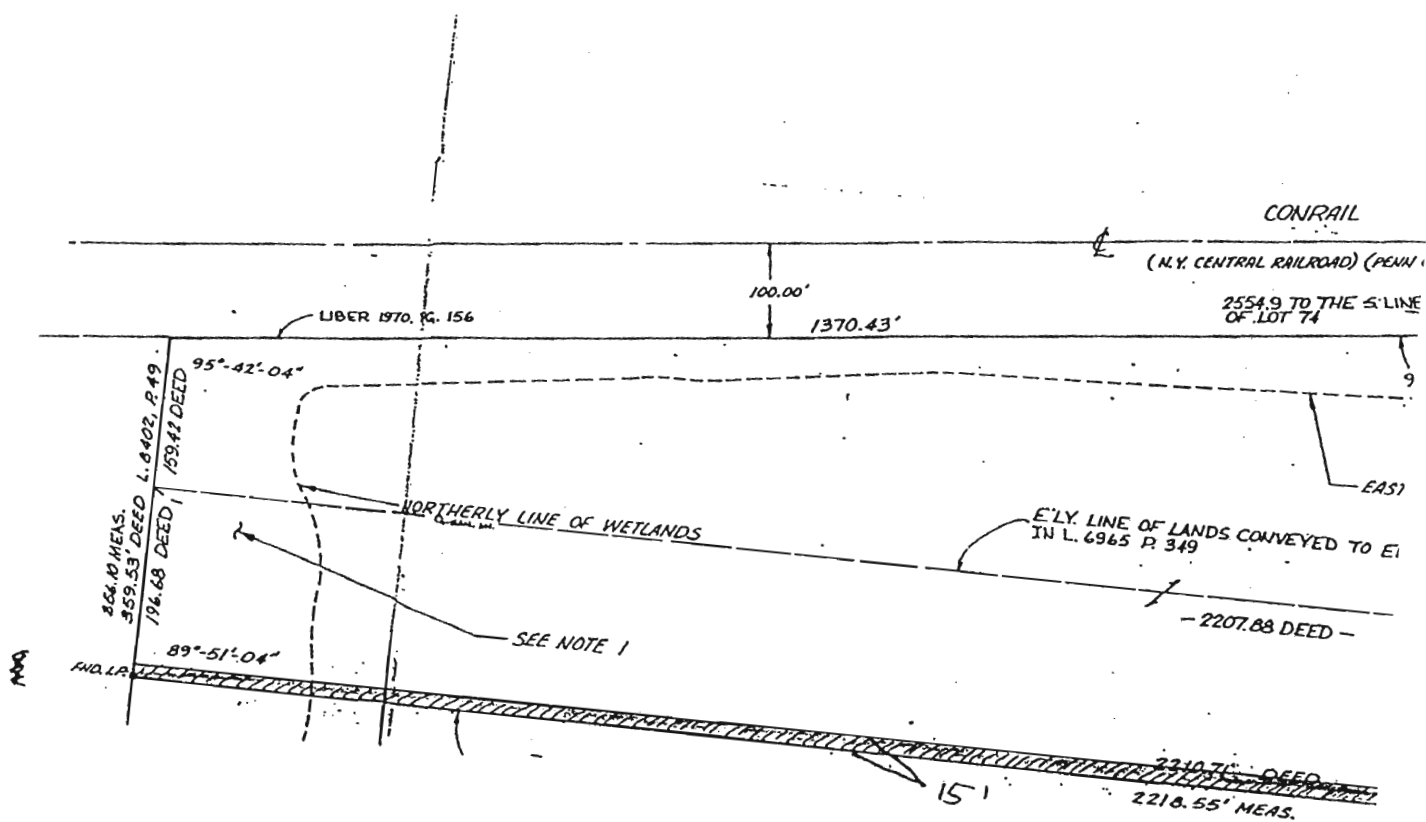
The Property burdened by the above described easement is defined as follows:

PROPERTY

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11, Range 7 of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the southerly line of said Lot Number 74, where the same is intersected by the easterly line of the parcel of land described and designated as Parcel No. 3 in Deed from New York State Realty and Terminal Company, predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the clerk of the said County of Erie in Liber 1970 of Deeds at Page 156; and running thence northerly along the easterly line of that parcel of land described and designated Parcel No. 3 in said Deed dated and recorded as aforesaid, said line is also being the westerly line of lands described in a Deed to Lawrence Reger and others as Trustees, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at Page 233, 1184.47 feet to the northwest corner of said lands conveyed to Reger and others as Trustees, said point being the principal point or place of beginning; thence northerly 1370.43 feet along the east line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly continuing along the easterly line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company, dated and recorded as aforesaid, 844.82 feet to the northeasterly corner of said parcel, said point being on the northerly line of Lot Number 74; thence easterly along the northerly line of Lot Number 74, 540.76 feet to the easterly line

of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at Page 472; thence southerly along the east line of the aforesaid lands conveyed to Louis Maigret by Deed recorded as aforesaid, 2218.55 feet to the north line of the Village of Depew; thence westerly along the north line of said Village of Depew and along north line of lands conveyed to Lawrence Reger and others as Trustees, by Deed recorded as aforesaid, 356.10 feet to the principal point or place of beginning.



NOT TO SCALE

DRAINAGE EA:
SCHEDULE B

MEETING NO. 9
May 2, 1994

Item No. 27 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz to adjourn this meeting in memory of Cynthia Howlett, wife of Captain John Howlett.

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 May, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings 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 of Planning Board; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Kenneth Kopacz, Director of Youth and Recreational Services Department; Bruce Chamberlin, Chief of Police;

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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Main Road

William Street
William Street

Side Road

Starlite Avenue
Laura Court

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

II. RESOLUTIONS

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

WHEREAS, by resolution dated April 18, 1994, this Town Board adopted rules of procedure to be followed at Town Board meetings, and

Item No. 3 cont'd

WHEREAS, as part of such resolution, a public comment period was established at the beginning of each regularly scheduled Town Board meeting for the purpose of discussing items appearing on the agenda of such Town Board meeting, and

WHEREAS, this Board realizes that the public may wish to comment on other matters pertaining to Town business at the Town Board meetings and wishes to allow them an opportunity to do so, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes a general public comment period, to be placed on the agenda of regularly scheduled Town Board meetings as follows:

- general public comment shall begin after the Town Clerk has finished informing the Town Board of "General Communications" on the agenda, and prior to "Supervisor's Comments"
- general public comment period shall last 15 minutes maximum
- each speaker may speak only once
- each speaker will be limited to a maximum of 3 minutes speaking time
- items discussed during general public comment period shall be limited and restricted to items pertaining to Town business

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 4 Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, this Town Board held a public hearing(s) on May 2, 1994 and May 16, 1994 at 7:00 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 hearings being held in accordance with Notices thereof which were duly published as required by law, at which hearings 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

ARTICLE X shall be amended by adding thereto the following section:

§76-107 Do not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Item No. 4 cont'd

Main Road

William Street
William Street
William Street
William Street
William Street
William Street

Side Road

Raymond Avenue
Vern Lane
Ceil Drive
Tamarck Court
Starlite Avenue
Laura Court

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of May, 1994 at 7:00 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 Councilman Blachowski

WHEREAS, this Town Board held public hearings on May 2, 1994 and May 16, 1994 at 7:00 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 hearings being held in accordance with Notices thereof where were duly published as required by law, at which hearings 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

ARTICLE X shall be amended by adding thereto the following section:

76-107 Do Not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Main Road	Side Road
William Street	Raymond Avenue
William Street	Vern Lane
William Street	Ceil Drive
William Street	Tamarck Court
William Street	Starlite Avenue
William Street	Laura Court

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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 May 1994, 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 No. 4, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of May 1994.

Richard M. Moleski
Town Clerk

PUBLISH: May 19, 1994

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 for weeks:
first publication.....May..19,..1994..... ;
last publication.....May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day ofMay....., 19..94...

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 12/11/95

LEGAL NOTICE

EXTRACTS FROM MINUTES
OF CHEEKTOWAGA TOWN
BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 16th day of May, 1994 at 7:00 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 Councilman Blachowski WHEREAS, this Town Board held public hearings on May 2, 1994 and May 16, 1994 at 7:00 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 hearings being held in accordance with Notices thereof where were duly published as required by law, at which hearings 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

ARTICLE X shall be amended by adding thereto the following section:

76-107 Do Not Block Side Road

The stopping or standing of vehicles resulting in the blocking of access to the following side roads from the following main roads shall be prohibited:

Main Road	Side Road
William Street	Raymond Avenue
William Street	Vern Lane
William Street	Cecil Drive
William Street	Tamarack Court
William Street	Starlite Avenue
William Street	Laura Court

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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 May 1994, 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 No. 4 inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 16th day of May 1994.

Richard M. Moleski
Town Clerk

PUBLISH: May 19, 1994

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 for weeks:
first publication.....May..19,..1994.....;
last publication.....May..19,..1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day ofMay....., 19..94..

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 12/11/95

Item No. 5a Motion by Councilman Johnson, Seconded by Councilman Jaworowicz
Order calling for Public Hearing - Sonwil Drive - Petition for Street
Improvement

*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.....May..19,..1994..... ;
last publication.....May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day ofMay....., 19..94...

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 5

PARCEL 1

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company, by deed dated October 17, 1923, recorded in the Erie County Clerk's Office in Liber 1689 of Deeds at page 306, distant southerly one hundred seventeen and eight tenths (117.8) feet as measured along the same from the northeasterly corner thereof and running thence southwesterly by a curved line convex to the northwest drawn with a radius of two thousand one hundred sixty-eight and fifty-one hundredths (2168.51) feet concentric with the center line of the former double track connection between the West Shore Railroad and the main line of The New York Central Railroad, three hundred and five tenths (300.5) feet more or less, to a point of compound curvature; thence southwesterly and southerly by a curved line convex to the northwest and west drawn with a radius of one thousand six hundred thirty-nine and sixty-eight hundredths (1639.68) feet, one thousand four hundred thirty-eight and five tenths (1438.5) feet, more or less, to a point of tangency; thence southerly tangent to the last described course, six hundred fifty-one and seven tenths (651.7) feet, more or less, to the southerly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company by deed dated and recorded as aforesaid; thence easterly along the southerly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company by deed dated and recorded as aforesaid, six hundred eighty-four and four tenths (684.4) feet to the southeasterly corner thereof; thence northerly along the easterly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company by deed dated and recorded as aforesaid, two thousand one hundred fifty-four and two tenths (2154.2) feet to the point and place of beginning; containing twenty-nine and three hundredths (29.03) acres of land, more or less.

PARCEL 2

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at the most northeasterly corner of that parcel of land conveyed by New York State Realty and Terminal Company to Sonwil Distribution Center Inc. by deed dated December 28, 1962 and recorded in Erie County Clerk's Office in Liber 6849 of Deeds at page 93; running thence southwesterly along a curve to the west, being the northwesterly line of that parcel of land conveyed by deed aforesaid eight hundred forty-five (845) feet to a point therein; thence westerly along the westerly prolongation of a line drawn radially to the last preceding course one hundred (100) feet; thence northeasterly along a curve to the right drawn concentric with and at all points distant northwesterly one hundred (100) feet from the course herein above firstly described nine hundred sixty-five (965) feet more or less to a point in the northerly prolongation of the easterly line of that parcel of land conveyed by deed aforesaid; thence southerly along the northerly prolongation of the easterly line of that parcel of land conveyed by deed aforesaid one hundred seventeen and eight tenths (117.8) feet more or less to the point and place of beginning, containing two and one tenth (2.1) acres of land, more or less.

PARCEL 3

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the center line of Genesee Street 257.85 feet westerly from the northeast corner of lands conveyed by Christina Sugg to Jacob Sugg by deed recorded in the Erie County Clerk's Office in Liber 452 of Deeds at page 389, as measured along the center line of Genesee Street; running thence westerly along the center line of Genesee Street 60 feet to a point; running thence southerly parallel with the west line of said Lot No. 77, 206 feet to the northerly line of the West Shore Railroad Company's land; running thence northeasterly along the northerly line of the West Shore Railroad Company's land 66.26 feet to a point which would be intersected by a line drawn southerly through the point of beginning parallel with the west line of said Lot No. 77; running thence northerly parallel with the west line of said Lot No. 77, 189.29 feet to the point of beginning.

PARCEL 4

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11, Range 7 of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the southerly line of said Lot Number 74, where the same is intersected by the easterly line of the parcel of land described and designated as Parcel No. 3 in Deed from New York State Realty and Terminal Company, predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the Clerk of the said County of Erie in Liber 1970 of Deeds at Page 156; and running thence northerly along the easterly line of that parcel of land described and designated Parcel No. 3 in said Deed dated and recorded as aforesaid, said line is also being the westerly line of lands described in a Deed to Lawrence Reger and others as Trustees, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at Page 233, 1184.47 feet to the northwest corner of said lands conveyed to Reger and others as Trustees, said point being the principal point or place of beginning; thence northerly 1370.43 feet along the east line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly, continuing along the easterly line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company, dated and recorded as aforesaid, 844.82 feet to the northeasterly corner of said parcel, said point being on the northerly line of Lot Number 74; thence easterly along the northerly line of Lot Number 74, 340.76 feet to the easterly line of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at Page 472; thence southerly along the east line of the aforesaid lands conveyed to Louis Maigret by Deed recorded as aforesaid, 2218.55 feet to the north line of the Village of Depew; thence westerly along the north line of said Village of Depew and along north line of lands conveyed to Lawrence Reger and others as Trustees, by Deed recorded as aforesaid, 356.10 feet to the principal point or place of beginning.

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 16th day of May, 1994.

PRESENT:

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

In the Matter
of the

Petition of the Owner of the Real Property Fronting Upon One Side of a Proposed Street or Highway for the Improvement Thereof by the Construction of Permanent Paving and Curbing pursuant to Section 200 of the Town Law.

ORDER CALLING PUBLIC HEARING JUNE 6, 1994

WHEREAS, a petition dated May 3, 1994, was filed with the Town Board of the Town of Cheektowaga (the "Town Board" and "Town", respectively), in the County of Erie, New York, on May 5, 1994, pursuant to Section 200 of the Town Law of the State of New York, for the improvement and extension of Sonwil Drive, in the Town, by the construction of a 34-foot wide pavement, with subbase course, base course, binder course and top course surface, to wit: an asphaltic concrete pavement, including related drainage improvements, pursuant to certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such improvements to be constructed according to the specifications of the Town Highway Department and to be maintained as a public highway; and

WHEREAS, there are no resident owners residing in or along the proposed street or highway described above; and

WHEREAS, the proposed improvement will serve the property on only one side of the said street or highway described above; and

WHEREAS, the petition was signed by the owner of real property fronting or abutting upon the side of the said proposed street or highway to the extent of a least one-half of the entire frontage on such side of said proposed street or highway; and

WHEREAS, the petition was acknowledged or proved by the signer thereof in the same manner as a deed to be recorded and stated the maximum amount proposed to be expended for the improvement; and

WHEREAS, the area benefited by said improvement is more particularly bounded and described as follows;

DESCRIPTION OF AREA BENEFITED

PETITION FOR STREET IMPROVEMENT

WHEREAS, the improvements to said proposed street or highway consist of the construction of a 34-foot wide pavement, with subbase course, base course, binder course and to course surface, to wit: an asphaltic concrete pavement, including related drainage improvements, all in accordance with the map and plan prepared therefor by Nussbaumer & Clarke Inc., P.E., competent engineers duly licensed by the State of New York which map and plan is on file in the office of the Town Clerk of the Town for public examination; and

WHEREAS, the maximum amount proposed to be expended for the improvement of said proposed street or highway as stated in the petition is \$225,000; and

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

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in the Town, on 6th day of June, 1994, at 7:00 o'clock P.M. (Prevailing Time) to consider said petition 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, a newspaper having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and in at least five (5) conspicuous public places along the said street or highway proposed to be improved, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing aforesaid.

DATED: May 16, 1994

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

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

Members of the Town Board of the Town of Cheektowaga

STATE OF NEW YORK COUNTY OF ERIE

I, Richard Moleski, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 16th day of May, 1994, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 16th day of May, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: May 19, 1994

5.00
ks unless cancelled
is 5 p.m. Tuesday.

WHEREAS, the improvements to
said proposed street or highway con-

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.....May..19,..1994..... ;
last publication.....May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day ofMay....., 19..94...

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 12/11/95

\$50,000 in 3 months financing
Salmon, also Construction, Can-
ery, Oil Fields and more!! For
immediate response call 1-504-

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 16th day of May, 1994.

PRESENT:

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

In the Matter
of the

Petition of the Owner of the Real Property Fronting Upon One Side of a Proposed Street or Highway for the Improvement Thereof by the Construction of Permanent Paving and Curbing pursuant to Section 200 of the Town Law.

ORDER CALLING PUBLIC HEARING JUNE 6, 1994

WHEREAS, a petition dated May 3, 1994, was filed with the Town Board of the Town of Cheektowaga (the "Town Board" and "Town", respectively), in the County of Erie, New York, on May 5, 1994, pursuant to Section 200 of the Town Law of the State of New York, for the improvement and extension of Sonwil Drive, in the Town, by the construction of a 34-foot wide pavement, with subbase course, base course, binder course and top course surface, to wit: an asphaltic concrete pavement, including related drainage improvements, pursuant to certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such improvements to be constructed according to the specifications of the Town Highway Department and to be maintained as a public highway; and

WHEREAS, there are no resident owners residing in or along the proposed street or highway described above; and

WHEREAS, the proposed improvement will serve the property on only one side of the said street or highway described above; and

WHEREAS, the petition was signed by the owner of real property fronting or abutting upon the side of the said proposed street or highway to the extent of a least one-half of the entire frontage on such side of said proposed street or highway; and

WHEREAS, the petition was acknowledged or proved by the signer thereof in the same manner as a deed to be recorded and stated the maximum amount proposed to be expended for the improvement; and

WHEREAS, the area benefited by said improvement is more particularly bounded and described as follows:

DESCRIPTION OF AREA BENEFITED

PETITION FOR STREET IMPROVEMENT

PARCEL 1

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the easterly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company, by deed dated October 17, 1923, recorded in the Erie County Clerk's Office in Liber 1689 of Deeds at page 106, distant southerly one hundred seventeen and eight tenths (117.8) feet as measured along the same from the northeasterly corner thereof and running thence southwesterly by a curved line convex to the northwest drawn with a radius of two thousand one hundred sixty-eight and fifty-one hundredths (2168.51) feet concentric with the center line of the former double track connection between the West Shore Railroad and the main line of The New York Central Railroad, three hundred and five tenths (300.5) feet more or less, to a point of compound curvature; thence southwesterly and southerly by a curved line convex to the northwest and west drawn with a radius of one thousand six hundred thirty-nine and sixty-eight hundredths (1639.68) feet, one thousand four hundred thirty-eight and five tenths (1438.5) feet, more or less, to a point of tangency; thence southerly tangent to the last described course, six hundred fifty-one and seven tenths (651.7) feet, more or less, to the southerly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company by deed dated and recorded as aforesaid; thence easterly along the southerly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company by deed dated and recorded as aforesaid, six hundred eighty-four and four tenths (684.4) feet to the southeasterly corner thereof; thence northerly along the easterly line of that parcel of land conveyed by George Sugg to New York State Realty and Terminal Company by deed dated and recorded as aforesaid, two thousand one hundred fifty-four and two tenths (2154.2) feet to the point and place of beginning; containing twenty-nine and three hundredths (29.03) acres of land, more or less.

PARCEL 2

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at the most northeasterly corner of that parcel of land conveyed by New York State Realty and Terminal Company to Sonwil Distribution Center Inc. by deed dated December 28, 1962 and recorded in Erie County Clerk's Office in Liber 6849 of Deeds at page 93; running thence southwesterly along a curve to the west, being the northwesterly line of that parcel of land conveyed by deed aforesaid eight hundred forty-five (845) feet to a point therein; thence westerly along the westerly prolongation of a line drawn radially to the last preceding course one hundred (100) feet; thence northeasterly along a curve to the right drawn concentric with and at all points distant northwesterly one hundred (100) feet from the course herein above firstly described nine hundred sixty-five (965) feet more or less to a point in the northerly prolongation of the easterly line of that parcel of land conveyed by deed aforesaid; thence southerly along the northerly prolongation of the easterly line of that parcel of land conveyed by deed aforesaid one hundred seventeen and eight tenths (117.8) feet more or less to the point and place of beginning, containing two and one tenth (2.1) acres of land, more or less.

PARCEL 3

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 77, Township 11, Range 7 of the Holland Land Company's Survey and being more particularly bounded and described as follows:

BEGINNING at a point in the center line of Genesee Street 257.85 feet westerly from the northeast corner of lands conveyed by Christina Sugg to Jacob Sugg by deed recorded in the Erie County Clerk's Office in Liber 452 of Deeds at page 389, as measured along the center line of Genesee Street; running thence westerly along the center line of Genesee Street 60 feet to a point; running thence southerly parallel with the west line of said Lot No. 77, 206 feet to the northerly line of the West Shore Railroad Company's land; running thence northeasterly along the northerly line of the West Shore Railroad Company's land 66.26 feet to a point which would be intersected by a line drawn southerly through the point of beginning parallel with the west line of said Lot No. 77; running thence northerly parallel with the west line of said Lot No. 77, 189.29 feet to the point of beginning.

PARCEL 4

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11, Range 7 of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the southerly line of said Lot Number 74, where the same is intersected by the easterly line of the parcel of land described and designated as Parcel No. 3 in Deed from New York State Realty and Terminal Company, predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the Clerk of the said County of Erie in Liber 1970 of Deeds at Page 156; and running thence northerly along the easterly line of that parcel of land described and designated Parcel No. 3 in said Deed dated and recorded as aforesaid, said line is also being the westerly line of lands described in a Deed to Lawrence Reger and others as Trustees, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at Page 233, 1184.47 feet to the northwest corner of said lands conveyed to Reger and others as Trustees, said point being the principal point or place of beginning; thence northerly 1370.43 feet along the east line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly, continuing along the easterly line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company, dated and recorded as aforesaid, 844.82 feet to the northeasterly corner of said parcel, said point being on the northerly line of Lot Number 74; thence easterly along the northerly line of Lot Number 74, 340.76 feet to the easterly line of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at Page 472; thence southerly along the east line of the aforesaid lands conveyed to Louis Maigret by Deed recorded as aforesaid, 2218.53 feet to the north line of the Village of Depew; thence westerly along the north line of said Village of Depew and along north line of lands conveyed to Lawrence Reger and others as Trustees, by Deed recorded as aforesaid, 356.10 feet to the principal point or place of beginning.

WHEREAS, the improvements to said proposed street or highway consist of the construction of a 34-foot wide pavement, with subbase course, base course, binder course and top course surface, to wit: an asphaltic concrete pavement, including related drainage improvements, all in accordance with the map and plan prepared therefor by Nussbaumer & Clarke, Inc., P.E., competent engineers duly licensed by the State of New York, which map and plan is on file in the office of the Town Clerk of the Town for public examination; and

WHEREAS, the maximum amount proposed to be expended for the improvement of said proposed street or highway as stated in the petition is \$225,000; and

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

Now, therefore, be it ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in the Town, on 6th day of June, 1994, at 7:00 o'clock P.M. (Prevailing Time) to consider said petition 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, a newspaper having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and post conspicuously on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and in at least five (5) conspicuous public places along the said street or highway proposed to be improved, a copy of this Order certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the day designated herein for said public hearing aforesaid.

DATED: May 16, 1994

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

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

Members of the Town Board of the Town of Cheektowaga

STATE OF NEW YORK COUNTY OF ERIE

I, Richard Moleski, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 16th day of May, 1994, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 16th day of May, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: May 19, 1994

Item No. 5b Motion by Councilman Johnson, Seconded by Councilman Jaworowicz
Order Calling for Public Hearing - Sonwil Drive - Petition for
lateral sewers

*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.....May..19,..1994..... ;
last publication.....May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza.....

Sworn to before me this19th.....

day ofMay....., 19..94..

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 12/11/95

LEGAL NOTICE

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 16th day of May, 1994.

PRESENT:

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

In the Matter
of the

Petition of the Owner of at least one-half of the Real Property Fronting Upon One Side of a Street or Highway for the Construction of Lateral Sewer Mains Along Such Street or Highway pursuant to Section 199 of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON JUNE 6, 1994

WHEREAS, a petition dated May 5, 1994, was filed with the Town Board of the Town of Cheektowaga (the "Town Board" and "Town", respectively), in the County of Erie, New York, on May 5, 1994, pursuant to Section 199 of the Town Law of the State of New York, for the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide an extension of Sonwil Drive, within the Town, as set forth in the Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such lateral sewer mains to be constructed according to the specifications of the Town; and

WHEREAS, said proposed street or highway in or along which the said lateral sewer mains are to be constructed is situate within the Cheektowaga Sewer District No. 8 in the Town (herein called "District"), a sewer district heretofore established by the Town Board of the Town and in which a trunk system of sewer mains has been heretofore constructed; and

WHEREAS, the expense of establishing the District and of providing improvements therefor must be apportioned and assessed, pursuant to Section 202 of the Town Law, upon the several lots or parcels of land deemed benefited, in proportion to the amount of benefit which the improvement confers upon the same; and

WHEREAS, there are no resident owners residing in or along the proposed street or highway described above; and

WHEREAS, the proposed improvement will serve the property on only one side of the said street or highway; and

WHEREAS, the petition was signed by the owner of real property fronting or abutting upon the side of the said proposed street or highway to the extent of at least one-half of the entire frontage on such side of said proposed street or highway; and

WHEREAS, the petition was acknowledged or proved by the signer thereof in the same manner as a deed to be recorded and stated the maximum amount proposed to be expended for the improvement; and

WHEREAS, the area benefited by said improvement is more particularly bounded and described as follows;

DESCRIPTION OF AREA BENEFITED PETITION FOR LATERAL SEWER

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11, Range 7 of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the southerly line of said Lot Number 74, where the same is intersected by the easterly line of the parcel of land described and designated as Parcel No. 3 in Deed from New York State Realty and Terminal Company, predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the Clerk of the said County of Erie in Liber 1970 of Deeds at Page 156; and running thence northerly along the easterly line of that parcel of land described and designated Parcel No. 3 in said Deed dated and recorded as aforesaid, said line is also being the westerly line of lands described in a Deed to Lawrence Reger and others as Trustees, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at Page 233, 1184.47 feet to the north-west corner of said lands conveyed to Reger and others as Trustees, said point being the principal point or place of beginning; thence northerly 1370.43 feet along the east line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly, continuing along the easterly line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company, dated and recorded as aforesaid, 844.82 feet to the northeasterly corner of said parcel, said point being on the northerly line of Lot Number 74; thence easterly along the northerly line of Lot Number 74, 340.76 feet to the easterly line of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at Page 472; thence southerly along the east line of the aforesaid lands conveyed to Louis Maigret by Deed recorded as aforesaid, 2218.55 feet to the north line of the Village of Depew; thence westerly along the north line of said Village of Depew and along north line of lands conveyed to Lawrence Reger and others as Trustees, by Deed recorded as aforesaid, 356.10 feet to the principal point or place of beginning.

WHEREAS, said improvement consists of the construction and installation of approximately 1958 linear feet of 8", 10" or 12" sewer mains along one side of said proposed street or highway, and also including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, all in accordance with the map, plan and report prepared therefor by Nussbaumer & Clarke, Inc., P.E., competent engineers duly licensed by the State of New York, which map, plan and report is on file in the office of the Town Clerk of the Town for public examination; and

WHEREAS, the maximum amount proposed to be expended for the construction of said lateral sewer mains as stated in the petition is \$160,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in the Town, on the 6th day of June, 1994 at 7:00 o'clock P.M. (Prevailing Time) to consider said petition 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 having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: MAY 16, 1994

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

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

Members of the Town Board of the Town of Cheektowaga

STATE OF NEW YORK COUNTY OF ERIE

I, Richard Moleski, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 16th day of May, 1994, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 16th day of May, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: May 19, 1994....

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 for weeks;
first publication.....May..19,..1994..... ;
last publication.....May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day ofMay....., 19..94...

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

LEGAL NOTICE

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PRESENT:

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

In the Matter
of the

Petition of the Owner of at least one-half of the Real Property Fronting Upon One Side of a Street or Highway for the Construction of Lateral Sewer Mains Along Such Street or Highway pursuant to Section 199 of the Town Law.

ORDER CALLING PUBLIC HEARING TO BE HELD ON JUNE 6, 1994

WHEREAS, a petition dated May 5, 1994, was filed with the Town Board of the Town of Cheektowaga (the "Town Board" and "Town", respectively), in the County of Erie, New York, on May 5, 1994, pursuant to Section 199 of the Town Law of the State of New York, for the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide an extension of Sonwil Drive, within the Town, as set forth in the Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such lateral sewer mains to be constructed according to the specifications of the Town; and

WHEREAS, said proposed street or highway in or along which the said lateral sewer mains are to be constructed is situated within the Cheektowaga Sewer District No. 8 in the Town (herein called "District"), a sewer district heretofore established by the Town Board of the Town and in which a trunk system of sewer mains has been heretofore constructed; and

WHEREAS, the expense of establishing the District and of providing improvements therefor must be apportioned and assessed, pursuant to Section 202 of the Town Law, upon the several lots or parcels of land deemed benefited, in proportion to the amount of benefit which the improvement confers upon the same; and

WHEREAS, there are no resident owners residing in or along the proposed street or highway described above; and

WHEREAS, the proposed improvement will serve the property on only one side of the said street or highway; and

WHEREAS, the petition was signed by the owner of real property fronting or abutting upon the side of the said proposed street or highway to the extent of at least one-half of the entire frontage on such side of said proposed street or highway; and

WHEREAS, the petition was acknowledged or proved by the signer thereof in the same manner as a deed to be recorded and stated the maximum amount proposed to be expended for the improvement; and

WHEREAS, the area benefited by said improvement is more particularly bounded and described as follows:

DESCRIPTION OF AREA BENEFITED PETITION FOR LATERAL SEWER

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 74, Township 11, Range 7 of the Holland Land Company's Survey and described as follows:

BEGINNING at a point in the southerly line of said Lot Number 74, where the same is intersected by the easterly line of the parcel of land described and designated as Parcel No. 3 in Deed from New York State Realty and Terminal Company, predecessor of the Grantor, to the New York Central Railroad Company, dated December 24, 1927, recorded in the Office of the Clerk of the said County of Erie in Liber 1970 of Deeds at Page 156; and running thence northerly along the easterly line of that parcel of land described and designated Parcel No. 3 in said Deed dated and recorded as aforesaid, said line is also being the westerly line of lands described in a Deed to Lawrence Reger and others as Trustees, recorded in the Erie County Clerk's Office in Liber 7438 of Deeds at Page 233, 1184.47 feet to the northwest corner of said lands conveyed to Reger and others as Trustees, said point being the principal point or place of beginning; thence northerly 1370.43 feet along the east line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company to a jog or offset therein; thence easterly and at right angles to the last course along said jog or offset, 30 feet; thence northerly, continuing along the easterly line of said parcel of land described and designated as Parcel No. 3 in the aforesaid Deed to New York Central Railroad Company, dated and recorded as aforesaid, 844.82 feet to the northeasterly corner of said parcel, said point being on the northerly line of Lot Number 74; thence easterly along the northerly line of Lot Number 74, 540.76 feet to the easterly line of lands conveyed to Louis Maigret by Deed recorded in Erie County Clerk's Office in Liber 93 of Deeds at Page 472; thence southerly along the east line of the aforesaid lands conveyed to Louis Maigret by Deed recorded as aforesaid, 2218.55 feet to the north line of the Village of Depew; thence westerly along the north line of said Village of Depew and along north line of lands conveyed to Lawrence Reger and others as Trustees, by Deed recorded as aforesaid, 356.10 feet to the principal point or place of beginning.

WHEREAS, said improvement consists of the construction and installation of approximately 1958 linear feet of 8", 10" or 12" sewer mains along one side of said proposed street or highway, and also including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, all in accordance with the map, plan and report prepared therefor by Nussbaumer & Clarke, Inc., P.E., competent engineers duly licensed by the State of New York, which map, plan and report is on file in the office of the Town Clerk of the Town for public examination; and

WHEREAS, the maximum amount proposed to be expended for the construction of said lateral sewer mains as stated in the petition is \$160,000;

Now, therefore, be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, Broadway and Union Road, Cheektowaga, New York, in the Town, on the 6th day of June, 1994 at 7:00 o'clock P.M. (Prevailing Time) to consider said petition 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 having a general circulation in the Town, and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: MAY 16, 1994

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

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

Members of the Town Board of the Town of Cheektowaga

STATE OF NEW YORK COUNTY OF ERIE

I, Richard Moleski, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Public Hearing with the original thereof filed in my office on the 16th day of May, 1994, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 16th day of May, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: May 19, 1994

Item No. 6 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, the Cheektowaga Traffic Safety Commission has recommended that the Vehicle and Traffic regulations of the Town be amended, NOW, THEREFORE, 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 June 6, 1994 at 7:00 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 May, 1994, said amendments being set forth in the Notice of Hearing.

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on June 6, 1994 at 7:00 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 of the traffic ordinance shall be amended by deleting therefrom the following:

C. No parking here to corner

WOODELL AVENUE east side from the north curblin of Walden
Avenue northerly 62+ feet to a
point

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE east side from the north curblin of Walden
Avenue northerly 40 feet to a point

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

Dated: May 16, 1994

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
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 June 6, 1994 at 7:00 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 of the traffic ordinance shall be amended by deleting therefrom the following:

C. No parking here to corner

WOODELL AVENUE: east side: from the north curbline of Walden Avenue northerly 62 +/- feet to a point

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE: east side: from the north curbline of Walden Avenue northerly 40 feet to a point

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

Dated: May 16, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 19, 1994

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 for weeks:
first publication..... May..19,..1994..... ;
last publication..... May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day of May....., 19..94...

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 12/11/95

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 June 6, 1994 at 7:00 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:

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

Dated: May 16, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: May 19, 1994

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 for weeks:
first publication.....May..19,..1994..... ;
last publication.....May..19,..1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this19th.....

day ofMay....., 19..94...

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 12/11/95

May 16, 1994

Item No. 7 Motion by Councilman Wielinski, Seconded by Unanimous

WHEREAS, some 10 years ago the New York Legislature enacted special legislation authorizing an increase in the sales tax in the County of Erie, New York from 7% to 8%, and

WHEREAS, all revenues generated by the aforesaid 1% increase in the sales tax have not been shared with the various local municipalities within the County, but instead have been used exclusively by and for the County of Erie, and, in addition, the County of Erie has projected a budget surplus of more than 4 million dollars for the current fiscal year, and

WHEREAS, since the 8% sales tax has been in effect for the past 10 years and since it appears that it will have to be continued indefinitely, this Town Board feels that the 8% sales tax should be made permanent, and

WHEREAS, this Town Board believes that the Town of Cheektowaga should share in the revenues resulting from the additional one percent (1%) sales tax in the same proportion as it shares in the seven percent (7%) sales tax or, in the alternative, receive a revenue disbursement from the County in an amount commensurate with our requested proportionate share of the additional one percent (1%) sales tax, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the County of Erie to take whatever action it deems necessary to make the 8% sales tax permanent, and BE IT FURTHER

RESOLVED, that this Town Board hereby requests Erie County to distribute to the Town our share, as listed above, of the additional one percent (1%) sales tax, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward certified copies of this resolution to County Executive Dennis T. Gorski, County Legislators Gregory B. Olma, Raymond Dusza, William A. Pauly and Michael H. Ranzenhofer; State Senator William Stachowski, State Assemblyman Paul A. Tokasz; and the Clerks of the various municipalities in Erie County.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, this Town Board previously approved a site plan for a development on the corner of Transit Road and Losson Road (a/k/a Wegmans Plaza), and

WHEREAS, as part of the Wegmans Plaza development, a traffic signal has been proposed by Wegmans along Transit Road at the entrance/exit driveway, and

WHEREAS, a traffic analysis performed on behalf of Wegmans Food Markets, Inc. forecast that a traffic signal is warranted on Transit Road at the Wegmans Plaza driveway, and that such signal shall be installed prior to the opening of the Wegmans Plaza, and

WHEREAS, review of the Wegmans traffic analysis by the Town's traffic consultant has shown that the traffic signal shall be installed prior to the opening of the Wegmans Plaza, and

WHEREAS, the New York State Department of Transportation ("DOT") maintains and issues traffic signal permits for Transit Road, a State highway; and is currently debating whether to install the signal prior to the opening of the Wegmans Plaza, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the DOT to issue a traffic signal permit to Wegmans Food Markets, Inc. for a traffic signal on Transit Road at the entrance/exit driveway prior to the opening of the Wegmans Plaza, and BE IT FURTHER

Item No. 8 cont'd

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the DOT.

Upon Roll Call....

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

Item No. 9 Motion by Supervisor Gabryszak, Seconded by Unanimous

WHEREAS, the Town of Cheektowaga which is one of the largest towns in New York State wishes to show its support for the Buffalo Bisons, and

WHEREAS, the Town will again sponsor Cheektowaga Day at the Buffalo Bisons on Thursday, July 21, 1994, and

WHEREAS, partial ticket proceeds will benefit C.A.P. (Cheektowaga Action Partnership), NOW, THEREFORE BE IT

RESOLVED, that Thursday, July 21, 1994 be proclaimed "Cheektowaga Day at the Buffalo Bisons", and BE IT FURTHER

RESOLVED, that all citizens of the Town of Cheektowaga are requested to show their support of the Town and the Buffalo Bisons and Cheektowaga Action Partnership (C.A.P.) and attend the game.

Upon Roll Call....

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

Item No. 10a Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, on or about the 21st day of October, 1991, Rae Hastings sustained certain personal injuries, when the automobile she was operating was in collision with a police vehicle owned by the Town and operated by police officer Roger P. McInsosh; and

WHEREAS, on or about the 13th day of January, 1993 a summons and complaint on the claim of Rae Hastings 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 the aforesaid lawsuit by payment of the sum of \$20,000.00, NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$20,000.00 be paid by the Town, from its self-insured liability claims fund, in full and final settlement of the aforesaid lawsuit of Rae Hastings, subject to the approval, if required, of the court wherein such lawsuit is pending; and BE IT FURTHER

RESOLVED, that attorneys from the lawfirm of Damon & Morey be and they hereby are authorized to execute and procure all papers 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. 10b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, on or about July 5, 1993, a 1992 Jeep Suburban vehicle (Plant number POLICE 9) was damaged when struck by an automobile owned and operated by Steven L. Cecchini; and

WHEREAS, at the time of the aforesaid accident, Steven L. Cecchini had property damage insurance coverage in the amount of \$10,000 with the Bankers & Shippers Insurance Company; and

WHEREAS, the total amount of the property damage sustained by the Town in the aforesaid accident (net \$12,473.12) exceeds the aforesaid policy limits of the insurance policy issued by the Bankers & Shippers Insurance Company; and

WHEREAS, Allied Claim Services, Inc., as the Liability Claims Administrator of the Town, has investigated the aforementioned matter; and, based upon such investigation, has recommended that the Town accept the policy amount of \$10,000 in settlement of the property damage sustained, NOW, THEREFORE, BE IT

RESOLVED, that the Town's claim for property damages sustained by reason of the negligence of Steven L. Cecchini, as aforesaid, be and the same is hereby settled and compromised upon receipt by the Town of the sum of \$10,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor or Town Attorney be and he 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. 11 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, J.C. Penney has requested to utilize John C. Stiglemeier Park on Sunday, June 26, 1994 to hold a walk-a-thon to benefit the United Way, and

WHEREAS, J.C. Penney has submitted to the Town the requisite insurance certificate naming the Town as co-insurer, to hold the Town harmless for any injuries, etc. which might occur to participants in this walk-a-thon, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby given to J.C. Penney to use Stiglmeier Park on Sunday, June 26, 1994 for a walk-a-thon to benefit the United Way provided the insurance certificate is acceptable to the Town Attorney and Town's Insurance Consultant.

Upon Roll Call....

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

Item No. 12a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Aquarius Diving Systems has requested the use of the Cheektowaga Recreation Center and Town Park pool to conduct scuba diving lessons during the summer months in 1994, and

WHEREAS, this arrangement permits the Department of Youth and Recreational Services to offer Scuba lessons at a discount to Town residents, and

Item No. 12a cont'd

WHEREAS, the Director of Youth and Recreational Services Department has reviewed the request to determine the availability of such Town facilities and has recommended approval contingent upon the signing of the attached agreement and payment of a \$925.00 rental fee to the town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached License Agreement with Aquarius Diving Systems.

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 16th day of May, 1994, by and between Aquarius Diving Systems, a corporation formed under the laws of the State of New York with offices at 8208 Main Street, Williamsville, New York 14221 (hereinafter referred to as "AQUARIUS DIVING SYSTEMS"; 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 (hereinafter referred to as the "TOWN").

WITNESSETH:

WHEREAS, the TOWN is the owner of the Cheektowaga Recreation Center and the Town Park Pool located at 2600 Harlem Road, Cheektowaga, New York, and

WHEREAS, AQUARIUS DIVING SYSTEMS wishes to utilize such recreation center and pool to conduct scuba lessons during the summer months in 1994,

NOW, THEREFORE, the parties hereby agree as follows:

1. Use of Town Park Recreation Center and Pool

Upon the terms and conditions set forth herein, the Town hereby grants AQUARIUS DIVING SYSTEMS the right to use, for scuba lessons, a classroom in the Cheektowaga Recreation Center and the Town Park Pool as follows:

Tuesdays, Wednesdays and Thursdays
From June 28, 1994-August 25, 1994
Classroom Hours: 6:30 p.m. - 7:30 p.m.
Pool Hours: 7:30 p.m. - 9:45 p.m.

2. Town Services Provided

The Town shall provide a Town employee to open and close the Cheektowaga Recreation Center and the Town Park Pool during the term of this Agreement. The TOWN shall provide one (1) lifeguard for AQUARIUS DIVING SYSTEMS and its patrons.

3. Parking

In conjunction with the permitted use of the Cheektowaga Recreation Center and the Town Park Pool, AQUARIUS DIVING SYSTEMS and its invitees shall have the right to use, in common with the TOWN, the parking areas near the Town Park Pool and the Cheektowaga Recreation Center.

4. Rental

In consideration of the TOWN allowing AQUARIUS DIVING SYSTEMS to use the Cheektowaga Recreation Center and Town Park Pool, AQUARIUS DIVING SYSTEMS agrees to remit the sum of \$925.00 to the Town, upon signing this Agreement.

5. Reduced Fees for Town Residents

In further consideration for the use of the Cheektowaga Recreation Center and Town Park Pool, AQUARIUS DIVING SYSTEMS agrees to charge Town residents a fee of \$100.00; non-residents, \$145.00 for scuba lessons. (Promotional consideration may decrease rates.)

6. Indemnity

AQUARIUS DIVING SYSTEMS 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 an act of omission or commission by AQUARIUS DIVING SYSTEMS, its agents, employees and invitees in connection with the use of the Cheektowaga Recreation Center and Town Park Pool.

7. Insurance

For the duration of this Agreement, AQUARIUS DIVING SYSTEMS shall maintain the following insurance in the following limits:

General Liability.....\$1,000,000 Each Occurrence
.....(Aggregate)

Workers CompensationStatutory

Employers Liability\$100,000 Each Accident

AQUARIUS DIVING SYSTEMS shall name the TOWN, its officers and employees as additional insured 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.

8. Assignment

AQUARIUS DIVING shall not assign its interest in this Agreement without the prior consent of the TOWN.

9. 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 the parties hereto.

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

AQUARIUS DIVING SYSTEMS



TOWN OF CHEEKTOWAGA



Dennis H. Gabryszak, Supervisor

Item No. 12b Motion by Councilman Rogowski, Seconded by Councilman Johnson

WHEREAS, the Town entered into an agreement with the State of New York through the Commissioner of Transportation dated February 15, 1994, entitled "Agreement in Connection with the Cost of Relocating Municipally Owned Facilities Maintained for Public Use (Subdivision 24, Section 10, of the Highway Law)" concerning the Harlem Road Reconstruction Project from McNaughton Avenue to Genesee Street, route 240PIN 5268.22.301, D254543, and

WHEREAS, said agreement provides for reimbursement to the Town in the amount of \$1,346.19 for luminaire unexpired life costs associated with the relocation of street lighting facilities necessitated by the highway reconstruction project within the Niagara Mohawk Service District, and

WHEREAS, as a condition of, and prior to, reimbursement by the State of New York of the funds expended by the Town for said work under said agreement, the Town is required to execute a General Release for the subject Municipal Agreement as submitted by the New York State Department of Transportation, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby directed, on behalf of this Town Board, to execute the General Release for the aforesaid Municipal Agreement so as to conclude the reimbursement process.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 12c Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Section 39 of the General Municipal Law of the State of New York requires local governments to adopt comprehensive investments 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 Chemical Bank, and

WHEREAS, Chemical Bank has drafted the following referenced agreement, which comply with the Town's Investment Guidelines:

1. Custodial Undertaking in Connection with Pledge and Assignment Agreement
2. Pledge and Assignment Agreement
3. Funds Transfer Agreement

and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements with Chemical Bank on behalf of the Town.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 12d Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga 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 Town of Cheektowaga, as lead agency for the Cheektowaga Action Partnership, applied for and received three grants over the past three years totaling \$1,502,776 from the United States Public Health Service, Center for Substance Abuse Prevention, Community Partnership Program, and

WHEREAS, the United States Public Health Service, Center for Substance Abuse Prevention is accepting refunding applications to continue the community Partnership Program grant period for a fourth year, and

WHEREAS, award of this refunding in the amount of \$549,282 will underwrite 100% of the costs associated with this program for the fourth year of its operation, 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 refunding this grant for the fourth program year, 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. 12e Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, Article 2-B of the Executive Law of the State of New York places the burden and responsibility on local governments to develop and implement disaster preparedness programs within their jurisdiction, and

WHEREAS, this Town Board has previously created a local office of disaster preparedness, appointed a Disaster Coordinator and approved various disaster preparedness plans within the Town, and

WHEREAS, to assist the Town with disaster preparedness planning and with other technical services in the event of the occurrence of disaster, the Town had retained Ecology and Environment, Inc., and

WHEREAS, the agreement with Ecology and Environment, Inc. has expired and this Town Board wishes to renew such agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Ecology and Environment, Inc., and BE IT FURTHER

RESOLVED, that the retainer program fee required by such agreement (\$4,000.00) shall be appropriated from budget line item number 0100-1220-1410.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT



ecology and environment, inc.

International Specialists in the Environment

BUFFALO CORPORATE CENTER

368 Pleasantview Drive, Lancaster, New York 14086

Tel: 716/684-8060, Fax: 716/684-0844

EMERGENCY RESPONSE SERVICES AGREEMENT

FOR

FIRST RESPONDERS TO HAZARDOUS MATERIALS INCIDENTS

April 7, 1994

Town of Cheektowaga
Broadway and Union Roads
Cheektowaga, NY 14225

Attn: Earl Loder

Re: Retainer Program Agreement to Engage Ecology and Environment, Inc.,
for Emergency Response Services, etc.

ERS Agreement No. _____

Dear Sir:

When executed by the TOWN OF CHEEKTOWAGA (hereinafter "Company") in the space provided for below, this Emergency Response Services Agreement (hereinafter "Agreement") will constitute Company's enrollment in the Ecology and Environment, Inc., (hereinafter "E & E") Subscription Program for emergency response services. Such enrollment grants an option to Company to engage E & E in connection with any emergency response, waste site cleanup, hazardous substance risk assessment, or similar occurrence posing the possibility of imminent harm to persons, property, or the environment arising during the term of this agreement. Such engagement by Company of E & E shall be at predetermined rates and terms.

E & E has represented that it offers services in the interrelated areas of emergency response, waste site cleanup, and hazardous substance risk assessment. E & E has also represented that it can quickly mobilize and deliver teams of skilled and experienced field personnel in each of these three areas, as well as related technical areas, to any location in the continental United States, and provide substantial support to Company's and/or E & E field personnel with in-house experts, medical and health monitoring, toxicology hotlines, technical capability, and equipment. E & E also has represented that its services can be provided in a technically sound yet cost-effective manner, with appropriate consideration for the health and safety of the public, cleanup personnel, and the environment. E & E also has represented that it can provide appropriate documentation and testimony with regard to services which it furnishes, in administrative or court proceedings, as may be requested by Company.

As a consequence, Company and E & E wish to establish a professional relationship at this time, and to agree upon certain general terms and conditions that will govern any services which Company may request E & E to perform.

In view of the foregoing, Company and E & E agree as follows:

1. Term and Territory

The term of this Agreement shall be one (1) year from the date of signature. Services to be provided shall be solely within the land areas and inland waterways of the continental United States. The term of this Agreement shall be automatically renewed for one or more one-year periods, upon the same terms and conditions (subject to increases in labor rates as may be communicated to Company on an annual basis and any other terms as may be mutually agreed upon in writing).

2. Retainer Program Fee

Company agrees to pay E & E, upon execution of this Agreement, a lump sum of \$4,000. The fee will be for one year.

3. Retainer Program Services

a. Payment of the fee will entitle Company, by its authorized representatives hereinafter identified, to have immediate telephone access to qualified E & E emergency response personnel and technical experts 24 hours a day, 365 days a year, for purposes of consultation with regard to any occurrence posing the possibility of imminent harm to persons, property, or the environment.

b. Payment also will entitle Company's authorized representatives hereinafter identified, to request E & E to provide such emergency response, waste site cleanup, hazardous substance risk assessment, or other similar technical services, as may be required, and to request E & E to rapidly mobilize and commit and hire the necessary personnel and equipment required all in accordance with the general terms and conditions annexed hereto, made a part hereof, and designated as Exhibit A. It is specifically understood and agreed that the making of this request for services by Company's authorized representatives commits Company to compensate and reimburse the expenses of E & E and/or any subcontractor, consultant, or vendor hired by E & E in connection with any work requested, in accordance with the terms of Exhibits A and B (as may be amended in accordance with Exhibit A, Paragraph 3.a).

c. E & E agrees to promptly and diligently provide the services set forth in Paragraphs 3.a and 3.b above in accordance with the terms of Exhibit A.

4. Company Representatives

Upon receipt of the retainer fee, E & E will issue Company an authorization number which, when Company provides the number, will authorize the commencement of work by E & E and commitment of personnel and resources.

Company shall designate individuals whom E & E will make an effort to contact to verify authorization. Any delays in contacting these individuals, however, will not reduce Company's obligation to pay E & E for services provided.

Company has designated the following individuals for verification:

<u>Name</u>	<u>Business Phone No. (Include Area Code)</u>	<u>Home Phone No. (Include Area Code)</u>
<u>Earl Loder</u>	<u>(716) 686-3465</u>	<u>(716) 896-8091</u>
<u>Dennis H. Gabryszak</u>	<u>(716) 686-3465</u>	<u>(716) 681-8549</u>
<u>Patricia A. Jaworowicz</u>	<u>(716) 686-3445</u>	<u>(716) 668-5906</u>

If this letter accurately sets forth our agreement, please have Company's authorized signatory execute the Agreement in the space provided below.

On behalf of E & E, I welcome you to our subscription program and look forward to a mutually rewarding professional relationship.

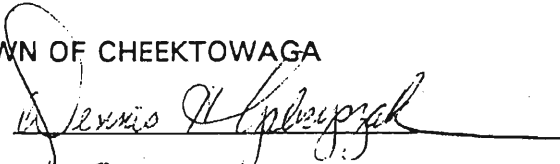
Very truly yours,

ECOLOGY AND ENVIRONMENT, INC.


Frank B. Silvestro
Executive Vice President

Accepted and agreed to this 16th day of May, 1994

TOWN OF CHEEKTOWAGA

By: 

Title: Supervisor

EXHIBIT A

Exhibit to Emergency Response Services Agreement (hereinafter "Agreement") between ECOLOGY AND ENVIRONMENT, INC., ("E & E"), and the TOWN OF CHEEKTOWAGA ("Company"), executed the 16th day of May, 1994

WHEREAS, Company's authorized representative has requested E & E to perform certain technical and consulting services on an emergency basis, and E & E wishes to provide such services;

NOW, THEREFORE, E & E and Company agree as follows:

1. Scope of Work

a. E & E agrees to provide and furnish, as soon as reasonably possible, any and all personnel, equipment, and material which E & E, in its discretion, may deem necessary or appropriate in connection with the particular emergency response, waste site cleanup, hazardous substance risk assessment, or other similar type of work which has been authorized by Company.

b. E & E and Company agree and recognize that, in connection with the work to be performed hereunder, E & E acts as a technical consultant to Company, and that where time and circumstances allow, E & E's representative shall consult with Company's representative to define the scope of work to be performed; outline alternative strategies and approaches to the work to be performed; and obtain advance authorization by Company for any specific work to be performed, and/or for the commitment of personnel, equipment, and material to the work to be performed. A claim by Company that E & E has breached this covenant 1.b shall not, however, be deemed material, and shall not permit Company to refuse or delay payment of compensation or expense reimbursement to E & E or any subcontractor, consultant, or vendor hired in connection with the work.

c. E & E and Company recognize and agree that, at the outset of work to be performed hereunder, the specific scope of work may be ill defined. During the progress of the work authorized, E & E agrees to consult frequently with Company's designated representative in order to coordinate the specific work being performed with Company's overall goals and objectives, including daily telephone or radio contacts where practical. E & E shall also furnish Company's designated representative, as soon as time permits, and during each week of progress of the work hereunder, a brief report of the work performed and progress made, an estimate of the total cost of the work performed, and the costs thereof to be incurred in the next succeeding week.

d. It is specifically understood and agreed between E & E and Company that E & E, upon authorization by Company, E & E shall have the authority, for Company's account, and as authorized agent for the Company to hire such subcontractors, equipment, means of transportation, personnel, and materials as E & E may deem necessary to perform the work. E & E agrees, to the extent feasible, to avail itself of Company's equipment, personnel, and materials, provided that the same can be employed in a safe and timely manner, under all relevant circumstances.

e. E & E shall furnish a complete report of its activities to Company, including appropriate back-up documentation, at the conclusion of each event for which its services have been requested and provided.

2. Levels of Response

a. E & E may respond hereunder, pursuant to Paragraph 1, "Scope of Work," in one or more of the following manners:

i. by providing on-site coordinators and contracting directly with cleanup contractors to facilitate and monitor cleanup.

ii. by providing Company with Directory Information (see Paragraph 5.a below) as to name, addresses, and telephone numbers of cleanup contractors with whom Company may directly contract for services.

iii. by providing Company with Directory Information as to the nature of specific substances or hazards, health and safety, and cleanup procedures.

b. E & E will not contract with cleanup contractors where E & E is not present on-site to supervise and monitor cleanup activities. In such circumstances, Company must directly contract with the cleanup contractors, and Company will be solely responsible for supervision and monitoring thereof.

3. Payment for Work

a.i. Company agrees to reimburse E & E for all costs and out-of-pocket expense incurred by E & E in connection with the work authorized, and to pay E & E compensation for all services performed in connection with the work authorized, in accordance with E & E's then current schedule of rates and fees. E & E's current hourly rate sheet is attached hereto for reference as Exhibit C and it is understood that said schedule of rates and fees shall be subject to annual revision as indicated thereon. Such payments shall be made within thirty (30) days of presentation of an invoice therefore by E & E. Any outstanding balance after thirty (30) days shall accrue an additional monthly charge of one-and-one-half (1-1/2) percent.

a.i.i. It is understood and agreed that E & E shall apply any retainer fee balance existing in company's retainer account, toward satisfaction of any invoices issued by E & E for authorized services performed by E & E hereunder. In the event no retainer fee balance exists in company's retainer account, or to the extent that an existing balance is insufficient to cover the total invoice amount, company agrees to reimburse E & E for the unpaid amount of any outstanding invoice in accordance with E & E's then current schedule of rates and fees.

a.i.i.i. Any portion of the retainer fee remaining in company's retainer account at the conclusion of the fiscal year of this agreement, and on every anniversary thereafter, should be re-evaluated and applied as follows:

1) In the event the agreement is renewed, sixty percent (60%) of any portion of the retainer fee remaining in company's retainer account should be carried over in the

company's retainer account for the following year and serve as a credit toward any outstanding invoices or portion thereof which relate to routine consulting services and associated expenses provided by E & E to company during the year immediately following the contract year in which the retainer account carry over occurred. Routine consulting services shall be provided at the convenience of E & E and shall be clearly defined by a separate scope of work.

2) The forty percent (40%) of amounts remaining in company's retainer account at the end of the agreement and any other amounts in company's retainer account which are not carried over as specified in paragraph 3 (a.i.i.i), above, shall be forfeited by company.

b. Company agrees to reimburse all costs and out-of-pocket expense incurred and to compensate for all services performed by any subcontractor or vendor hired by E & E in connection with the work authorized, within thirty (30) days of presentation of invoice therefor. Compensation for subcontractor or vendor services shall be the sum of the cost to E & E plus ten percent (10%) of this cost. To the extent that E & E has been compensated for these services, E & E will hold Company harmless from any claim for direct payment of the same.

c. To the extent that emergency services rendered hereunder require E & E personnel to work in excess of eight (8) hours per day, to hire and/or supervise subcontractors, to use personal safety and field monitoring equipment, or to appear in court proceedings, the charges for such services shall be in accordance with Exhibit C, appended hereto.

d. E & E and its subcontractors and vendors, if any, shall maintain true and correct records in connection with their services and all transactions related thereto, and agree to retain all such records for at least twelve (12) months after tendering of an invoice for payment to Company.

4. Independent Contractor

In performing any and all work hereunder, E & E shall be as an independent contractor, except to the extent that, pursuant to Paragraph 1.d of this Exhibit, E & E has acted as an authorized agent of Company in hiring consultants, subcontractors, personnel, equipment, or materials for Company's account. E & E shall retain complete control over its own personnel and operations, and in connection therewith, conform to all federal, state, and local laws, regulations, and orders with respect to its employees and operations. Neither E & E nor its employees shall be, in any sense, Company's partner, joint adventurer, or employee.

5. Directory Information

a. Definition of "Directory Information": When used in this Exhibit, "Directory Information" refers to information supplied by E & E from its compilation of data from sources including but not limited to industrial directories, service directories, data services, standard reference texts, government publications, E & E's listings of spill contractors and E & E's proprietary data bases and computer models. Company recognizes that, due to the nature and character of the industry, Directory Information provided to Company in one response may or may not be appropriate in another response, and should not be relied upon without further consultation with E & E.

b. E & E may, in the course of providing services hereunder, provide Company with Directory Information relating to cleanup contractors or other specialty firms. By providing such information, E & E does not warranty or guarantee the services ultimately provided by said cleanup contractor or specialty firm.

c. E & E may, in the course of providing services hereunder, provide Company with Directory Information relating to the nature of specific substances or hazards, health and safety, or cleanup procedures. Reference by E & E to specific products or proprietary procedures does not constitute an endorsement or recommendation of same by E & E.

d. To the extent that E & E is providing Company with Directory Information, Company recognizes that E & E is relying upon Company to fully and adequately provide E & E with all pertinent data relating to the service requested, E & E will not be responsible for, and Company agrees to hold harmless, indemnify, and defend E & E from any and all claims or suits that arise in whole or in part out of Company's reliance upon Directory Information or Company's failure to provide E & E with all data required to characterize an incident, whether Company was in possession of such data or not.

6. Legal Liability

a. The parties acknowledge that E & E may be called upon to perform services under this Agreement, on an emergency basis, or otherwise, and/or at sites where neither E & E or Company may be aware of the extant site conditions or potential hazards or risks posed to persons, property, health, or the environment. Company and E & E acknowledge that the services provided by E & E under this Agreement will be directed toward the remediation and mitigation of losses caused by incidents which have already occurred and for which E & E has no prior knowledge nor for which E & E bears any responsibility. Company and E & E understand that, as a result of those incidents, claims by third parties for personal injury and property damage may be made. Consequently, Company shall indemnify, defend, and save E & E harmless from and against any and all loss, damage, injury, statutory or regulatory violation, liability to or death of any person, including any employee of Company or E & E or for loss of or damage to property, including claims therefore and reasonable attorney fees arising therefrom, which is not proximately caused by the negligence or reckless or wilful misconduct of E & E, its officers, or employees. E & E shall indemnify and save Company harmless from or against any and all loss, damage, injury, liability to or death of any person, including an employee of Company or E & E, or for loss of or damage to property, including claims therefore, which is solely and directly caused by the negligence, reckless misconduct, or wilful misconduct of E & E, its officers, or employees.

b. For purposes of defining the scope of indemnifications provided pursuant to this Paragraph 6, it shall be presumed that any aggravated liability to or death of any person or aggravated loss of or damage to property, including claims therefore and reasonable attorney fees arising therefrom, which result from the delay by Company in notifying and/or authorizing E & E to proceed hereunder, shall be within the scope of the indemnification provided by Company to E & E to the extent that such aggravated liability, loss, damage, or death is attributable to said delay.

7. Insurance

E & E shall, during the term hereof, and in the course of performing any work authorized by Company, maintain appropriate Workers' Compensation and Employer's Liability insurance in conformance with the law of the state and jurisdiction where any work is performed. In addition, E & E shall maintain a Comprehensive General Liability policy which includes general bodily injury liability insurance in an amount of not less than five hundred thousand dollars (\$500,000) per occurrence, broad form property damage liability insurance in an amount of not less than one hundred thousand dollars (\$100,000) per occurrence, and automobile liability insurance extending to owned and non-owned and hired automobiles in an amount of not less than five hundred thousand dollars (\$500,000) per occurrence.

8. Termination

a. Notwithstanding, and in addition to any remedy provided by law, Company may terminate services provided pursuant to this Exhibit by giving written notice delivered personally to E & E's representative, with a telegraphic copy to E & E at the address provided in the Subscription Program Agreement. Such notice of termination shall become effective forty-eight (48) hours after delivery.

b. During the forty-eight (48)-hour period between delivery of notice of termination and its effective time, E & E shall notify subcontractors, vendors, and consultants as it may have hired in connection with the work, of such termination and furnish to Company the names, addresses, and representatives of all subcontractors, consultants, and vendors.

9. Termination for Convenience

The Agreement to which this Exhibit A is attached may be terminated for convenience by either party at any time, upon thirty (30) days' notice by E & E to Company. In such an event, E & E shall return to Company the unused amount of the retainer agreement fee. If Company terminates the remainder of the retainer fee is forfeited. In the event of such a termination, Company shall remain liable for all costs incurred by E & E on Company's behalf prior to the termination date.

10. Term and Territory

The term and territory shall be commensurate with that of the Agreement hereunder, to which this Exhibit A is attached.

11. Non-Assignment

Neither Company nor E & E shall assign any right or obligation under this Exhibit, or the Agreement to which this is an Exhibit, without the prior written consent of the other.

12. Miscellaneous Provisions

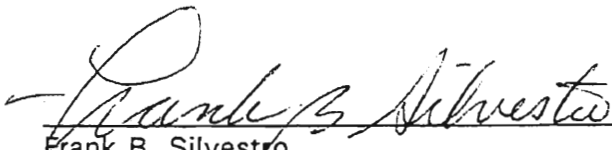
a. The State of New York, County of Erie, shall be the respective jurisdiction and venue for any dispute arising out of or in connection with the Agreement and Exhibits. The

law of the State of New York shall apply with regard to the construction, interpretation, performance, and enforcement of the Agreement.

b. The form of the Agreement and Exhibits is intended for general use in the United States, and in the event any of the terms and provisions hereof are in violation of or prohibited by any law, statute, or ordinance of the state or city where it is used, such terms and provisions shall be of no force and effect to the extent of such violation or prohibition, without invalidating any other of the terms and provisions of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Exhibit as of the execution date of the Agreement, of which this is a part.

ECOLOGY AND ENVIRONMENT, INC.



Frank B. Silvestro
Executive Vice President

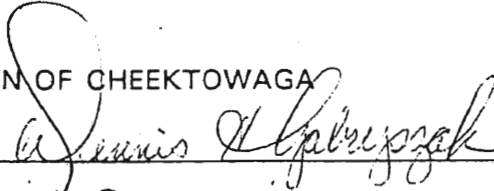
TOWN OF CHEEKTOWAGA
By: _____
Title: Supervisor

EXHIBIT B

Hazards Response Action Rate List and Policies

A. Personnel

	<u>Str. Time</u>	<u>Overtime</u>	<u>Premium</u>
Principal Engineer/Scientist	\$150/hr.	--	--
Chief Engineer/Scientist	\$124/hr.	--	--
Senior Engineer/Scientist	\$95/hr.	same	same
Assoc. Engineer/Scientist	\$76/hr.	--	--
Junior Engineer/Scientist	\$59/hr.	--	--
Technician, Draftsman	\$45/hr.	\$57/hr.	\$63/hr.
Asst. Technician	\$36/hr.	\$46/hr.	\$51/hr.
Word Processor	\$35/hr.	\$44/hr.	\$49/hr.

- Labor charges are based on portal to portal time frames.
- Straight time charged during the normal 40 hour, five day work week. Overtime hours are hours in excess of 8 hours in one day and for Saturday. Premium time charged for Sundays and Holidays.
- Overtime and premium hours for professional staff are billed at straight time rates.
- There is no additional labor surcharge for emergency response situations.
- There is no labor surcharge for work performed in Level A or Level B protection. An equipment and protective gear use charge is assessed depending upon level of protection.
- Expert testimony, preparation time, and review time are billed at straight time rates.
- There is no labor surcharge for the use of tools and instruments.
- The cited labor rates include the normal costs of health and safety training and the medical monitoring program. Any additional or special requirements, testing, medical costs, etc., will be considered other direct costs for billing purposes.
- All cited rates are in U.S. dollars and will be valid through July 31, 1994.
- E & E reserves the right to increase personnel rates in hardship situations.

Rev. 9/2/93

B. Subcontracting and Other Direct Costs (ODCs)

- All subcontract and other direct costs (ODCs) are billed at invoice cost plus 15 percent for subscribers and 20 percent for nonsubscribers.
- ODC items include travel and subsistence, communication costs, expendable materials, computer time charges, copying costs, and all miscellaneous materials leased or purchased for job performance.
- E & E equipment damaged or contaminated beyond repair by site conditions will be replaced and invoiced as an ODC.
- E & E employees giving testimony will receive company supplied legal counsel. Counsel invoices will be billed as an ODC.
- Job incurred taxes and/or fees are not considered as ODCs and will be billed without mark up.
- Equipment usage unit rates are fully loaded. The rates are not subject to additional mark up.

C. Equipment Use Rates

- Personal protection gear and field equipment usage are charged at daily rates according to the attached rate schedules.

Rev. 6/30/89

**ECOLOGY AND ENVIRONMENT, INC.
HAZARDS RESPONSE ACTION
EQUIPMENT USAGE RATES**

AIR MONITORING

Cost Per Day

OVA 128	\$100
OVA, 128 with GC	240
HNU, ISPI-101 (with two probes)	125
O2/Explosimeter MSA260	60
Monitox, HCN (with Gas Generator)	60
Mercury Vapor Analyzer	95
Draeger Pump	10
Area Pump (Air Sampler Pump)	20
Personal Pump, Gilian (with Charger)	20
Personal Pump, MSA (with Charger)	20
Industrial Hygiene Pacl (5 Pumps with Charger)	100
High Volume Sampler	30
High Volume Calibration Kit	30
Particulate Air Monitor (Mini Ram)	60
Personal Dust Sampler	60
Flow Calibration Unit, Digital Mass	20
Flow Calibration Unit, Buck	20
Thermoanemometer (with Printer)	65

FIELD CHEMISTRY

pH Meter	20
pH/Conductivity Meter	30
pH/Cond. Temp. Meter	30
Field Chem Kit Hach (with Spectrophotometer)	60

RESPIRATORY PROTECTION

SCBA, (with Cylinder)	60
Air Cylinder, Spare	15
Powered APR, MSA	20
Powered APR, Racal	20
Escape Mask, R.Shaw	20
Escape Mask, ELSA	20
Cascade/Manifold System	50

GEOPHYSICAL EQUIPMENT

Metal Detector	20
EM-31 Conductivity Meter	100
Magnetometer	90

SURVEY EQUIPMENT

Total Station, Lietz	\$200
Level, with Tripod/Rod	40
Survey Tape Reel	10

SENSITIVE EQUIPMENT

Camera Kit, 25-mm	25
Walkie-Talkie, FM (Yaesu, with charger)	30
Walkie-Talkie, FM (Motorola, with charger)	30
(3) Radio Kit (Motorola, with charger)	100
Bullhorn	10
Portable Computer Workstation	100
Portable Fax	60

MEDICAL HEALTH

Oxygen Inhalator	25
Eyewash Unit, Portable	30
Cooling Vest	30

RADIATION EQUIPMENT

Radiation Monitor	5
Bicron Surveyor Kit	100
Dosimeter, Pencil	5

WEATHER MONITORING EQUIPMENT

Meteorological Station	50
Wind Speed Indicator	10

VEHICLES

Boat, 11-foot	70
Boat, 12-foot	70
Motor, 10-hp Outboard	30

SPECIALTY TOOLS

Cost Per Day

Drum Opener, Remote	\$100
Negative Pressure Tester	50
Mercury Vac. Cleaner	100
Kit Incl.: Bung Wrench	
Hammer, Sparkless	
Wrench, Sparkless	
Wrench, 15/16" Speed	
Wrench, 15/16"	
Pick, Sparkless	

PUMP TEST

Pump, 2" St. Steel Electric Submersible Keck	100
Isco Sampler	60
Pump, 4" Electric Submersible	30
Data Logger, 4-channel	400
Data Logger, 8-channel	800
Pump, Centrifugal	20
Pump, Peristaltic	30
Barrell Filter	10
Well Point Sampler	100
Water Level Indicator	15
Bailer, Monitoring Well (Stainless Steel)	10

OTHER

Generator, 2.25 kW	75
Gas Leak Probe	10
4" Split Spoon Sampling	40
Sediment Sampler	20
Fluorometer	50
Infiltrometer	20
Drill Rig Portable	100

Ecology and Environment, Inc.
Hazards Response Action

PERSONAL PROTECTIVE CLOTHING AND EQUIPMENT

	<u>Per Man Day</u>
Level A Protection	(3)
Level B Protection	
- with Tyvek Suit	175
- with Saranax Coated Suit	225
- with Acid Suit	290
Level C Protection (2)	
- with Tyvek Suit	95
- with Saranax Suit	135
- with Acid Suit	200
Level D (2)	30

Notes

- (1) The above prices include four clothing changes (Tyvek, Saranax, booties, surgical gloves, and Neoprene gloves). Two pairs of respirator cartridges included in Level C protection. If requested, additional disposable supplies will be charged at cost plus 15%.
- (2) Includes escape mask.
- (3) At actual replacement cost plus 20%.

Item No. 13 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following Seasonal and/or Part-time Employees be and hereby are terminated as listed:

EFFECTIVE

FACILITIES DEPARTMENT

John English 05/03/94

SUPERVISOR'S OFFICE

Joanne Burst 03/26/94

RECYCLING DEPARTMENT

David Kreuzer 05/16/94

Patrick Fix 04/18/94

Michael Sklener 04/18/94

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 Johnson

BE IT RESOLVED that the position of Engineer Assistant (Part-time) be and hereby is created in the Engineering Department, effective immediately, and BE IT FURTHER

RESOLVED, that the position of Engineer Assistant (Seasonal) be and hereby is abolished.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 15 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that John Szczepanik, a General Mechanic in the Facilities Department, be and hereby is transferred to the Facilities Department - Building Maintenance Division (0100-7110-1422), effective April 18, 1994.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 16 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated May 2, 1994, this Town Board appointed James Demler to the position of General Mechanic in the Facilities Department, and

WHEREAS, said resolution is to be amended as follows, NOW, THEREFORE, BE IT

RESOLVED, that James Demler be and hereby is appointed to the position of General Mechanic in the Facilities Department - Building Maintenance Division, in accordance with the terms and conditions as set forth in the Town of Cheektowaga Employees Association agreement, effective May 3, 1994.

Item No. 16 cont'd

Upon Roll Call....

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

Item No. 17a Appointment of Public Safety Dispatcher
This item was withdrawn.

Item No. 17b Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

BE IT RESOLVED that Tracey Cone, residing at Cheektowaga, New York be and hereby is appointed to the position of Clerk to the Supervisor, part-time, at a wage of \$8.00 per hour, as same has been established by resolution dated January 4, 1994, effective May 17, 1994.

Upon Roll Call....

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

Item No. 18a Hiring of Engineer Assistant/part-time
This item was withdrawn.

Item No. 18b Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, the Town has a number of sewer projects scheduled to begin and be completed this summer, and

WHEREAS, there is a need for someone representing the Town's Engineering Department to review the work of these subcontractors, NOW, THEREFORE, BE IT

RESOLVED, that

Henry Borkowski
, Cheektowaga, New York 14225

be and hereby is hired as an Engineering Assistant (part-time) at the rate of \$12.00 per hour, and BE IT FURTHER

RESOLVED, that

Mark Christel
Cheektowaga, New York 14225

and

Ray Deuel
Depew, New York 14043

be and hereby are hired as Engineering Laborers (part-time) at the rate of \$7.50 per hour.

Upon Roll Call....

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

Item No. 18c Motion by Councilman Wielinski, Seconded by Councilman Rogowski

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

EFFECTIVE

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer)

Thomas Potempa	(0100-7110-1496)	05/16/94
Michael Papero	(5005-8560-0700)	05/17/94
Domonick Selvaggio	(5005-8560-0700)	"
Eric Ozolins	(0100-7110-1491)	"
Paul Tadak	(0100-7110-1491)	"
Walter Gardon	(0100-7110-1623)	"

POLICE DEPARTMENT - Traffic Maintenance Division (Laborer) \$5.50/hour

Michael Urbanski	05/17/94
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MAIN PUMP STATION - \$5.50 per hour (Laborer)

Timothy Dusing	05/17/94
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RECYCLING DEPARTMENT - \$5.50 per hour (Laborer)

Richard Higley	05/17/94
Gary Dzajka	"
Scott Wesolowski	"
William Goldsmith, Jr.	"

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

WHEREAS, the New York State Conference for the Aging will be holding its annual training conference at Rensselaer Polytechnic Institute in Troy, New York from June 1-3, 1994, and

WHEREAS, Patricia L. Wojcik, Director of the Town Department of Senior Services has requested permission to attend this conference, and

WHEREAS, such conference will provide training in the field of aging to allow Ms. Wojcik to enhance Town programs, services and activities for older persons in Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Patricia L. Wojcik be and hereby is authorized to attend the aforementioned conference, and BE IT FURTHER

RESOLVED, that Ms. Wojcik's expenses in an amount not to exceed \$425.00 shall be appropriated from budget line item 7620-4491.

Upon Roll Call....

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

Item No. 19b Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Police, in conjunction with the International Association of Chiefs of Police, is hosting a training program entitled "Internal Affairs: Issues and Operations". The training will be held May 23-25, 1994 at the State Police Academy in Albany, NY, and

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send Captain Thomas Rowan to this training. The training program will address issues such as: Selection of Internal Affairs Personnel, How to Identify and Achieve the Objectives of Personnel Investigations, Establishment of a Tracking System to Identify Problem Officers and Reduce Excessive Force, and Examination and Creation of Appropriate Departmental Procedures. This training will amount to approximately \$645.00 with the Police Department being responsible for registration, lodging, gasoline, tolls and meals. A Town vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Capt. Rowan to this training and the time that he spends 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, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

Item No. 19c Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Ithaca College Office of Campus Safety will be conducting a Police cyclist course June 14-17, 1994 at Ithaca College. The course will be hosted by Cornell University Police and the City of Ithaca Police Department and is sponsored by the NYS Governor's Traffic Safety Committee, and

WHEREAS, the course consists of lectures, demonstrations and hands-on training. Chief Bruce Chamberlin is requesting permission to send Bike Patrol Officer Marc Lomas to this training. The Police Department will be responsible for registration, meals and transportation amounting to approximately \$268.00. Officer Lomas will be using a police vehicle for transportation to and from this training and will also be taking the necessary biking equipment to complete this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Officer Lomas to this training and that the time he spends there 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, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is the owner of a 55+ acres of land located near the intersection of Walden Avenue and Harlem Road (a/k/a Walden Commerce Exchange), and

WHEREAS, the Town entered into a Lease Agreement with respect to such property with the Cheektowaga Economic Development Corporation, which, in turn, entered into a Joint Venture Agreement with Ciminelli Development Company, Inc., and

WHEREAS, the proposed development of this property requires that a public roadway be constructed through the Walden Commerce Exchange, and

Item No. 20 cont'd

WHEREAS, in order to construct such roadway, it is necessary for the Town to acquire certain privately-owned property at 1071 Walden Avenue and adjacent to the westerly boundary line of Harlem Road, and

WHEREAS, it is necessary to obtain surveys and appraisals for such properties, and

WHEREAS, cost estimates for such surveys and appraisals were solicited, and the firms named below submitted the lowest costs for such work, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Nussbaumer & Clarke, Inc. to prepare surveys for the above referenced properties at a cost not to exceed \$800.00 from budget line item 5312-1420-9381, and BE IT FURTHER

RESOLVED, that this Town Board hereby retains Kushman Appraisal Service, Inc. to prepare appraisals for the above referenced properties at a cost not to exceed \$2,200.00 from budget line item number 5312-1420-9381.

Upon Roll Call....

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

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

WHEREAS, Tom Greenauer Development Inc. has previously been awarded Contract #2 for Tennis and Basketball Court Reconstruction, and

WHEREAS, Tom Greenauer Development, Inc. has submitted Change Order #1 for Dartwood Park courts to replace approximately 475 lineal feet of #9 gauge aluminized steel mesh, 10' high chain link fence at a cost of \$2,736.00, and

WHEREAS, Tom Greenauer Development, Inc. has further submitted to mill three sides of the paved court area approximately 35 feet wide by 140 feet long, furnish and install an additional 50 tons of asphalt at the Dartwood Court at a cost of \$2,856.00, and

WHEREAS, Darryl L. Jones, RLA and Facilities Director, James J. Matecki have reviewed the proposed Change Order as being in the best interest of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order #1 in the amount of \$5,592.00 to Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140-0250 for work to be performed under Contract #2 at Dartwood Park, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5309-7110-9375.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga has requested Thomann & Loewer Asphalt Paving Corp. to submit a proposal to delete repair work, color coating and striping of the Rehm Park tennis courts, and

WHEREAS, Thomann & Loewer Asphalt Paving Corp. has submitted a quote to delete Rehm Park tennis court repairs, color coat and striping at \$7,800.00, and

Item No. 21b cont'd

WHEREAS, Darryl L. Jones, RLA has reviewed and approved Change Order #1, in the amount of \$7,800.00 as being equitable in value and in the best interest of the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowga Town Board hereby approves Change Order #1 as submitted by Thomann & Loewer Asphalt Paving Corp., 340 Harris Hill Rd., Williamsville, NY 14221, reducing the original contract by \$7,800.00 from \$44,440.00 to \$36,640.00.

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:	0100-9010-8111	Police Retirement	\$255,525.21
	0100-7310-4677	Catholic Charities Drop-Out	1,950.00
	0100-7310-4677	Catholic Charities Drop-Out	1,950.81
	0100-7310-4687	Child & Family Services	3,096.52
TO:	0100-9510-9131	Bond Principal	\$140,000.00
	0100-9501-9211	Bond Interest	115,525.21
	0100-7310-4691	Developmentally Disabled Day Camp	1,950.00
	0100-7310-2501	Miscellaneous Equip.-Youth & Rec.	1,950.81
	0100-7310-1501	Miscellaneous Equip.-Youth & Rec.	3,096.52

SPECIAL DISTRICTS

FROM:	2500-8125-2302	Flusher Vector Combo	\$ 7,984.00
	4000-8140-4432	Repairs & Maintenance	4,428.15
	4000-8140-4332	Repairs & Maintenance	61,455.00
	2400-8124-4361	Repairs & Maintenance	3,420.00
TO:	2500-8125-2304	Bucket Machine	\$ 7,984.00
	4000-8140-9211	Bond Interest Exp.	4,428.15
	4000-8140-4581	Consulting Services	9,000.00
	4000-8140-4002	Engineering Supplies	255.00
	4000-8140-4588	Ditch, Creek & Trib. Fertilization	10,600.00
	4000-8140-4543	Ditch, Creek & Trib. Maintenance	40,000.00
	4000-8140-4476	Ditch, Creek & Trib. Pest Control	1,600.00
	2400-8124-9211	Bond Interest Expense	3,420.00

CAPITAL FUND

FROM:	5312-1910-9399	Admin. Exp.-Town Wide Studies	\$ 3,000.00
TO:	5312-1420-9381	Walden Commerce Survey	\$ 3,000.00

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 & Warrants are submitted to the Town of Cheektowaga prior to May 14, 1994 are hereby approved and made a part hereof:

Item No. 23 cont'd

GENERAL FUND	\$2,309,914.98
HIGHWAY FUND	527,226.98
TRUST & AGENCY FUND	17,450.19
CDBG FUND	58,761.56
PART TOWN FUND	46,288.88
RENTAL REHABILITATION FUND	12,450.00
RISK RETENTION FUND	161,051.14
NYS HOME REHABILITATION FUND	3,190.00
DEBT SERVICE FUND	878,525.00
HOUSING REHABILITATION FUND	9,620.00
SPECIAL DISTRICTS FUND	2,046,098.85
CAPITAL FUND	134,669.04
	<u>\$6,205,246.62</u>

Upon Roll Call.....

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

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 24 Annual Financial Report, Update Document for the Town of Cheektowaga
Received and Filed.

Item No. 25a Minutes of Library Board - March 23, 1994
Received and Filed.

Item No. 25b Minutes of Planning Board - April 14, 1994
Received and Filed.

Item No. 25c Minutes of Traffic Safety Commission - April 19, 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 26 N.Y.S. Dept. of Transportation - Reconstruction on Rte. 33 and 78 -
Work Completion
Copies were sent to: Engineering Department; Highway Department.
Received and Filed.

Item No. 27 Petitions for Sonwil Drive - Street Improvements and Lateral Sewers
Received and Filed.

Item No. 28 Notice of Petition & Notice of Motion - Lawrence Brownell vs Town of
Cheektowaga
Copies: Town Attorney received a copy of this Petition, as well as
the Town Clerk's Office
Received and Filed.

Item No. 29 Notice of Claim - Brendon Zubek vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; James Matecki, Facilities Director; ALLIED CLAIMS,
Insurance Carrier.

MEETING NO. 10
May 16, 1994

Item No. 30 Letter from Joe & Gail Frazer wishing to speak regarding Prohl Brothers Hazardous Waste Site and Rehm Road Well Water Contamination. Copies were sent to: Dennis Gabryszak, Supervisor; Town Board Members.
Received and Filed.

Item No. 31 Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn the meeting in memory of Len Wodarczak and John Ball, Fire Commissioner of Pine Hill Fire District.

RICHARD M. MOLESKI
Town Clerk

MEETING NO. 11
June 6, 1994

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 June, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings 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 of Planning Board; Chester Bryan, Town Engineer; Ronald Marten, Building and Plumbing Inspector and Bruce Chamberlin, Chief of Police.

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 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 of the traffic ordinance shall be amended by deleting therefrom the following:

C. No parking here to corner

WOODELL AVENUE	east side	from the north curblin of Walden Avenue northerly 62+ feet to a point
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76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE	east side	from the north curblin of Walden Avenue northerly 40 feet to a point
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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. 3a This being the time and place advertised for a public hearing in the matter of the petition of the owner of the real property fronting upon one side of a proposed street or highway for the improvement thereof by the construction of permanent paving and curbing pursuant to Section 200 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.

MEETING NO. 11
June 6, 1994

Item No. 3a 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.

Item No. 3b This being the time and place advertised for a public hearing in the matter of the petition of the owner of at least one-half of the real property fronting upon one side of a street or highway for the construction of lateral sewer mains along such street or highway pursuant to Section 199 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 Bond Resolution: Street Improvements - Sonwil Drive

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

June 6, 1994

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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, Cheektowaga, New York, on June 6, 1994 at 7:00 o'clock P.M. (Prevailing Time).

There were present: Hon. Dennis H. Gabryszak,
Supervisor; and

Councilmen: 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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*

The Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, in said Town, at 7:00 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board requesting the improvement and extension of Sonwil Drive, in the

Town. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been published and posted pursuant to the provisions of Article 12 of the Town Law.

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

The following persons appeared in favor of the proposed improvement:

Joseph Zadarsky, Esq., Attorney for Sonwil, Inc.
Gordon Allen, President, Sky Harbor Homeowners Association
and Thomas M. Johnson, Jr., Councilman

The following persons appeared in opposition to the proposed improvement:

None.

The Town Clerk reported that the following pertinent written communications had been received and such written communications, if any, were read to the meeting:

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 Councilman Jaworowicz, the following resolution was adopted on roll call vote:

AYES: 7

NOES: 0

RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW
YORK, ADOPTED JUNE 6, 1994, APPROVING THE
CONSTRUCTION OF ROAD IMPROVEMENTS IN THE TOWN,
AT AN ESTIMATED MAXIMUM COST OF \$225,000.

Recitals

WHEREAS, a petition was filed with the Town Board of the Town of Cheektowaga (the "Town Board" and "Town", respectively), in the County of Erie, New York, pursuant to Section 200 of the Town Law of the State of New York, for the construction of road improvements in the Town, as described in the petition, at the estimated maximum cost of \$225,000 as stated in the petition; and

WHEREAS said petition was signed by the owners of real property fronting or abutting upon one side of the street to be improved and extended, to the extent of at least one-half of the entire frontage on such side of said street, there being no resident owners residing in or along said street, such petition having been acknowledged or proved by the signers thereof in the same manner as a deed to be recorded, and providing that the cost of said improvement shall be borne by local assessment upon the several lots and parcels of land especially benefited thereby, all as stated in said petition and as more fully provided by applicable law; and

WHEREAS, the Town Board thereafter adopted an Order reciting in general terms the filing of such petition, the improvements proposed, the maximum amount proposed to be expended

for the improvements and the area benefited as stated in the petition, and stating that the Town Board would meet to hear all persons interested in the improvement and extension of said portion of Sonwil Drive, as described in the petition, on June 6, 1994, at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town; and

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

WHEREAS, such public hearing was duly held by the Town Board on this 6th day of June, 1994, at the Town Hall, in the Town, at 7:00 o'clock P.M. (Prevailing Time) and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to the improvement and extension of Sonwil Drive;

Now, therefore, 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, hereinabove referred to in the recitals hereof, was published and posted as required by law and is otherwise sufficient;

(b) it is in the public interest to so improve and extend Sonwil Drive, in the Town, as hereinabove referred to in the recitals hereof;

(c) all the real property fronting or abutting upon one side of Sonwil Drive is benefited thereby.

Section 2. Sonwil Drive, in the Town, shall be improved and extended by the construction of a 34-foot wide pavement, including related drainage improvements, pursuant to certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May 10, 1993, Job No. 93-410, such improvements to be constructed according to the specifications of the Town Highway Department and to be maintained as a Town highway, as described in the petition, at a cost not to exceed \$225,000, the maximum amount proposed to be expended therefor as stated in the petition.

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

Section 4. It is hereby determined that the expense of said improvement shall be financed by the issuance of \$225,000 serial bonds of the Town and the levy and collection of assessments from the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit

which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution Approving the Construction of Road Improvements in the Office of the Clerk of Erie County within ten (10) days after the adoption thereof.

Section 6. This resolution shall take effect immediately.

* * *

Councilman Johnson offered the following resolution
and moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 6, 1994, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS IN THE TOWN, APPROPRIATING \$225,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$225,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, following submission of a petition for the improvement and extension of Sonwil Drive, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct such improvements and extension described in the petition, and ordered that such street be so improved;

Now, therefore, be it

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

Section 1. The Town hereby appropriates the amount of \$225,000 for the improvement and extension of Sonwil Drive, within said Town, by the construction of a 34-foot wide pavement, including related drainage improvements, pursuant to certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such improvements to be constructed according to the specifications of the Town

Highway Department and to be maintained as a public highway. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$225,000 and the plan of financing includes the issuance of \$225,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$225,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$225,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

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

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

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

Section 7. This bond resolution shall take effect immediately.

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

AYES: 7

NOES: 0

The resolution was declared adopted.

Councilman Johnson offered the following resolution
and moved its adoption:

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

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

Section 2. This resolution shall take effect
immediately.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

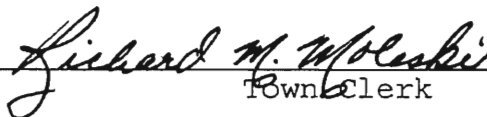
* * *

CERTIFICATE

I, Richard M. Moleski, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on June 6, 1994, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 6th day of June, 1994.

(SEAL)


Town Clerk

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

1. I am the Assessor of the Town of Cheektowaga, Erie County,
New York.

I certify that the petition annexed hereto is for improvement of a proposed street and that the following are owners of parcels having a total frontage of 2975.53 feet along one side (west side) of such proposed street, as more particularly stated as follows:

All Owners	Resident
<u>Frontage Feet (Total Frontage Feet - 2975.53 Feet)</u>	<u>Frontage Feet</u>
Erie County Industrial Development Agency	716.01 Feet
Sonwil Distribution Center, Inc.	1701.52 Feet
Teledyne Industries, Inc.	238.00 Feet
Condolidated Rail Corp.	100.00 Feet
Smith C. Irving - Trustee	190.00 Feet
B.B & H. Enterprises	30.00 Feet

And I further certify that the petition annexed hereto and made a part hereof is signed as follows:

<u>Non-Municipal Owners</u>	<u>Percentum of Frontage Feet (81.24% total)</u>	<u>Resident Owners Frontage Feet</u>
Erie County Industrial Development Agency	716.01 feet (24.06%)	None
Sonwil Distribution Center, Inc.	1701.52 feet (57.18%)	None

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 1994.

William R Conway
Assessor

Sworn to before me this 13th
Day of May, 1994.

Herin H. Schenk

LEGAL NOTICE

NOTICE

The resolution published herewith has been adopted on the 6th day of June, 1994, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 6, 1994, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS IN THE TOWN, APPROPRIATING \$225,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$225,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, following submission of a petition for the improvement and extension of Sonwil Drive, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct such improvements and extension described in the petition, and ordered that such street be so improved;

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

Section 1. The Town hereby appropriates the amount of \$225,000 for the improvement and extension of Sonwil Drive, within said Town, by the construction of a 34-foot wide pavement, including related drainage improvements, pursuant to certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such improvements to be constructed according to the specifications of the Town Highway Department and to be maintained as a public highway. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$225,000 and the plan of financing includes the issuance of \$225,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$225,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$225,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This bond resolution shall take effect immediately.

PUBLISH: June 9, 1994

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 for weeks:
first publication.....June 9.....1994.....;
last publication.....June 9.....1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofJune....., 19.94....

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 12/11/94

LEGAL NOTICE

NOTICE

The resolution published herewith has been adopted on the 6th day of June, 1994, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 6, 1994, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS IN THE TOWN, APPROPRIATING \$225,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$225,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recitals

WHEREAS, following submission of a petition for the improvement and extension of Sonwil Drive, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to construct such improvements and extension described in the petition, and ordered that such street be so improved;

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

Section 1. The Town hereby appropriates the amount of \$225,000 for the improvement and extension of Sonwil Drive, within said Town, by the construction of a 34-foot wide pavement, including related drainage improvements, pursuant to certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such improvements to be constructed according to the specifications of the Town Highway Department and to be maintained as a public highway. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$225,000 and the plan of financing includes the issuance of \$225,000 serial bonds of the Town to finance said appropriation, and the assessment, levy and collection upon the several lots and parcels of land within the Town which the Town Board shall determine and specify to be especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$225,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$225,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This bond resolution shall take effect immediately.

PUBLISH: June 9, 1994

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.....June 9.....1994.....;
last publication.....June 9.....1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofJune....., 1994....

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 12/11/95

MEETING NO. 11
June 6, 1994

Item No. 4b Bond Resolution: Construction of Lateral Sewer Mains - Sonwil Drive

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

EXTRACT OF MINUTES

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

June 6, 1994

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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, Cheektowaga, New York, on June 6, 1994, at 7:00 o'clock P.M. (Prevailing Time)

There were present: Hon. Dennis H. Gabryszak,
Supervisor; and

Councilmen: 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

*

*

*

The Town Clerk stated that a public hearing had been called for this meeting at the Town Hall, in said Town, at 7:00 o'clock P.M. (Prevailing Time) to consider a written petition which had been presented to and filed with the Town Board requesting the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide

an extension of Sonwil Drive, in the Town, in accordance with the specifications of the Town and certain Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc. dated May, 1993, Job No. 93-410, in Sewer District No. 7, in the Town of Cheektowaga, 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. The Town Clerk presented affidavits showing that certified copies of the order calling said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing was now open and asked if there were any interested persons present who desired to be heard.

The following persons appeared in favor of the construction of said lateral sewer mains within the Cheektowaga Sewer District No. 7: Joseph Zadarsky, Esq., Attorney for Sonwil, Inc. Gordon Allen, President, Sky Harbor Homeowners Association and Thomas M. Johnson, Jr., Councilman.

The following persons appeared in opposition to the construction of said lateral sewer mains:

None

The Town Clerk reported that the following pertinent communications had been received and such written communications, if any, were read to the meeting:

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, duly seconded by Councilman Jaworowicz, the following Resolution and Order After Public Hearing was duly declared adopted on the following roll call vote:

AYES: 7

NOES: 0

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, in said Town, on the 6th day of June, 1994.

PRESENT:

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

In the Matter
of the

Petition of the Owner of at least one-half of the Real Property Fronting Upon One Side of a Street or Highway for the Construction of Lateral Sewer Mains Along Such Street or Highway pursuant to Section 199 of the Town Law.

RESOLUTION AND
ORDER AFTER PUBLIC
HEARING

WHEREAS, a petition was filed with the Town Board of the Town of Cheektowaga (the "Town Board" and "Town", respectively), in the County of Erie, New York, pursuant to Section 199 of the Town Law of the State of New York, for the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide an extension of Sonwil Drive, within the Town, as set forth in the Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such lateral sewer mains to be constructed according to the specifications of the Town, and also including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, at the estimated maximum cost of \$160,000, all in accordance with the map, plan and report prepared therefor by Nussbaumer & Clarke, Inc., P.E., competent engineers duly licensed by of the State of New York, which map, plan and report is on file in the office of the Town Clerk of the Town for public examination; and

WHEREAS, said proposed street or highway in or along which the said lateral sewer mains are to be constructed is situate within Sewer District No. 7, in the Town (herein called "District"), a sewer district heretofore established by the Town Board of the Town and in which a trunk system of sewer has been heretofore constructed; and

WHEREAS, the expense of establishing the District and of providing improvements therefor must be apportioned and assessed, pursuant to Section 202 of the Town Law, upon the several lots or parcels of land deemed benefited, in proportion to the amount of benefit which the improvement confers upon the same; and

WHEREAS, there are no resident owners residing in or along the proposed street or highway described above, and the petition was signed by the owner of real property fronting or abutting upon the side of said proposed street or highway to the extent of at least one-half of the entire frontage on such side of said proposed street or highway and was acknowledged or proved by the signer thereof in the same manner as a deed to be recorded; and

WHEREAS, the proposed improvement will serve the property on only such side of said proposed street or highway; and

WHEREAS, the Town Board adopted an Order reciting in general terms the filing of such petition, the improvements proposed, the maximum amount proposed to be expended for the improvement as stated in the petition, and stating that the Town Board would meet to hear all persons interested in the construction of said lateral sewer mains on June 6, 1994 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town; and

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

WHEREAS, such public hearing was duly held by the Town Board on this 6th day of June, 1994 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to the construction of said lateral sewer mains;

Now, therefor, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to construct said lateral sewer mains within the District as hereinabove described and referred to at the estimated maximum cost of \$160,000; and it is hereby

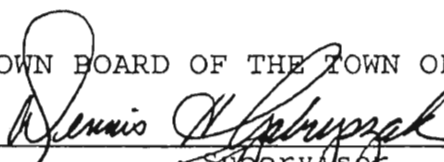
ORDERED, that the said lateral sewer mains shall be so constructed within the District and that the Engineer engaged by the Town shall prepare plans and specifications and make a careful estimate of the expense for the construction of said lateral sewer mains and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

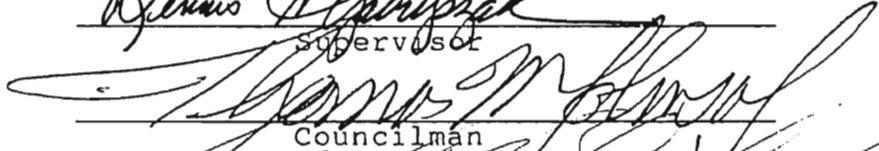
FURTHER ORDERED, that the expense of the construction of said lateral sewer mains shall be financed by the issuance of \$160,000 serial bonds of the Town, and the costs of said improvement including payment of principal of and interest on said bonds, shall be paid by the levy and collection of assessments upon the several lots and parcels of land which the Town Board shall deem especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

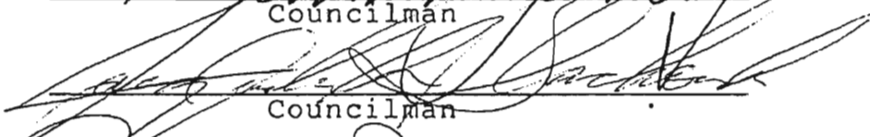
FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

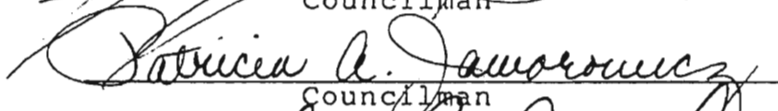
DATED: June 6, 1994

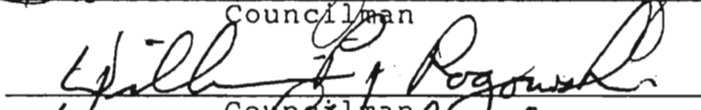
TOWN BOARD OF THE TOWN OF CHEEKTOWAGA



Supervisor

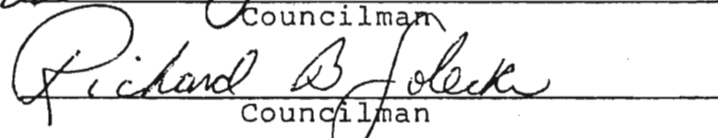

Councilman


Councilman


Councilman


Councilman


Councilman


Councilman

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

Councilman Johnson offered the following resolution and moved
its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 6, 1994, AUTHORIZING THE CONSTRUCTION OF LATERAL SEWER MAINS WITHIN SEWER DISTRICT NO. 7, IN SAID TOWN, APPROPRIATING \$160,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$160,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following submission of a petition and preparation of a map, plan and report for the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide an extension of Sonwil Drive, within the Town, as set forth in the Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such lateral sewer mains to be constructed according to the specifications of the Town, and to be located within Sewer District No. 7 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the construction and installation of lateral sewer mains and also including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly

called and held, the Town Board of the Town determined, that it is in the public interest to construct said lateral sewer mains within the District, and ordered that such lateral sewer mains be so constructed within the District;

Now, therefore, be it

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

Section 1. The Town hereby appropriates the amount of \$160,000 for the construction of lateral sewer mains as referred to in the Recitals hereto. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$160,000 and the plan of financing includes the issuance of \$160,000 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land which the Town Board shall deem especially benefited by said improvement, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$160,000 are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter

33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$160,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation

as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

Section 7. This resolution shall take effect immediately.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

Councilman Johnson offered the following resolution and
moved its adoption:

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

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

Section 2. This resolution shall take effect
immediately.

* * *

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

AYES: 7

NOES: 0

The resolution was declared adopted.

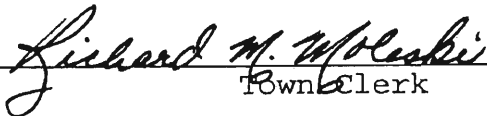
* * *

CERTIFICATE

I, Richard M. Moleski, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on June 6, 1994, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of said
Town of Cheektowaga this 6th day of
June, 1994.

(SEAL)


Town Clerk

The resolution published herewith has been adopted on the 6th day of June, 1994, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 6, 1994, AUTHORIZING THE CONSTRUCTION OF LATERAL SEWER MAINS WITHIN SEWER DISTRICT NO. 7, IN SAID TOWN, APPROPRIATING \$160,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$160,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following submission of a petition and preparation of a map, plan and report for the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide an extension of Sonwil Drive, within the Town, as set forth in the Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such lateral sewer mains to be constructed according to the specifications of the Town, and to be located within Sewer District No. 7 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the construction and installation of lateral sewer mains and also including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to construct said lateral sewer mains within the District, and ordered that such lateral sewer mains be so constructed within the District.

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

Section 1. The Town hereby appropriates the amount of \$160,000 for the construction of lateral sewer mains as referred to in the Recitals hereto. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$160,000 and the plan of financing includes the issuance of \$160,000 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land which the Town Board shall deem especially benefited by said improvement, so

much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$160,000 are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$160,000 serial bonds are authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This resolution shall take effect immediately.

PUBLISH: June 9, 1994

**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 for weeks:
first publication.....June 9, 1994.....;
last publication.....June 9, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofJune....., 1994....

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 12/11/95

The resolution published herewith has been adopted on the 6th day of June, 1994, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the TOWN OF CHEEKTOWAGA, in the County of Erie, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

RICHARD M. MOLESKI
Town Clerk

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED JUNE 6, 1994, AUTHORIZING THE CONSTRUCTION OF LATERAL SEWER MAINS WITHIN SEWER DISTRICT NO. 7, IN SAID TOWN, APPROPRIATING \$160,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$160,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.

Recital

WHEREAS, following submission of a petition and preparation of a map, plan and report for the construction of lateral sewer mains and such other necessary appurtenances required in connection therewith along a proposed street or highway which is to be constructed to provide an extension of Sonwil Drive, within the Town, as set forth in the Pavement and Improvement Design Drawings prepared by Nussbaumer & Clarke, Inc., dated May, 1993, Job No. 93-410, such lateral sewer mains to be constructed according to the specifications of the Town, and to be located within Sewer District No. 7 (herein called "District"), in the Town of Cheektowaga (herein called "Town"), in the County of Erie, New York, consisting of the construction and installation of lateral sewer mains and also including land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to construct said lateral sewer mains within the District, and ordered that such lateral sewer mains be so constructed within the District;

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

Section 1. The Town hereby appropriates the amount of \$160,000 for the construction of lateral sewer mains as referred to in the Recitals hereto. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$160,000 and the plan of financing includes the issuance of \$160,000 serial bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land which the Town Board shall deem especially benefited by said improvement, so

much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$160,000 are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

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

(a) The period of probable usefulness of the specific object or purpose for which said \$160,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

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

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

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

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

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

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

Section 7. This resolution shall take effect immediately.

PUBLISH: June 9, 1994

**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 for weeks:
first publication.....June 9, 1994.....;
last publication.....June 9, 1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this9th.....

day ofJune....., 1994....

.....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 12/11/95

MEETING NO. 11
June 6, 1994

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

WHEREAS, Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski have petitioned for the rezoning from NS-Neighborhood Services District to C-Retail Business District of property owned by them and located at 2719 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1994 at 6:30 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

WHEREAS, the petitioners have made a commitment to the Town that this property will be developed only for a Wilson Farms store or similar small volume grocery and accessory sales store, and will not be utilized for a restaurant or other retail sales store, NOW, THEREFORE, BE IT

RESOLVED, that the application of Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski for the rezoning from NS-Neighborhood Services District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby granted subject to the conditions and requirements as stated in the Town Board resolution previously adopted rendering the environmental determination for this project, 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, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

All that Tract or Parcel of Land, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number sixty-eight (68), Township ten (10), Range seven (7) of the Buffalo Creek Reservation as laid down on a survey and map of part of said reservation made by James Sperry, Surveyor and thereafter subdivided by Witmer and Browning, Surveyors, which said subdivision map is dated September 13, 1920 and is filed under Cover Number 1054 in the Erie County Clerk's Office and therein designated as part of Parcel "A", bounded and described as follows:-

COMMENCING in the northwest corner of Farm Lot Number sixty-eight (68), which said point of beginning is also situate on the easterly line of Laura Court; running thence southerly along the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet; thence easterly parallel with the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet; thence northerly parallel with the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet to a point; thence westerly along the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet to the point of beginning.

LEGAL NOTICE

EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 6th day of June, 1994 at 7:00 o'clock p.m. Eastern Daylight saving Time there were:

PRESENT: 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 Supervisor Gabryszak seconded by Councilman Rogowski

WHEREAS, Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski have petitioned for the rezoning from NS-Neighborhood Services District to C-Retail Business District of property owned by them and located at 2719 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1994 at 6:30 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 afore-mentioned rezoning, and

WHEREAS, the petitioners have made a commitment to the Town that this property will be developed only for a Wilson Farms store or similar small volume grocery and accessory sales store, and will not be utilized for a restaurant or other retail sales store, NOW, THEREFORE, BE IT

RESOLVED, that the application of Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski for the rezoning from NS-Neighborhood Services District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby granted subject to the conditions and requirements as stated in the Town Board resolution previously adopted rendering the environmental determination for this project, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number sixty-eight (68), Township ten (10), Range seven (7) of the Buffalo Creek Reservation as laid down on a survey and map of part of said reservation made by James Sperry, Surveyor and thereafter subdivided by

Witmer and Browning, Surveyors, which said subdivision map is dated September 13, 1920 and is filed under Cover Number 1054 in the Erie County Clerk's Office and therein designated as part of Parcel "A", bounded and described as follows: -

COMMENCING in the northwest corner of Farm Lot Number sixty-eight (68), which said point of beginning is also situate on the easterly line of Laura Court; running thence southerly along the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet; thence easterly parallel with the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet; thence northerly parallel with the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet to a point; thence westerly along the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet to the point 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 June 6th, 1994, 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 5a, 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 matter 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 7th day of June, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: June 9, 1994

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 for weeks:
first publication.....June 9...1994.....;
last publication.....June 9...1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this9th.....

day ofJune....., 19..94....

.....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 12/11/95

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 6th day of June, 1994 at 7:00 o'clock p.m. Eastern Daylight saving Time there were:

PRESENT: 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 Supervisor Gabryszak seconded by Councilman Rogowski

WHEREAS, Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski have petitioned for the rezoning from NS-Neighborhood Services District to C-Retail Business District of property owned by them and located at 2719 William Street, Cheektowaga, New York, which property is more particularly described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 18th day of April, 1994 at 6:30 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 afore-mentioned rezoning, and

WHEREAS, the petitioners have made a commitment to the Town that this property will be developed only for a Wilson Farms store or similar small volume grocery and accessory sales store, and will not be utilized for a restaurant or other retail sales store,

NOW, THEREFORE, BE IT

RESOLVED, that the application of Joseph and Justine Przemielewski and Eugene and Elizabeth Rogalski for the rezoning from NS-Neighborhood Services District to C-Retail Business District of the property specified in the attached legal description be and the same is hereby granted subject to the conditions and requirements as stated in the Town Board resolution previously adopted rendering the environmental determination for this project, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town of Cheektowaga be amended in accordance with the above.

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number sixty-eight (68), Township ten (10), Range seven (7) of the Buffalo Creek Reservation as laid down on a survey and map of part of said reservation made by James Sperry, Surveyor and thereafter subdivided by

Witmer and Browning, Surveyors, which said subdivision map is dated September 13, 1920 and is filed under Cover Number 1054 in the Erie County Clerk's Office and therein designated as part of Parcel "A", bounded and described as follows: -

COMMENCING in the northwest corner of Farm Lot Number sixty-eight (68), which said point of beginning is also situate on the easterly line of Laura Court; running thence southerly along the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet; thence easterly parallel with the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet; thence northerly parallel with the west line of Farm Lot Number sixty-eight (68), two hundred (200) feet to a point; thence westerly along the center line of William Street, one hundred thirty-two and twenty-eight hundredths (132.28) feet to the point 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 June 6th, 1994, 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 5a, 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 7th day of June, 1994.

Richard M. Moleski
Town Clerk

PUBLISH: June 9, 1994

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)

.....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.....June 9...1994.....

last publication.....June 9...1994.....

and that no more than six days intervened between publications.

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

Sworn to before me this9th.....

day ofJune....., 1994....

.....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 12/11/95

MEETING NO. 11
June 6, 1994

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

WHEREAS, Ralph Blum has petitioned for the rezoning from M2-General Manufacturing to C-Retail Business of property owned by Ralph Blum as general partner and located at 1735, 1745 and 1753 Walden Avenue, Cheektowaga, New York, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of March, 1994 at 6:15 o'clock P.M., after publication and service to 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 Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, AND

WHEREAS, there was a 30-day public comment period, to May 20th, following publication in the Environmental News Bulletin published by the New York State Department of Environmental Conservation, AND

WHEREAS, the only comment was with regard to traffic to and from the site, AND

WHEREAS, the New York State Department of Transportation has reviewed the traffic study and site access and approved same based on recommendations they had made to the applicant being incorporated in the plan, AND

WHEREAS, no further comment has been received by the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board reaffirms the rezoning resolution of April 4, 1994 for the property known as 1735, 1745 and 1753 Walden Avenue.

Upon Roll Call....

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

Item No. 6 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") 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, modify or reject the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Bernard Rusiniak to erect a 100 ft. x 100 ft. building at 2200 Old Union Road, AND

WHEREAS, the Advisory Committee, at its meeting held on May 18, 1994 rendered the determination shown on the attached memo dated May 19, 1994, AND

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

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issue a "Negative Declaration" for purposes of SEQRA.

Item No. 6 continued

Upon Roll Call....

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

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

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 June 20, 1994 at 7:00 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 9th day of June 1994, said amendments being set forth in the Notice of Hearing

* * * * *

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on June 20, 1994 at 7:00 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 76-102 of the traffic ordinance shall be amended by adding thereto the following:

F. Miscellaneous parking signs

(6) No standing anytime

STARLITE AVENUE	west side	from the north curbline of William Street to a point 160 feet+ north of the north curbline of William Street
-----------------	-----------	--

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

Richard M. Moleski
Town Clerk

Dated: June 6, 1994

* * * * *

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

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 June 20, 1994 at 7:00 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:

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

DATED: June 6, 1994

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 9, 1994

.....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.....June 9, 1994.....;
last publication.....June 9, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofJune....., 1994....

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 12/11/95

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

LEGAL NOTICE
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ARTICLE X

Parking, Standing and Stopping

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F. Miscellaneous parking signs

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STARLITE AVENUE - west side from the north curblane of William Street to a point 160 feet +/- north of the north curblane of William Street

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

DATED: June 6, 1994

RICHARD M. MOLESKI
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MARGARET J. BOURDETTE
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MEETING NO. 11
June 6, 1994

Item No. 8 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, this Town Board, desires to implement a Master Drainage Plan designed for the southwest area of the Town, which plan called for the construction of a waterway along the abandoned Lehigh and Lake Erie Branch Railroad right-of-way with the intent to divert storm waters from the Sloan drainage system and also to provide for a storm water outlet for the William Street/Dingens Street/Clinton Street residential areas west of Harlem Road, AND

WHEREAS, construction of said storm system requires the construction of a culvert under the New York State Thruway, AND

WHEREAS, that Thruway crossing construction cost creates too great a burden on the benefit area's limited tax base, such that the Town cannot fund the Thruway crossing without financial assistance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board memorializes the Honorable Jack Quinn to attempt to secure Federal funding for the construction of a drainage system along the Town owned Lehigh and Lake Erie Branch Railroad right-of-way, including a Thruway culvert crossing, so as to provide drainage relief to the Village of Sloan and the William Street/Dingens Street/Clinton Street residential areas west of Harlem Road.

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 Blachowski

WHEREAS, a former private roadway known as Sonwil Drive and land for the extension of Sonwil Drive were conveyed to and accepted by the Town of Cheektowaga by resolution dated May 2, 1994, and

WHEREAS, the Town owns land in between the existing paved portion of Sonwil Drive and the proposed extension, and such land will become part of Sonwil Drive, and

WHEREAS, Sonwil Distribution Center, Inc. petitioned this Town Board for the reconstruction of Sonwil Drive and for the installation of lateral sewers, and this Town Board has commended proceedings to bond such work and to charge the expense therefore to Sonwil Distribution Center, Inc., and

WHEREAS, it is necessary to dedicate the aforementioned Town-owned land as a Town highway in order for work to proceed and for such property to be used as a highway, NOW, THEREFORE, BE IT

RESOLVED, that Town-owned property described in the attached legal description be and hereby is dedicated as a Town highway.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

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 74, Township 11, Range 7 of the Holland Land Company's Survey being more particularly described as follows:

BEGINNING at a point in the north line of Lot 74, said point being 1132.18 feet west of the northeast corner of Lot 74; thence southwesterly along a curve to the right having a radius of 250.0 feet, an arc length 223.12' feet more or less to a point of reverse curve; thence continuing southwesterly along a curve to the left having a radius of 70.0 feet, an arc length of 61.44 feet more or less to the east line of Louis Maigret by Liber 93 of Deeds at Page 472; thence north $00^{\circ}-18'-54''$ west 248.11 feet to the north line of Lot 74; thence easterly along the north line of Lot 74 115.55' feet to the point of beginning, being 0.40 acre, more or less.

MEETING NO. 11
June 6, 1994

Item No. 10 Authorize Sidewalk Construction on Union Road
This item was withdrawn.

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

WHEREAS, Sonwil Drive has become a public highway through the recent transfer of the deed from Sonwil Distribution Center Inc. to the Town, AND

WHEREAS, by letter dated March 29, 1994 (copy attached), Mr. Daniel Hatfield, Chief of Hy-View Fire District No. 8 has recommended that upon Sonwil Drive becoming a public highway an additional hydrant be installed at Sta 31+20+ fronting developed property within the right-of-way, to conform with recommended hydrant spacing, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves of the installation of the aforesaid hydrant and that the Town of Cheektowaga hereby assumes responsibility for the payment of annual hydrant rental charges to the Erie County Water Authority for said hydrant, with said charges being recovered by Town billing to the respective fire company.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Board of Fire Commissioners

HY-VIEW FIRE DISTRICT NO. 8
TOWN OF CHEEKTOWAGA, NEW YORK
8 AIRPORT AVENUE
POST OFFICE: DEPEW, NEW YORK 14043

March 29, 1994

Mr. William R. Pugh, P.E.
Assistant Town Engineer
Town of Cheektowaga
275 Alexander Avenue
Cheektowaga, New York 14211

Re: Existing Hydrant Locations
Sonwil Drive

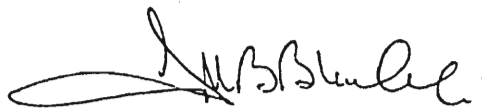
Dear Bill:

The drawings for the existing hydrant locations have been reviewed by Dan Hatfield, Chief of Hy-View Fire District No. 8, and all existing hydrants located near Sonwil Drive have been found to be of adequate size and location.

The Fire Chief would require an additional hydrant to be located on the developed portion of Sonwil Drive at approximately Sta 31 + 20. The distance between the last existing hydrant and the first proposed hydrant is 900'. This additional hydrant would, therefore, keep with the Fire Department standard of 450'-500' should exist between hydrants located within the right-of-way. The Fire Department would like to see this hydrant installed within six (6) months after the road has been turned over and approved by the Town of Cheektowaga.

Thank you for your time and consideration in this matter.

Very truly yours,



Allan B. Blachowski
Fire District Secretary

MEETING NO. 11
June 6, 1994

Item No. 12 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 ("EAC") reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, various boards, committees and departments within the Town also review the applications and send comments on these applications to the EAC, 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, modify or reject the recommendations submitted to it by the Advisory Committee, AND

WHEREAS, it is necessary to use guidelines, standards, maps and other information in the review of these applications in order to conduct an analysis and form a reasonable recommendation and decision, AND

WHEREAS, Earth Dimensions Incorporated has prepared a map containing Town-wide wetlands information and a User's Guide for the map, AND

WHEREAS, this map and User's Guide would be useful for development review and could be utilized by the developer in the planning process, NOW, THEREFORE, BE IT

RESOLVED, that the wetland map and User's Guide prepared by Earth Dimensions Incorporated be adopted as a reference for developers and for the Town's review process, AND, BE IT FURTHER,

RESOLVED, that the map and guide be updated annually, as required, and supplemented when approved wetlands delineations are required.

Upon Roll Call....

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

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

WHEREAS, bids were duly received on April 27, 1994 as a result of advertisement for the purchase of two (2) hydraulic bucket machines for the Sanitary Sewer Maintenance Department, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of two (2) hydraulic bucket machines for the Sanitary Sewer Department is hereby awarded to MVR Equipment Company, P.O. Box 567, Buffalo, New York 14207, (716) 884-0468 for their bid in the amount of \$32,984.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said hydraulic bucket machines in account #25-8125-02-2304.

Upon Roll Call....

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

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

WHEREAS, bids were duly received on April 27, 1994, as a result of advertisement for the purchase of a combination jet/vac sewer unit for the Sanitary Sewer Maintenance Department, AND

MEETING NO. 11
June 6, 1994

Item No. 13b continued

WHEREAS, said 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 Principal Engineer Assistant, Allan Blachowski, to the Town Board dated May 31, 1994, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of one (1) combination jet/vac sewer unit, as recommended, be and the same is hereby awarded to MVR Equipment Company, P.O. Box 567, Buffalo, New York 14207, (716) 884-0468 for their bid in the amount of \$105,504.00 (with option, less trade-in), AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said vehicle in Account #25-8125-02-2302.

Upon Roll Call....

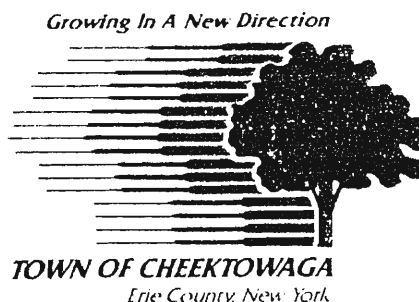
AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Chester L. Bryan, P.E.
Town Engineer



May 31, 1994

TO SUPERVISOR GABRYSZAK
AND TOWN BOARD MEMBERS
TOWN OF CHEEKTOWAGA

RE: Award of Bid
Combination Jet/Vac
Sewer Cleaning Unit

Gentlemen:

At a public bid opening held on April 27, 1994 at 11:00 A.M., bids were publicly opened for the purchase of one (1) Combination Jet/Vac Sewer Cleaning Unit for the Sanitary Sewer Department. Four (4) bids were received and are as follows:

<u>Bidder</u>	<u>Item 1 1994 Jet/Vac</u>	<u>Option A-2 Directional Arrow Board</u>	<u>Trade-In 1985 Jet/Vac</u>	<u>Vehicle Cost With Option Less Trade-In</u>
MVR Equip. Co. (Guzzler)	\$134,880.00	\$624.00	\$30,000.00	\$105,504.00
George & Swede (Vactor)	\$125,883.00	\$780.00	\$14,000.00	\$112,663.00
Cyncon, Inc. (Camel)	\$129,995.00	\$500.00	\$ 5,000.00	\$125,495.00
Roberts Equip. (Aquatech)	\$159,831.00	\$628.00	\$20,000.00	\$140,459.00

The bids were reviewed with Sewer Department Foreman, James Burst, and Town Engineer, Chester Bryan. It is, therefore, recommended that the bid be awarded to MVR Equipment Company, P.O. Box 567, Buffalo, New York 14207 (716) 884-0468 in the amount of \$105,504.00 for their submission of the lowest bid with Option A-2 and less trade-in, meeting the requirements of the specifications.

Very truly yours,

TOWN OF CHEEKTOWAGA

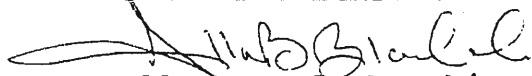

Allan B. Blachowski
Principal Engineer Asst.

ABB:dms

MEETING NO. 11
June 6, 1994

Item No. 14a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board has previously authorized the preparation of plans and specifications for the installation of a traffic signal and roadway improvements at the intersection of William Street and Cayuga Creek Road, AND

WHEREAS, the Town Engineer advises that plans and specifications have been completed and the project is ready for receipt of bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders in connection with said traffic signal installation, 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 June 29, 1994 at 11:00 A.M., at the Town Hall, at which times they will be publicly opened.

* * * * *

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 29th day of June, 1994 at 11:00 A.M., Local Time, in the Town Hall at Broadway and Union Road in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the installation of a traffic signal and roadway improvements at the intersection of William Street and Cayuga Creek Road.

On and after the date of this notice, plans and specifications and other contract documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York and the Office of EMS Consulting at 1863 Clinton Street, Buffalo, New York. Copies of the Contract Documents, plans, specifications and Instructions to Bidders may be obtained at the office of EMS Consulting at 1863 Clinton Street, Buffalo, New York upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York. Contract documents will be mailed by EMS Consulting upon receipt of a separate \$15.00 non-refundable check for mailing and handling costs in addition to the Contract Document deposit. Checks for mailing and handling costs shall be made payable to EMS Consulting.

Any bidder returning plans and specifications in good condition within thirty days following the award of the contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the plans and specifications before the bid opening will be classed as a non-bidder. No refund will be made for documents received after this thirty day period.

The Town of Cheektowaga reserves the right to reject any and all bids, to waive any informalities, therein 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.

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

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.

BY ORDER OF: Richard M. Moleski,
Town Clerk
Town of Cheektowaga

MEETING NO. 11
June 6, 1994

Item No. 14a continued

Dated: June 6, 1994

* * * * *

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

2
LEGAL NOTICE
NOTICE TO BIDDERS

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By Order Of: Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: June 6, 1994
PUBLISH: June 9, 1994

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
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first publication.....June 9, 1994..... ;
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tween publications.

Melissa Gugliuzza

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day ofJune....., 1994....

Margaret J. Bourdette

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

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2 LEGAL NOTICE
NOTICE TO BIDDERS

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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 proposals form and, unless complied with, such bid will not be accepted.

By Order Of: Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: June 6, 1994

PUBLISH: June 9, 1994

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
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weekly in said town; that the notice, of which
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said paper once a week for1..... weeks:
first publication.....June 9, 1994.....;
last publication.....June 9, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofJune....., 19-94....

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 12/11/95

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

WHEREAS, the Town of Cheektowaga requires improvements to Tennis and Basketball Courts at Cheektowaga Town Park, Cedargrove Heights Playground, Raymond Playground, U-Crest School and Theodore Roosevelt School, AND

WHEREAS, Darryl L. Jones, R.L.A. has prepared bid plans and specifications for Tennis and Basketball Court Reconstruction - Phase II, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board, hereby directs the Town Clerk to publish a Notice to Bidders for Tennis and Basketball Court Reconstruction - Phase II, AND BE IT FURTHER

RESOLVED, that the funds for said action are available from Capital Improvement Account Number 5402-7110-9405.

* * * * *

NOTICE TO BIDDERS

Sealed bids for Tennis & Basketball Court Reconstruction - Phase II are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on June 29, 1994 at 11:00 A.M. in the Town Hall, Broadway and Union Road for repair and color coat work for existing court surfaces located at various parks as indicated.

Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town Hall and a copy may be obtained upon payment of \$25.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

Dated: June 6, 1994

* * * * *

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

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Dated: June 6, 1994

PUBLISH: June 9, 1994

.....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 for weeks:
first publication.....June.9...1994.....;
last publication.....June.9...1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this9th.....

day ofJune....., 19.94....

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 S

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

LEGAL NOTICE
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PUBLISH: June 9, 1994

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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
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first publication.....June 9, 1994..... ;
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.....
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 12/11/99 S

Item No. 14c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is sponsoring three (3) summer day camps for children (Camp Crabapple, Camp JI-IK-DO-WAH-GAH and Camp Flamingo) from July 5, 1994 to August 13, 1994, and

WHEREAS, it is necessary that bus transportation be provided to transport these children to and from Camp Crabapple, Camp JI-IK-DO-WAH-GAH and Camp Flamingo, and

WHEREAS, Section 103 of the General Municipal Law of the State of New York requires certain municipal contracts to be awarded only after competitive bidding, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the furnishing of the aforesaid bus transportation to be provided from July 5, 1994 to August 12, 1994, said Notice shall be published in the June 9, 1994 issue of the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bid proposals will be accepted at the Town Clerk's Office, Town Hall, Broadway and Union Roads, Cheektowaga, New York until 11:00 a.m. on Wednesday, June 15, 1994, and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Clerk is hereby designated to publicly open and read sealed bid proposals at 11:00 a.m. on Wednesday, June 15, 1994.

* * * * *

NOTICE TO BIDDERS
PROPOSALS

Sealed bid proposals will be received and considered at the Town Clerk's office, Town Hall, Broadway and Union Road, Cheektowaga, New York, until 11:00 a.m., Eastern Daylight Savings Time on Wednesday, June 15, 1994 for the furnishing of daily transportation to and from three day camp programs for children to be located at the Alexander Community Center, 275 Alexander Avenue, (near Straley Avenue), Cheektowaga, New York. Included in the bid should be the use of four full size school buses and one wheelchair van. Please bid separately on the buses and on the wheelchair van, which will be utilized only if warranted by enrollment. Children will be transported from the Cheektowaga, Sloan, and Depew area to the camp site and vice versa, Monday through Friday, beginning July 5, 1994 through August 12, 1994. Arrival time at camp is scheduled for 9:30 a.m. Dismissal and take home is scheduled for 2:30 p.m. Also included in the bid should be transportation for five weekly field trips to and from various points of interest in the Western New York area.

Information for bidders may be obtained from the camps' Program Coordinator at the Cheektowaga Youth and Recreational Services Department, (275 Alexander Avenue) 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 lowest bidder, should it be in the best interest of the Town, or reject any and all bids.

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

Richard M. Moleski, Town Clerk

* * * * *

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
COUNTY OF ERIE
TOWN OF CHEEKTOWAGA } ss.

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

Richard Moleski
Town Clerk

PUBLISH: June 9, 1994

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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 12/11/95

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

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

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

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QUALIFIED IN ERIE COUNTY
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Item No. 15 Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Federal Fugitive Task Force was created by the Federal government for the purpose of prosecuting criminals involved in gang activity, eliminating gang activity and apprehending fugitives, and

WHEREAS, the Federal Fugitive Task Force is composed of officers from the FBI, DEA, County Sheriffs Departments and other municipal law enforcement agencies, and

WHEREAS, the Cheektowaga Police Department has been requested to become involved with the Federal Fugitive Task Force and to assign an officer to such Task Force, and

WHEREAS, the Federal government will assist the Town by loaning the Town a car, a telephone and paying an officer's overtime expenses, and

WHEREAS, the Chief of Police has recommended and this Town Board agree that the Town Police Department should take an active role in deterring criminal gang activity in the Western New York area as a means to stop gang activity from moving into the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police be and hereby is authorized to assign an officer from the Cheektowaga Police Department to the Federal Fugitive Task Force and to otherwise participate in such Task Force.

Upon Roll Call....

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

Item No. 16a 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 & Urban Development for the 1991 and 1992 Program Years, and

WHEREAS, the Village of Sloan, a subrecipient of Community Development funds 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 program years stated above in order to amend the use of CDBG funds allocated to the Village,

WHEREAS, the Town Community Development Director has recommended that the amendments requested by 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 1991 and 1992 program years as indicated on the attached Community Development Block Grant Final Statement Amendment Report, and authorizes the transfer of funds as indicated in said report, and BE IT

FURTHER RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any necessary documents 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 Program Years indicated:

A) Cancelled Projects

The following projects will not be carried out and are therefore cancelled:

1991 Program Year

Village of Sloan Sanitary Sewer Project

1992 Program Year

Village of Sloan Sanitary. Sewer Project

B) Fund Transfers

Funds totaling \$ 16,300 will be transferred to the Village of Sloan Handicapped Accessible Playground Equipment project in the appropriate program years from the following program years and project accounts:

\$ 8,700 from 1991 Sanitary Sewer Project

\$ 7,600 from 1992 Sanitary Sewer Project

Item No. 16b Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town has received funding from the U.S. Department of Housing & Urban Development under the Community Development Block Grant Program for the 1993-94 Program Year, and

WHEREAS, one of the purposes of said program is to improve the quality of community services which are essential for sound community development and for the development of viable urban communities, and

WHEREAS, the Housing Assistance Center of Niagara Frontier, Inc., located at 1233 Main Street, Buffalo, New York 14209, provides such services for Town residents, including but not limited to comprehensive housing counseling, mortgage default counseling, rental assistance and provision of housing-related information to low and moderate income residents, and

WHEREAS, funding for such services has been included in the Town's 1993-94 Community Development Block Grant Application, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized to execute an Agreement with the Housing Assistance Center of Niagara Frontier, Inc., for the provision of said services, and BE IT

FURTHER RESOLVED, that funding of said Agreement be in an amount not to exceed \$9,000.00, said amount to be paid from Program Year 1993-94 Community Development Block Grant Funds.

Upon Roll Call....

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

Item No. 16c Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Governor's Traffic Safety Committee offers a grant program to provide local governments with monies to implement a variety of highway safety programs; and

WHEREAS, monies from the highway safety program may be used to operate a pedestrian and bicycle safety project, thereby reducing deaths and injuries resulting from vehicle/pedestrian and vehicle/bicycle accidents; and

WHEREAS, the Town of Cheektowaga Police Department desires to heighten community awareness of pedestrian and bicycle safety on roadways via increased educational enforcement efforts; and

WHEREAS, the Cheektowaga Police Department has devised a comprehensive four step program to enhance pedestrian and bicycle safety which includes the following components:

1. Public Education Program
2. Bicycle Helmet Distribution to Underprivileged Persons
3. Police Training Program
4. Enforcement Program;

NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Governor's Traffic Safety Committee for the purpose of securing a grant in an amount not to exceed \$105,000, and BE IT FURTHER

RESOLVED, the Town's share of required matching funds will be paid by New York State, and BE IT FURTHER

Item No. 16c continued

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. 16d Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, the New York State Department of Transportation (NYSDOT) proposes to reconstruct State Route 78, Transit Road SH9217, southerly from Slate Bottom Creek, AND

WHEREAS, the NYSDOT may need to include as part of said road reconstruction project, the replacement and realignment of portions of the water-lines and hydrants of the Town Water District #9, AND

WHEREAS, this Town Board is supportive of said highway reconstruction project and in agreement that replacement and modifications to Town Water District No. 9 facilities are a necessary part of the road reconstruction work, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby grants permission to the NYSDOT to perform the necessary waterline and hydrant replacements and modifications providing that such replacements and modifications, as designed and constructed, meet the approval of the Town Engineer so as to insure continued proper and uninterrupted functioning of said Water District No. 9, AND, BE IT FURTHER

RESOLVED, that all costs associated with the relocation and modification to the Town Water District No. 9 facilities are to be borne by the NYSDOT as an integral part of the highway reconstruction project, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed, on behalf of this Town Board, to sign the Public Utility Work Agreement HC-140, submitted by the New York State Department of Transportation.

Upon Roll Call....

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

Item No. 16e Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, by resolution dated December 7, 1992, this Town Board authorized the Supervisor to execute an Indemnification Agreement with the Cheektowaga Veterinary Clinic and Dr. Michael Keem, D.V.M. in order for them to supply the Town Dog Control Officer with certain tranquilizer drugs, and

WHEREAS, the Dog Control Officer has notified this Town Board that she also needs to utilize sodium pentobarbital compounds, syringes and solutions within Schedule III of the Controlled Substances Act (Public Health Law Article 33) so she can perform euthanasia on dogs impounded, and

WHEREAS, the Town's Dog Control Officer, Bernadette Futch, has been certified by the State Department of Health as an animal euthanasia technician, and

WHEREAS, Dr. Michael Keem and the Cheektowaga Veterinary Clinic have agreed to act as agent in dispensing/supplying such euthanasia drugs provided the Town expands the aforementioned Indemnification Agreement to include such drugs, NOW, THEREFORE, BE IT

MEETING NO. 11
June 6, 1994

Item No. 16e continued

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Indemnification Agreement to indemnify Dr. Keem and the Cheektowaga Veterinary Clinic from the Town's actions in using the aforementioned drugs, syringes, etc.

Upon Roll Call....

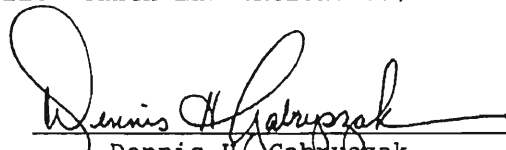
AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

INDEMNIFICATION AGREEMENT

The Town of Cheektowaga ("Town") hereby agrees to defend, indemnify and hold harmless Michael Keem, D.V.M. and the Cheektowaga Veterinary Hospital, its agents, employees and successors in interest, from and against all claims, damages, losses and expenses, including attorneys' fees, that shall or may be brought against or occasioned by Michael Keem, D.V.M. or the Cheektowaga Veterinary Hospital, its agents, employees and successors in interest arising out of or resulting from the use of the following drugs/tranquilizers given to the Town of Cheektowaga:

Ketamine
Rompum
Yobine
Sodium Pentobarbital compounds
Syringes/Needles
Solutions within Schedule III of the Controlled
Substances Act (Public Health Law Article 33)


Dennis H. Gabryszak
Supervisor

STATE OF NEW YORK)

) SS.:

COUNTY OF ERIE)

On this 10th day of June, 1994, before me personally came DENNIS H. GABRYSZAK, to me 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 municipal corporation described and which executed the within instrument; that he knows the seal of the Town of Cheektowaga; that the seal affixed to this instrument is such corporate seal; that it was so affixed by order of the Town Board of the Town of Cheektowaga; and that he signed his name hereto by like order.


Notary Public

VALERIE A. MEYERS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES APRIL 11, 1996

MEETING NO. 11
June 6, 1994

Item No. 16f Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, in 1991, the Cheektowaga Public Library Board and the Director of the Cheektowaga Libraries recommended that the Anna M. Reinstein Memorial Library ("Reinstein Library") be expanded to house and preserve historically significant documents known as the Boris Reinstein Collection, and

WHEREAS, State and Federal approval of such expansion was required due to the fact that the land where the library expansion was to occur was designated parkland, and

WHEREAS, State and Federal permission to expand the Reinstein Library has now been received, and

WHEREAS, moneys (\$254,497.11 as of 4/30/94) are available under a Trust Fund established under Item IV of the Last Will and Testament of Victor Reinstein for the expansion of the Reinstein Library, and

WHEREAS, a proposal has been submitted to the Town by Foit-Albert Associates, Architects and Engineers, P.C., to produce the construction documents for and oversee the construction of the additions to the Reinstein Library at a cost of \$13,900, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached letter of agreement with Foit-Albert Associates, and BE IT FURTHER

RESOLVED, that the moneys for such services shall be paid from the aforementioned Reinstein Trust Fund.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

May 26, 1994

Mr. Kevin Schenk
Office of the Town Attorney
3301 Broadway Street
Cheektowaga, NY 14227-1088

RE: Addition to Anna M.
Reinstein Memorial Library

Dear Kevin:

As per our telephone conversation of May 26, 1994, this is an update to our letter of April 7, 1994, to Elaine Mahaney, which revises the tentative schedule. All else is the same.

Attached is the original Schematic Plan with your latest comments incorporated. Adding the exterior double doors into the Storage Room is a good idea, I think.

Our original fee to produce the Construction Documents was 70% of our total fee for the project. Our total fee was based on 8.25% of an estimated construction cost of \$200,000. Using this same basis for recalculating our fee, the revised fee for completing this project will be \$13,900 ($\$241,100 \times .0825 \times .70$).

I anticipate being able to begin this project within the next 4 weeks, by June 20, and completing the documents within 8 weeks or August 15, 1994. A tentative schedule would be as follows:

Documents complete	August 15, 1994
Review by Town & Library	September 15, 1994
Contractors' bids due	October 15, 1994
Bids awarded	November 1, 1994
Contractor Start	November 15, 1994
Project Complete	August 1, 1995

If the Contractor could begin no later than October 1, 1994, it is anticipated that the addition could be closed to the weather by the end of the 1994 construction season. If the Construction Start date were to be later, such as the above indicated November 15, 1994, the work might not begin until March or April, 1995. With a nine month construction period, the Project Completion date might be as late as December 1995.

If these arrangements are satisfactory, please sign below and return to me so this project can be inserted into our work schedule.

Sincerely,

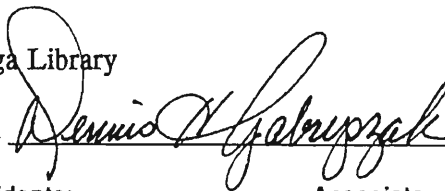


Laird Pylkas, R.A.
Project Architect

cc: Elaine Mahaney, Director, Cheektowaga Library

LP:lp:#91028

x



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.

10/2/91

CONSTRUCTION COST ESTIMATE

Addition (including new HVAC for old addition)	1,200 sf @ \$100/sf	\$120,000
Renovation	2,400 sf @ \$35/sf	84,000
Archive environmental control unit		5,000
		<hr/>
		\$209,000
Contingency (5%)		10,000
		<hr/>
		\$219,000

NOTE: This is a preliminary "ball park" estimate only, based on a square foot of building space method of approximating the total construction cost. As construction materials and sizes are determined in the Design Development phase, costs will be estimated on an itemized basis for all building systems. The figures used per square foot represent 1992 estimates and need to be adjusted if the construction of the library alterations and additions is extended beyond 1992. The estimate does not include professional fees or other soft costs, furnishings, equipment, or landscaping.

REVISED ESTIMATE BASED ON ATTACHED REVISED SCHEMATIC DESIGN April 6, 1994

Original estimate (10/91)	\$219,000
Assume 4% inflation each year	17,900
Add Grounds Storage (120 sf)	1,200
Add double doors in exist. wall	3,000
	<hr/>
NEW TOTAL (1994)	\$241,100

NOTE: Same note as above applies.

MEETING NO. 11
June 6, 1994

Item No. 16g Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, the Occupational Safety and Health Administration ("OSHA") has determined that there is a significant risk to workers who enter confined space, and has enacted regulations to protect employees from the hazards of entry into confined spaces, and

WHEREAS, such regulations require the Town to specify how rescue and emergency services will be provided to its employees who work in confined spaces, and

WHEREAS, in order to comply with such regulations, the Town must purchase an adjustable tripod with winch, two (2) full body harnesses, a secondary winch for the tripod, a leg mound plate, a bracket for the winch, a gas detector meter, a confined entry air kit, air sampler and carrying case, and

WHEREAS, it is also necessary for the Town to utilize the services of the various fire districts in the Town to act as the designated emergency rescue service in the event rescue is necessary and for placement of the above listed equipment, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of the above listed equipment be and hereby is authorized for an amount not to exceed \$8,400.00 from budget line item number 0100-1910-4101, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Municipal Cooperation Agreement with the various fire districts in the Town wherein the Fire Districts will be designated as the confined space rescue service for the Town and will have custody of the above listed equipment.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

* NOTE - Have not received signed agreement as of 5/1/95

AGREEMENT

THIS AGREEMENT made and entered into as of the _____ day of June, 1994, by and between

TOWN OF CHEEKTOWAGA, a domestic municipal corporation, having its principal place of business at 3301 Broadway, Cheektowaga, New York 14227 (hereinafter referred to as "TOWN"); and

DOYLE FIRE DISTRICT, William & Alaska Streets, Cheektowaga, N.Y.,
WALDEN FIRE DISTRICT, 20 Pine Ridge Road, Cheektowaga, N. Y.,
FORKS FIRE DISTRICT, Broadway & Union Road, Cheektowaga, N. Y.,
U-CREST FIRE DISTRICT, 244 Clover Place, Cheektowaga, N. Y.,
PINE HILL FIRE DISTRICT, 2435 Genesee Street, Cheektowaga, N.Y.,
CLEVELAND HILL FIRE DISTRICT, 440 Cleveland Dr., Cheektowaga, N. Y.
HY-VIEW FIRE DISTRICT, 8 Airport Dr., Cheektowaga, N. Y.
BELLEVUE FIRE DISTRICT, Como Park Blvd & Bennett Road, Cheektowaga, N. Y.
SOUTHLINE FIRE DISTRICT, 1049 French Road, Cheektowaga, N. Y.

(hereinafter referred to as "FIRE DISTRICTS")

WITNESSETH:

WHEREAS, the Occupational Safety and Health Administration ("OSHA") has determined that there is a significant risk to workers who enter confined space, and has enacted regulations (29 CFR Part 1910) to protect employees from the hazards of entry into confined space, and

WHEREAS, the TOWN, under 29 CFR Part 1910, must specify how it will provide rescue and emergency services to its employees who work in confined spaces, and

WHEREAS, the FIRE DISTRICTS have the training and expertise to provide confined space rescue services to the TOWN and have expressed a willingness to do so,

NOW, THEREFORE, the parties hereto hereby agree as follows:

1. TOWN will purchase the following equipment:

- adjustable tripod with winch
- 2 full body harnesses
- secondary winch for the tripod
- leg mount plate
- bracket for winch
- gas detector meter
- confined entry air kit
- air sampler
- carrying case

TOWN will retain ownership of such equipment, but will give possession of same to FORKS FIRE DISTRICT (or another Fire District which agrees to accept such equipment). FORKS FIRE DISTRICT (or another Fire District) will then place such equipment on its fire truck(s) and will transport same to a site within the Town of Cheektowaga when so requested and notified by the TOWN.

2. FIRE DISTRICTS agree to act as the confined space rescue service for the TOWN and to take appropriate action utilizing the equipment provided by the Town to provide rescue and emergency services to TOWN employees.

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

WALDEN FIRE DISTRICT

By _____

TOWN OF CHEEKTOWAGA

By _____

FORKS FIRE DISTRICT

By _____

DOYLE FIRE DISTRICT

By _____

U-CREST FIRE DISTRICT

By _____

PINE HILL FIRE DISTRICT

CLEVELAND HILL FIRE DISTRICT

By _____

HY-VIEW FIRE DISTRICT

By _____

BELLEVUE FIRE DISTRICT

By _____

SOUTHLINE FIRE DISTRICT

By _____

MEETING NO. 11
June 6, 1994

Item No. 16h Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that the Supervisor be and hereby is authorized to sign the attached Notice of Hearing.

Upon Roll Call....

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

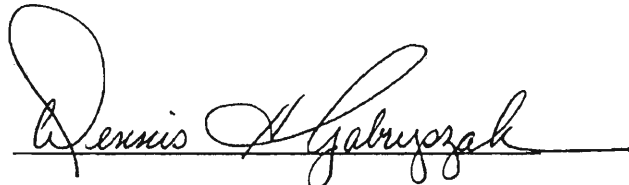
NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

TO: James Kirisits, Esq.

Pursuant to Section 75 of the Civil Service Law, you are hereby designated and directed to hold a hearing on the charge contained in the letter authored by Gregory D. Joos, Coordinator of Employee Relations, dated June 2, 1994 addressed to Richard Wilson, and on any amendments or supplements to such charge as may hereafter be preferred by the Town. You shall cause a transcript to be made of such hearing, and, following your analysis, you shall submit the record of such hearing to the Cheektowaga Town Board with your recommendations for review and decision.

A handwritten signature in cursive script, reading "Dennis H. Gabryszak", written over a horizontal line.

Dennis H. Gabryszak, Supervisor
Town of Cheektowaga

Dated: 6-10-94

Item No. 18 continued

EFFECTIVE

RECYCLING DEPARTMENT

William Galuszka
Brian Gast

4-18-94
5/26/94

TOWN CLERK'S OFFICE

Kelly Bogdan

Immediately

MAIN PUMP STATION

Timothy Dusin

5/28/94

FACILITIES

Paul Tadak

Immediately

SENIOR CENTER

Elizabeth Dombrowski

5/20/94

Upon Roll Call....

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

Item No. 19 Motion by Councilman Wielinski, Seconded by Councilman Blachowski

BE IT RESOLVED, that Kristen Kolbert, serving temporarily as a Clerk-Typist in the Police Department, be and hereby is returned to her part-time Clerk position in the Police Department, effective June 7, 1994.

Upon Roll Call....

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

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

WHEREAS, by resolution, this Town Board created the position of Civilian Crossing Guard Supervisor (Part-Time), AND

WHEREAS, the Erie County Department of Personnel has advised that the title of said position should be Supervising School Crossing Guard (Part-Time), pending jurisdictional classification by the New York State Civil Service Commission, NOW, THEREFORE, BE IT

RESOLVED, that the correct title be and hereby is established as Supervising School Crossing Guard (Part-Time).

Upon Roll Call....

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

Item No. 21 Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, by resolution, this Town Board appointed Frank Piacente to the part-time position of Supervising School Crossing Guard, effective June 13, 1994, AND

Item No. 21 continued

WHEREAS, said date of appointment was incorrect, NOW, THEREFORE, BE IT

RESOLVED, that said resolution be amended as follows:

RESOLVED, that Frank Piacente be and hereby is appointed to the part-time position of Supervising School Crossing Guard, effective June 6, 1994.

Upon Roll Call....

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

Item No. 22a Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, a temporary vacancy exists in the position of Clerk-Typist in the Police Department, AND

WHEREAS, said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc., AND

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, Sandra Kennuth, currently employed as a part-time Clerk in the Police Department, submitted an application and appears on the current valid Civil Service list for said position, NOW, THEREFORE, BE IT

RESOLVED, that Sandra Kennuth of Cheektowaga, New York 14225, be and hereby is appointed to the temporary vacancy or Clerk-Typist in the Police Department, 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, Inc., effective June 7, 1994.

Upon Roll Call....

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

Item No. 22b Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, due to a leave of absence, a temporary vacancy exists in the position of Equipment Maintenance Worker in the Sewer Maintenance Department, AND

WHEREAS, said vacancy was posted as per agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc., AND

WHEREAS, Michael Ganje, currently employed as a Sewer Maintenance Man in the Sewer Maintenance Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Michael Ganje, be and hereby is appointed to the temporary vacancy of Equipment Maintenance Man in the Sewer Maintenance Department, in accordance with the terms and conditions as set forth in the collective bargaining agreement with the Town of Cheektowaga Employees Association, Inc., effective June 7, 1994.

Upon Roll Call....

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

MEETING NO. 11
June 6, 1994

Item No. 22c Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, as a result of the resignation of David Adamberger, a permanent vacancy exists in the position of Public Safety Dispatch in the Police Department, AND

WHEREAS, Todd Schmigel appears on the current Civil Service list for said position, NOW, THEREFORE, BE IT

RESOLVED, that Todd Schmigel of Cheektowaga, New York 14225, be and hereby is appointed to the position of Public Safety Dispatch, 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 Public Safety Dispatchers Association, effective June 7, 1994.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 22d Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, there is presently a vacancy on the Board of Assessment Review due to the death of Arnold F. Kogut, AND

WHEREAS, his term expires on September 30, 1994, AND

WHEREAS, John Zukowski has applied for such position and the Town Assessor has recommended that this Board appoint him, NOW, THEREFORE, BE IT

RESOLVED, that John Zukowski, Cheektowaga, New York 14225 be and hereby is appointed as a member of the Board of Assessment Review effective immediately and for a term expiring on September 30, 1994.

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 SOLECKI TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 23, 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. 23 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

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

Camps

FROM ADAPTED RECREATION - 7310-1803 - TO DEVELOPMENTALLY DISABLED DAY CAMP (CAMP CRABAPPLE) - 7310.1802

Recreation Attendant III (Counselor III) - \$4.75
Amanda Varney

Item No. 23 continued

Recreation Attendant IV (Counselor IV) - \$5.00

Amy Pickhardt

Amy Roska

Amy Tomaka

Recreation Attendant V (Senior Counselor I) - \$5.25

Christy Male (Alternate)

Supervisor III (Activity Director I) - \$6.00

Angela Krause

Senior Recreation Supervisor VI (Assistant Program Coordinator VI) - \$7.25

Anne Priester

Supervisor X (Nurse III) - \$7.75

Barbara Walters

FROM ADAPTED RECREATION - 7310.1803 - TO CAMP JI-IK-DO-WAH-GAH - 7310.1801

Recreation Attendant III (Counselor III) - \$4.75

Lori Brucato

Amy Imiola

Recreation Attendant IV (Counselor IV) - \$5.00

Jason Krasinski

Amy Wetmore

Supervisor IV (Activity Director II) - \$6.25

Karen Noworyta

Leanne Fischer

FROM ADAPTED RECREATION - 7310.1803 TO - CAMP FLAMINGO - 7310.1810

Recreation Attendant II (Counselor II) - \$4.50

Kristen Scarafia

Recreation Attendant III (Counselor III) - \$4.75

Jennifer Golas

Carol Wichlacz

Amy Zakrzewski

Recreation Attendant IV (Counselor IV) - \$5.00

Daniel Quigley

Recreation Attendant V (Senior Counselor I) - \$5.25

Magdalena Wnuk

Recreation Attendant VI (Senior Counselor II) - \$5.50

Deborah Reed

Program Coordinator - \$10.00

Deborah Ann Fleetwood

Supervisor III (Activity Director I) - \$6.00

Janine Urbanski

FROM RECREATION SUPERVISOR 7140.1613 (TGIF) TO ALEXANDER SUMMER DAY CAMP (DARTWOOD VARIETY PAK) - 7310.1810

Recreation Attendant (Senior Counselor I) - \$5.25

Michael Rokitka

Dawn Zilbauer

Recreation Attendant VI - (Senior Counselor II) - \$5.50

Maria DiGiacomo

Item No. 23 continued

FROM RECREATION ATTENDANT - 7140 (TGIF) TO ALEXANDER SUMMER DAY CAMP (DARTWOOD VARIETY PAK CAMP) - 7310.1810

Recreation Attendant III (Counselor III) - \$4.75
Dawn Smith

Recreation Attendant II (Counselor II) - \$4.50
Rebecca Volk

BE IT RESOLVED, that the following change in titles be made as indicated: (Seasonal)

Gymnastics - 7140.1630

FROM SENIOR RECREATION SUPERVISOR TO SENIOR INSTRUCTOR
Colleen Tonsoline - \$10.00

FROM RECREATION ATTENDANT V TO ASSISTANT SUPERVISOR
Amy Sieczkarek - \$6.25
Sean Zent - \$6.25

FROM RECREATION ATTENDANT IV TO RECREATION ATTENDANT V
Cheryl Skowronski - \$5.25

RECREATION SPECIALIST II
Leanne Ventura - \$5.00

Recreation Supervisor - 7140.1615

FROM RECREATION SUPERVISOR II TO RECREATION III
Christopher Mahalic - \$6.00

Recreation Attendant - 7140.1614

FROM RECREATION ATTENDANT II TO RECREATION ATTENDANT III
Corrine Kindzierski - \$4.75

Pools - 7180.1902

FROM SUPERVISOR V TO POOL SUPERVISOR - \$7.65
Keith Sokolowski

FROM RECREATION INSTRUCTOR TO POOL SUPERVISOR
Cathy Giles - \$8.85

FROM 7140.1615 TO POOL SUPERVISOR
Shelly Kunkel - \$8.35

Basketball - 7140.1654

FROM RECREATION LEADER I TO SUPERVISOR
Greg Wazny - \$5.75

FROM RECREATION LEADER I TO RECREATION LEADER II
Ben Dennis - \$5.50

BE IT RESOLVED, that the below listed individuals be changed from part-time to seasonal:

Theatre - 7140.1651

RECREATION LEADER IX
Thomas Kazmierczak - \$7.25

RECREATION SPECIALIST X
Bonnie Nowicki - \$7.00

Item No. 23 continued

RECREATION SPECIALIST III

Davis Isch - \$5.25

Joanne Haas - \$5.25

RECREATION ATTENDANT II

Cindy Okun - \$4.50

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 24 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

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

EFFECTIVE

TOWN CLERK'S OFFICE - \$6.00 per hour (Clerical)

Susan Gregor

6/07/94

MAIN PUMP STATION - \$5.50 per hour (Laborer)

Walter Meubauer

6/07/94

Robert Cieslikowski

"

James Moulder

"

POLICE DEPARTMENT - \$5.00 per hour (Clerical)

Stacey L. Czubaj

6/07/94

SENIOR CENTER - \$6.50 per hour (Outreach Worker)

Alice Voight

6/07/94

AND, BE IT FURTHER

RESOLVED, that the hourly rate for Cam Viverto and Harry Rogalski, part-time employees in the Facilities Departments, be and hereby is increased to \$5.00 per hour retroactive to 5/2/94.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 25a Motion by Councilman Rogowski, Seconded by Councilman Blachowski

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

EFFECTIVE

SEWER MAINTENANCE DEPARTMENT - \$4.65 per hour

David Pula

6/07/94

Aaron Vanderlip

"

MEETING NO. 11
June 6, 1994

Item No. 25a continued

EFFECTIVE

TOWN CLERK'S OFFICE - \$6.00 per hour (Clerical)

Amy Szprygada 6/07/94

MAIN PUMP STATION - \$6.00 per hour (Laborer)

John Johnson 6/07/94

FACILITIES DEPARTMENT - \$5.00 per hour (0100-7110-1491)

Jason Scott 6/07/94
James Crean "

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

Greg Klima 6/07/94
Michael Sebastiano "
Patrick Cullinan "
Jerry Majka "

AND, BE IT FURTHER

RESOLVED, that the salary of Richard Higley, Gary Czajka and Scott Wesolowski, seasonal employees hired in the Recycling Department on May 17, 1994, be established at \$5.00 per hour.

Upon Roll Call....

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

MOTION BY COUNCILMAN SOLECKI, SECONDED BY COUNCILMAN WIELINSKI
TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION,
ITEM 25B, 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. 25b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the below listed individuals be hired at the
titles and salaries indicated (seasonal):

ADMINISTRATIVE INTERNS -7310.1804

Clerk - \$4.25
Karen Marie Malkiewicz 14211

DAY CAMPS

Dartwood Variety-Pak Camp - 7310.1810

Recreation Attendant I (Counselor I) - \$4.25
Daniel Zilbauer 14225

MEETING NO. 11
June 6, 1994

Item No. 25b continued

Recreation Attendant II (Counselor II) - \$4.50
Tammy Schumacher 14225

Recreation Attendant IV (Counselor IV) - \$5.00
Michael Smith 14227

Recreation Attendant VI (Senior Counselor II) - \$5.50
Brian Getz 14225

Recreation Supervisor VII (Activity Director V) - \$7.00
Gerald A. Sobolewski 14225

Developmentally Disabled Day Camp (Camp Crabapple) - 7310.1802

Recreation Attendant I (Counselor I) - \$4.25
Kelly Goldsmith 14227

Recreation Attendant III (Counselor III) - \$4.75
Julie Brewer 14043
Eric Montroy 14225
Jessica Wessell 14215

Alexander Summer Day Camp (Camp Flamingo) - 7310.1810

Recreation Attendant I (Counselor I) - \$4.25
Gayle Bosiaki 14212
Melissa Newhouse 14227
Rosalind Schaaf 14227
Kelly Szczublewski 14043

Recreation Attendant II (Counselor II) - \$4.50
Sandra Bentz 14211
Mikal Murray 14227
James Ruzewski 14227

Recreation Attendant III (Counselor III) - \$4.75
Laura Dumke 14227
John Kapron 14225
Katherine Netzel 14227

Recreation Attendant IV (Counselor IV) - \$5.00
Kim Rafanowicz 14227
Richard Violanti 14043

Recreation Attendant V (Senior Counselor I) - \$5.25
Jeffrey Jankowski 14211

Camp JI-IK-DO-WAH-GAH 7310.1801

Recreation Attendant I (Counselor) - \$4.25
Donna Quigley 14225

Recreation Attendant II (Counselor II) - \$4.50
Ryan Golas 14043

Recreation Attendant III (Counselor III) - \$4.75
Kim Auger 14215
Amy Conner 14225
Laura Herko 14043
Samantha Schanne 14225
Trevor Stowell 14225

Recreation Attendant IV (Counselor IV) - \$5.00
Julie Chiarilli 14043
Maureen Collins 14227
Andrienne Jozwiak 14225

Item No. 25b continued

Gymnastics 7140.1630

Recreation Attendant I - \$4.25	
Deborah Ann Zimmerman	14225
(Alternate)	

Recreation Attendant II - \$4.50	
Brian Walters	14225

Recreation Attendant IV - \$5.00	
Sabrina Kotowski	14043

Recreation Attendant V - \$5.25	
Michelle Frazer	14225

Recreation Attendant (Tiny Tots) 7140.1612

Recreation Attendant I - \$4.25	
Danielle Drzymala	14043

Recreation Attendant IV - \$5.25	
Elaine Myska	14206

Recreation Attendant (I.D.) 7140.1614

Recreation Attendant I - \$4.25	
Dale Marie Parks	14225
Wendy Ann Parks	14225

NYSCC Corps - (Supervisory) 7310.1815

Crew Supervisor - \$8.10	
Kirk Wilde	14227

Youth Leader - \$5.40	
Kendra Baumgartner	14211

NYSCC Corps - (Participants) 7310.1816

Participants - \$4.25	
Eric Stockmeyer	14225
Mark Znaczko	14227
Joseph Gruber	14225
Teri Duszynski	14227
Dan Kmiotek	14043
Michael Matuczewski	14225
Greg Crossman	14227

Participants (Alternates) - \$4.25	
Michael Pastwik	14043
Eric Corcoran	14043
Kevin Jones	14215
Edward McIsaac, III	14227

CHEEKTOWAGA CONSERVATION CORPS (Supervisory) 7310-1811

Crew Supervisor - \$8.10	
Kevin Corcoran	14043
John Jarzynski	14043

Youth Leader - \$5.40	
Matt Starr	14225
Sean Fiegel	14227

MEETING NO. 11
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Item No. 25b continued

CHEEKTOWAGA CONSERVATION CORPS (Participants) 7310.1812

Participants \$4.25

Patrick Boland	14043
Jason Siembida	14043
Anthony Kalisz, III	14043
Todd Miller	14206
Bill Bonczar	14227
April Dhanens	14225
Scott Sincebaugh	14227
Eric Pacer	14043
Kenneth Bednasz	14227
David Duszynski	14227
Jamie Loos	14206
Jeff Mallory	14227
Erin Wisnewski	14225
Mark Klosko	14206
Carl Grassl	14225

Participants (Alternates) - \$4.25

Chris Cummings	14225
Anthony Buccilli	14227
David Michalski	14227
David Sobolewski	14225
Todd Corcoran	14043
Kevin Bogdan	14227
Jon Bova	14225
David Bova	14225
Paul Ivanowski	14043
Ian Catbagan	14225
Kevin Noworyta	14043
Eric King	14043
Jeff Jankowski	14043
Mike Boczar	14225
Richard Smith	14227
Andrew Canllone	14043
Craig Mahalic	14206
Pat Cullinan	14225
Justin Keating	14227
Gil Gillman	14227
James Ruzewski	14227
Emilio Zeolla	14227
Chris White	14043

SPORTS ROTATION

Recreation Leader VI - \$6.50

Deborah Sokolski	14043
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(retroactive to May 16, 1994,

TENNIS 7140.1642

Recreation Supervisor VII - \$6.75

Anthony Lorigo	14043
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Recreation Instructor X - \$6.75

Andrew W. Boczkowski	14227
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Recreation Instructor VIII - \$6.25

James R. Domzalski	14043
Caroline Burnicki	14043

Recreation Instructor V - \$5.50

Dwayne Dewyea	14212
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MEETING NO. 11
June 6, 1994

Item No. 25b continued

THEATRE - 7140.1651

Recreation Attendant I - \$4.25

Christine Cramer

14227

Phillip Farugia

14227

Recreation Leader II - \$5.50

David E. Harrington

14211

POOLS - (Beach and Pool Supervisors) 7180.1902

Pool Supervisor II - \$8.35

Kathy Bobeck

14227

Head Lifeguard I - \$7.30

Keith Stachura

14225

Head Lifeguard II - \$7.00

Jackie Hauser

14225

Denise Tasca

14206

POOLS - (Lifeguards) 7180.1903

Lifeguard VI - \$6.50

Mike Callahan

14227

Ed Pawlowski

14043

Lifeguard V - WSI - \$6.50

Dawn Pszczolkowski

14211

Lifeguard V - \$6.25

Karen Kuehmeier

14225

Lifeguard IV - \$6.00

Greg Bean

14225

Amy Dauscher

14227

Amber Gorzynski

14206

Sue Johnson

14215

Amy Owens

14227

Lifeguard III - \$4.50

Margaret Brezowski

14211

Jeff Coia

14227

Amy Garbacz

14206

Brian Gould

14227

Eric Kazukiewicz

14043

Lisa Lewandowski

14225

Sarah Warfield

14227

Mike Wyse

14225

Lifeguard II - \$5.00

Craig Bova

14225

Doug Egloff

14215

Sarah Garcea

14043

Janine Glizer

14225

Renee Kazukiewicz

14043

Kathleen Kriel

14225

Kimberly Kubiak

14206

David Owens

14227

Amy Pacer

14043

Tony Pawlowski

14043

Brian Zanghi

14215

Item No. 25b continued

Lifeguard I - \$4.75

Keith Hansen	14043
Dorothy Wojcik	14043
Greg Burkhard	14043
Susan Wysocki	14227
Rachael Okoniewski	14043
Juliette Nowak	14043
Tim Isch	14225

Lifeguard I (Alternates) - \$4.75

Ellen Gill	14043
Karen Rafanowicz	14227
Sean Sievert	14043
Robert McGarry	14215
Eric Houlahan	14225
Daniel Okoniewski	14043
Kristen Reddien	14043
Richard Bridenbaker	14215
Melanie Pilat	14227
Craig Kowalski	14225
Matthew Nagel	14043
Darryl Lindell	14227
Mike Barnhard	14227
Elizabeth Warfield	14227
Thomas Wasiak	14206

Lifeguard V (Alternate) - \$5.75

Denee Schallmo	14225
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Recreation Attendant I (Basket Checkers) - \$4.25 - 7180.1901

Elizabeth Kreavy	14225
Heather DeSimone	14225
Shawn Paa	14225
Kathryn Astran	14227
Kimberly Popiela	14212
Jennifer Gerace	14225
Joe Prybylski	14225
Michelle Miszewski	14043
Jill Jaskier	14227

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 26a Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, funds are presently available under the Buffalo-Cheektowaga-Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Program starts on June 20th, 1994, personnel work a maximum of 40 hours per week, at salary as stated, and a termination date not to exceed August 31, 1994, NOW, THEREFORE, BE IT

RESOLVED, that the following persons will be hired based on fund availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor:

PRINCIPAL COUNSELOR at \$13.29 per hour

Peter Tonsoline	14043
-----------------	-------

SENIOR COUNSELOR at \$11.93 per hour

Vincent Frisicaro	Elma 14059
-------------------	------------

Item No. 26a continued

MONITOR at \$7.76 per hour
Kelly Jeffords

14043

SENIOR ADVISOR at \$6.52 per hour
William Clerici

14227

COUNSELOR at \$6.02 per hour
Jennifer DiNunzio

14043

Upon Roll Call....

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

* * * * *

MOTION BY COUNCILMAN WIELINSKI, SECONDED BY COUNCILMAN ROGOWSKI
TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION,
ITEM 26B, 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. 26b Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, funds are presently available under the Buffalo-Cheektowaga-
Tonawanda Consortium, Summer Youth Program, and,

WHEREAS, the Summer Youth program starts on June 27th, 1994, par-
ticipants work a maximum of 40 hours per week, at \$4.25 per hour, and a termination
date not to exceed September 30, 1994, NOW, THEREFORE, BE IT

RESOLVED, that the following persons will be hired based on fund
availability from the Department of Labor and that the alternate portion may be uti-
lized to meet the demographic requirements as stated in our plan submitted to the
Department of Labor:

Abraham, Shawn	14225
Abraham, Stephanie	14225
Acosta, Joseph	14215
Albano, Paul	14211
Albano, Stephanie	14206
Allein, Melanie	14225
Altemoos, Rebecca	14227
Amarena, Kathy	14225
Baker, Jeffrey	14225
Baker, John	14225
Balisteri, Erica	14225
Barbaridz, Keri Ann	14215
Beltz, Allen	14206
Blachaniec, Jackie	14227
Boersma, Connie	14225
Bohlen, Thomas	14043
Borucki, Laurie	14225
Borynski, James	14227
Borynski, Steven	14227
Broniszewski, Angel	14225
Brucato, Anthony	14215
Brusehaber, Joseph	14225

Item No. 26b continued

Brutcher, Erica	14043
Brutcher, Kevin	14043
Bryant, Carolyn	14211
Butera, Angela	14225
Butsch, Derek	14043
Carrick, Tina	14225
Ciesielski, Kurt	14225
Cipressi, Philip	14227
Demyanick, Deric	14206
Diebold, Tabitha	14215
Donnelly, Heather	14043
Drechsel, Francis	14043
Dusing, Andrew	14206
Epps, Michelle	14225
Falkiner, James Jr.	14211
Forkl, Kristie	14043
Geary William	14212
Gnacinski, Jason	14225
Greiner, Schon	14227
Grzedzicki, David	14225
Grzywna, Edmund	14212
Guggemos, Robert	14043
Heiser, Michael	14225
Hetzel, Jason	14043
Kelley, Scott	14225
Klaczyc, Barbara	14211
Kluczynski, Jeffrey	14206
Kobialka, Przemyslaw	14212
Kopcinski, Todd	14225
Koral, James	14227
Laudico, Charles	14223
Lepkyj, Mirian	14227
Lewandowski, Jeff	14206
Lindell, Michael	14211
Linden, Jaclyn	14227
Lindner, Joseph	
Lukasik, Stanley Jr.	14225
Lyon, Aaron	14225
Majeski, Paul	14227
Mantione, Christopher	14225
Mantione, Jason	14225
Mantione, Josephine	14225
Mantione, Lorena	14225
Maul, Shawn	14206
Mazurkiewicz, Stephen	14225
McKissacki, Jessica	14225
McKissack, Kimberly	14225
McPeek, Nicole	14225
McPeek, Samuel	14225
Mead, Jamie	14211
Miller, Brenda	14225
Murphy, Jason	14225
Nowicki, Stacey	14211
Parisien, Danielle	14225
Paul, Stephanie	14215
Pembrock, Robert	14227
Pernick, Joseph	14225
Peterson, Velita	14215
Pieczynski, Paul	14227
Pignatora, Deanie	14225
Putnam, James	14043
Quigley, David	14225
Raczyk, Jennifer	14225
Robinson, Erik	
Roche, Jill	14225
Roche, Tim	14225

MEETING NO. 11
June 6, 1994

Item No. 26b continued

Rodoski, Steven	14211
Schnauder, Corey	14225
Skinner, Angela	14211
Smith, Cheryl	14227
Smith, Theresa	14227
Stachewicz, Robert	14227
Stone, Brian	14215
Tabak, Christian	14211
Theurer, Heather	14225
Thompson, Edward	14206
Tolfa, Anthony	14211
Tryjankowski, Timothy	14225
Twarozek, Jennifer	14043
Vargas, Valerie	14211
Vrenna, Robin	14225
Walczak, Brad	14225
Walker, Wesley	14225
Wiepert, Christopher	14211
Wilkes, Ahmad	14215
Winklhofer, Jenny	14211
Wojcik, Jennifer	14227
Wojcik, Joel	
Wolfe, Mark	14227
Yox, Lisa	14225
Zelaski, Martin Jr.	14227
Zielinski, April	14211
Zielinski, Larry	14211
Zielinski, Patrick	14227
Zogaria, Mark	14225
Barnes, Alison	14225
Fleming, Andrea	14215
Neff, Rachael	14225
Price, David	14212
Stroh, Sandra	

Upon Roll Call....

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

Item No. 27a Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, the Western Regional Council of the New York State Government Finance Officers' Association (GFOA) will be holding its Summer Conference in Buffalo, New York on June 21 and 22, 1994, AND

WHEREAS, the Supervising Accountant and the Accountant of the Town have requested permission to attend this meeting, AND

WHEREAS, information important to the Town will be discussed at this meeting, NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Kaczmarek and A. Lynn Nenni, be and hereby are authorized to attend the aforementioned conference, and BE IT FURTHER

RESOLVED, that the Town shall pay all reasonable costs associated with their attendance at this conference not to exceed \$120.00 out of budget line number 0100-1910-4082.

Upon Roll Call....

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

MEETING NO. 11
June 6, 1994

Item No. 27b Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the National Association of D.A.R.E. Officers is sponsoring the annual National D.A.R.E. Conference in Orlando, Florida from July 10-16, 1994,

WHEREAS, Chief Bruce Chamberlin is requesting authorization to send D.A.R.E. Officer Kenneth Jezioro to this conference. All expenses incurred for this conference will be covered by the Cheektowaga Action Partnership (CAP) NOW, THEREFORE, BE IT

RESOLVED, that chief Chamberlin is authorized to send Officer Jezioro to this conference, and that the time he spends there be authorized as normal duty time.

Upon Roll Call....

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

Item No. 28a Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, structural deficiencies were discovered in the 8 inch V.T.P. sanitary sewer main at the intersection of George Urban Boulevard and Harlem Road in Sanitary Sewer District No. 5, the repair of which was required to be completed in advance of the on-going Harlem Road Reconstruction Project being performed under a New York State Department of Transportation (NYSDOT) contractor, AND

WHEREAS, it was necessary to coordinate the sanitary sewer repair with work items being performed by the NYSDOT project contractor, Anastasi Trucking and Paving Co., in the same immediate work zone, AND

WHEREAS, the depth of the repair and equipment needs presented conditions beyond normal Sewer Maintenance Department capabilities, AND

WHEREAS, in order to safely maintain traffic through the common work area and coordinate the sewer repair with on-going underground utility work it was appropriate for the Town Engineer to delegate the necessary repair work to Anastasi Trucking and Paving Co. as outlined in the attached letter dated June 1, 1994, NOW, THEREFORE, BE IT

RESOLVED, that payment for the necessary pipe replacement as submitted by Anastasi Trucking and Paving Co., 6495 Transit Road, Bowmansville, New York 14026 in the total amount of \$9,497.01 for labor, equipment and materials required to make the necessary sewer repair be and hereby is accepted and approved for payment, AND, BE IT FURTHER

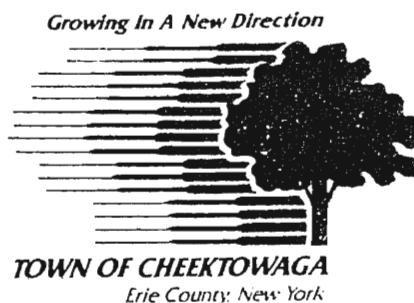
RESOLVED, that payment for said repair be made from Sanitary Sewer District No. 5 Contracted Repairs, Account No. 2500-8125-4543.

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 1, 1994

Supervisor Dennis Gabryszak and
Honorable Town Board Members

Re: Harlem Road Reconstruction
Sanitary Sewer Repair

Dear Town Board Members:

This department with the assistance of the Town Sewer Maintenance Department has adopted a policy whereby internal video inspection of Town sanitary sewer mains is performed in advance of major highway reconstruction projects in an effort to correct any deficiencies which may exist prior to the reconstruction of the overlying highway and related improvements. The scheduling of such repairs prior to and during major road reconstruction projects significantly reduces the repair and restoration costs which would be incurred should the repairs be delayed or the need for repairs be discovered at a later date.

The recent sanitary sewer repairs on Harlem Road @ George Urban Blvd. involved the replacement of structurally deficient 8 inch diameter clay tile pipe with ductile iron pipe. This particular pipeline is 13 feet in depth, has been in service 50+ years and lies directly beneath a new 72 inch diameter storm sewer being installed under the NYSDOT Harlem Road Reconstruction Project.

After numerous discussions with NYSDOT engineers, we were successful in having the portion of the 8 inch V.T.P. beneath the new storm sewer replaced with ductile iron pipe under the State project at no cost to the Town. We engaged the NYSDOT project contractor, Anastasi Trucking and Paving Co., to complete the balance of the road crossing replacing the structurally unsound pipe at a cost of \$9,497.01 and recommend that payment be authorized pursuant to the attached Town Board resolution.

Very truly yours,

TOWN OF CHEEKTOWAGA

A handwritten signature in dark ink, appearing to read "W. R. Pugh", is written over the printed name.

William R. Pugh, P.E.
Assistant Town Engineer

WRP/mjj

Alexander Community Center ♦ 275 Alexander Avenue ♦ Cheektowaga, New York 14211 ♦ 716 / 896-0788

MEETING NO. 11
June 6, 1994

Item No. 28d Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board by resolution dated November 23, 1992 and May 17, 1993 engaged the engineering consulting firm of Pratt & Huth Associates to conduct a Flood Study for Scajaquada Creek and to prepare for submission to the Federal Emergency Management Agency (FEMA), the necessary technical evaluation and mapping to support a request by the Town for revision to the current Flood Insurance Rate Map, AND

WHEREAS, subsequent to the commencement of the Flood Study, prepared over a 1-1/2 year time period, the map amendment submission requirements of FEMA expanded beyond the original engineering scope of services to be provided by Pratt & Huth Associates, AND

WHEREAS, Pratt & Huth Associates have completed the Flood Study and supporting documentation which has been recently submitted to FEMA by the Town Engineer with professional engineering services for said study completion exceeding the original scope of services by a fee in the amount of \$4,458.75, NOW, THEREFORE, BE IT

RESOLVED, that payment of Invoice No. 7 of the consulting engineering firm of Pratt & Huth Associates, 60 Earhart Drive, Williamsville, New York 14221 in the amount of \$4,458.75 is hereby approved and that funds for said services shall be charged to Account No. 5109-1440-9120, Scajaquada Creek & Tributaries Erosion Control.

Upon Roll Call....

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

Item No. 29 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 adjustments deemed necessary and appropriate for the project, AND

WHEREAS, Change Order No. 4 is attached and itemizes the additional work deemed appropriate for the project at a total cost of \$250.00, NOW, THEREFORE, BE IT

RESOLVED, the Supervisor is hereby directed and authorized to sign said Change Order No. 4, 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, Rogowski,
Blachowski, Johnson and Wielinski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA
CHANGE ORDER AUTHORIZATION

DATE: June 6, 1994

CONTRACT DATE 8/3/93 CONTRACT AWARD PRICE \$ 76,355.00

CHANGE ORDER NO. 4 ADD OR SUBTRACT Add

PROJECT NAME Walden Avenue Revitalization

PROJECT ADDRESS Walden Avenue

CONTRACTOR'S NAME Broad Spectrum Concrete Specialists, Inc.

CONTRACTORS ADDRESS 115 South Avenue, West Seneca, NY 14224

DESCRIPTION OF CHANGE TO CONTRACT OR EXTRA WORK :

Item 2: Additional cost to remove concrete & install drain-line. \$ 250.00

TOTAL \$ 250.00

REASONS FOR CHANGE OR EXTRA WORK:

Contractor encountered 3 additional layers of concrete sidewalk & was required to excavate to 5-foot depth to install drain-line at 1311 Walden Avenue.

CONTRACT TIME CHANGE: (1) Work completed as of 6/1/94

ITEMIZATION OF CONTRACTOR'S PROPOSAL ON THIS CHANGE:

REFER TO EXHIBIT A - PRICE
EXHIBIT B - LOCATION

APPROVALS:

TOWN OF CHEEKTOWAGA

Dennis W. Gabryszak
Signature and Title

DATE

6-24-94

CONTRACTOR

[Signature]
Signature and Title

DATE

7/22/94

TOWN OF CHEEKTOWAGA
PRICE ORDER AUTHORIZATION
PRICE BREAKDOWN - EXHIBIT A

DATE June 6, 1994

JOB NAME Walden Avenue Revitalization JOB NUMBER N/A

CONTRACTOR Broad Spectrum Concrete Specialists, Inc.

ADDRESS 115 South Avenue, West Seneca, NY 14224

CHANGE ORDER NUMBER 4

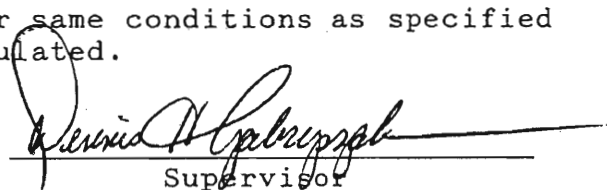
You are hereby authorized to perform the following specifically described additional work:

<u>ITEM #</u>	<u>DESCRIPTION</u>	<u>COST</u>	<u>TOTAL</u>
2:	Additional cost to break-up and remove 3 additional layers of concrete & excavate to 5-foot depth to install drain-line.	\$ 250.00	\$ 250.00

ADDITIONAL CHARGE FOR ABOVE WORK IS : \$ 250.00

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 _____ AUTHORIZING SIGNATURE 
Supervisor

We hereby agree to furnish labor and materials - complete in accordance with the above specifications at above stated price.

AUTHORIZED SIGNATURE  DATE 7/22/94
Contractor Signs Here

TITLE ENGINEER

MEETING NO. 11
June 6, 1994

Item No. 30a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Department of Youth and Recreational Services has received a \$15,000 grant from the New York State Office of Parks, Recreation and Historic Preservation to conduct an American Conservation and Youth Services Corp Project during the summer of 1994, AND

WHEREAS, a budget line must be established and monies spent before reimbursement is made by the New York State Office of Parks, Recreation and Historic Preservation, NOW, THEREFORE, BE IT

RESOLVED, that the following account line items be and hereby are amended:

NYSCC (Expense) - Account 0001-7310-1815	\$ 1,569.35
NYSCC (Expense) - Account 0001-7310-1816	11,122.65
NYSCC (Expense) - Account 0001-7310-4085	2,308.00
NYSCC (Revenue) - Account 0001-7310-3091	\$15,000.00

Upon Roll Call....

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

Item No. 30b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Action Partnership is desirous of fostering after school programs, AND

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is willing to operate said program on behalf of said partnership, BE IT

RESOLVED, that the following budget lines be established:

Youth Center Initiative - Salaries (expense) - 7310.1814	\$ 5,000.00
Youth Center Initiative - Supplies (expense) - 7310.4674	500.00
Youth Center Initiative - (Revenue) - 7310.2089	\$ 5,500.00

Upon Roll Call....

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

Item No. 31 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	Y.C.C. Supervisors	\$ 6,070.45
0100-7310-4677	Catholic Charities	467.00
0100-7310-4677	Catholic Charities	1,873.00
0100-7320-4000	Contractual Expenses-CAP	2,500.00
0100-7180-1903	Lifeguards	2,500.00
0100-7180-1903	Lifeguards	6,500.00
0100-7140-1621	Umpires, Referees	3,255.00
0100-7140-1621	Umpires, Referees	7,636.00
0100-7140-1815	Basketball	4,650.00
0100-7110-1938	Capital Fund Allocation	7,200.00
0100-1410-4111	Publishing Notices	5,385.00
0100-1415-4003	Travel	30.00
0100-1415-9000	Indirect Cost Allocation	476.00

MEETING NO. 11
June 6, 1994

Item No. 31 continued

GENERAL FUND cont'd.

From:	0100-1415-9000	Indirect Cost Allocation	\$ 850.00
	0100-7410-4451	Building & Grounds Maintenance- Library	110.00
	0100-3120-1511	Lieutenants Salaries	7,602.00
To:	0100-7310-1815	NYSCC Supervisors	\$ 6,070.45
	0100-7310-4685	Youth Dept.-Y.E.S. Program	467.00
	0100-7310-2501	Office Equipment	1,873.00
	0100-7320-2000	Equipment-C.A.P.	2,500.00
	0100-7180-1902	Beach & Pool Supervisors	2,500.00
	0100-7180-1901	Bathhouse Attendants	6,500.00
	0100-7140-1622	Rec. Attendants, Playground	15,541.00
	0100-7110-1493	Seasonal Tree Maintenance	7,200.00
	0100-1410-2201	Office Equipment Town Clerk	5,385.00
	0100-1415-8000	Employee Benefits	30.00
	0100-1415-1500	Senior Clerk-Archive Grant	476.00
	0100-1415-2000	Equipment-Archive Grant	850.00
	0100-7410-4439	Heating & Air Conditioning- Library	110.00
	0100-3120-1590	Crossing Guard Supervisor	7,602.00

SPECIAL DISTRICTS

From:	2400-8124-4981	Feasability Study	\$ 3,500.00
	1500-8160-4469	Landfill Costs	145,750.00
	4000-8140-4432	Maintenance & Repairs	62,545.00
To:	2400-8124-9211	Bond Interest	\$ 3,500.00
	1500-8160-9211	Bond Interest	145,750.00
	4000-8140-4431	Storm Sewer Maintenance	20,545.00
	4000-8140-4438	Storm Sewer Contracted Repair	40,500.00
	4000-8140-4430	Detention Basin Maintenance	1,500.00

Upon Roll Call....

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

Item No. 32 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 June 3, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$1,823,554.18
HIGHWAY FUND	517,093.41
TRUST & AGENCY FUND	27,506.41
CDBG HUD FUND	51,595.41
PART TOWN FUND	50,660.96
RISK RETENTION FUND	45,516.77
NYS HOME REHABILITATION FUND	3,990.00
HOUSING REHABILITATION FUND	45,868.76
SPECIAL DISTRICTS FUND	1,126,057.05
CAPITAL FUND	310,640.64
	<u>\$4,002,483.59</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 33 Comprehensive Annual Financial Report for Fiscal Year Ending
December 1993
Received and Filed.
- Item No. 34 Supervisor's Statement of Funds - April 1994
Received and Filed.
- Item No. 35 Building Permits
Received and Filed.
- Item No. 36 Minutes of Library Board - April 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 37 Complaint - New York Telephone vs the State Board of Equalization and
Assessment
Received and Filed.
- Item No. 38 Order to Show Cause - Police Captains and Lieutenants Association,
Inc. vs the Town of Cheektowaga and the Bruce D. Chamberlin, as Chief
of Police
Received and Filed.
- Item No. 39 Summons & Complaint: Kathleen Radley vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 40 Notice of Claim: James Merlette vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 40a Notice of Claim: Mr. and Mrs. James W. Schmidt vs the Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Town Clerk and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 40b Notice of Claim: Mr. and Mrs. James W. Schmidt vs the Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 40c Notice of Claim: General Accident for Francesca LaGambina vs the
Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Dept. and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 40d Notice of Claim: Dawn Sokolowski vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Sanitation Dept. and Allied Claims Insurance Carrier.
Received and Filed.

* * * * *

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN JAWOROWICZ
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. 41 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the position of Recreation Attendant (full-time)
be and hereby is created in the Youth and Recreational Services Department, effective immediately.

Upon Roll Call....

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

Item No. 42 Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the position of Housing Inspector (full-time) be
and hereby is created in the Building and Plumbing Department, effective immediately.

Upon Roll Call....

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

Item No. 43 Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn this
meeting in memory of all deceased World War II Veterans and the
50 Year D-Day Anniversary.

Richard M. Moleski
Town Clerk

P U B L I C H E A R I N G S
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 14 July 18, 1994

- 1 Rezoning at 4734 Transit Road from NS-Neighborhood Service District to C-Retail Business District
- 2 Rezoning at 2550 Walden Avenue from M1-Light Manufacturing Dist. to CM-General Commercial District

PUBLIC HEARINGS

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MEETING NO. 12
June 20, 1994

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 June, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings 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; Christopher Kowal, Highway Superintendent.

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 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 76-102 of the traffic ordinance shall be amended by adding thereto the following:

F. Miscellaneous parking signs

(6) No standing anytime

STARLITE AVENUE	west side	from the north curbline of William Street to a point 160 feet+ north of the north curbline of William St.
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The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Supervisor declared the hearing closed; decision was reserved.

II. RESOLUTIONS

Item No. 3 Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, Bella Vista Corporation has petitioned for the rezoning from C-Retail Business to R-Residence of property owned by 81 and 3 of Watertown Incorporated and located at Losson Road, Cheektowaga, New York which property is more particularly described in the attached legal description, and

Item No. 3 cont'd

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of March, 1994 at 6:15 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 Town Board, based on the Environmental Advisory Committee's recommendation, has issued a Conditional Negative Declaration for this proposal, and

WHEREAS, a condition of approval was deeding to the Town .08 acres of the original 1.64 acres of land to be kept as a buffer between the homes and Federal Wetlands, and

WHEREAS, there was a 30-day public comment period, to May 20th, following publication in the Environmental News Bulletin published by the New York State Department of Environmental Conservation, and

WHEREAS, no further comment has been received by the Town, NOW,
THEREFORE, BE IT

RESOLVED, that the Town Board reaffirms the rezoning resolution of March 21, 1994 for the property known as Losson Manor Subdivision.

Upon Roll Call....

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

1/7/94

rev.2/9/94

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 46, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

COMMENCING at the point of intersection of the center line of Transit Road (100 ft. wide) with the center line of Losson Rd. (80 ft. wide), said point being the southeast corner of said Lot 46; thence N 00° 06' 34" E along the center line of Transit Road, 40.01 feet to a point; thence S 89° 01' 14" W, 50.01 feet to a point of intersecting of the westerly line of Transit Road (100 ft. wide) with the northerly line of Losson Road (80 ft. wide; thence continuing S 89° 01' 14" W along the northerly line of Losson Road, 1123.45 feet to the POINT OF BEGINNING; thence continuing S 89° 01' 14" W along the northerly line of Losson Road, 460.56 feet to a point; thence N 00° 18' 14" E, 160.04 feet to a point; thence N 89° 01' 14" E, 302.73 feet to a point; thence S 58° 54' 38" E, 44.70 feet to a point; thence S 81° 18' 28" E, 63.91 feet to a point; thence S 56° 03' 43" E, 34.22 feet to a point; thence S 30° 24' 41" W, 51.50 feet to a point; thence S 00° 58' 46" E, 61.09 feet to the POINT OF BEGINNING.

Containing 1.56 more or less acres.

/pg

Item No. 4 Motion by Councilman Johnson, Seconded by Councilman Solecki

WHEREAS, this Town Board held a public hearing on June 6, 1994 and on June 20, 1994 at 7:00 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 be 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 of the traffic ordinance shall be amended by deleting therefrom the following:

C. No parking here to corner

WOODELL AVENUE	east side	from the north curblin of Walden Avenue northerly 62+ feet to a point
----------------	-----------	---

76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE	east side	from the north curblin of Walden Avenue northerly 40 feet to a point
----------------	-----------	--

F. Miscellaneous parking signs

(6) No standing anytime

STARLITE AVENUE	west side	from the north curblin of William Street to a point 160 feet+ north of the north curblin of William St.
-----------------	-----------	---

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Item No. 4 cont'd

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

EXTRACTS FROM MINUTES
OF CHEEKTOWAGA
TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 20th day of June, 1994 at 7:00 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 Councilman Solecki

WHEREAS, this Town Board held a public hearing on June 6, 1994 and on June 20, 1994 at 7:00 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 of the traffic ordinance shall be amended by deleting therefrom the following:

C. No parking here to corner

WOODELL AVENUE - east side - from the north curbline of Walden Avenue northerly 62 +/- feet to a point

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE - east side - from the north curbline of Walden Avenue northerly 40 feet to a point

F. Miscellaneous parking signs

(6) No standing anytime

STARLITE AVENUE - west side - from the north curbline of William Street to a point 160 +/- feet north of the north curbline of William Street

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the CHEEKTOWAGA TIMES a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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 June 20, 1994, 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 No. 4, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 20th day of June, 1994.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 23, 1994

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.....June 23, 1994.....;
last publication.....June 23, 1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this23rd.....

day of June....., 1994....

.....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 12/11/95

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 June, 1994 at 7:00 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 Councilman Solecki

WHEREAS, this Town Board held a public hearing on June 6, 1994 and on June 20, 1994 at 7:00 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 of the traffic ordinance shall be amended by deleting therefrom the following:

C. No parking here to corner

WOODELL AVENUE - east side - from the north curbline of Walden Avenue northerly 62 +/- feet to a point

§76-102 of the traffic ordinance shall be amended by adding thereto the following:

C. No parking here to corner

WOODELL AVENUE - east side - from the north curbline of Walden Avenue northerly 40 feet to a point

F. Miscellaneous parking signs

(6) No standing anytime

STARLITE AVENUE - west side - from the north curbline of William Street to a point 160 +/- feet north of the north curbline of William Street

Section 2. Time to take effect.

(a) These amendments shall take effect when properly posted within a reasonable time except those parts, if any, which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York.

(b) Any part or parts of these amendments which are subject to approval under Section 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Traffic Commission.

Section 3. Territorial Application

These amendments shall apply to all of the Town of Cheektowaga, Erie County, New York outside of the villages of Depew and Sloan.

Section 4. Publication.

That these amendments to Chapter 76 of the Code of the Town of Cheektowaga shall be entered in the minutes of this Town Board and shall be published in the *CHEEKTOWAGA TIMES* a newspaper published in this Town and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

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 June 20, 1994, 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 No. 4, inclusive, of said book.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened, the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said Town, this 20th day of June, 1994.

RICHARD M. MOLESKI
Town Clerk

PUBLISH: June 23, 1994

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.....June 23, 1994.....;
last publication.....June 23, 1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this23rd.....

day of June....., 1994.....

.....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 12/11/99 S

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

WHEREAS, in 1982, the County of Erie reconstructed and straightened Losson Road in the Town of Cheektowaga, and

WHEREAS, as a result of such reconstruction and straightening of Losson Road, a new highway known as Crabapple Lane was established and transferred to the town by the County, and

WHEREAS, the Town Board of the Town of Cheektowaga, by resolution dated September 20, 1992, agreed to accept Crabapple Lane (f/k/a Old Losson Road) from the County based on an agreement by the county that it would repave the 2,000+ feet of pavement for such highway when scheduling and funding permitted, and

WHEREAS, to date, the County of Erie has not repaved Crabapple Lane, and such highway is in need of repair, and

WHEREAS, the County of Erie has stated that it has a surplus in its budget this year, and thus may have funding available to repave Crabapple Lane, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the County of Erie and Erie County Department of Public Works, Division of Highways, to honor its agreement from 1981-82 to resurface Crabapple Lane during the 1994 calendar year, 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 DPW, Division of Highways, County Executive Dennis T. Gorski, and County Legislators Raymond Dusza, Gregory Olma, William Pauly and Michael Ranzenhofer.

Upon Roll Call....

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

Item No. 6a Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Sonwil Distribution Center, Inc. petitioned this Town Board for the reconstruction of Sonwil Drive and for the installation of lateral sewers, and this Town Board has commenced proceedings to bond such work and to charge the expense therefore, to Sonwil Distribution Center, Inc., and

WHEREAS, Sonwil Distribution Center, Inc., on their own behalf, engaged the consulting engineering firm of Nussbaumer & Clarke, Inc. to prepare design drawings which provide for the rehabilitation of the existing pavement, southerly pavement extension and for sanitary sewer extension, and

WHEREAS, the Town Engineer advises that it is now necessary to prepare specifications and bid documents and to revise the design drawings to the format adopted by the Town for public bidding, and

WHEREAS, engineering design and project administration costs shall be funded from the bond proceeds to be repaid by Sonwil Distribution Center, Inc., and

WHEREAS, in the event bond proceeds are insufficient to pay all costs for engineering, road reconstruction and other expenses relating to Sonwil Drive, Sonwil Distribution Center, Inc. has agreed to pay Nussbaumer & Clarke fee for professional services rendered, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. dated April 25, 1994 and as submitted to the Town Engineer for professional services related to the Sonwil Drive road improvements and sanitary sewer extension be and hereby is accepted and approved, and, BE IT FURTHER

Item No. 6a cont'd

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign the agreement with Nussbaumer & Clarke, Inc. for the provision of professional services, at a cost not to exceed \$34,505.00, and BE IT FURTHER

RESOLVED, that should for any reason the project improvements contract not be awarded or constructed, those professional services actually rendered to date shall not be the responsibility of the Town to pay, but rather shall be paid by Sonwil Distribution Center, Inc. and that the subject professional services agreement is being executed with Nussbaumer & Clarke, Inc. conditioned on this understanding.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Agreement between the Buffalo Sewer Authority and the Town covering the acceptance and treatment of sanitary sewerage from the 10-inch connecting sewer of the Cochrane Street Sewer District ended June 30, 1990, and

WHEREAS, the Buffalo Sewer Authority has presented the Town with a new Agreement, which provides, in part, that "the Town agrees to pay the Authority for the use of the connection and the disposal of the sewerage from the first day of July, 1993, an amount annually representing the actual cost to the Authority of treating (the) sewage discharged into the facilities of the Authority..."; and

WHEREAS, the aforesaid revised Agreement has been reviewed by the Town Engineer as to content and the Town Attorney as to form, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and he hereby is authorized to sign the aforesaid Agreement between the Buffalo Sewer Authority and the Town.

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 Wielinski

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 comprehensive rate of return from investments, and

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

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

WHEREAS, M & T Bank has drafted and submitted the following documents to the Town for approval:

1. Funds Transfer Agreement
2. Certificate of Corporate Secretary and Designation of Security Contracts
3. Authorization for Templates for Recurring Fund Transfers

NOW, THEREFORE, BE IT

Item No. 6c cont'd

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced documents 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

Item No. 6d Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, a housing rehabilitation loan was previously approved for the owners of 67 Ellwood Place, and

WHEREAS, an amendment to increase the loan by the amount of \$651.00 is required to cover the cost of additional unforeseen repair work, the need for which was discovered during rehabilitation, and

WHEREAS, the Community Development Director has recommended approval of said loan amendment, NOW, THEREFORE, BE IT

RESOLVED, that an amendment to the original housing rehabilitation loan agreement for 67 Ellwood Place to increase said loan by the amount of \$651.00 is hereby approved, and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to sign said loan amendment, the cost of which is chargeable to the Community Development Block Grant Housing Rehabilitation budget.

Upon Roll Call....

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

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

WHEREAS, bids were duly received by this Town Board at a meeting thereof, for the furnishing of bus transportation for the Cheektowaga Department of Youth and Recreational Services, and

WHEREAS, such analysis, tabulation and report has been completed, NOW, THEREFORE, BE IT

RESOLVED, that the bid be awarded to the following bidder meeting specifications (see attached):

National School Bus
2306 Walden Avenue
Cheektowaga, New York 14225

and BE IT FURTHER

RESOLVED, that the costs resulting from the awarding of this bid be funded through line items:

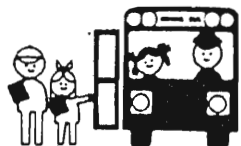
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--7310.4671
--7310.4698
--7140.4601

Item No. 7 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



NATIONAL SCHOOL BUS SERVICE

2306 WALDEN AVE. • BUFFALO, NEW YORK 14225 • 716/684-1240

SAFETY AND SERVICE

June 13, 1994

Town of Cheektowaga
Youth & Recreational Services
Town Hall
Cheektowaga, NY 14227

Gentlemen:

Our bid for school bus service (not wheelchair service), for transporting town residents to and from the Alexander Community Center at 275 Alexander St., Cheektowaga, is as follows:


Six weeks service - Monday thru Friday, Summer 1994
(4 BUSES) \$10,899.00

Dates & times for field trips as shown on attached copy of Bid form--Cost per bus is:

Darien Lake	\$147.00
Niagara Splash	\$154.75 Tolls Inc.
Artpark	\$142.50 Tolls Inc.
Evangola Beach	\$147.00
Buffalo Zoo	\$109.85

The cost for the field trips is in addition to daily service. The total to be determined by number of buses and trips actually made.

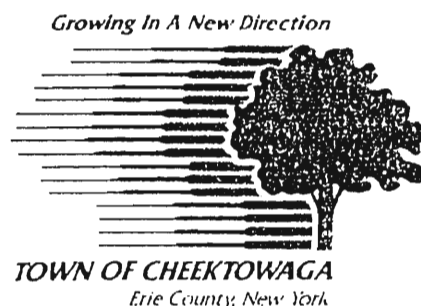
Yours truly


George Withell
CHARTER MANAGER

Attach: 1

Department of Youth & Recreational Services
Executive Director
Kenneth J. Kopacz

Alexander Community Center
275 Alexander Avenue
Cheektowaga, New York 14211-2742



June 6, 1994

Gentlemen:

The following packet contains our transportation requirements for Camp Crabapple, Camp JI-IK-DO-WAH-GAH and Camp Flamingo to be located at the Alexander Community Center, 275 Alexander Avenue (near Straley Avenue), Cheektowaga, New York. It is broken into three (3) sections for your convenience.

1. Full Time Attendance/Partial (varied) Attendance
2. Field Trips
3. Bus Monitors

Please bid separately on the enclosed bids:

Should any questions arise regarding this packet, please call my office at 895-1590. Please have your bids in the Town Clerk's office no later than Wednesday, June 15, 1994 at 11:00 a.m.

Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Deborah Ann Fleetwood".

Deborah Ann Fleetwood
Program Coordinator

A handwritten signature in cursive script, reading "Anne Marie Priester".

Anne Marie Priester
Assistant Program Coordinator

DAF/AMP/lp

Enclosures

FIELD TRIPS

The following is a list of five (5) trips for which we will require four (4) full-size buses and one (1) wheelchair van. The children must be picked up from the Alexander Community Center, 275 Alexander Avenue (near Straley Avenue), Cheektowaga, New York, and taken to their destination and returned by 2:30 p.m. with the exception of extended field trips.

DATE	LOCATION
July 8th*	Darien Lake
July 15th*	Niagara Splash
July 22nd*	Artpark
July 29th*	Evangola Beach
August 5th	Buffalo Zoo

*Extended field trips (when youth return from field trip, they will be taken directly to their drop off site.)

July 8th	-	return by 4:30 p.m.
July 15th	-	return by 4:30 p.m.
July 22nd	-	return by 4:30 p.m.
July 29th	-	return by 4:30 p.m.
August 5th	-	return by 2:30 p.m.

BUS MONITORS

The counselors will be hired by the Town of Cheektowaga to monitor activity on the bus while it is in transit to and from the Alexander Community Center, 275 Alexander Avenue (near Straley Avenue), Cheektowaga, New York. If possible, it will be the responsibility of the counselor to be at the first camper's bus stop and to be dropped off at the last camper's bus stop.

NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- 1) The price in this bid has been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; and
- 2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder prior to opening, directly or indirectly to any other bidder, competitor; and
- 3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit a bid for the purpose of restricting competition.

SPECIFICATIONS AND BID PROPOSALS

Pursuant to and in accordance with the advertisement for bids dated June 9, 1994 and the instruction to bidders relating thereto, the undersigned offers to furnish all equipment as described in the specifications and deliver to the Department of Youth and Recreational Services, 275 Alexander Avenue, Cheektowaga, New York 14211.

SIGNED 

TITLE Charter Manager

COMPANY National School Bus Service Inc

ADDRESS 2306 Walden Ave.

Cheektowaga, NY 14225

TELEPHONE NO. : (716) 684-4000

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

WHEREAS, this Town Board has previously authorized the preparation of plans and specifications for the construction of a pedestrian bridge spanning Scajaquada Creek in the vicinity of Marlene Drive, and

WHEREAS, the Town Engineer advises that plans and specifications have been completed and are ready for receipt of bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby authorized to publish a Notice to Bidders in connection with the construction of the Scajaquada Creek Pedestrian Bridge, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on July 6, 1994 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

* * * * *

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 6th day of July, 1994 at 11:00 a.m., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials, and incidentals required for the Scajaquada Creek Pedestrian Bridge Project, complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Pratt & Huth Associates, Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the engineers at 60 Earhart Drive, Williamsville, NY 14211. Copies may be secured at the office of Pratt & Huth Associates upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

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 the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, 3301 Broadway Street, Cheektowaga, New York 14227 and marked as "Proposal for the Scajaquada Creek Pedestrian Bridge Project"

The right to reject any and 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 by the faithful performance of the contract.

Item No. 8a cont'd

No bidder may withdraw his bid within forty-five days (45) days after the date set for the opening thereof, but may withdraw same any time 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 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.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes in 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 the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF: RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga

DATED: June 20, 1994
PUBLISHED: June 23, 1994

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

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 6th day of July, 1994 at 11:00 a.m., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials, and incidentals required for the Scajaquada Creek Pedestrian Bridge Project, complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Pratt & Huth Associates, Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 60 Earhart Drive, Williamsville, New York 14221. Copies may be secured at the office of Pratt & Huth Associates upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

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 the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, 3301 Broadway Street, Cheektowaga, New York 14227 and marked as "Proposal for the Scajaquada Creek Pedestrian Bridge Project".

The right to reject any and 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.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time 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 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.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes in 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 the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF:
Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: June 20, 1994

PUBLISH: June 23, 1994

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.....June 23, 1994.....;
last publication.....June 23, 1994.....;
and that no more than six days intervened be-
tween publications.

Sworn to before me this 23rd

day of June, 1994

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 12/11/95

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 6th day of July, 1994 at 11:00 a.m., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials, and incidentals required for the Scajaquada Creek Pedestrian Bridge Project, complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Pratt & Huth Associates, Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14221.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 60 Earhart Drive, Williamsville, New York 14221. Copies may be secured at the office of Pratt & Huth Associates upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

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 the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, 3301 Broadway Street, Cheektowaga, New York 14227 and marked as "Proposal for the Scajaquada Creek Pedestrian Bridge Project".

The right to reject any and 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.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time 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 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.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246, THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes in 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 the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order of Commencement Work" has been issued.

BY ORDER OF:
Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: June 20, 1994

PUBLISH: June 23, 1994

134
52.93

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 for 1 weeks:
first publication June 23, 1994 ;
last publication June 23, 1994 ;
and that no more than six days intervened be-
tween publications.

..... *Melissa Gugliuzza*

Sworn to before me this 23rd

day of June, 1994.....

..... *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 12/11/95

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

WHEREAS, this Town Board has authorized the preparation of bid documents, specifications and modification to the design drawings for public bidding purposes, the original preparation of which was initiated by Sonwil Distribution Center, Inc. for the reconstruction and extension of Sonwil Drive and for the extension of lateral sewers, and

WHEREAS, the Town Engineer advises that plan approval has been received from the Erie County Department of Environment & Planning for the sanitary sewer extension and that the project is ready for the receipt of bids, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby authorized to publish a Notice to Bidders in connection with the Sonwil Drive Pavement & Improvements Project, notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened on July 6, 1994 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall by the Town Clerk.

* * * * *

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 6th day of July, 1994 at 11:00 a.m., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials, and incidentals required for the Sonwil Drive Pavement and Improvement Project, complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Consulting Engineers for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 3556 Lake Shore Road, Suite 500, Buffalo, NY 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc., upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

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 the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, 3301 Broadway Street, Cheektowaga, New York 14227 and marked as "Proposal for the Sonwil Drive Pavement Improvements Project."

The right to reject any and 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 by the faithful performance of the contract.

Item No. 8b cont'd

No bidder may withdraw his bid within forty-five days (45) days after the date set for the opening thereof, but may withdraw same any time 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 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.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes in 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 the bid.

The work shall be completed within 120 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF: RICHARD M. MOLESKI
Town Clerk
Town of Cheektowaga

DATED: June 20, 1994
PUBLISHED: June 23, 1994

* * * * *

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

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BY ORDER OF:
Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: June 20, 1994

PUBLISH: June 23, 1994

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 for weeks:
first publication..... June 23, 1994..... ;
last publication..... June 23, 1994..... ;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this 23rd

day of June....., 1994.....

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 12/11/95

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The work shall be completed within 120 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF:
Richard M. Moleski
Town Clerk
Town of Cheektowaga

DATED: June 20, 1994

PUBLISH: June 23, 1994

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.....June 23, 1994.....;
last publication.....June 23, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza

Sworn to before me this23rd.....

day of June....., 1994.....

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 12/11/95

134
52.93

Item No. 9 Motion by Councilman Wielinski, Seconded by Councilman Solecki

BE IT RESOLVED that the following SEASONAL and PART-TIME employees be and hereby are TERMINATED as listed:

	<u>EFFECTIVE</u>
<u>SEWER MAINTENANCE DEPARTMENT</u>	
Joseph Malkiewicz	05-28-94
<u>JUSTICE COURT</u>	
Gail Augustyn	06-13-94
Sherry Beback	Immediately
<u>FACILITIES DEPARTMENT</u>	
Felix Lampke	06-20-94
Douglas Champagne	06-18-94
Charles Gau	06-11-94
Daniel Stypa	06-18-94
<u>RECYCLING DEPARTMENT</u>	
Richard Ostrowski	06-07-94

Upon Roll Call....

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

Item No. 10a Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, a temporary vacancy exists in the position of Sewer Maintenance Worker in the Sewer Maintenance Department, and

WHEREAS, said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc., and

WHEREAS, Joseph Cartenuto, currently employed as Motor Equipment Operator in the Highway Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Cartenuto be and hereby is appointed to the temporary position of Sewer Maintenance Worker in the Sewer Maintenance Department, in accordance with the terms and conditions as set forth in the collective bargaining agreement with the Town of Cheektowaga Employees Association, Inc., effective June 27, 1994.

Upon Roll Call....

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

Item No. 10b Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, a vacancy exists in the position of Sewer Maintenance Worker in the Sewer Maintenance Department, and

WHEREAS, said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc., and

WHEREAS, Gene Dudek, currently employed as a Motor Equipment Operator in the Highway Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

Item No. 10b cont'd

RESOLVED, that Gene Dudek be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Department, in accordance with the terms and conditions as set forth in the collective bargaining agreement with the Town of Cheektowaga Employees Association, Inc., effective June 27, 1994.

Upon Roll Call....

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

Item No. 10c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, due to the resignation of Robert H. Winklhofer on the Board of Assessment Review, and

WHEREAS, his term expires on September 30, 1997, and

WHEREAS, Diane Zelasko, , Sloan, New York 14212 be and hereby is appointed as a member of the Board of Assessment Review effective immediately and for a term expiring on September 30, 1997.

Upon Roll Call....

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

Item No. 10d Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, John Zukowski has resigned from the Board of Assessment Review, and

WHEREAS, his term expires on September 30, 1994, and

WHEREAS, David G. Zale has applied for such position and the Town Assessor has recommended that this Board appoint him, NOW, THEREFORE, BE IT

RESOLVED, that David G. Zale, Depew, New York 14043 be and hereby is appointed as a member of the Board of Assessment Review effective immediately and for a term expiring on September 30, 1994.

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 dispense with reading of the names for Items 11A, 11B, 11C; 11D 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. 11a Motion by Councilman Wielinski, Seconded by Councilman Blachowski

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

EFFECTIVE

SEWER MAINTENANCE DEPARTMENT - \$4.65 per hour (Laborer)

Dean Sarago 06-21-94

TOWN CLERK'S OFFICE - \$6.00 per hour (Clerical)

Jennifer Schifferli 06-21-94

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

John Strong 06-21-94

Stephen Schottman 06-21-94

Brian Carstens 06-21-94

Michael Soulske 06-21-94

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 11b Motion by Councilman Rogowski, Seconded by Councilman Blachowski

WHEREAS, funds are presently available under the Buffalo-Cheektowaga-Tonawanda Consortium, Summer Youth Program, and

WHEREAS, the Summer Youth Program starts on June 27th, 1994, participants work a maximum of 40 hours per week, at \$4.25 per hour, and a termination date not to exceed September 30, 1994, NOW, THEREFORE, BE IT

RESOLVED, that the following persons will be hired based on fund availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor:

Bechtel, Melanie	14225
Cascio, Joseph	14225
Hamilton, Michelle	14225
Kalish, Jennifer	14225
Rzoska, Bryan	14225
Vogel, Corrie	14227
Wojcik, Amy	14227
Wojcik, Angela	14227

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 11c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the below listed individuals be hired at the titles and salaries indicated (seasonal):

Item No. 11c cont'd

SPORTS ROTATION - 7140.1645

Recreation Supervisor III - \$6.00	
Scott Baginski	14227
Karen Hackett	14043
Tammy Ozolins	14043

Recreation Attendant III - \$4.75	
Peter M. Odrobina, Jr.	14043
Jill Sieczkarek	14227

Recreation Attendant I - \$4.25	
Andrea Cirino	14225
Glen Getz	14225
Lynn M. Kopra	14043
Cheryl Ostempowski	14212
Carolyn Ralicki	14227
Scott R. Syroczynski	14206
Jeff Helmbrecht (Alternate)	14227

POOLS

Lifeguard IV - 7180.1903 - \$6.00	
Brian Roehmholdt	14225

Bathhouse Attendants (Basket Checkers) - 7180.1901 - \$4.25	
Karen Magierski	14227
Jason Nietopski	14225
John A. Marchitte	14227
Erin O'Brien	14206
Kristen Odrobina	14227
Dominick Selvaggio	14227

RECREATION ATTENDANT - (Tiny Tots) 7140.1612

Recreation Attendant I - \$4.25	
Jill Szarzynski	14043

GYMNASTICS - 7140.1630

Recreation Attendant I - \$4.25	
Susan Lee	14211

TENNIS - 7140.1642

Recreation Instructor V - \$5.50	
Daniel Tschopp	14227

LACROSSE - 7140.1625

Recreation Instructor -IV - \$5.25	
Ralph C. Brown	14215
John Jarzynski	14043

Recreation Instructor VI - \$5.75	
David Feickert	14075

THEATRE WORKSHOP - 7140.1651

Recreation Instructor III - \$5.00	
Eric E. Blodgett	14225

Recreation Attendant I - \$4.25	
Brian J. Stachowski	14227

Item No. 11c cont'd

CHEEKTOWAGA CONSERVATION CORPS - 7310.1810

Participants - \$4.25
John Kulesz

14043

ARTS AND CRAFTS ROTATION - 7140.1648

Recreation Supervisor V - \$6.50
Mary Pat Speyer

14043

Recreation Supervisor III - \$6.00
Linda M. Noonan
Ginger Joy Schwartz

14225

14227

Recreation Attendant III - \$4.75
Shawn J. Ryan

14227

Recreation Attendant II - \$4.50
Gayle C. Todd

14225

Recreation Attendant I - \$4.25

Kimberly Couture
Kimberly B. Mahoney
Jill Marie Matuszewski
Lynn Marie Nowak
Sherry Papaj
Michelle A. Seifried

14225

14225

14225

14043

14043

14225

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 11d Motion by Councilman Wielinski, Seconded by Councilman Blachowski

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

EFFECTIVE

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Norman Howard

06-21-94

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED that Thomas Mills, a Seasonal Employee in the Facilities Department, be and hereby is transferred to the Facilities Department - Town Park (0100-7110-1491), effective June 27, 1994.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak
indicated: BE IT RESOLVED that the following individuals be upgraded as

POOLS

FROM LIFEGUARD IV to LIFEGUARD IV-WSI - \$6.25 - 7180.1903

Amy Owens

FROM LEVEL II to LEVEL II-WSI - \$5.25 - 7180.1903

Kathleen Kriel

FROM BASKET CHECKER (7180.1901) to LIFEGUARD I - \$4.75 - 7180.1903

Shawn Paa

FROM RECREATION LEADER I to RECREATION LEADER II - \$5.50

Wendy Sala

FROM CHEEKTOWAGA CONSERVATION CORPS (Participant) - 7310.1812 to
BASKETBALL - 7140.1654

Recreation Attendant - \$4.25

Patrick Cullinan

and BE IT FURTHER

RESOLVED, that the below listed individuals be transferred from
part-time to seasonal:

Susan Switalski

Angela Krzemein

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 14 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Conservation Corps is funded by a grant
from the New York State Office of Parks, Recreation and Historic Preservation, and
sponsored by the Cheektowaga Department of Youth and Recreational Services, and

WHEREAS, a Crew Supervisor from each New York State Conservation
Corps program must attend a required training workshop in Saratoga State Park June
27th-29th, NOW, THEREFORE, BE IT

RESOLVED, that Kirk Wilde, New York State Conservation Corps Crew
Supervisor, be authorized to attend this conference, with total costs not to exceed
\$600, to be reimbursed by funds from the New York State Conservation Corps grant
(0001-7310-4085) and the Cheektowaga Conservation Corps (0001-7310-4689).

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the need exists to perform a topographic survey of baseball and softball diamonds at Cheektowaga Town Park and Stiglmeier Park, and

WHEREAS, Wendel Engineering has submitted a proposal to perform a topographic survey of Five (5) Ball Diamonds at Town Park and Six (6) Ball Diamonds at Stiglmeier Park at a fee of \$4,800.00, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby retains the firm of Wendel Engineering, Suite 100, 95 John Muir Drive, Buffalo, New York, 14228 to perform a Topographic Survey and Related Professional Services at Cheektowaga Town Park and Stiglmeier Park Ball Diamonds at a fee not to exceed \$4,800.00, and BE IT FURTHER

RESOLVED, that funds for said action are available from Account #01-7110-4000-4458.

Upon Roll Call....

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

Item No. 16 Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, the Town of Cheektowaga was awarded a SARA (State Archives and Records Administration) grant for the 1993-94 year, ending June 30, 1994, and

WHEREAS, all checks for payment of work performed under this grant, must be made, and paid, by June 30, 1994, to prevent loss of funding, and

WHEREAS, approximately \$10,000.00 remain to be expended and certain bills, in regards to this grant, will not be available until June 28, 1994, NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to write manual checks before the June 30, 1994 deadline.

Upon Roll Call....

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

Item No. 17a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Youth and Recreation Department has requested that site furnishings, benches and waste receptacles be the color yellow at the Handicapped Playground Facility at Cheektowaga Town Park Site Improvements, and

WHEREAS, American Paving and Excavating, Inc. has furnished a proposal to furnish benches and waste receptacles in the color yellow as requested by the Youth and Recreation Department at an additional cost of \$150.00, and

WHEREAS, Darryl L. Jones, RLA, has reviewed and approved said proposal as submitted by American Paving and Excavating, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approve Change Order #1 in the amount of \$150.00 to American Paving and Excavating, Inc., 5880 Thompson Rd., Clarence Center, New York 14032-9724, and BE IT FURTHER

RESOLVED, that funds are available for said action from Capital Improvement Account #5402.7110.9402.

Item No. 17a cont'd

Upon Roll Call.....

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

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

WHEREAS, Lake Side Contracting Company, Inc. has submitted a proposal to remove existing carpet and base at the Reception and General Office of the Youth and Recreation Department and install new carpet and base, delete carpet as specified at the First Floor Stair Alcove, and install non-slip vinyl composition tile at the Alexander Community Center, and

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed and approved said Change Order GC-2 as being in the best interest of the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order GC-2 as submitted by Lake Side Contracting Company., 303 South Park Avenue, Buffalo, New York, 14202 in the amount of \$1,636.00 for Reception and General Office Carpeting and Base and First Floor Stair Alcove vinyl composition tile, and BE IT FURTHER

RESOLVED, that funds for said action are available from the Facilities Department Account #0100-7110-4000-4558.

Upon Roll Call.....

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

Item No. 17c Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Lake Side Contracting Company, Inc. has submitted a proposal to furnish the necessary materials and labor required to provide a second prime coat of paint in the Multi-Use and Gymnasium at the Alexander Community Center, and

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed said proposal as being equitable and necessary to enhance programming conducted by the Youth and Recreation Department, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order GC-1 as submitted by Lake Side Contracting Company., 303 South Park Avenue, Buffalo, New York, 14202 in the amount of \$1,811.00 to provide and install prime coat at the Multi-Use and Gymnasium areas of the Alexander Community Center, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5301-1625-9308.

Upon Roll Call.....

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

Item No. 17d Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Frank C. Kellner, Inc. has submitted a proposal to remove asbestoes on four (4) valves and reinsulate same, remove seven (7) 2" and one (1) 2½" gate valves and furnish and install new ball valves with unions and nipples, drain and fill the boiler system at the Alexander Community Center, and

Item No. 17d cont'd

WHEREAS, Babinsky.Klein Engineering, P.C. and the Facilities Director have reviewed the proposal submitted by Frank C. Kellner Co., Inc. as being necessary and in the best interest of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order #1 in the amount of \$2,442.00 to Frank C. Kellner Co., Inc., 7000 Seneca Street, Elma, New York 14059 for asbestos removal, valve replacement and related mechanical improvements to the boiler system at the Alexander Community Center, and BE IT FURTHER

RESOLVED, that funds for said actions are available from Capital Improvement Account #5301-1625-9307.

Upon Roll Call....

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

Item No. 17e Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Tom Greenauer Development, Inc. has previously submitted through formal bid proposal, Alternate B, Site Work at the Alexander Community Center, and

WHEREAS, Alternate B of the Bid Specifications requires Tom Greenauer Development Inc. to provide and install two paved parking areas totaling twenty three (23) additional parking spaces, grading and seeding, and

WHEREAS, Scaffidi & Moore Architects and the Facilities Director have reviewed Change Order S-1 as submitted by Tom Greenauer Development, Inc. as being in the best interests of the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order S-1 as submitted by Town Greenauer Development, Inc. in the amount of \$11,595.00 to provide and install two paved parking areas, totaling twenty-three (23) additional parking spaces at the Alexander Community Center, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5301-1625-9313.

* * * * *

Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak to table 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. 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: 0100-9010-8141	Medical Insurance	\$ 1,000.00
0100-1670-4002	Print Shop Paper & Supplies	3,000.00

Item No. 18 cont'd

TO:	0100-1430-4752	Pre-Employment Physicals	\$ 1,000.00
	0100-3120-4011	Printed Forms	3,000.00

SPECIAL DISTRICTS

FROM:	2500-1910-1935	Fire Loss Insurance Proceeds	\$27,649.00
	2500-8125-2302	Flusher Vactor Combo	25,000.00
TO:	2500-8125-1930	Fire Loss Expense	\$25,649.00
	2500-8125-1935	Fire Loss Payroll	2,000.00
	2500-8125-2505	Other Equipment	15,000.00

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 & Warrants are submitted to the Town of Cheektowaga prior to June 17, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$266,428.55
HIGHWAY FUND	16,389.91
TRUST & AGENCY FUND	2,030.30
CDBG HUD FUND	18,642.43
PART TOWN FUND	1,591.57
HUD RENTAL REHABILITATION FUND	16,000.00
RISK RETENTION FUND	43,831.51
NYS HOME REHABILITATION FUND	4,350.00
HOUSING REHABILITATION FUND	6,674.52
SPECIAL DISTRICTS FUND	58,765.89
CAPITAL FUND	200,274.00
	<u>\$634,978.68</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20a Minutes of Cheektowaga Planning Board - May 12, 1994
Received and Filed.

Item No. 20b Minutes of Cheektowaga Traffic Safety Commission - May 17, 1994
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21a Notice of Claim - Elizabeth A. & William Lowth vs Town of Cheektowaga
(Amended Claim)
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Chief of Police; Allied Claims, Insurance Carrier.
Received and Filed.

Item No. 21b Notice of Claim - Fay Reinig vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,
Town Attorney; Highway Department; Allied Claims, Insurance Carrier.
Received and Filed.

V. SUSPENSION OF RULES

Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski
to suspend the rules to include the following items 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. 22 Motion by Councilman Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has budgeted Community Development
Block Grant funds for Handicapped-Accessible Playground Equipment, and

WHEREAS, the Town desires to proceed with the installation of said
playground equipment at Stiglmeier Park on Losson Road, and

WHEREAS, plans and specifications for this project have been prepared
by the Town's landscape architectural consultant, Darryl Jones, NOW, THEREFORE, BE
IT

RESOLVED, that the Town Clerk is directed to publish a Notice to
Bidders in connection with said project in the BUFFALO NEWS and BUFFALO CHALLENGER,
and BE IT FURTHER

RESOLVED, that sealed proposals will be received by the Town of
Cheektowaga on the 13th day of July, 1994 at 11:00 A.M., Local Time at Cheektowaga
Town Hall, Town Clerk's Office, corner of Broadway and Union Road, Cheektowaga, New
York 14227, at which time and place they will be publicly opened and read aloud.

* * * * *

NOTICE TO BIDDERS

Sealed bids for Stiglmeier Park Playstructure are invited and will be
received, publicly opened and read on behalf of the Town of Cheektowaga on July 13,
1994 at 11:00 AM in the Town Hall, Broadway and Union Road, Cheektowag, NY for the
installation of a new playstructure and related sitework at Stiglmeier Park.

Specifications (including Instructions to Bidders and Bid Form) and
Plans for each project may be examined at the Town Hall, Broadway & Union Road,
Cheektowaga, NY and a copy may be obtained upon payment of \$35.00 per set for each
project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security,
other than the successful bidder, who returns such copy in good condition within
fifteen (15) days following the receipt of bids for the project for which such
bidder shall have submitted bid or the rejection of the bid of such bidder, will be
refunded the full amount of the deposit, including the successful bidder, and one
half of the deposit will be reimbursed for the return of all other copies of the
plans and specifications in good condition following the award of the contract or
the rejection of the bids covered by such plans and specifications.

The Town of Cheektowaga reserves the right to waive any informalities
in or to reject any or all bids, as the same is permitted by law.

Item No. 22 cont'd

This contract will be funded wholly or partially with federal funds and as such, is subject to all federal rules and regulations pertinent thereto, including but not limited to, federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

Dated: June 17, 1994

* * * * *

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

3

LEGAL NOTICE
NOTICE TO BIDDERS

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Dated: June 17, 1994

PUBLISH: June 23, 1994

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.....June 23, 1994.....;
last publication.....June 23, 1994.....;
and that no more than six days intervened be-
tween publications.

Melissa Gugliuzza.....

Sworn to before me this23rd.....

day of June....., 1994.....

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 12/11/95

LEGAL NOTICE

NOTICE TO BIDDERS

Sealed bids for Stiglmeier Park Playstructure are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on July 13, 1994 at 11:00 am in the Town Hall, Broadway & Union Rd., Cheektowaga, NY for the installation of a new playstructure and related sitework at Stiglmeier Park.

Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town Hall, Broadway & Union Rd., Cheektowaga, NY and a copy may be obtained upon payment of \$35.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

This Contract will be funded wholly or partially with federal funds and as such, is subject to all federal rules and regulations pertinent thereto, including but not limited to, federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

Dated: June 17, 1994

PUBLISH: June 23, 1994

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.....June 23, 1994.....;
last publication.....June 23, 1994.....;
and that no more than six days intervened be-
tween publications.

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

Sworn to before me this23rd.....

day of June....., 1994.....

.....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 12/11/95

NOTICE TO BIDDERS
Sealed bids for Stiglmeier Park Playstructure are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on July 13, 1994, at 11:00 am in the Town Hall, Broadway and Union Rd., Cheektowaga, NY for the installation of a new playstructure and related site-work at Stiglmeier Park. Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town Hall, Broadway and Union Rd., Cheektowaga, NY and a copy may be obtained upon payment of \$35.00 per set for each project as a deposit to guarantee the safe return thereof. Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications. The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law. This Contract will be funded wholly or partially with federal funds and as such, is subject to all federal rules and regulations pertinent thereto, including but not limited to, federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services. Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders. Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract. Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.
Dated: June 17, 1994

LISA STEPHAN

of the City of Buffalo, New York, being duly sworn, deposes and says that she/he is Principal Clerk of THE BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city; that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 1 time, the insertion being on the 27th day of June 1994

Dates Ad Ran :

Sworn to before me this 30TH day

of JUNE 19 94

Barbara Anne Juzwiak
Notary Public, Erie County, New York
H. J. J. J.

BARBARA ANNE JUZWIAK
Notary Public, State of New York
Qualified in Niagara County
My Comm. Expires 6/30/96

NOTICE TO BIDDERS
Sealed bids for Stiglmeier Park Playstructure are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on July 13, 1994, at 11:00 am in the Town Hall, Broadway and Union Rd., Cheektowaga, NY for the installation of a new playstructure and related site-work at Stiglmeier Park. Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town Hall, Broadway and Union Rd., Cheektowaga, NY and a copy may be obtained upon payment of \$35.00 per set for each project as a deposit to guarantee the safe return thereof. Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications. The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law. This Contract will be funded wholly or partially with federal funds and as such, is subject to all federal rules and regulations pertinent thereto, including but not limited to, federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services. Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders. Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract. Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.
Dated: June 17, 1994

LISA STEPHAN

of the City of Buffalo, New York, being duly sworn, deposes and says that she/he is Principal Clerk of THE BUFFALO NEWS, DIV. OF BERKSHIRE HATHAWAY INC., Publisher of THE BUFFALO NEWS, a newspaper published in said city, that the notice of which the annexed printed slip taken from said newspaper is a copy, was inserted and published therein 1 time, the insertion being on the 27th day of June 1994

Dates Ad Ran :

Sworn to before me this 30TH day of JUNE 19 94

Barbara Anne Juzwiak
Notary Public, Erie County, New York
[Signature]

BARBARA ANNE JUZWIAK
Notary Public, State of New York
Appointed in Erie County
My Commission Expires 6/30/96

address. Equal Opportunity Employer.

NOTICE TO BIDDERS

Sealed bids for Stiglmeier Park Playstructure are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on July 13, 1994 at 11:00am in the Town Hall, Broadway & Union Rd., Cheektowaga, NY for the installation of a new playstructure and related sitework at Stiglmeier Park.

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Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one-half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

This Contract will be funded wholly or partially with federal funds and as such, is subject to all federal rules and regulations pertinent thereto, including but not limited to, federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

PROFESSIONAL PAPER
Family Based Treatment F
Child and Family Services
Adults to become profession
for children ages 5-12 w
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Interested adults will be
provide care in your home
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RN: Western New York Ho
is looking for per diem RNs
visits and/or regular patient
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POSTAL JOB
Start \$11.41/hr. For
application info.
(219) 769-8301 ext.
9 AM - 9 PM, Sun

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Resumes:
People, Inc.
1219 N. Forest
Williamsville, NY
Attn: Mr. Gith
Specify position appl
EOE



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Classifieds

JUNE 29, 1994

address. Equal Opportunity Employer.

TRAINER

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NOTICE TO BIDDERS

Sealed bids for **Stiglmeier Park Playstructure** are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on July 13, 1994 at 11:00am in the Town Hall, Broadway & Union Rd., Cheektowaga, NY for the installation of a new playstructure and related sitework at Stiglmeier Park.

Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town Hall, Broadway & Union Rd., Cheektowaga, NY and a copy may be obtained upon payment of \$35.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one-half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The Town of Cheektowaga reserves the right to waive any informalities in or to reject any or all bids, as the same is permitted by law.

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Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project bid in the form and subject to the conditions provided in the Instructions to Bidders.

Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

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

WHEREAS, the Town has submitted a Program Statement to the Department of Housing & Urban Development for Community Development Block Grant funding for the 1994-95 Program Year, and

WHEREAS, the Town's 1994-95 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 and Urban Development in relation to Fiscal Year 1994 Community Development Block Grant funds in the amount of \$802,000, 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 1994-95 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

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


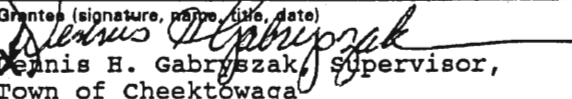
U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development
Community Development Block Grant Program

HI-00515R of 20515R

1. Name of Grantee (as shown in Item 5 of Standard Form-424)	3. Grantee's 9-Digit Tax ID Number	4. Date Use of Funds May Begin
Town of Cheektowaga, New York	16-6002209	JUN 10 1994
2. Grantee's Complete Address (as shown in Item 5 of Standard Form-424)	5a. Project / Grant Number 1	6a. Amount Approved
Broadway and Union Roads	B-94-MC-36-0009	802,000
Cheektowaga, New York 14227	5b. Project / Grant Number 2	6b. Amount Approved
ERIE COUNTY	5c. Project / Grant Number 3	6c. Amount Approved

Grant Agreement

This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee 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 this 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 specified here 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 on or after the date specified in 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here 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 & Urban Development (signature, name, title, date)	Grantee (signature, name, title, date)		
 Michael F. Merrill, Director, CPD, 2.2C	 Dennis H. Gabryszak, Supervisor, Town of Cheektowaga		
7. Check Only One: Category of Title I Assistance for this Funding Action	8. Special Conditions (check one)	9a. Date HUD Received Submission:	10. Check One:
a. Entitlement, Sec 106(b) <input checked="" type="checkbox"/>	None <input type="checkbox"/>	04/29/94	a. Orig. Funding Approval <input checked="" type="checkbox"/>
b. State-Administered, Sec 106(d)(1) <input type="checkbox"/>	Attached <input checked="" type="checkbox"/>	9b. Date Grantee Notified:	b. Amendment <input type="checkbox"/>
c. HUD-Administered Small Cities, Sec 106(d)(2)(B) <input type="checkbox"/>		JUN 10 1994	c. Amendment Number <input type="checkbox"/>
d. Indian CDBG Programs, Sec 106 (a)(1) <input type="checkbox"/>	11. Amount of Community Development Block Grant	9c. Date of Start of Program Year:	
e. Surplus Urban Renewal Funds, Sec 112(b) <input type="checkbox"/>	a. Funds Reserved For This Grantee	05/20/94	
f. Special Purpose Grants, Sec 107 <input type="checkbox"/>	b. Funds Now Being Approved		
g. Loan Guarantee, Sec 108 <input type="checkbox"/>	c. Reservation To Be Cancelled (11a minus 11b)		
		FY 94	FY
		802,000	
		802,000	

12a. Amount of Loan Guarantee Commitment Now Being Approved:	12b. Name and Complete Address of Public Agency

Loan Guarantee Acceptance Provisions for Designated Agencies

The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) 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.

12c. Signature of Authorized Official (name, title, date) for Designated Public Agency

 X

HUD Accounting Use Only									
TAC									
Batch	153	Program	Y	A	Reg	Area	Document No.	Project Number	Category
	176							B-94-MC-36-0009	
			Y					Project Number	Amount
									802,000
			Y					Project Number	Amount
								Project Number	Amount
Date Entered PAS		Date Entered LOCCS		Batch Number		Transaction Code		Entered by:	
								Verified by:	

8. 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 of 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 revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

MEETING NO. 12
June 20, 1994

Item No. 24

Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski to adjourn the meeting in memory of Peter J. Rybka, long time member of the Zoning Board of Appeals.

RICHARD M. MOLESKI
Town Clerk