

MEETING NO. 13  
July 5, 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 5th day of July, 1994 at 7:00 o'clock P.M., Eastern Daylight Savings Time there were:

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

ABSENT: Councilman Richard B. Solecki

Also present were: Richard M. Moleski, Town Clerk; James Kirisits, Town Attorney; Ray Pugh, Engineering Department; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police; John Schaller, Assistant Chief of Police; James Matecki, Facilities Director; Ronald Marten, Building and Plumbing Inspector and Salvatore LaGreca, Chairman of Planning Board.

I. FROM THE TABLE

Item No. 2 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 Tom 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.

Upon Roll Call....

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

II. RESOLUTIONS

Item No. 3a Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, Gene DiRosa has made application and requested the Rezoning from NS-Neighborhood Service District to C-Retail Business District for property located at 4734 Transit Road, with the permission of the owner of the property, namely Michael A. DeSantis, NOW, THEREFORE, BE IT

Item No. 3a continued

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

Upon Roll Call....

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

NAYES: 0

ABSENT: Councilman Solecki

AFFIDAVIT - NEXT PAGE

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

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 July, 1994 at 6:30 o'clock, P.M., Eastern DAY-LIGHT Time of said day for the purpose of considering the application of GENE DIROSA/MICHAEL DE-SANTIS to Rezone from NS - NEIGHBORHOOD SERVICE District to C - RETAIL BUSINESS District on property located at 4734 TRANSIT ROAD and amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 82-70 of the Zoning Law of the Town of Cheektowaga, New York.

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. 42, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the center line of Transit Road, which is also the east line of Lot No. 42, 772.75 feet north from the intersection of the south line of Lot No. 42 with the center line of Transit Road; thence continuing north along the center line of Transit Road, 110 feet to a point 669.74 feet south of the north line of Lot No. 42; thence proceeding westerly at an interior angle with the said center line of Transit Road of 89 degrees 17 minutes, a distance of 200 feet to a point; thence proceeding southerly parallel with the said center line of Transit Road, a distance of 110 feet to a point; thence proceeding easterly in a straight line, 200 feet to the point or place of beginning.

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

BY ORDER OF THE  
 TOWN BOARD OF THE  
 TOWN OF CHEEKTOWAGA  
 By: RICHARD M. MOLESKI  
 Town Clerk

PUBLISH: July 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 Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks: first publication.....July..7...1994.....; last publication.....July..7...1994.....; and that no more than six days intervened between publications.

*Melissa Gugliuzza*

Sworn to before me this .....7th.....

day of .....July....., 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  
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Item No. 3b continued

WHEREAS, Louis Pease/Raw Energy Fitness Centers has made application and requested the Rezoning from M1-Light Manufacturing District to CM-General Commercial District for property located at 2550 Walden Avenue, with the permission of the owner of the property, namely John J. Maroone, NOW, THEREFORE, BE IT

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

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

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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. 11, Township 11; Range 7 of the Holland Land Company's Survey, more particularly described as follows:

COMMENCING at a point in the north line of Walden Avenue Extension distant 306.18 feet easterly from the intersection of the north line of Walden Avenue Extension with the west line of lands conveyed to Buffalo Realty Corporation by deed dated August 16, 1954 and recorded in the Erie County Clerk's Office in Liber 5583 of Deeds at page 131; thence easterly along the north line of Walden Avenue Extension 200 feet to the west line of lands conveyed to L.J. Lewis by deed dated August 23, 1866 and recorded in the Erie County Clerk's Office in Liber 262 of Deeds at page 210; thence northerly along the west line of said lands conveyed to Lewis and parallel with the west line of said lands conveyed to Buffalo Realty Corporation, 426.20 feet; thence westerly at right angles to the last described line, 197.32 feet; thence southerly parallel with the west line of said lands conveyed to Buffalo Realty Corporation 457.84 feet to the place of beginning.

THIS CONVEYANCE is made and accepted subject to an easement granted to the County of Erie, New York, by an instrument recorded in the office of the Clerk of the county of Erie, New York, in Liber 5268 of Deeds at page 133 on February 4, 1953.

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 OF THE TOWN OF CHEEKTOWAGA  
By: RICHARD M. MOLESKI  
Town Clerk

PUBLISH: July 7, 1994

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

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77  
30.42

*Melissa Gugliuzza*

Sworn to before me this .....7th.....

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*Margaret J. Bourdette*

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

MARGARET J. BOURDETTE  
NOTARY PUBLIC STATE OF NEW YORK  
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MY COMMISSION EXPIRES 12/11/95

**LEGAL NOTICE**

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BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA  
By: RICHARD M. MOLESKI  
Town Clerk

PUBLISH: July 7, 1994

STATE OF NEW YORK  
COUNTY OF ERIE } ss.  
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*Margaret J. Bourdette*.....

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NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES 12/11/95

77  
35.42

Item No. 3c 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 July 18, 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 7th day of July, 1994, said amendments being set forth in the Notice of Hearing.

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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 July 18, 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

Section 76-101. All-night parking shall be amended by adding thereto the following after "Marc Lane";

Pine Ridge Terrace

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

F. Miscellaneous parking signs

(6) No standing anytime

- |                |            |   |
|----------------|------------|---|
| WILLIAM STREET | north side | from the west curbline of Union Road to the east curbline of Ceil Drive extended. |
| WILLIAM STREET | south side | from the west curbline of Union Road to the east curbline of Ceil Drive.          |

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

Dated: July 5, 1994

\_\_\_\_\_  
Richard M. Moleski  
Town Clerk

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Upon Roll Call....

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

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 July 18, 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

Section 76-101. All-night parking shall be amended by adding thereto the following after "Marc Lane":

Pine Ridge Terrace

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

F. Miscellaneous parking signs

(6) No standing anytime

WILLIAM STREET: north side: from the west curblane of Union Road to the east curblane of Ceil Drive extended.

WILLIAM STREET: south side: from the west curblane of Union Road to the east curblane of Ceil Drive.

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

Dated: July 5, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: July 7, 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 12/11/93

STATE OF NEW YORK  
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 TOWN OF CHEEKTOWAGA } ss.

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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 12/11/9 *B*

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

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**ARTICLE X**

**Parking, Standing and Stopping**

Section 76-101. All-night parking shall be amended by adding thereto the following after "Marc Lane":

Pine Ridge Terrace

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

**F. Miscellaneous parking signs**

(6) No standing anytime

WILLIAM STREET: north side: from the west curbline of Union Road to the east curbline of Ceil Drive extended.

WILLIAM STREET: south side: from the west curbline of Union Road to the east curbline of Ceil Drive.

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

Dated: July 5, 1994

RICHARD M. MOLESKI  
 Town Clerk

PUBLISH: July 7, 1994

55  
2173

Item No. 4a Award of Bid: Traffic Signal Installation (William Street and Cayuga Creek Road)  
This was withdrawn.

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

WHEREAS, the Cheektowaga Town Clerk received sealed bid proposals for Tennis and Basketball Court Reconstruction-Phase II on June 29, 1994 at 11:00 A.M., AND

WHEREAS, Darryl L. Jones, Registered Landscape Architect and Facilities Director, James J. Matecki have reviewed said bid proposals for compliance with the terms set forth in the plans and specifications, AND

WHEREAS, American Paving & Excavating Inc. has submitted the low bid of \$143,938.00 and meets the terms as stated in the project plans and specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby awards Tennis and Basketball Court Reconstruction-Phase II to American Paving & Excavation Inc., 5880 Thompson Road, Clarence Center, New York 14032-9724 in the amount as specified:

<u>Base Bid</u>		<u>\$109,800.00</u>
Alternate #1	(Asphalt binder in lieu of crusher run stone) -	\$ 13,000.00
#2	(Cedargrove-Aluminized stl. mesh) -	3,010.00
#4	(U-Crest-Aluminized stl. mesh) -	3,278.00
#5	(4" Underdrain @ Cedargrove) -	5,850.00
	(4" Underdrain @ U-Crest)	3,750.00
	(4" Underdrain @ Raymond) -	<u>5,250.00</u>
		\$143,938.00

AND, BE IT FURTHER RESOLVED, that funds for said action are available from Capital Improvement Account #5402-7110-9405.

Upon Roll Call....

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

Item No. 5a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town.

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

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at 11:00 A.M. on July 27, 1994.

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TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT  
LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 27th, 1994 at 11:00 A.M.

Item No. 5a continued

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 "BID FOR MOTOR OILS, LUBES, GASOLINE, FUEL, ETC.".

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

Richard M. Moleski, Town Clerk

Dated: July 5, 1994

Published: July 7, 1994

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Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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COUNTY OF ERIE  
TOWN OF CHEEKTOWAGA } ss.

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LEGAL NOTICE  
TOWN OF CHEEKTOWAGA  
HIGHWAY DEPARTMENT.

LEGAL NOTICE  
TO BIDDERS

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Cheektowaga at a public bid opening  
to be held in the Council Chambers at  
the Cheektowaga Town Hall on July  
27th, 1994 at 11 AM.

Information for bidders and specifi-  
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'BIDS' FOR MOTOR OILS,  
LUBES, GASOLINE, FUEL ETC".

Non-collusion forms must be  
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The Superintendent of Highways may  
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RICHARD M. MOLESKI,  
TOWN CLERK

DATE: July 5, 1994

PUBLISH: July 7, 1994

*Melissa Gugliuzza*

Sworn to before me this .....7th.....

day of .....July....., 1994.....

*Margaret J. Bourdette*

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

MARGARET J. BOURDETTE  
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MY COMMISSION EXPIRES 12/11/95

STATE OF NEW YORK  
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 TOWN OF CHEEKTOWAGA } ss.

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 said paper once a week for ....1..... weeks:  
 first publication.....July..7,..1994..... ;  
 last publication.....July..7,..1994..... ;  
 and that no more than six days intervened be-  
 tween publications.

*Melissa Gugliuzza*

Sworn to before me this .....7th.....

day of .....July....., 19<sup>94</sup>.....

*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**  
 TOWN OF CHEEKTOWAGA  
 HIGHWAY DEPARTMENT

**LEGAL NOTICE  
 TO BIDDERS**

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of quantities of motor oils, lubricants, anti-freeze, unleaded gasoline and diesel fuel, etc. for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on July 27th, 1994 at 11 AM.

Information for bidders and specifications may be obtained from the office of Christopher J. Kowal Superintendent of Highways, at his office located at 3145 Union Road, Cheektowaga, NY. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR MOTOR OILS, LUBES, GASOLINE, FUEL ETC". Non-collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

RICHARD M. MOLESKI  
 TOWN CLERK

DATE: July 5, 1994  
 PUBLISH: July 7, 1994

38  
 1501

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

WHEREAS, the Sewer Maintenance Department is in need of one (1) Air Compressor, NOW, THEREFORE, BE IT

RESOLVED, that the Town clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) Air Compressor 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 13th day of July, 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 July 13, 1994, at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) Air Compressor 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, 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: July 5, 1994

\*\*\*\*\*

Upon Roll Call....

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

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 for ....1..... weeks;  
first publication.....July..7,..1994..... ;  
last publication.....July..7,..1994..... ;  
and that no more than six days intervned be-  
tween publications.

LEGAL NOTICE  
NOTICE TO BIDDERS

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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 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: July 5, 1994

PUBLISH: July 7, 1994

*Melissa Gugliuzza*

Sworn to before me this .....7th.....

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

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 MY COMMISSION EXPIRES 12/11/95

8

**LEGAL NOTICE**  
**NOTICE TO BIDDERS**

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

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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: July 5, 1994

PUBLISH: July 7, 1994

35  
 1383

MEETING NO. 13  
July 5, 1994

Item No. 6 Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is a member of the Cheektowaga Action Partnership ("CAP"), which was formed for the purpose of combatting drug and alcohol abuse problems in our community, and

WHEREAS, CAP is desirous of sponsoring a Bike Trek fundraiser on Sunday, September, 25, 1994 beginning and ending at Stiglmeier Park on Losson Road in the Town of Cheektowaga, and

WHEREAS, CAP is requesting permission from the Town to utilize a portion of Stiglmeier Park for the Bike Trek activities and to ensure that the Town's self-insured liability program covers this event, and

WHEREAS, in addition, CAP has requested the Cheektowaga Police Department Bicycle Patrol Team to participate in this Bike Trek, and has been told that overtime for such event would not be required, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby sanctions and approves the Town's involvement through CAP in the above referenced Bike Trek, and BE IT FURTHER

RESOLVED, that CAP be and hereby is granted permission to utilize Stiglmeier Park on Sunday, September 25, 1994 for its Bike Trek and related activities, and BE IT FURTHER

RESOLVED, that the Town's self-insured liability program shall cover the activities of CAP and the Town for this Bike Trek, and BE IT FURTHER

RESOLVED, that the Cheektowaga Police Department Bicycle Patrol Team be and hereby is authorized to participate in this Bike Trek.

Upon Roll Call....

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

Item No. 7 Grant Permission to Install Fence at the Berm in the Southwest Corner of Stiglmeier Park  
This item was withdrawn.

Item No. 8 Motion by Councilman Wielinski, Seconded by Councilman Johnson

BE IT RESOLVED, that the New York State Electric & Gas Corporation (NYSEG) be and hereby is authorized to furnish and install one (1) 8500 lumen high pressure sodium luminaire on Keicher Road, Pole #7, Line 2883 in the Town of Cheektowaga at an annual increase to the General Lighting District of \$117.65 in accordance with the attached NYSEG street lighting proposal dated June 20, 1994.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT



June 20, 1994

STREET LIGHTING PROPOSAL  
TOWN OF CHEEKTOWAGA  
STREET LIGHT DISTRICT 31011

Keicher Road  
Pole 7, Line 2883

Install 1 - 8500 Lumen 100 Watt High Pressure Sodium Luminaire

Total Annual Increase	\$117.65
-----------------------	----------

*This proposal is made contingent upon the terms and conditions covered in NYSEG's Street Lighting Tariff Agreement with the Town of Cheektowaga.*

*If you have any questions concerning this matter, please call Randy Myers at 651-5214.*

RAM/kk

An Equal Opportunity Employer

New York State Electric & Gas Corporation 150 Erie Street, Lancaster, New York 14086-9987 (716) 681-5030

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 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 August 5, 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, Rogowski, Blachowski  
Johnson and Wielinski  
NAYES: 0  
ABSENT: Councilman Solecki

\*SEE NEXT PAGE(S) FOR ATTACHMENT



TOWN OF CHEEKTOWAGA  
Erie County, New York

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

July 6, 1994

Dear Resident:

Be advised that the Town Highway Superintendent has determined that the sidewalk in front of property owned by you is in need of repair/replacement. Based on his determination and in accordance with State law, the Cheektowaga Town Board adopted a resolution/order on July 5, 1994 directing the repair/replacement of your sidewalk and further directing this office to send you this letter and the attached Notice.

With respect to the repair/replacement of your sidewalk, you have the following two options:

1. You can choose to repair/replace your sidewalk at 100% expense to you (the Town will not reimburse for any part of the expense if you do the work yourself). If you choose this option, you must notify the Town Highway Department at 686-3450 and complete the work on or before August 5, 1994.
- OR
2. You can allow the Town (or its contractor) to perform the work. If the Town performs the work, you will be responsible for paying 50% of the Town's cost for such work. Based on the latest construction bid costs, you will be charged approximately \$25 per 20-square-foot block of sidewalk to be repaired/replaced. The Town Highway Department will schedule the work to be done and will estimate the work required by placing markings on your sidewalk. After the work is completed, the Town Highway Department will notify you of the actual charge to you for the work and give you the following two payment options:
    - A. Pay 100% to the Town on or before September 15, 1994; OR
    - B. Have the charges placed on your 1995 and 1996 County/Town tax bills (includes a 6% interest charge).

If you have any questions concerning the repair/replacement of your sidewalk, please direct them to the Town Highway Department at 686-3450.

I hope the above information is of some assistance to you.

Sincerely yours,

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 July 6, 1994, YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before August 5, 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 \$2.50 per square foot (estimated cost of \$50.00 per 20-square-foot block), which amount is one-half of the estimated total cost per 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: July 5, 1994



---

RICHARD M. MCLESKI  
Town Clerk

1994 Sidewalk Replacement Program

Audet Drive

<u>Address</u>	<u>Footage to be replaced</u>
8 - M/M Guzzi - 14227-3006	31.5'
12 - BARRY BAUER & 1 - 14227-3006	26.0'
16 - M/M BACON - 14227-3006	16.0'
20 - M/M LEWANDOWSKI 14227-3006	26.0'
24 - M/M SAUER 14227-3006	26.5'
28 - M/M SZYMANSKI - 14227-3006	24.0'
32 - AUDREY OWENS - 14227-3006	19.0'
36 - ELAINE & MARK FOROCCI 14227-3006	17.0'
40 - M/M CWIKLINSKI 14227-3006	35.0'
44 - JUDY DUMBRAWSKI 14227-3006	43.5'
48 - M/M KAUFMAN - 14227-3006	4.5'
52 - M/M PICCIANO - 14227-3006	15.0'
74 - M/M MANICCIA - 14227-3006	48.0'
78 - M/M HOKAU - 14227-3006	24.5'
82 - M/M JUDA - 14227-3006	4.0'
86 - M/M ERTEL - 14227-3006	4.0'
94 - M/M MCKENZIE - 14227-3006	10.0'
98 - M/M CAPULLARI - 14227-3006	36.0'
102 - M/M KRYSZCZUK - 14227-3041	22.0'
106 - M/M MINORCZYK - 14227-3041	25.5'
118 - DAVID BENZEL & 1 14227-3041	20.0'
119 - TIMOTHY SKIBINSKI - 14227-3040	25.0'
115 - JULIA WRUBLEWSKI 14227-3040	15.0'
111 - M/M CALDARELLI - 14227-3040	25.0'
107 - M/M GOSSELIN - 14227-3040	5.0'
103 - M/M LAMBERT - 14227-3040	35.0'
99 - M/M HUFFORD - 14227-3005	20.5'
95 - M/M MCKINIVAN - 14227-3005	18.5'
91 - M/M JASZCZ - 14227-3005	15.0'
87 - BRIAN LAUDENSLAGER & DIANE PIECZYNSKI - 14227-3005	5.0'
83 - M/M LEW - 14227-3005	10.0'
79 - M/M BIRKE - 14227-3005	5.0'
75 - M/M SZALWINSKI - 14227-3005	6.5'
71 - M/M FESKIN - 14227-3005	15.0'
67 - M/M REID - 14227-3005	11.0'
63 - M/M DUDZIAK - 14227-3005	36.0'
59 - M/M ROSS - 14227-3005	20.0'
55 - THOMAS LEWIS & 1 - 14227-3005	21.0'
51 - M/M ELVERS - 14227-3005	21.0'
43 - M/M WETZLER - 14227-3005	25.0'
39 - KAREN HENRY - 14227-3005	30.0'
35 - M/M JAWORSKI - 14227-3005	30.0'
31 - M/M GALUSZKA - 14227-3005	13.0'
27 - M/M ROGDWSKI - 14227-3005	5.0'
23 - DAVID WAWRO - 14227-3005	30.5'
19 - M/M ARNOLD - 14227-3005	29.0'
15 - M/M SIEPIERSKI - 14227-3005	14.5'
11 - M/M WOOD - 14227-3005	29.0'
7 - M/M LEDGION - 14227-3005	23.0'

1994 Sidewalk Repair Program

Lucerne Court

<u>Address</u>	<u>Footage to be replaced</u>
3 - M/M GUICHARD - 14227-3009	9.5'
11 - M/M RYBCZYNSKI - 14227-3009	29.5'
15 - M/M BOROWSKI - 14227-3009	30.0'
19 - M/M MAZUR - 14227-3009	17.5'
23 - DAVID POLINSKI #1 - 14227-3009	16.5'
27 - M/M FRONCZAK - 14227-3009	15.0'
31 - PATRICIA SALUZZO - 14227-3009	10.0'
35 - M/M CRENIN - 14227-3009	5.0'
39 - M/M SZYMANSKI - 14227-3009	14.0'
43 - SHARON ANN SPIESZYNSKI - 14227-3009	5.0'
47 - KAREN PANEK - 14227-3009	20.0'
51 - M/M NEUMANN - 14227-3009	10.0'
55 - M/M BLADY - 14227-3009	10.0'
59 - DIANE THOMAS - 14227-3009	10.0'
63 - DOMINIC SAVIOLA - 14227-3009	15.5'
67 - M/M HONAN - 14227-3009	15.0'
71 - M/M KRZANAK - 14227-3009	15.5'
75 - NICHOLAS NOGARO - 14227-3009	25.5'
74 - M/M LANCON - 14227-3010	10.0'
70 - ROBERT KRAKOWIAK - 40 REGINA KRAKOWIAK	15.0' - 14227-3010
52 - M/M MEYERS - 14227-3010	28.0'
46 - M/M DALY - 14227-3010	4.0'
38 - M/M JARACZ - 14227-3010	32.5'
14 - M/M KWIATKOWSKI - 14227-3010	16.5'
8 - M/M NOWACZEWSKI - 14227-3010	5.0'



1994 Sidewalk Replacement Program

West Rouen Drive

<u>Address:</u>	<u>Footage to be replaced</u>
4 - M/M GREEN - 14227-2414	48'
8 - M/M LEIS - 14227-2414	6'nm
12 - BARBARA ROGERS - 14227-2414	16'
16 - JOSEPH PACE - 14227-2414	8'
20 - WILLIAM KAPANEK - 14227-2414	8.5'
24 - MR/MRS BENSON - 14227-2414	20'
32 - JOHN NOWICKI & 1 - 14227-2414	9'
36 - M/M WILSON - 14227-2414	34'
40 - M/M KULESZ - 14227-2414	37'
44 - SAMUEL LEONE - 14227-2414	5'
48 - M/M SHANAHAN - 14227-2414	27.5'
52 - M/M SAUL - 14227-2414	28'
60 - M/M DAEHN - 14227-2414	6'
64 - KEVIN CROSS - 14227-2414	30'
68 - M/M TOMASZEWSKI - 14227-2414	23'
72 - M/M HELENBROOK - 14227-2414	14'
76 - M/M DRAGO - 14227-2414	23.5'
80 - M/M MARREN - 14227-2414	4'
84 - M/M KOWALSKI - 14227-2414	10.5'
88 - M/M LAUBER - 14227-2414	26'
96 - CONSTANCE SINCEBAUGH - 14227-2414	14'
100 - JOSEPHINE KEISIC - 14227-2423	15'
104 - M/M PASTWICK - 14227-2423	20.5'
108 - M/M SOLFRANK - 14227-2423	35.5'
* 111 - M/M GEORGE - 14227-2424	29.3'
107 - M/M HANSON - 14227-2424	18.5'
103 - M/M HOLLANDS - 14227-2424	
115 - M/M BUCHLIZ - 14227-2424	23'
PLICATE * 111 - M/M GEORGE - 14227-2424	47.5'
95 - SCOTT HOHL - 14227-2413	24'
91 - M/M SCHNEIDER - 14227-2413	19'
87 - M/M PASEK - 14227-2413	21'
83 - M/M DREWS - 14227-2413	18'
75 - SCOTT LATHROP & JANET JAMIESON - 14227-2413	19.5'
71 - NANCY POWERS - 14227-2413	27'
67 - M/M PARZYMIESO - 14227-2413	34'
63 - M/M PRICE - 14227-2413	9'
55 - M/M PAOLETTI - 14227-2413	2.5'
51 - WILLIAM NEBIGGING - 14227-2413	15.5'
47 - M/M BRIERLY - 14227-2413	15'
43 - M/M WIRTH - 14227-2413	20'
39 - M/M HUG - 14227-2413	15.5'
35 - M/M DOROBIALA - 14227-2413	15'
31 - M/M BRENNEN - 14227-2413	9.5'
23 - JOANNE SCHLIFKE - 14227-2413	9'
19 - ROSALIND ALESSI - 14227-2413	10'
15 - DONALD WARTINGER & SUSAN KACZMARSKI - 14227-2413	4'
11 - M/M PROPI'S - 14227-2413	21.5'
7 - M/M GEGENFURTNER - 14227-2413	15'
3 - M/M HASFURTER - 14227-2413	16'

1994 Sidewalk Replacement Program

Dartwood DR

Address

Footage to be replaced

needed to be replaced  
on 7/11

29 - DONALD STEIMAN - 14227-3119	104.5'
35 - M/M TARAVELLA - 14227-3119	23.0'
41 - M/M NEMETH - 14227-3119	15.0'
45 - M/M WALSH - 14227-3119	25.0'
49 - VITAS MASIULLIONIS - 14227-3121	21.5'
53 - M/M DERKOVITZ - 14227-3121	41.5'
57 - M/M COLLINS - 14227-3121	28.5'
61 - M/M WOJTKOWSKI - 14227-3121	10.0'
69 - M/M HUBER - 14227-3121	4.0'
73 - M/M NEWHOUSE - 14227-3121	19.0'
77 - M/M HRYNIAK - 14227-3121	20.0'
81 - WAYNE ZANKL - 14227-3121	36.5'
85 - M/M KRAJEWSKI " "	29.5'
89 - RICHARD JARMUS & ETAL " "	5.5'
93 - M/M DEMARZIO - 14227-3121	37.0'
97 - M/M JUSZKIEWICZ - " "	34.5'
101 - LINDA CHOTNICKI - 14227-3165	32.0'
105 - M/M BEACH " "	31.0'
109 - M/M STANTON - 6509 TONAWANDA CREEK RD. LOCKPORT	12.0' 14094-7955
111 - M/M GURBACKI - 14227-3165	23.0'
117 - M/M WAGNER " "	24.0'
121 - M/M ELGREN " "	32.0'
125 - M/M WOZNIAK " "	5.0'
133 - M/M DI PAOLA " "	36.0'
137 - M/M TEDESCO " "	12.0'
141 - CHARLES TRIAGA " "	32.0'
145 - M/M WAGNER " "	10.0'
149 - M/M HIRGSTETTER " "	24.5'
157 - GERALD BUCZKOWSKI & EDMUND MCINTYRE " "	4.5'
161 - M/M BRENNAN - 14227-3165	17.0'
165 - M/M O'SHEI " "	26.0'
169 - BARBARA GRESCH - " "	22.0'
173 - M/M SKOTARCZAK - " "	12.0'
177 - DEBORAH MASSEY	40.5'
189 - RALPH GARGUIOLO " "	30.0'
193 - MARY LIBERATORE 3266 SENECA ST. W. SENECA	17.5' - 14224-2746
180 - M/M FOLSOM - 14227-3166	20.0'
176 - M/M THOMPSON - " "	30.0'
172 - M/M JANKOWSKI - " "	30.0'
168 - RONALD SAYGER & ETAL " "	6.5'
164 - ROSE BELLAVIA & ETAL " "	41.0'
160 - M/M O'BRIEN - " "	11.5'
156 - M/M JARZYNA - " "	37.0'
152 - M/M BRUBAKER " "	10.0'
148 - M/M FINN " "	23.0'
144 - JANET BURNS " "	10.0'
140 - PAUL COUZENS " "	25.0'
136 - M/M PAWLOWSKI " "	15.0'
128 - SUSAN SCHILLINGER " "	18.5'
124 - RAE GILBERT " "	21.0'
120 - NANCY DEUEL " "	25.5'
114 - M/M RUDNICKI " "	20.0'
106 - M/M STANLEY " "	15.0'
102 - M/M POLICHETTE " "	25.0'

1994 Sidewalk Replacement Program

LeHarve West of Towers

Address:

Footage to be replaced

136 - M/M HARRIS 14227-2426	25'
132 - M/M WALLACE " "	11'
128 - M/M DERNBACH " "	10'
124 - M/M HASLINGER " "	30'
120 - M/M ZMUDA " "	5'
116 - MICHAEL DOMAGALA " "	15'
112 - SANDRA MILLER " "	10'
108 - M/M BUGAJ " "	25'
104 - M/M KOPACZ " "	10'
96 - M/M CHOJNACKI 14227-2412	6'
80 - TIMOTHY BRYANT " "	15'
76 - M/M PALENSKI - " "	15'
72 - M/M COVELL - " "	5'
68 - ZORIANA BUNCHE " "	16'
56 - M/M MICHAELS " "	1'
52 - LINDA RANICK " "	21'
48 - M/M BIALICKI " "	14'
44 - M/M HENNESSY " "	15'
32 - M/M RAUSCH " "	8'
28 - M/M MARTINEZ " "	13'
24 - M/M OSIEJA " "	16'
20 - M/M BOODY " "	11'
16 - M/M DIXON " "	9'
12 - M/M RAFANOWICZ " "	23.5'
8 - M/M CRUPE " "	19'
4 - M/M FINE " "	26.5'

35 - M/M BRUBAKER 14227-2411	34'
39 - M/M DULAK " "	26.5'
43 - M/M GOETZ " "	36'
47 - M/M THRUN " "	44.5'
51 - JEFFREY FIORELLO #1 " "	19'
55 - JOAN WOLFF " "	7'
59 - M/M KOSSOW " "	
63 - M/M ACCORDINO " "	18.5
67 - M/M LUKSCH " "	13.5'
71 - ELAINE MAHONEY " "	40'
79 - M/M CALO " "	31'
83 - M/M BAUER " "	24'
87 - M/M DELECCO " "	29'
91 - M/M MODLESKI " "	10'
95 - M/M MILLER " "	20'
99 - M/M JAZWIECKI " "	4'

# ← ~~98~~ #103 - THEODORE LIPOWSKI AND DONNA SCHMIOT 14227-2425 3.5'

107 - M/M REIMER 14227-2425	6.5'
111 - OLIVIA DOYLE " "	10'
115 - M/M KONIECZKA " "	18'
119 - M/M BELCER 14227 2425	48'
123 - M/M McDougall " "	29'
127 - M/M BLACHOWIAK " "	19'
131 - M/M VOIT " "	38'
135 - M/M EBERHARDT " "	25'
139 - M/M SCHMANT " "	48'

DARTWOOD DR

DARTWOOD  
Dartwood con't

<u>Address</u>	<u>Footage to be replaced</u>
98 - M/M NYKIEL - 14227-3122	25.0'
94 - KEVIN GAPIK & DEBORAH GORETTI - 14227-3122	30.0'
90 - M/M LAUER 14227-3122	8.0'
86 - M/M BORYSZEWSKI " "	35.5'
82 - M/M BALL - 14227-3122	19.5'
78 - M/M PAGANO " "	5.0'
74 - CHARLES & RICHARD MURRAY - 14227-3122	20.0'
70 - M/M KRAJEWSKI " 3122	15.0'
66 - M/M WIENLEK " "	20.5'
{58 - M/M SISKAR 165 FERNDALE RD 14221-7165	23.0'
{54 - " " " " " " " "	5.0'
50 - M/M KANICK - 14227-3122	41.5'
40 - M/M MAZUREK - " - 3120	35.0'
28 - RAIMONDO CARRUBBA " - 3120	20.0'
24 - M/M BIRYLA - " - "	8.0'
20 - M/M HERNANDEZ - " - "	27.0'
16 - M/M DOMINIAK - " - "	10.0'
12 - M/M ANDRZEJEWSKI " "	30.0'

1994 Sidewalk Replacement Program

East Rouen Drive

<u>Address</u>	<u>Footage to be replaced</u>
229 Lehigh Ave DA - M/M WITTMAN - 14227-3163	28'
84 - JAMES & LAURA DIBBEN - " 3124	40'
80 - ANNA BRAUN - " "	33'
76 - M/M RAPINI - " "	32.5'
72 - M/M CAIE - " "	10.5'
68 - BETTIANNE KAZMIERCZAK " "	16'
64 - M/M HENNESSY " "	23'
56 - M/M GARVIN " "	10'
52 - M/M WALKONIAK " "	35.5'
48 - M/M DICK " "	26'
44 - M/M GLODOWSKI " "	5' nm
40 - LARRY TURNER & I " "	22'
36 - M/M SUTTON " "	5.5'
32 - M/M KULLINSKI " "	29'
28 - M/M SCHAUMLOEFFEL " "	33'
24 - M/M PEINKOFER " "	32.5'
20 - M/M PATTERSON " "	20'
16 - M/M GAJEWSKI " "	19.5'
12 - JAMES WASIELEWSKI & SUSANNE MOZDZIAK " "	16'
8 - M/M DE PIETROT " "	10'
4 - KEVIN BRONNING & I " "	15'
3 - M/M DOWNEY - 14227-3123	20.5'
7 - M/M DONOVAN - " "	43.5'
11 - WILLIAM MARKS " "	5.5'
15 - M/M GANGLOFF " "	25'
23 - M/M SLUCE " "	25'
27 - M/M KANDEFER " "	10'
31 - DEBRA GRIERSON " "	21'
35 - M/M MCCARTHY " "	23'
39 - M/M MASIEWICZ " "	21.5'
43 - M/M WAINWRIGHT " "	30.5'
47 - M/M SMITH " "	25'
51 - M/M WEST " "	30'
55 - M/M SCHULTZ " "	5'
59 - LINDA SANITA " "	42'
63 - M/M KRUE " "	2.5'
67 - M/M MEJAK " "	10.5'
71 - M/M BIGGINS " "	24'
75 - M/M LAJOIE " "	15.5'
79 - M/M SCHULTZ " "	5'
83 - M/M PICONE - 2951 E. PILTE AVE. PHOENIX AZ -	15' 85024-8004
87 - M/M GENCO - 14227-3123	13.5'
91 - M/M MODRZYNSKI " "	12'
99 - M/M LUKASIK " "	15'
103 - M/M GOURLAY " - 3157	31.5'
107 - ANTHONY SAVIOLA & I 14227-3157	5'
111 - ANN DEANGELIS " "	10'

Item No. 10 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 was submitted by New York Cellular Geographic Service Area, Inc. to erect a cellular telephone facility consisting of a 100' tower and equipment shelter at 500 Como Park Boulevard, AND

WHEREAS, the Advisory Committee, at its meeting held on June 17, 1994 rendered the determination shown on the attached memo dated June 21, 1994, AND

WHEREAS, the tower and equipment building is screened from residences by numerous trees on the west and south side of the site, AND

WHEREAS, in the event the property surrounding the tower site is proposed to be developed by the owner, the Town will seek a buffer around the tower and along Como Park Boulevard sufficient to maintain the screening of the tower,

WHEREAS, New York Cellular Geographic Service Area, Inc. has made various commitments including the planting of trees and allowing the use of space on the tower for Town of Cheektowaga Emergency Services antennae, 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 issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - June 17, 1994  
June 21, 1994  
Page: 2

It was suggested by both the resident and the Conservation Council that the driveway to North Transithill be eliminated. By doing so, a problem with regard to the use of the garage for parking would result. It is this specific problem that the committee wishes to discuss with the applicant.

All other items would be conditioned in any approval including removal of the stone at the rear of the site, entire site to have drainage plan approved by the Town Engineer, sidewalk to be extended along North Transithill to Transit and landscaping to be installed per Planning Board recommendation.

ITEM II 500 Como Park Boulevard - Proposed NYNEX Cellular Tower

Applicant: NYNEX/Rochester Telephone

The committee discussed the proposal with the applicant and were informed that the Conservation Council, at their meeting on Saturday, are requiring the planting of 8 conifers as a shield for the day care center. The Town Engineer has also requested additional deciduous trees be planted along Como Park Boulevard, this the applicant has agreed to do provided the property owners agree to such plantings.

The applicant had made a commitment to the Town allowing the use of the tower for Town antennae if the Town so wishes.

The tower would appear to be appropriate for the area because of existing woods, which act as screening and the use of the adjacent property, that being the Buffalo Crush Stone quarry. The woods would screen the existing tower to a point that very little is visible for residents or from the road. Any future development of the lands will have to have designed into the plan a minimum buffer area of at least 100' to maintain the screening around the tower. This buffer would be located both in the vicinity of the tower and along Como Park Boulevard.

The committee is recommending to the Town Board that a Negative Declaration be issued for this project.

ITEM III 2550 Walden Avenue - Proposed Rezoning From M1 To CM

Applicant: Louis Pease, Jr.

The proposal is to rezone the former Maroone Toyota Dealership for the purposes of establishing a gymnasium and an indoor floor hockey rink. The hockey rink, to be used with roller blades or shoes, would be located to the rear portion of the existing building with the gymnasium and offices located in the front.



**RochesterTel**

*Mobile Communications*

June 16, 1994

Cheektowaga Environmental Advisory Committee Members  
Town Hall  
Broadway & Union Rd.  
Cheektowaga, New York 14227

**RE: Proposed Tower at 500 Como Park Blvd.**

Members of the Committee:

NYNEX Mobile Communications has met with the Cheektowaga Conservation Advisory Committee (CCAC) for review of the proposed project. The CCAC has made several comments and suggestions which I would like to address at this time.

1. The CCAC requested that coniferous trees be planted between the Hilltop Day Care Center and the proposed tower. These trees would provide screening during the winter, when the existing trees have lost their leaves. As the updated site plan indicates, we have agreed to plant 8 trees in the area specified by the CCAC. Also the Planning board also requested that additional trees be planted between the Buffalo Crushed Stone property and Como Park Blvd. These ten trees are also indicated on the revised site plan.
2. The CCAC requested that NYNEX Mobile Communications attempt to obtain a written guarantee from Buffalo Crushed Stone stating that the existing trees, in a radius around the proposed tower would be preserved. This radius would be equal to the distance from the proposed tower to Como Park Blvd., will be preserved. Attached you will find a copy of a letter that was sent to Mr. Jamie Hynarowski of Buffalo Crushed Stone. Buffalo Crushed Stone has verbally indicated that while they would most likely always maintain a buffer of trees, never-the-less, for various reasons, they have declined to commit themselves to not removing trees.
3. NYNEX was also asked to consult the Town's wetlands map, prepared by Earth Dimensions, Inc. which is available for inspection at the Building Department. We have contacted Earth Dimensions, Inc. to assist us in this request. Earth Dimensions, Inc. has prepared a report on this issue, which I have included with this letter.

**Mobilink™**

Service Provided by

Advantage Cellular

NYNEX Mobile Communications

Rochester Tel Mobile Communications



4. The CCAC also requested that we contact the operators of the Hilltop Day Care Center to explain our project to them and address their concerns, if any. On 6/15/94 Mr. Thomas C. Greiner, of Nixon, Hargrave, Devans and Doyle, Attorneys representing NYNEX Mobile Communications and Dr. Thomas S. Ely, M.D. and myself met with Ms. Fran Nabozny and Ms. Linda Gorczynski, operators of the Hilltop Day Care Center. At this meeting we explained our proposal to them and explained to them that there were no Health risks associated with this project. We left a copy of a report by Dr. Ely. A copy of this report will be furnished to the members of this Committee. After a length of time was given to the operators of the Day Care Center, Mr. Greiner contacted them to see if there were any more questions that needed to be answered or concerns to be addressed. There were none from Ms. Nabozny nor Ms. Gorczynski nor did they attend the Public Hearing before the Zoning Board of Appeals to express any concerns.

NYNEX would also like to extend an offer to allow the Town of Cheektowaga to use space on this tower for Emergency Services (Police and Fire) used by the town of Cheektowaga. The only stipulation being that we are made aware of any intended antenna loads prior to engineering and construction of the tower. This is necessary so that we will be able to build into the tower enough load carrying capacity to handle any present or future loads.

If you have any questions feel free to call me at (716) 777-2764.

Sincerely,



Ralph Mastrangelo  
RF Cellular Engineer

Note: Site and Property Plan are attached  
to original resolution

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at 1561 East Delavan Avenue and east corner of East End, Cheektowaga, New York, SBL #90.84-2-1, and according to the Assessor's Office is owned by Samuel Tabone and One, 103 Bassett Road, Williamsville, New York 14221-2641, and

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds, high shrubbery and accumulated debris on property with vacant structure located at 2984 Union Road, Cheektowaga, New York, SBL #113.08-3-16 and according to the Assessor's Office is owned by Third Dunkin Donuts Realty, Tax Department, P.O. Box 317, Cheektowaga #1661, Randolph, Massachusetts 02368, AND

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 11c Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located 56 Martinique Drive, Cheektowaga, New York, SBL #125.06-20-36 and according to the Assessor's Office is owned by Kevin K. and Nancy Repka, Cheektowaga, New York 14227-3149, and

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Item No. 11c continued

Upon Roll Call....

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

Item No. 11d Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 4 East Rouen Drive, Cheektowaga, New York, SBL #125.06-3-42 and according to the Assessor's Office is owned by Kevin Browning and One, Cheektowaga, New York 14227-3124, and

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 11e Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant residential property located west of 7-11 Store (Union Road and Vern Lane), Cheektowaga, New York, SBL #113.12-1-13 and according to the Assessor's Office is owned by Glenn E. Clark, 786 Grandview, Crescent Park, Fort Erie, Ontario (Canada), and

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

RESOLVED that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

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

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

Item No. 12a continued

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT EXPIRES</u>
* Brian Wakoff	Amherst, NY 14226	Town's	5/31/97

\* Denotes renewal

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

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

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

AMBULANCE LICENSES

<u>OWNER</u>	<u>VEHICLE: MAKE &amp; MODEL</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Town's Ambulance	1994 Chevrolet	AA 4373	560

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

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

WHEREAS, the Town of Cheektowaga is in the process of requiring the owners of properties along Union Road to install sidewalks in front of their properties, and

WHEREAS, since Union Road is a State highway maintained by the New York State Department of Transportation, ("DOT"), approval of a sidewalk plan by the DOT is required, and

the Town Engineering Department has prepared a sidewalk plan for Union Road and such plan has been approved by the DOT, and

WHEREAS, the DOT, as part of the approval process for the sidewalk plan, requires that the Town execute the attached Undertaking in Connection with Permits Issued by the New York State Department of Transportation, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Undertaking in Connection with Permits Issued by the New York State Department of Transportation.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

UNDERTAKING IN CONNECTION WITH PERMITS  
ISSUED BY THE NEW YORK STATE  
DEPARTMENT OF TRANSPORTATION

WHEREAS, the undersigned Town of Cheektowaga from time to time receives permits from the Department of Transportation of the State of New York (hereinafter referred to as the "Department") allowing the Town of Cheektowaga to temporarily obstruct, install, construct, maintain, operate or replace any facilities within the bounds of a State highway right-of-way pursuant to Sections 52, 103, 203, 249 and/or 250 of the Highway Law; and

WHEREAS, the Department requires that the municipality file an undertaking to secure the Town of Cheektowaga's faithful performance within the terms of any such permit and also to indemnify the State of New York (hereinafter referred to as the "State") and others with respect to all operations under such permits by the Town of Cheektowaga.

NOW THEREFORE, the Town of Cheektowaga hereby undertakes, to and with the State and the Department, that:

1. The Town of Cheektowaga will well, truly and faithfully comply with and perform all the terms and conditions of each such permit on its part to be kept and performed, and abide by and comply with all such conditions, rules and regulations as may be, from time to time, promulgated by the Commissioner of Transportation of the State of New York (hereinafter referred to as the "Commissioner"), according to the true intent and meaning of such permits, rules and regulations;
2. The Town of Cheektowaga will, at its own expense, promptly complete the work allowed under each permit and within a reasonable time restore State property damaged by its work to substantially the same or equivalent condition as existed before such work was begun;

and in the event that the Town of Cheektowaga fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Municipality, may restore the property to substantially the same or equivalent condition as existed before the Municipality began the work and require the municipality to reimburse the State for any and all costs incurred by the State in such restoration.

3. The Town of Cheektowaga will indemnify, hold harmless and defend and protect the State of New York, the Commissioner and the Department, their officials, officers, agents and employees against and pay any and all amounts, damages and costs and judgments which may or shall be recovered against said State, or its officers, or agents, or which such State may be called upon to pay to any person or corporation by reason of damages arising or growing out of operations pursuant to said permits or the manner of doing the same, or the neglect of said Town of Cheektowaga, or its agents or servants, or the improper performance pursuant to the conditions of said permits by the Municipality, its agents or servants.

4. The Town of Cheektowaga which is self-insured, will pay any and all damages, costs, including but not limited to attorney's fees, and judgments recovered against the State, the Commissioner of Transportation, the Department of Transportation and their officials, officers, and employees in connection with work allowed by a permit or from use of a permit by the Town of Cheektowaga or by any person acting by, through or for the Town of Cheektowaga, including omissions and supervisory acts of any entities or persons named above.

5. It is understood that this undertaking is one of indemnity only and is not to be construed as imposing on the Town of Cheektowaga an obligation to pay claims for which there would not otherwise be a remedy in law against the State of New York.



6. Any payments required by the foregoing will be guaranteed by the full faith and credit of the Town of Cheektowaga, or its districts, as applicable, and will be paid out of current budgeted funds, or if insufficient, from its liability and casualty reserve fund or from the proceeds of bonds which current laws permit the Town of Cheektowaga to issue to pay claims against it.

IN WITNESS WHEREOF, THE Town of Cheektowaga has caused this instrument to be signed by its Supervisor or his designee authorized by resolution of its Town Board, a copy of which is annexed hereto.

By Dennis A. Labropala  
Municipality

Title Supervisor

Date 7-19-94

STATE OF NEW YORK )

COUNTY OF ) ss:  
)

On this 19<sup>th</sup> day of July, 1994, before me personally came Dennis H. Gabryszak, to me known and known to me to be the Supervisor, of the Town of Cheektowaga described in and which executed the foregoing instrument pursuant to a Resolution which was adopted on July 5, 1994 and to which a certified copy if attached and made a part thereof, and he acknowledged to me that he executed the same 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

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

BE IT RESOLVED, that the following individuals be terminated as follows:

Lawrence Godzich	14211
Robert Kowalewski	14227
Dawn Lesser	14004
David Lewandowski	14225
Joseph Pace	14043
Susan Ring	14043
Jerome Slawek	14225
Mark Wanat	14211
Renee Whitehead	14225
Danielle Drzymala	14043
Brian Hickson	14206
James Okun	14043
John Wanat	14211
Jason Wartinger	14225
Shane Waryk	14043
James Wind	14225
Jeanne Gallivan	14225
Denise Szalasny	14206
Paulette Mecca	14225
Fawn Bova	14043
Daniel Okoniewski	14043
David Duszynski	14227
Brian Walters	14225
Sherry Papaj	14043
John Kapron	14225
Eric Montroy	14225
Maureen Collins	14225

Upon Roll Call....

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

Item No. 14b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED, that the following SEASONAL and PART-TIME EMPLOYEES be and hereby are terminated as listed:

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT</u>	
Patrick McCloskey	7-02-94
Jeffrey Schueler	7-02-94
John Zyla	7-02-94
David Longo	7-02-94
Michael Sebastiano	6-16-94
Patrick Cullinan	6-24-94
<u>SANITATION DEPARTMENT</u>	
Norman Howard	6-20-94
<u>TOWN CLERK'S OFFICE</u>	
Susan Gregor	6-20-94
Jennifer Schifferli	6-20-94

Upon Roll Call....

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

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

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

FROM CHEEKTOWAGA CONSERVATION CORPS 7310.1812 TO NEW YORK STATE CONSERVATION CORPS - 7310.1816

Bill Bonczar  
Mark Klosko

FROM RECREATION ATTENDANT I TO RECREATION ATTENDANT IV - \$5.00 - 7140.1648

Michelle Seifried

Upon Roll Call....

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

Item No. 16 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, Anthony Belcer, a Laborer in the Highway Department, has exhausted all of his sick leave time, AND

WHEREAS, Anthony Belcer is currently under doctor's care and has requested an extension of sick leave payments for a period of fifteen (15) days, AND

WHEREAS, previously (November 15, 1993) the Town advanced Mr. Belcer 15 days sick and Mr. Belcer still owes the Town 4.5 days, NOW, THEREFORE, BE IT

RESOLVED, that Anthony Belcer be and hereby is granted an additional ten (10) days of sick leave payments, effective immediately, AND, BE IT FURTHER

RESOLVED, that said payments must be returned to the Town by Mr. Belcer upon his return to service.

Upon Roll Call....

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

Item No. 17 Increase Hourly Salary for Part-Time Clerk in the Justice Court  
This item was withdrawn.

Item No. 18a Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, a vacancy exists in the position of Housing Inspector in the Building Department, AND

WHEREAS, said vacancy was posted, AND

WHEREAS, there is no current valid Civil Service eligible list for said position, AND

WHEREAS, Monica Przemielewski of Cheektowaga, New York 14227 has applied for said position, AND

WHEREAS, Monica Przemielewski of Cheektowaga, New York be appointed provisionally to the vacant position of Housing Inspector, effective July 6, 1994, pending the results of a competitive Civil Service exam to be held for the position, 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.

Item No. 18a continued

Upon Roll Call....

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

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

WHEREAS, Susan Mulcahy, an Account Clerk in the Sanitation Department, will be on vacation from July 5th thru and including July 15, 1994, AND

WHEREAS, as per Section 18.02 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Tracy Gielinski, a part-time employee in the Sanitation Department, will be assigned to the Account Clerk position while said incumbent is on vacation, NOW, THEREFORE, BE IT

RESOLVED, that Tracy Gielinski be and hereby is appointed to the position of Account Clerk in the Sanitation Department from July 5th thru and including July 15, 1994, AND, BE IT FURTHER

RESOLVED, that, as per Section 18.02(2-g) of said collective bargaining agreement, the rate for said position will be \$12.261 per hour.

Upon Roll Call....

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

Item No. 19a 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):

DAY CAMPS

Dartwood Variety Pak Camp - 7310.1810

Recreation Attendant I (Counselor I) - \$4.25

Jennifer Garrison 14227

CAMP-JI-IK-DO-WAH-GAH - 7310.1801

Recreation Attendant IV (Counselor IV) - \$5.00

Katherine Mendel 14227

Recreation Attendant I (Counselor I) - \$4.25

Dana Abendschein 14227

ALEXANDER SUMMER DAY CAMP (Camp Flamingo) - 7310.1810

Recreation Attendant III (Counselor III) - \$4.75

Jennifer Garcea 14043

Upon Roll Call....

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

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

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

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

Jerome Borowski 7-06-94

SANITATION DEPARTMENT - \$5.00 per hour (Laborer)

Paul Wilcox 6-21-94  
Richard Maciejewski 7-06-94  
Kevin Wojciechowski 7-06-94  
Robert P. Albano 7-06-94

AND, BE IT FURTHER

RESOLVED, that the following be and hereby are hired as SEASONAL EMPLOYEES in the various departments as listed:

TOWN CLERK'S OFFICE - \$6.00 per hour (Clerical)

Lori Vallon 7-06-94

POLICE DEPARTMENT - \$5.00 per hour (Clerical)

Traci Howlett Immediately  
Dana Isbell 7-06-94  
Melissa Margaret Kreavy 7-06-94

Upon Roll Call....

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

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

WHEREAS, Chief Chamberlin has been invited by the Federal Bureau of Investigation (FBI) to attend the Thirtieth Session of the Law Enforcement Executive Development Seminar (LEEDS) being held at the FBI Academy in Quantico, Virginia from July 10-22, 1994,

WHEREAS, Chief Chamberlin is requesting authorization to attend this seminar which will cover such topics as: The Political, Social, and Economic Trends Affecting Law Enforcement Today; Labor Relations; The Mass Media; Affirmative Action; and The Executive Role. The FBI will be responsible for all expenses. Chief Chamberlin will be using a Police Department vehicle for transportation to and from this seminar, NOW, THEREFORE, BE IT

RESOLVED, that chief Chamberlin is authorized to attend this Executive Seminar and that the time he spends there be authorized as normal duty time.

Upon Roll Call....

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

Item No. 20b Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, a National Recycling Coalition 18th Annual Congress and Expo '94 will be held in Portland, Oregon from September 26-29, 1994, and

WHEREAS, a said expo being held relates to recycling, and

WHEREAS, David J. Kulik, General Crew Chief of the Town Sanitation/ Recycling Departments has requested permission to attend this expo, and

WHEREAS, this Board feels that it would be advantageous to the Town for Mr. Kulik to attend this expo, NOW, THEREFORE, BE IT

RESOLVED, that David J. Kulik be and hereby is authorized to attend the aforementioned NRC Expo '94 and to be absent from the Town of Cheektowaga from September 24 - October 1, 1994 for such expo, and BE IT FURTHER

RESOLVED, that the reasonable and necessary expenses in an amount not to exceed \$2,700.00 shall be appropriated from budget line item number 1500-8173-4088.

\* \* \* \* \*

MOTION BY COUNCILMAN WIELINSKI, SECONDED BY COUNCILMAN JOHNSON TO TABLE THE ABOVE RESOLUTION, ITEM 20B, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

\* \* \* \* \*

Item No. 21 Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated April 4, 1994, this Town Board awarded the contract for the replacement of existing sidewalks in the Town to Campobello Construction Co., Inc., and

WHEREAS, the Highway Department has registered numerous complaints about the work being performed by Campobello Construction Co., Inc. and Campobello Construction Co., Inc. has repeatedly ignored warnings and instructions given by the Town Highway Superintendent and his designated representatives, and

WHEREAS, the contract for this project allows the Town, by seven days' notice, to terminate the employment of Campobello Construction Co., Inc. if such contractor fails or refuses to regard the instructions of the Highway Superintendent, and

WHEREAS, this Board finds that Campobello Construction Co., Inc. has breached its contract with the Town of Cheektowaga for the replacement of existing sidewalks in the Town, NOW, THEREFORE, BE IT

RESOLVED, that notice is hereby given to Campobello Construction Co., Inc. that seven (7) days, after mailing of this resolution to it, the employment of Campobello Construction Co., Inc. by the Town for the above referenced contract for the replacement of existing sidewalks in the Town shall be terminated for just cause, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Campobello Construction Co., Inc., 3170 Delaware Avenue, Kenmore, New York 14217 and such resolution shall constitute the notice required under the contract for termination of Campobello Construction Co., Inc.

Item No. 21 continued

Upon Roll Call....

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

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

WHEREAS, there is need for drainage improvements associated with baseball fields and picnic shelter areas in Stiglmeier Park, AND

WHEREAS, a development master plan for intensive uses of the park were also under consideration, AND

WHEREAS, Stiglmeier Park lies within an area designated as a Critical Environmental Impact Zone (area), AND

WHEREAS, the potential for impacts upon U.S. Corps of Engineers jurisdictional wetlands and streams has been identified, AND

WHEREAS, the Town of Cheektowaga is required to adhere to Federal Wetland Regulatory Guidelines and all activities adversely affecting or involving the excavation, dredging or filling within any waters of the United States as regulated by the U.S. Corps of Engineers and the U.S. Environmental Protection Administration Under Section 404, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. as submitted to the Supervisor and dated June 30, 1994 for wetland delineation within the 353 acre Stiglmeier park to assure that all park development is conducted within legal guidelines is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board is directed and authorized to sign said proposal with Nussbaumer & Clarke, Inc. for the provision of professional services for wetland assessment and mapping within Stiglmeier Park, AND, BE IT FURTHER

RESOLVED, that the cost of professional services to be performed by Nussbaumer & Clarke, Inc. for Stiglmeier Park wetland assessment, delineation and mapping at a cost of \$5,745.00 and an added cost for additional maps and exhibits not to exceed \$600.00 is to be charged to Account #5312-1440-9337.

Upon Roll Call....

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

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:	0100-1440-4538	Rodent Control	\$ 7,000.00
	0100-1415-9000	Indirect Cost Allocation	52.00
	0100-1415-8000	Employee Benefits	475.00
	0100-1415-2000	Equipment	87.00
To:	0100-1910-5031	Transfers-In	7,000.00
	0100-1415-4001	Contractual Services	52.00
	0100-1415-4001	Contractual Services	475.00
	0100-1415-4001	Contractual Services	87.00



Item No. 23 continued

PART TOWN FUND

From:	0800-9010-8143	Retirees Medical	6,000.00
To:	0800-9010-8141	Employee Medical	6,000.00

CAPITAL FUND

From:	5007-9950-9901	Transfers-Out	7,000.00
	5402-1910-9399	Administrative Expense	16,000.00

SPECIAL DISTRICTS

From:	1500-8160-4088	Sanitation Travel & Conferences	887.50
To:	1500-8173-4088	Recycling Travel & Conferences	887.50

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MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 23, AND THE VOTING WAS AS FOLLOWS:

Upon Roll Call....

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

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AMENDED

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

GENERAL FUND

From:	0100-1910-5031	Transfers-In	\$ 7,000.00
	0100-1415-9000	Indirect Cost Allocation	52.00
	0100-1415-8000	Employee Benefits	475.00
	0100-1415-2000	Equipment	87.00
To:	0100-1446-4538	Rodent Control	7,000.00
	0100-1415-4001	Contractual Services	52.00
	0100-1415-4001	Contractual Services	475.00
	0100-1415-4001	Contractual Services	87.00

PART TOWN FUND

From:	0800-9010-8143	Retirees Medical	6,000.00
To:	0800-9010-8141	Employee Medical	6,000.00

CAPITAL FUND

From:	5007-9950-9901	Transfers-Out	7,000.00
	5402-1910-9399	Administrative Expense	16,000.00

SPECIAL DISTRICTS

From:	1500-8160-4088	Sanitation Travel & Conferences	887.50
To:	1500-8173-4088	Recycling Travel & Conferences	887.50

Item No. 23 continued

Upon Roll Call....

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

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 July 1, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$270,025.14
HIGHWAY FUND	41,464.88
TRUST & AGENCY FUND	13,677.11
CDBG HUD FUND	40,358.28
PART TOWN FUND	2,169.23
RISK RETENTION FUND	11,283.27
HUD HOUSING REHABILITATION FUND	5,752.00
SPECIAL DISTRICTS FUND	258,665.31
CAPITAL FUND	345,796.61
	\$989,191.83

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Building Permits  
Received and Filed.

Item No. 26 Supervisor's Statement of Funds - May 1994  
Received and Filed.

Item No. 27a Minutes of Cheektowaga Library Board - May 1994  
Received and Filed.

Item No. 27b Minutes of Cheektowaga Library Board - June 1994  
Received and Filed.

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Amended Notice of Claim: Elizabeth M. Lowth and William W. Lowth, Sr. vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Police Department and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 29 Notice of Claim and Order: Tina M. Litterio, Individually and as Parent and Natural Guardian of Jeffrey Litterio vs Frank Litterio, Gary Phillips, and the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Police Department and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 30a Notice of Claim: Kathleen Sedita 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. 30b Notice of Claim: Allstate Insurance Company as Subrogee of Lannie  
Rodemeyer vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 30c Notice of Claim: Allstate Insurance Company as Subrogee of Michael  
Harrer vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Sanitation Department and Allied Claims Insurance  
Carrier.  
Received and Filed.

Item No. 30d Notice of Claim: Eleanore DiMaria 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. 30e Notice of Claim: Commercial Union Insurance Companies for Cataract  
Transco 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. 30f Notice of Claim: Irma French for William George French vs the Town  
of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Department of Youth and Recreational Services and  
Allied Claims Insurance Carrier.  
Received and Filed.

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

Upon Roll Call....

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

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V. SUSPENSION OF RULES

Item No. 31 Motion by Councilman Johnson, Seconded by Councilman Jaworowicz

WHEREAS, on or about May 5, 1994, a Petition was submitted to this  
Town Board for the construction of lateral sewers in or along a portion of Sonwil  
Drive, and

WHEREAS, it was originally stated in such Petition that the property  
is located in Sanitary Sewer District No. 7, but was later corrected to state that  
it is located in Sanitary Sewer District No. 8, and

Item No. 31 continued

WHEREAS, an Order Calling Public Hearing on this matter was adopted on May 16, 1994 and such Order was properly published and posted indicating that the property is located in Sanitary Sewer District No. 8, and

WHEREAS, on June 6, 1994 after the public hearing, an Extract of Minutes and Resolution and Order After Public Hearing on this matter were approved, and such Extract of Minutes and Resolution and Order After Public Hearing inadvertently stated that the property is located in Sanitary Sewer District No. 7, and

WHEREAS, it is necessary to correct this error, NOW, THEREFORE, BE IT

RESOLVED, that the Extract of Minutes and Resolution After Public Hearing relating to the Petition for Lateral Sewers in and along a portion of Sonwil Drive be and hereby is amended to delete therein any reference to Sewer District No. 7 and to replace same with reference to Sanitary Sewer District No. 8, and BE IT FURTHER

RESOLVED, that the Town Clerk shall record a certified copy of this resolution and Order After Public Hearing in the office of the Clerk of Erie.

Upon Roll Call....

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

Item No. 32a Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Recreation Attendant (Softball) in the Youth and Recreational Services 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, Ralph Collins, currently employed as a Laborer's Aide in the Recycling Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Ralph Collins be and hereby is appointed to the position of Recreation Attendant (Softball) in the Youth and Recreational Services Department, in accordance with the terms and conditions as set forth in the collective bargaining agreement with the Town of Cheektowaga Association, Inc., effective July 11, 1994.

Upon Roll Call....

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

Item No. 32b Motion by Councilman Solecki, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Recreation Attendant (Pre-K) in the Youth and Recreational Services 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, Maureen Schneider, currently employed as a part-time Recreation Instructor in the Youth and Recreational Services Department, bid on said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

Item No. 32b continued

RESOLVED, that Maureen Schneider be and hereby is appointed to the position of Recreation Attendant (Pre-K) in the Youth and Recreational Services Department, in accordance with the terms and conditions as set forth in the collective bargaining agreement with the Town of Cheektowaga Association, Inc., effective immediately.

Upon Roll Call....

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

Item No. 32c Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Recreation Supervisor in the Youth and Recreational Services 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, Paul J. Marchewka, currently employed as a seasonal Recreation Leader VIII in the Youth and Recreational Services Department, is interested in this position and is familiar with the duties and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Paul J. Marchewka of ,  
Cheektowaga, New York 14211, be and hereby is appointed to the position of Recreation Supervisor in the Youth and Recreational Services Department, on a provisional basis, pending the establishment of a valid Civil Service examination list for said position, AND, BE IT FURTHER

RESOLVED, that said appointment is made effective immediately and at an annual salary of \$24,369.20.

Upon Roll Call....

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

Item No. 33 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz to adjourn this meeting in memory of Robert Lodlas, Laborer Leader of the AFL-CIO.

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 18th day of July, 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; Ronald Marten, Supervising Building and Plumbing Inspector, Chester Bryan, Town Engineer; Ken Kopacz, Executive Director of Youth & Recreation; Salvatore LaGreca, Chairman of Planning Board.

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

Section 76-101. All-night parking shall be amended by adding thereto the following after "Marc Lane";

Pine Ridge Terrace

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

F. Miscellaneous parking signs

(6) No standing anytime

WILLIAM STREET	north side	from the west curbline of Union Road to the east curbline of Ceil Drive extended.
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WILLIAM STREET	south side	from the west curbline of Union Road to the east curbline of Ceil Drive.
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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. FROM THE TABLE

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

WHEREAS, a National Recycling Coalition 18th Annual Congress and Expo 94' will be held in Portland, Oregon from September 26-29, 1994, and

WHEREAS, said expo being held relates to recycling, and

WHEREAS, David J. Kulik, General Crew Chief of the Town Sanitation/ Recycling Departments, has requested permission to attend this expo, and

WHEREAS, This Board feels that it would be advantageous to the Town for Mr. Kulik to attend this expo, NOW, THEREFORE, BE IT

RESOLVED, that David J. Kulik be and hereby is authorized to attend the aforementioned NRC Expo 94" and to be absent from the Town of Cheektowaga from September 24 - October 1, 1994 for such expo, and BE IT FURTHER

RESOLVED, that the reasonable and necessary expenses in an amount not to exceed \$2,700.00, shall be appropriated from budget line item number 1500-8173-4088.

Upon Roll Call....

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

III. RESOLUTIONS

Item No. 4a 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 be the Advisory Committee, and

WHEREAS, an application was submitted by the Polish Falcons Gymnastic Society Incorporated to rezone property known as 3171 Broadway from M1-Light Manufacturing to CM-General Commercial for their private social club, and

WHEREAS, the Advisory Committee, at its meeting held on July 13, 1994 rendered the determination shown on the attached memo dated July 14, 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 issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - July 13, 1994  
July 13, 1994  
Page: 2

The proposed zoning is compatible with existing uses in the area. The committee could offer no objections and future improvements to the property would be subject to review by the Town departments as required by the Zoning Law, therefore the committee is recommending that the Town Board issue a Negative Declaration for the rezoning.

~~ITEM II            4734 Transit Road            -            Proposed Rezoning From NS To C~~

~~Applicant:            Gene DiRosa~~

~~This item had been reviewed a number of times by various groups and the applicant has agreed to make revisions to his plan to mitigate any problems or concerns. The applicant has agreed to erect a solid fence at the west end of the property to screen his premises from the first house on North Transithill. The exact location of the fence will be determined once an updated survey is performed on the property.~~

~~\* The fence location will also be discussed with the neighbor.~~

~~\* The driveway off North Transithill will be for the resident of the building only and bumper blocks will be installed preventing cross traffic between that driveway and the customer parking in the front of the building. In addition, signage will be installed directing customers to use the Transit Road driveway.~~

~~\* The existing stone area at the rear of the building be will removed and grass established. Also drainage for the lot will be designed to eliminate waters from flowing on the adjacent property owner lands. This plan will be approved by the Town Engineer.~~

~~\* The sidewalk along North Transithill will be extended to Transit Road.~~

~~\* The landscaping will be placed alongside the garage in the area where a pine tree will be removed for the sidewalk extension. Landscaping will also be provided elsewhere as required by the Planning Board.~~

~~The proposed use of the property and any other subsequent use allowed in a C-Retail Business zoning will be compatible with what is now existing in the area. On the east side of Transit Road is a large shopping center and strip plaza. To the north and south of this property along Transit Road are located numerous offices, restaurants and stores. The items that were of concern early on in the proposal have been mitigated to the satisfaction of nearby property owners and, therefore, the committee is recommending that a Negative Declaration be issued for this rezoning and proposed site plan.~~



*Office of Building & Plumbing Inspections*  
*Cheektowaga Town Hall*  
*3301 Broadway Street*  
*Cheektowaga, New York 14227-1088*  
*716 / 686-3470*



M E M O

TO: Supervisor Dennis Gabryszak  
Honorable Town Board Members  
Richard Moleski, Town Clerk  
James Kirisits, Town Attorney

FROM: Thomas Adamczak  
Building Inspector

DATE: July 14, 1994

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on Wednesday, July 13, 1994 in the Town Hall Council Chambers

ITEM I            3171 Broadway            -    Proposed Rezoning From M1 To CM

Applicant:        Polish Falcons Gymnastic Society Inc.

Representatives of the Polish Falcons attended the meeting to better explain their intentions. The property is intended to be used for the club only and will have a kitchen and bar facility. There will be no banquets or bingo held on the property. All gymnastic programs are being run at Maryvale during the school year.

At present there is construction equipment located in the back parking lots and this will be removed as soon as they obtain full control of the property. No improvements are planned at this time .

Future improvements that would be contemplated would be paving of the rear parking area and drainage for same. The Town Engineer has suggested they contact the State Department of Transportation to see if drainage has been designed for this section of the Broadway project. This design will dictate the drainage for the site.

There exists approximately 50 parking spaces at the rear of the property which exceeds requirements for a club of this size.

The Planning Board will be reviewing the application for landscaping.

Item No. 4b 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 be the Advisory Committee, and

WHEREAS, an application was submitted by Gene DiRosa to rezone from NS-Neighborhood Service to C-Retail Business Property at 4734 Transit Road, and

WHEREAS, the Advisory Committee, held numerous meetings to discuss and at its last meeting held on July 13, 1994 rendered the determination shown on the attached memo dated July 14, 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 issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - July 13, 1994  
July 13, 1994  
Page: 2

The proposed zoning is compatible with existing uses in the area. The committee could offer no objections and future improvements to the property would be subject to review by the Town departments as required by the Zoning Law, therefore the committee is recommending that the Town Board issue a Negative Declaration for the rezoning.

ITEM II            4734 Transit Road            -    Proposed Rezoning From NS To C

Applicant:        Gene DiRosa

This item had been reviewed a number of times by various groups and the applicant has agreed to make revisions to his plan to mitigate any problems or concerns. The applicant has agreed to erect a solid fence at the west end of the property to screen his premises from the first house on North Transithill. The exact location of the fence will be determined once an updated survey is performed on the property.

\* The fence location will also be discussed with the neighbor.

\* The driveway off North Transithill will be for the resident of the building only and bumper blocks will be installed preventing cross traffic between that driveway and the customer parking in the front of the building. In addition, signage will be installed directing customers to use the Transit Road driveway.

\* The existing stone area at the rear of the building be will removed and grass established. Also drainage for the lot will be designed to eliminate waters from flowing on the adjacent property owner lands. This plan will be approved by the Town Engineer.

\* The sidewalk along North Transithill will be extended to Transit Road.

\* The landscaping will be placed alongside the garage in the area where a pine tree will be removed for the sidewalk extension. Landscaping will also be provided elsewhere as required by the Planning Board.

The proposed use of the property and any other subsequent use allowed in a C-Retail Business zoning will be compatible with what is now existing in the area. On the east side of Transit Road is a large shopping center and strip plaza. To the north and south of this property along Transit Road are located numerous offices, restaurants and stores. The items that were of concern early on in the proposal have been mitigated to the satisfaction of nearby property owners and, therefore, the committee is recommending that a Negative Declaration be issued for this rezoning and proposed site plan.

July 18 1994

Item No. 4c 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 be the Advisory Committee, and

WHEREAS, an application was submitted by Frank Wailand to develop a 7.2 acre Incubator Industrial Park at Union Road and Old Union Road, and

WHEREAS, the Advisory Committee, at its meeting held on July 13, 1994 rendered the determination shown on the attached memo dated July 14, 1994, and

WHEREAS, 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 below, 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 purposes of SEQRA with the conditions as follows:

- 1) A drainage easement be granted to the Town of Cheektowaga at the west end of the property acceptable to the Town Engineer.
- 2) a landscaping plan be approved by the Planning Board.
- 3) a drainage study be submitted to the Town Engineer providing a drainage history of the site and preliminary information on the pond and any associated wetland which is part of this drainage system.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - July 13, 1994  
July 13, 1994  
Page: 3

x ITEM III Union/Old Union Roads - Proposed Incubator Industrial Park

Applicant: Frank Wailand, Engineer

The applicant submitted a new plan showing that the buildings will be reversed with traffic to be accessed from both Union Road and Old Union Road as approved by the New York State Department of Transportation (NYSDOT).

The site plan also shows areas where existing trees will be preserved and that the north boundary of the site will remain undisturbed to provide screening between properties.

Yard hydrants will be provided and their final location will be determined by the Fire District.

The Engineering Department requires additional plans and data. The plans would show an existing drainage system through this property to the north to Cayuga Creek. Included in this plan would be a pond which is located near the rear of the Shady Acres Mobile Home Park. The applicant was instructed to also contact the Town of West Seneca to obtain information regarding property ownership and other topographical details.

The drainage survey that is to be provided will establish the existing drainage patterns that have existed for many years in that area. It will also attempt to, on a preliminary basis, delineate an existing wetland area that is present around the pond.

The zoning for the area including this site is M1-Light Manufacturing and the proposed use is compatible with the zoning and many of the uses in that area. The traffic has been addressed and approved by the NYSDOT and should not have any adverse impact upon existing traffic.

The committee is recommending that a Conditional Negative Declaration be issued for the project. The conditions for the Negative Declaration are:

- \* Hydrant location to be determined by the Fire District and flow calculations provided to the Fire Inspector.
- \* Drainage easement to be granted at the rear (west end) of the site and approved by the Town Engineer.
- \* A drainage study/survey establishing the drainage history of the area and final drainage plans are to be submitted and approved by the Town Engineer.
- \* Landscaping is to be approved by the Town Planning Board.

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

WHEREAS, Gene DiRosa has petitioned for the rezoning from NS-Neighborhood Service to C-Retail Business of property owned by Michael A. DeSantis and located at 4734 Transit 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 18th day of July, 1994 at 6:30 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 Negative Declaration for this proposal, NOW, THEREFORE, BE IT

RESOLVED, that the application of Gene DiRosa for the rezoning from NS-Neighborhood Service to C-Retail Business of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that the Zoning Map and 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, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 42, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the center line of Transit Road, which is also the east line of Lot No. 42, 772.75 feet north from the intersection of the south line of Lot No. 42 with the center line of Transit Road; thence continuing north along the center line of Transit Road, 110 feet to a point 669.74 feet south of the north line of Lot No. 42; thence proceeding westerly at an interior angle with the said center line of Transit Road of 89 degrees 17 minutes, a distance of 200 feet to a point; thence proceeding southerly parallel with the said center line of Transit Road, a distance of 110 feet to a point; thence proceeding easterly in a straight line, 200 feet to the point or place of beginning.

LEGAL NOTICE

EXTRACTS FROM MINUTES OF CHEEKTOWAGA TOWN BOARD

At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Roads, in said Town on the 18th day of July, 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 Blachowski
Seconded by: Councilman Johnson

WHEREAS, Gene DiRosa has petitioned for the rezoning from NS-Neighborhood Service to C-Retail Business of property owned Michael A. DeSantis and located at 4734 Transit 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 18th day of July, 1994 at 6:30 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 Negative Declaration for this proposal, NOW, THEREFORE BE IT RESOLVED, that the application of Gene DiRosa for the rezoning from NS-Neighborhood Service to C-Retail Business of the property specified in the attached legal description be and the same is hereby approved, AND, BE IT FURTHER

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

DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 42, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point in the center line of Transit Road, which is also the east line of Lot No. 42, 772.75 feet north from the intersection of the south line of Lot No. 42 with the center line of Transit Road; thence continuing north along the center line of Transit Road, 110 feet to a point 669.74 feet south of the north line of Lot No. 42; thence proceeding westerly at an interior angle with the said center line of Transit Road of 89 degrees 17 minutes, a distance of 200 feet to a point; thence proceeding southerly parallel with the said center line of Transit Road, a distance of 110 feet to a point; thence proceeding easterly in a straight line, 200 feet 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 AYE
Councilman Blachowski Voting AYE
Councilman Johnson Voting AYE
Councilman Wielinski Voting AYE

AYES: 7
NAYES: 0
ABSENT: 0

PUBLISH: July 21, 1994

1206

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 July 21, 1994;

last publication July 21, 1994;

and that no more than six days intervened be-

tween publications.

Melissa Gugliuzza

Sworn to before me this 21st

day of July, 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 18th day of July, 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 Blachowski  
Seconded by: Councilman Johnson

WHEREAS, Gene DiRosa has petitioned for the rezoning from NS-Neighborhood Service to C-Retail Business of property owned Michael A. DeSantis and located at 4734 Transit 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 18th day of July, 1994 at 6:30 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 Negative Declaration for this proposal. NOW, THEREFORE BE IT

RESOLVED, that the application of Gene DiRosa for the rezoning from NS-Neighborhood Service to C-Retail Business of the property specified in the attached legal description be and the same is hereby approved, AND, BE IT FURTHER

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

**DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 42, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows:

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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

PUBLISH: July 21, 1994

108  
4266

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.....July 21, 1994..... ;  
last publication.....July 21, 1994..... ;  
and that no more than six days intervened be-  
tween publications.

*Melissa Gugliuzza*  
.....

Sworn to before me this .....21st.....

day of .....July....., 19<sup>94</sup>.....

*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. 6 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, this Town Board adopted the Flood Damage Prevention Local Law to promote the public health, safety and general welfare of its citizenry, and

WHEREAS, said ordinance regulates the development of areas of special flood hazard identified by the Federal Emergency Management Agency providing for sound use and development of areas of special flood hazard, and

WHEREAS, Mr. Leigh Sworts has submitted a Development Permit Application to the Town Engineer and has requested a variance from the provisions of Section 5.2-1 of the Flood Damage Prevention Ordinance to enable construction of a residential garage with a floor elevation below the level of the base flood elevation on property located at 1018 French Road, said property being located in an area of special flood hazard, and

WHEREAS, the Office of the Town Engineer has performed a site inspection and has reviewed the technical data contained on the Development Permit Application and has made a recommendation relative to the variance request as outlined in the attached letter dated July 8, 1994 and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the variance request of Mr. Sworts permitting construction of a residential garage in the flood hazard area on property located at 1018 French Road be granted with the following conditions attached so as to adhere to the purpose and intent of this ordinance.

- (1) The garage structure shall be anchored to a suitable concrete floor slab to resist flotation, collapse or lateral movement.
- (2) The structure shall be constructed with materials resistant to flood damage.
- (3) Any utilities, ie: electrical or other service facilities, shall be installed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) The construction of the driveway and the finish grades established around the completed structure, together with the discharge of roof waters shall be accomplished in a manner where storm waters are not directed to neighboring property.
- (5) Upon granting of this variance, the applicant is hereby given notice that the structure will be permitted to be built with the floor elevation 2' below the Base Flood Elevation and that the cost of flood insurance, if required, will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (6) Applicant shall comply with Section 4.3-3 of the Town Flood Damage Prevention Ordinance pertaining to submission of as-built floor elevations upon completion.

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



M E M O

TO: Dennis Gabryszak, Supervisor  
and Town Board Members  
Ronald Marten, Supervising Building Inspector  
Kevin Schenk, Deputy Town Attorney

FROM: William Pugh, P.E.  
Assistant Town Engineer

DATE: July 8, 1994

RE: #1018 French Road  
Proposed construction of a detached garage

The Engineering Department has received and reviewed a Development Permit Application submitted by the owner of the subject property, Mr. Leigh Sworts who proposes to construct an 18' x 32' detached garage as depicted on the enclosed property survey. Mr. Sworts was referred to this office by the Building & Plumbing Inspections Office as the subject property is located within the special flood hazard area for Slate Bottom Creek as depicted on current FEMA mapping. This property, as well as adjoining parcels, are currently improved with residential structures built an estimated 25+ years ago, prior to the existence of floodplain regulations. The existing dwellings do not meet today's standards which would result in their inundation with floodwaters during a 100 year storm event, based on a review of available topographic data.

The Town Flood Damage Local Law requires the first floor of any building to be elevated above the base flood elevation which, based on a surveyors' recent determination, is some 2.5' above existing grade at this location. The definition of "building" as defined in Section 2.0 of the subject ordinance is as follows:

*"Any structure built for support, shelter or enclosure for occupancy or storage."*

This definition, in my opinion, requires that the construction of a garage comply with the subject ordinance.

Having made a site inspection and based on a review of existing developed properties which abut this site, and the existing topography, I am in support of the variance request of Mr. Sworts, outlined in his June 24, 1994 communication to this office (copy attached). The variance provisions of the Flood Damage Prevention Local Law under Section 6.0 designates that the Town Board shall hear and decide appeals and requests for variances from the requirements of this local law and enables the Town Board to attach any conditions it deems appropriate. This department, in reviewing the available technical data and the considerations of Section 6.1(4) of the ordinance, would have no objection to the granting of a variance provided the following conditions are complied with:

- (1) The garage structure shall be anchored to a suitable concrete floor slab to resist flotation, collapse or lateral movement.
- (2) The structure shall be constructed with materials resistant to flood damage.
- (3) Any utilities, ie: electrical or other service facilities, shall be installed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) The construction of the driveway and the finish grades established around the completed structure, together with the discharge of roof waters shall be accomplished in a manner where stormwaters are not directed to neighboring property.
- (5) Upon granting of this variance, the applicant is hereby given notice that the structure will be permitted to be built with the floor elevation two (2') feet below the Base Flood Elevation and that the cost of flood insurance, if required, will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (6) Applicant shall comply with Section 4.3-3 of the Town Flood Damage Prevention Ordinance pertaining to submission of as-built floor elevations upon completion.

Should you have any questions, please contact this office @ 896-0788.

WRP/mjj

attachments

1018 French Road  
Cheektowaga, NY 14227  
826 - 2500 days  
668 - 2631 home

June 24, 1994

Mr. William Pugh  
Town of Cheektowaga -  
Department of Engineering  
275 Alexander Avenue  
Buffalo, NY 14211

Dear Bill,

I met with you on June 2, 1994, and discussed the required distance my future detached garage needed to be from Slate Creek. At that time you stated that I needed to follow a procedure to ensure I built that garage at a certain first floor elevation.

In compliance with that procedure, I hired a surveyor and learned that the stipulated elevation is approximately 2.5 feet above the ground at the highest point. At this time I would like to apply for a variance seeking relief from building at that elevation. I have listed the reasons for this application below:

My lot is only 50' wide - filling & grading would be very expensive and impractical due to water run off onto my neighbor's property.

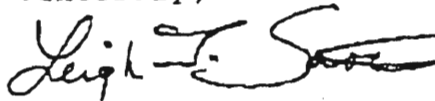
Constructing concrete ramps at the entrances of the garage would be hazardous to driving and children playing in the driveway.

The added expense for additional concrete and labor would take the garage outside of my budget.

My house is not at the proposed elevation and putting a garage above the house would cause drainage problems.

Thank you for your time!

Sincerely,



Leigh F. Sworts

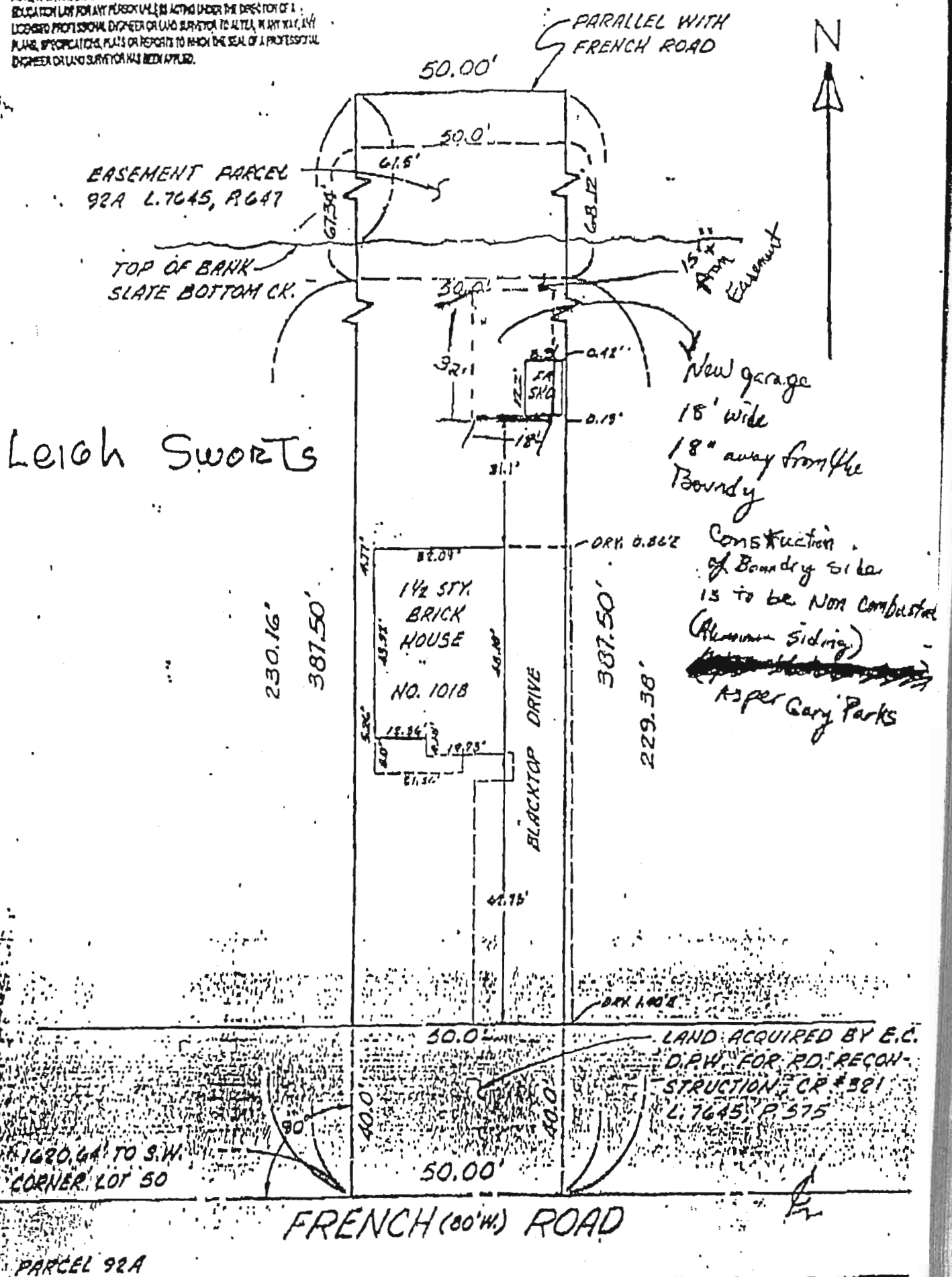
cc. Mathew Wilson Surveyor  
(enclosures)

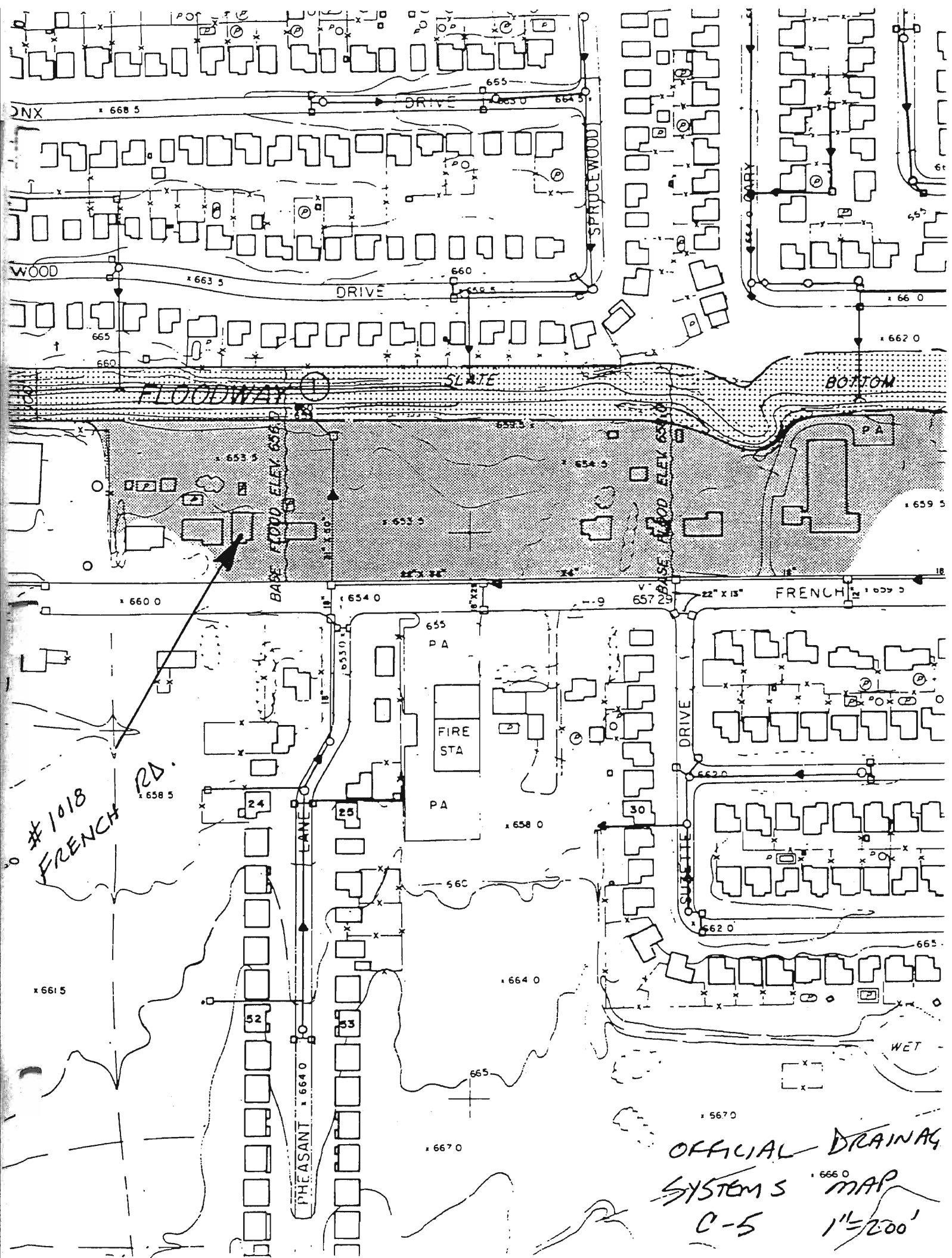
**RECEIVED**

JUN 24 1994

ENGINEERING  
DEPT.

NOTE: IT IS A VIOLATION OF SECTION 7401, SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON WHO IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR TO ALTER, IN ANY WAY, ANY PLANS, SPECIFICATIONS, PLATS OR REPORTS TO WHICH THE SEAL OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR HAS BEEN APPLIED.





OFFICIAL DRAINAGE  
 SYSTEMS MAP  
 C-5 1"=200'

Item No. 7 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:	0100-7110-2002	Shelter Permits	\$ 2,500.00
	0100-7110-1203	Working Crew Chief-Parks	3,800.00
TO:	0100-7110-1391	Part Time Clerical	2,500.00
	0100-7110-1374	Clerk Typist-Facilities	3,800.00

RISK RETENTION FUND

FROM:	1000-1710-4529	Loss Control Liability	\$ 5,375.00
TO:	1000-1710-4528	Loss Control	5,375.00

CAPITAL FUND

FROM:	5814-3310-1103	Traffic Signals	\$ 88,986.00
	5202-1440-0001	Kensington Expressway Traffic Signal	5,000.00
	5112-1910-5031	Transfers In	93,986.00
	5112-1910-3089	State Grant	15,000.00
TO:	5814-9950-9901	Transfer Out	\$ 88,986.00
	5202-9950-9901	Transfer Out	5,000.00
	5112-5110-9118	Highway Improvement- William & Cayuga	108,986.00

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

WHEREAS, The Town Board on January 18, 1994, authorized a request for Proposal for the Analysis, Design and Implementation of a Townwide Information System, and

WHEREAS, sealed bids were received on February 10, 1994 from four respondents to the request for proposal, and

WHEREAS, members of the Town Board participated in the presentations of the respondents, and after extensive review and deliberation the selection committee is recommending that Computer Task Group, Inc. 700 Delaware Ave, Buffalo, New York 14209, being uniquely qualified in this field to lead the Town in this Management Information Study, and such fees for the study shall not exceed \$63,000, with \$30,000 due at the completion of the deliverables, and this remaining balance to be paid in January, 1995, NOW, THEREFORE BE IT

RESOLVED, that Computer Task Group, Inc., be and hereby is hired as the management Information Systems Consultants, and that all costs resulting from the awarding of this request be funded through account # 5312-1440-9338.

\*\*\*\*\*

Motion by Councilman Johnson, Seconded by Councilman Solecki to amend the above resolution, and the voting was as follow:



Item No. 8a cont'd

Upon Roll Call....

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

The above resolution was amended and reads as follows:

\* \* \* \* \*

Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, The Town Board on January 18, 1994, authorized a request for Proposal for the Analysis, Design and Implementation of a Townwide Information System, and

WHEREAS, sealed bids were received on February 10, 1994 from four respondents to the request for proposal, and

WHEREAS, members of the Town Board participated in the presentations of the respondents, and after extensive review and deliberation the selection committee is recommending that Computer Task Group, Inc. 700 Delaware Ave, Buffalo, New York 14209, being uniquely qualified in this field to lead the Town in this Management Information Study, and such fees for the study shall not exceed \$30,000 for Phase I in 1994, NOW, THEREFORE BE IT

RESOLVED, that Computer Task Group, Inc., be and hereby is hired as the management Information Systems Consultants, and that all costs resulting from the awarding of this request be funded through account # 5312-1440-9338.

Upon Roll Call....

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

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

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) diesel air compressor for the Sewer Maintenance Department, which bids were duly received and opened at a public bid opening called for that purpose, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) diesel air compressor be awarded to Rupp Rental & Sales Corporation, 101 Great Arrow Avenue, Buffalo, New York 14216 for their bid in the amount of \$9,682.00 for one (1) diesel air compressor, said bid being the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that funding for said air compressor shall be chargeable to Account #2581-2502-2505.

Upon Roll Call....

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

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

WHEREAS, bids were received and opened on July 6, 1994 for the construction of a pedestrian bridge spanning Scajaquada Creek in the vicinity of Marlene Drive, and

WHEREAS, the Town Engineer and Pratt & Huth Associates have reviewed the bids and recommended that the contract be awarded to Donald J. Braasch Construction, Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the construction of the Scajaquada Creek Pedestrian Bridge be and hereby is awarded to:

Donald J. Braasch Construction, Inc.  
1661 Lakeview Road  
Lakeview, New York 14085

for the bid price of \$71,513.00 which was the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign any and all agreements for said pedestrian bridge contract on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that funding for said pedestrian bridge shall be chargeable to Account No. 5111-5132-9117.

Upon Roll Call....

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

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

WHEREAS, bids were received and opened on July 6, 1994 by the Town Clerk for the Sonwil Drive Pavement and Improvement Project, and

WHEREAS, the Town Engineer and Nussbaumer & Clarke, Inc. have reviewed the bids and recommended that the contract be awarded to Kandey Co., Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Sonwil Drive Pavement and Improvement Project be and hereby is awarded to:

Kandey Company, Inc.  
19 Ransier Drive  
West Seneca, New York 145224

for the bid price of \$333,333.00 which is the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to execute the agreement for said highway and sanitary sewer improvements project on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that the Sonwil Drive Pavement and Improvement Project shall be funded, together with all related engineering and administrative costs from the bond proceeds to be repaid by Sonwil Distribution Center, Inc., whom has petitioned this Town Board to provide the subject project improvements.

Upon Roll Call....

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

Item No. 8e Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, bids were received and opened on June 29, 1994 at 11:00 A.M. by the Town Clerk for the installation of a traffic signal at the intersection of William Street and Cayuga Creek Road, and

WHEREAS, the Town Engineer and EMS Consulting have reviewed the bids and recommend that the bid be awarded to Omer Construction Company, Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the installation of a traffic signal at the intersection of William Street and Cayuga Creek Road be and hereby is awarded to Omer Construction Company, 621 Aero Drive, Cheektowaga, New York 14225 for the bid price of \$123,717.00, which was the lowest bid meeting the requirements of the specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to sign any and all agreements for said traffic installation contract on behalf of this Town Board, and BE IT FURTHER

RESOLVED, that funding for said traffic installation shall be chargeable to Account #5112-5110-9118.

Upon Roll Call....

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

Item No. 9a Motion by Councilman Johnson, Seconded by Councilman Wielinski

WHEREAS, it is in order that sidewalks be installed on Union Road, (State Route 277), from South Creek Drive to Orchard Place on the east and from McKesson Drive to George Urban Boulevard on the west, and

WHEREAS, the Town Engineer advises that plans and specifications, as prepared by the consulting engineering firm of C & S Engineers, are complete and ready for acceptance of bids, and

WHEREAS, a New York State Department of Transportation permit has been received for construction of sidewalks along said New York State highway, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is directed to publish a Notice to Bidders for the installation of sidewalks, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on August 3, 1994 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening in the Council Chambers in 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 3rd day of August 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 Construction of Sidewalks along Union Road in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by C & S Engineers, Inc., 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.

Item No. 9a cont'd

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 77 Broadway, Suite 216, Buffalo, New York 14203. Copies may be secured at the office of C & S Engineers, 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 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 should be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, 3301 Broadway, Cheektowaga, New York 14227 and marked as "Proposal for Sidewalk Improvements on Union Road".

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 to Commence Work" has been issued.

BY ORDER OF: RICHARD M. MOLESKI  
Town Clerk  
Town of Cheektowaga

DATED: July 18, 1994

\* \* \* \* \*

Item No. 9a 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

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 3rd day of August, 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 Construction of Sidewalks along Union Road in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by C & S Engineers, Inc., 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 77 Broadway, Suite 216, Buffalo, New York 14203. Copies may be secured at the office of C & S Engineers, 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 Sidewalk Improvements on Union Road".

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

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**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 be included in the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

BY ORDER OF:  
Richard M. Moleski  
Town Clerk  
Town of Cheektowaga

DATED: July 18, 1994

PUBLISH: July 21, 1994

120  
53

STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF CHEEKTOWAGA

ss.

Melissa Gugliuzza, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks:

first publication July 21, 1994;  
last publication July 21, 1994;  
and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 21st

day of July, 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 3rd day of August, 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 Construction of Sidewalks along Union Road in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by C & S Engineers, Inc., 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 77 Broadway, Suite 216, Buffalo, New York 14203. Copies may be secured at the office of C & S Engineers, 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.

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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 be included in the bid.

The work shall be completed within 90 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

BY ORDER OF:  
Richard M. Molaske  
Town Clerk  
Town of Cheektowaga

DATED: July 18, 1994

PUBLISH: July 21, 1994

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53.33

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.....July 21, 1994..... ;  
last publication.....July 21, 1994..... ;  
and that no more than six days intervened be-  
tween publications.

Melissa Gugliuzza

Sworn to before me this .....21st.....

day of .....July....., 19<sup>94</sup>.....

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. 9b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga desires to improve the quality and safety of play equipment at Hanley, Orchard and Raymond Playgrounds, and

WHEREAS, Darryl L. Jones, R.L.A. has prepared bid plans and specifications for Cheektowaga Parks-New Playgrounds, and

RESOLVED, that the Cheektowaga Town Board hereby directs the Town Clerk to publish a Notice to Bidders for Cheektowaga Parks-New Playstructures, and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Accounts #5402.7110.9406, #5907.7110.1203 and Facilities Department Account #0100.7110.4458.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed bids for Cheektowaga Parks - New Playstructures are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on August 10, 1994 at 11:00 a.m. in the Town Hall, Broadway and Union Rd., Cheektowaga, New York for the installation of a new playstructure and related sitework at Hanley, Orchard and Raymond 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 the 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: July 15, 1994

RICHARD M. MOLESKI  
Town Clerk

\*\*\*\*\*



Item No. 9b 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

NOTICE TO BIDDERS

Sealed bids for Cheektowaga Parks - New Playstructures are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on August 10, 1994 at 11:00 a.m. in the Town Hall, Broadway & Union Rd., Cheektowaga, NY for the installation of a new playstructure and related sitework at Hanley, Orchard and Raymond Park.

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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: July 15, 1994.

PUBLISH: July 21, 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 Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks: first publication.....July 21, 1994.....; last publication.....July 21, 1994.....; and that no more than six days intervened between publications.

*Melissa Gugliuzza*

Sworn to before me this .....21st.....

day of .....July....., 19<sup>94</sup>.....

*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

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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.

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Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

Dated: July 15, 1994

PUBLISH: July 21, 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 .....1..... weeks:  
first publication.....July 21, 1994..... ;  
last publication.....July 21, 1994..... ;  
and that no more than six days intervened be-  
tween publications.

*Melissa Gugliuzza*

Sworn to before me this .....21st.....

day of .....July....., 19<sup>94</sup>.....

*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

70  
2765

Item No. 9c Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, it is in order that bids be advertised to cover the replacement of sidewalks in various locations in the Town of Cheektowaga, and

WHEREAS, funds have been budgeted for this purpose, NOW, THEREFORE,  
BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the replacement of sidewalks, said notice to be published in the CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on August 10, 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 August 10, 1994 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the replacement of sidewalks in various locations in the Town of Cheektowaga.

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

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

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

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

RICHARD M. MOLESKI  
Town Clerk

Dated: July 18, 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.

.....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.....July 21, 1994..... ;  
 last publication.....July 21, 1994..... ;  
 and that no more than six days intervened be-  
 tween publications.

2 LEGAL NOTICE  
 NOTICE TO BIDDERS

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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.

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

RICHARD M. MOLESKI  
 TOWN CLERK

PUBLISH: July 21, 1994

-11  
 1620

*Melissa Gugliuzza*  
 .....

Sworn to before me this .....21st.....

day of .....July....., 19<sup>94</sup>.....

*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.

..... Melissa Gugliuzza....., of the town  
 of Cheektowaga, in said County of Erie, being  
 duly sworn, deposes and says that he (she) is  
 ..... clerk..... of the Cheek-  
 towaga Times, a public newspaper published  
 weekly in said town; that the notice, of which  
 the annexed printed slip, taken from said news-  
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 said paper once a week for ..... 1..... weeks:  
 first publication..... July 21, 1994..... ;  
 last publication..... July 21, 1994..... ;  
 and that no more than six days intervened be-  
 tween publications.

*Melissa Gugliuzza*

Sworn to before me this ..... 21st.....

day of ..... July....., 19<sup>94</sup>.....

*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

**LEGAL NOTICE**  
**NOTICE TO BIDDERS**

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

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

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

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

**RICHARD M. MOLESKI**  
**TOWN CLERK**

**PUBLISH: July 21, 1994**

411  
 1620

Item No. 10 Motion by Supervisor Gabryszak, Seconded by Unanimous

WHEREAS, the United States House of Representatives has passed legislation H.R. 4385 to approve a new National Highway System of about 159,000 miles, and

WHEREAS, this System comprises only 4% of the nation's public roads but will carry 40% of all highway traffic and 75% of heavy truck traffic, and

WHEREAS, in the State of New York the National Highway System comprises 4.4% of our roads, but will carry 33% of all motor vehicle traffic, and

WHEREAS, the nation's Interstate highway system has been instrumental to the economic vitality of our country but as envisioned in the 1950's is not sufficient to allow our continue growth in the 21st century, and

WHEREAS, 60% of U.S. households and 70% of our businesses are within five miles of an Interstate route, but 90% and 95% respectively will be that close to the National Highway System, and

WHEREAS, funding for the National Highway System can be expected to fund 250,000 jobs each year,

WHEREAS, traffic congestion currently costs travelers about \$1 billion per year in lost productivity in each of the nation's eight largest metropolitan areas, and

WHEREAS, nearly 70% of the access roads to containerized ports are usually or always congested and so improvement of these roads will help the country compete in the global economy, and

WHEREAS, the National Highway System will benefit all consumers, reducing the costs of transporting goods and products, thereby producing savings for us all, and

WHEREAS, the National Highway System is important to the nation's defense including 15,500 miles of Strategic Highway Network identified by the Department of Defense, and 2,000 miles providing access to 242 military bases, and

WHEREAS, the National Highway System brings \$270.3 million in annual federal-aid highway funding to the State of New York, and

WHEREAS, this legislation will be beneficial to the nation, the State of New York and the Town of Cheektowaga;

NOW, THEREFORE BE IT RESOLVED that the Town of Cheektowaga supports and recommends consideration by the United States Senate in 1994 of legislation to approve the National Highway System.

Upon Roll Call....

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

Item No. 11 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

WHEREAS, Buffalo Airfield, Inc. is a domestic corporation with its offices and principal place of business at 4500 Clinton Street in the Town of West Seneca, New York; and

WHEREAS, Buffalo Airfield, Inc. operates, as a private owner, a public use airport at 4500 Clinton Street, West Seneca, New York and a part of which airport is situate in the Town of Cheektowaga, New York; and

Item No. 11 cont'd

WHEREAS, Buffalo Airfield, Inc. has undertaken a project to Remove Obstructions on Airport Property in the Primary and Transitional Surfaces; Replace medium Intensity Runway Lighting (MIRL) to Runway 6/24 (approx. 2,665 L.F.), including the Installation of an Electrical Vault Building; and Increase Land Donation Credit by 1.46 acres+ (from 1.55 acres+ to 3.01 acres+) out of a total of 74.21 acres+ at the Buffalo Airfield; and

WHEREAS, the application of Buffalo Airfield, Inc. to the Federal Aviation Administration for available Federal funding for said project under the Airport Improvement Program has been approved; and

WHEREAS, the purpose of said project is the improvement of said airport; and

WHEREAS, the project has been deemed consistent with sound transportation development policy and planning concepts for New York State participation; and

WHEREAS, the Federal share of the grant shall not exceed to \$237,910, the New York State share shall not exceed to \$13,217 and the Sponsor's share shall not exceed to \$13,217 for a total project cost amount of \$264,345, and

WHEREAS, it is a requirement of Transportation Law section 14-h that Buffalo Airfield, Inc.'s application for funding of the New York State share be endorsed by a Resolution of this Board; and

WHEREAS, after due deliberation by this board, we find that such project and the State share to be paid towards its cost are of benefit to the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby formally endorses the aforesaid project by Buffalo Airfield, Inc. for purposes of Transportation Law Section 14-h.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga is desirous of having owners of properties along Union Road in between North Creek Drive and Orchard Place install sidewalks in front of their properties, and

WHEREAS, the Town Engineering Department submitted a sidewalk plan for such sidewalks to the New York State Department of Transportation ("DOT") for its approval, and has received such approval, and

WHEREAS, it is necessary for the Town to obtain easements over some of these properties for the location of sidewalks outside of the State right-of-way, NOW, THEREFORE, BE IT

RESOLVED, that the Town Engineering Department be and hereby is authorized to request and obtain sidewalk easements from the owners of properties fronting on the following referenced portions of Union Road:

Union Road (west side) - from George Urban Blvd. to McKesson Parkway  
Union Road (east side) - from Orchard Place to North Creek Drive

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 Councilman Johnson

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to, and maintained by the Town, be installed under a Public Improvement Permit, and

WHEREAS, the developer of the Emerald Gardens Subdivision has submitted a Public Improvement Permit Application, plans and specifications and permit fee for the construction of subdivision improvements as part of the development of forty (40) residential lots within Phase I of said subdivision, and

WHEREAS, the Town Engineer and Town Superintendent of Highways have reviewed the plans and specifications and find that the design of the subject improvements conform with established Town requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the construction of the aforesaid subdivision improvements, and BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$5,982.06 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of such fees.

Upon Roll Call....

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

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

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 Town specifications for the construction of sidewalks in the Town, and

WHEREAS, pursuant to Section 200-A of the Town Law of the State of New York, a Town Board may adopt orders from time to time directing the owners of lots abutting on streets within such Town to construct sidewalks along such street, and

WHEREAS, there is presently a need for sidewalks on both sides of Union Road, a State Highway, (Route 277) from McKesson Parkway to George Urban Boulevard on the west and from South Creek Drive to Orchard Place on the east, and

WHEREAS, the New York State Department of Transportation has consented to allowing the Town to require the installation of sidewalks along such portions of Union Road, NOW, THEREFORE, BE IT

RESOLVED, that the property owners on both sides of Union Road (Route 277), as described above, be directed to construct new sidewalks in front of their properties as designed by the Town Consultant, C & S Engineers, Inc. on or before August 22, 1994, and BE IT FURTHER

RESOLVED, that should said owners not construct such sidewalk on or before August 22, 1994, the Town Board shall cause same to be built and assess the expense thereof against said property owners, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution by certified mail to the designated property owners on Union Road (Route 277) in the aforementioned construction area.

Upon Roll Call....

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

Item No. 15a Motion by Councilman Blachowski, Seconded by Councilman Wielinski

WHEREAS, the Town of Cheektowaga, on January 14, 1993, gave Mrs. Patricia Higgins a Housing Rehabilitation Community Development loan for property owned by her and located at 246 Burke Drive, Cheektowaga, New York, and

WHEREAS, Mrs. Patricia Higgins is now applying for a separate mortgage loan through Snyder Funding, and Snyder Funding 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 Mrs. Patricia Higgins and the Town's Housing Rehabilitation Community Development loan for 246 Burke Drive, Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

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

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

WHEREAS, Parkside Village, a mobile home park, is located adjacent to John C. Stiglmeier Park, a Town-owned Park, and

WHEREAS, a berm and landscaping located in the southwest corner of Stiglmeier Park separate Parkside Village from Stiglmeier Park, and

WHEREAS, Henry and Arlene Fronckowiak, the owners of Parkside Village, are desirous of erecting a six-foot-high vinyl-coated chain link fence at the foot of the aforementioned berm on Town Property and in giving ownership of such fence to the Town in order to discourage trespassing onto its property, and

WHEREAS, the erection of this fence would also serve to discourage people from entering Stiglmeier Park after parking closing hours, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Henry M. and Arlene Fronckowiak.

\* \* \* \* \*

Motion by Supervisor Gabryszak, Seconded by Councilman Johnson to amend the above resolution and the voting was as follows:

Upon Roll Call....

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

\* \* \* \* \*

Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, Parkside Village, a mobile home park, is located adjacent to John C. Stiglmeier Park, a Town-owned Park, and

WHEREAS, a berm and landscaping located in the southwest corner of Stiglmeier Park separate Parkside Village from Stiglmeier Park, and

WHEREAS, Henry and Arlene Fronckowiak, the owners of Parkside Village, are desirous of erecting a six-foot-high vinyl-coated chain link fence at the foot of the aforementioned berm on Town Property and in giving ownership of such fence to the Town in order to discourage trespassing onto its property, and

Item No. 15b cont'd

WHEREAS, the erection of this fence would also serve to discourage people from entering Stiglmeier Park after parking closing hours, and

WHEREAS, such repair and maintenance costs shall be borne by the owners of Parkside Village, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Henry M. and Arlene Fronckowiak.

Upon Roll Call.....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT - No Attachment - See note below

THIS RESOLUTION/AGREEMENT WAS AMENDED ON AUGUST 15, 1994.  
See Item No. 14a

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on property located at 465 French Road (Southwest corner of Kelly Drive), Cheektowaga, New York, SBL #125.09-7-1 and according to the Assessors' Office is owned by Mobil Oil Corporation, Property Tax Division, P.O. Box 290, Dallas, Texas 75221-0290, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 16b Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located between 200 and 204 Losson Road, Cheektowaga, New York, SBL #114.13-2-1.11 and according to the Assessors' Office is owned by Losson-Green Incorporated, c/o Joseph Nasca, 405 Convention Tower, Buffalo, New York 14202-3101, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located on Princeton Court known as Sublots 57 and 58, Cheektowaga, New York, SBL #92.05-1-13 and according to the Assessors' Office is owned by 3567 Seneca Street Incorporated, c/o James Nelson, 36 Lehn Springs, Williamsville, New York 14221-6904, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Item No. 16c cont'd

Upon Roll Call....

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

Item No. 16d Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on Vacant residentially zoned property located on the east side of Princeton Court known as Sublot 59 and part of Sublot 60, SBL #92-05-1-14 and according to the Assessors' Office is owned by David Glian, Clarence Center, New York 14032-9603, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 16e Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located behind 81 Starlite and west of the South Side Ball Diamonds, Cheektowaga, New York, SBL #113.01-1-28 and according to the Assessors' Office is owned by ITT Standard, Heat Trans Tech, 175 Standard Parkway, Cheektowaga, New York 14227-1233, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 16f Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 5098 Transit Road, Cheektowaga, New York, SBL 114.02-10-10 and according to the Assessors' Office is owned by John Czajkowski and One, Depew, New York 14043-4435, and

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

Item No. 16f cont'd

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 16g Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on William Street, west corner of Vern Lane, Cheektowaga, New York, SBL #113.57-2-15 and according to the Assessors' Office is owned by Tarun K. Ohri, 161 Brooklyn Stret, Warsaw, New York 14569-1413, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

\* \* \* \* \*

Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski to dispense with the reading of the names on Item No. 17 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. 17 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth and Recreational Services Department is sponsoring a residential camping experience (Camp Aloha) for developmentally disabled youngsters at the conclusion of its summer day camp, and

WHEREAS, this will necessitate multiple accounting transfers and payroll adjustments, NOW, THEREFORE, BE IT

RESOLVED, that the following transactions take place:

That the following individuals be transferred from an hourly rate to a salary classification for the week of August 14, 1994-August 20, 1994 (7310.1802) (See A) and revert back to their part-time hourly status in the Adapted Recreation Program, effective August 21, 1994 (7310.1803)(See B):

Item No. 17 cont'd

<u>NAME/ADDRESS</u>	<u>RATE</u>
Amu Roska	\$225.00 (A) 5.00 (B)
Amiee Pickhardt	\$225.00 (A) 5.00 (B)
Anne Priester	\$265.00 (A) 7.25 (B)
Kelly Goldsmith	\$225.00 (A) 4.25 (B)
Christy Male	\$225.00 (A) 5.25 (B)
Amy Imiola	\$225.00 (A) 4.75 (B)
Jason Krasinski	\$225.00 (A) 5.00 (B)
Amy Wetmore	\$225.00 (A) 5.00 (B)
Karen Noworyta	\$240.00 (A) 6.25 (B)
Leanne Fischer	\$240.00 (A) 6.25 (B)
Dana Abendshein	\$225.00 (A) 4.25 (B)
Laura Herko	\$225.00 (A) 4.75 (B)
Trevor Stowell	\$225.00 (A) 4.75 (B)
Katherine Mendel	\$225.00 (A) 5.00 (B)
Kristen Scarafia	\$225.00 (A) 4.50 (B)
Carol Wichlacz	\$225.00 (A) 4.75 (B)
Daniel Quigley	\$225.00 (A) 5.00 (B)
Magdalena Wnuk	\$225.00 (A) 5.25 (B)
Deborah Fleetwood	\$340.00 (A) 10.00 (B)
Janine Urbanski	\$240.00 (A) 6.00 (B)
Jennifer Garcea	\$225.00 (A) 4.75 (B)
Richard Violanti	\$225.00 (A) 5.00 (B)

Item No. 17 cont'd

BE IT RESOLVED that the following individuals be transferred from an hourly rate to a salary classification for the week of August 14, 1994-August 20, 1994 (7310.1802) and be terminated effective August 21, 1994:

Jessica Wessel	\$225.00
Jim Ruzewski	\$225.00
Laura Dumke	\$225.00

and BE IT FURTHER

RESOLVED, that the following individuals be transferred as indicated (seasonal):

From 7180.1902 to 7180.1903 - Lifeguard I - \$4.75 per hour, retroactive to June 6, 1994

Heather DeSimone

From 7140.1613 to 7180.1903 - Lifeguard VI - \$6.50 per hour, retroactive to July 11, 1994

Michael Mekarski

and BE IT FURTHER

RESOLVED, that the below listed individual previously hired for the Employment and Training Program, be transferred to the Youth and Recreational Services Department as indicated:

Recreation Attendant (Counselor I) - \$4.25 - Camp JI-~~IK~~-DO-WAH-GAH (7310.1801), retroactive to July 12, 1994:

Steffane Albano 14206

Upon Roll Call....

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

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

WHEREAS, a resolution was passed on June 6, 1994 transferring/upgrading seasonal employees for the Cheektowaga Youth and Recreational Services Department, and

WHEREAS, Anne Priester was upgraded to the position of Senior Recreation Supervisor VI (Assistant Program Coordinator), replacing Paulette Mecca who resigned said position April 30, 1994, (Developmentally Disabled Day Camp - 7310.1902), and

WHEREAS, no effective date was listed upgrading Anne Priester, NOW, THEREFORE, BE IT

RESOLVED, that said upgrading be made effective retroactive to May 1, 1994, and BE IT FURTHER

RESOLVED, that the following individuals be transferred as indicated, effective July 14, 1994;

From Recreation Attendant IV to Recreation Supervisor III - \$6.00

Michelle Siefried



Item No. 18 cont'd

From Recreation Supervisor to Recreational Attendant III - \$4.75

Karen Hackett

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 Jaworowicz

BE IT RESOLVED that the following SEASONAL and PART-TIME EMPLOYEES be  
ad hereby are terminated as listed:

	<u>EFFECTIVE</u>
<u>RECYCLING DEPARTMENT</u>	
Brian Carstens	07-02-94
<u>MAIN PUMP STATION</u>	
Walter Neubauer	06-17-94

Upon Roll Call....

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

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

BE IT RESOLVED that the following individual be hired as seasonal  
employee in the Youth and Recreational Services Department:

Recreation Supervisor I - \$5.50 - Volleyball - (7140.1627)  
Cindy Pietz 14225

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 Wielinski

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.

	<u>EFFECTIVE</u>
<u>SEWER MAINTENANCE DEPARTMENT - \$4.65 per hour (Laborer)</u>	
Leo T. Kazukiewicz	7-19-94
<u>JUSTICE COURT - \$6.00 per hour (Clerical)</u>	
Kathleen P. Barry	7-19-94

Item No. 21 cont'd

Upon Roll Call....

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

Item No. 22 Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the Cheektowaga Police Department has surplus equipment consisting of sixty-two (62) reels of tape logger tapes, and

WHEREAS, the Division of New York State Police can utilize the 3M tapes in their recorders and have offered to purchase these tapes from the Police Department for \$620.00, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Police Department is authorized to sell the logger tapes to New York State Police, and this revenue earned will be placed in the General Fund.

Upon Roll Call....

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

Item No. 23 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

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

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

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

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

CHIPS State Aid (Expense) - Account #5201-5132-0001 - \$135,331.44  
CHIPS State Aid (Revenue) - Account #5201-5132-3089 - \$135,331.44

Upon Roll Call....

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

Item No. 24 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to July 15, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$2,664,018.43
HIGHWAY FUND	478,991.90
TRUST & AGENCY FUND	16,236.61
CDBG HUD FUND	20,394.42
PART TOWN FUND	50,507.14
HUD RENTAL REHAB FUND	19,600.00
RISK RETENTION FUND	90,119.87
NYS HOME PROGRAM FUND	12,040.00

Item No. 24 cont'd

HUD HOUSING REHABILITATION FUND	25,729.52
SPECIAL DISTRICTS FUND	2,240,859.91
CAPITAL FUND	685,007.18
	<u>\$6,303,504.98</u>

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Office of Disaster Preparedness - Quarterly report - April to June,  
1994  
Received and Filed.

Item No. 26a Minutes of Cheektowaga Planning Board - June 9, 1994  
Received and Filed.

Item No. 26b Minutes of Cheektowaga Traffic Safety Commission - June 21, 1994  
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 27a Summons & Complaint - Elizabeth & William Lowth, Sr. vs Town of  
Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Police Chief; Allied Claims, Insurance Carrier.  
Received and Filed.

Item No. 27b Summons & Complaint - Cynthia Vitko vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Police Chief; Allied Claims, Insurance Carrier.  
Received and Filed.

Item No. 28a Notice of Claim - Jamie Janier vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Police Chief; Allied Claims, Insurance Carrier.  
Received and Filed.

Item No. 28b Notice of Claim - Adrian Hall vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Police Chief; Allied Claims, Insurance Carrier.  
Received and Filed.

Item No. 28c Notice of Claim - Michelle Kawa vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Sanitation Department; Allied Claims, Insurance  
Carrier.  
Received and Filed.

Item No. 29 Petition regarding Estate of Victor Reinstein  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney.  
Received and Filed.

VI. SUSPENSION OF RULES

Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski  
to suspend the rules to include the following item 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. 30 Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, the Town of Cheektowaga has received notification of an  
unsafe, abandoned structure (single family dwelling) at 4 East Rouen Drive,  
Cheektowaga, New York, SBL #125-06-3-42, that is unsecured, open to unauthorized  
entry and a danger to the safety of others, and according to the Assessor's Office  
is owned by Kevin Browning and One, Cheektowaga, New York  
14227-3124, and

WHEREAS, these conditions require that the Town of Cheektowaga  
Building Inspections Department take immediate steps to board over and secure all  
openings in this structure to protect the health and safety of others, NOW,  
THEREFORE, BE IT

RESOLVED, that all openings in this structure be boarded over and  
secured and all costs incurred be assessed against the property hereinbefore  
described.

Upon Roll Call....

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

Item No. 31 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski  
to adjourn in memory of Vern Calahan, Doyle #1 - Fireman and Ted  
Mikoll, husband of Supreme Court Judge Ann Mikoll.

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 1st day of August, 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; Ronald Marten, Building and Plumbing Inspector, Chester Bryan, Town Engineer; Kenneth Kopacz, Director of the Department of Youth & Recreational Services; Salvatore LaGreca, Chairman of Planning Board and Bruce Chamberlin, Chief of Police.

I. RESOLUTIONS

Item No. 2a Motion by Councilman Blachowski, Councilman Jaworowicz

WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga) "Environmental Impact Review Ordinance"), AND

WHEREAS, the Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the Town Law of the State of New York, a public hearing be held on the 15th day of August, 1994 at 6:45 P.M., at a meeting of the Town Board in the Town Hall Council Chambers, 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 it shall be determined by the Town Board whether the "Environmental Impact Review Ordinance" of the Town of Cheektowaga shall be amended as provided in the attached Notice of Hearing, AND BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached notice of hearing in the Cheektowaga Times, a newspaper published in the Town of Cheektowaga and having a general circulation therein, not less than ten (10) days prior to the date of such hearing.

\*\*\*\*\*

NOTICE OF HEARING ON PROPOSAL TO AMEND  
ENVIRONMENTAL IMPACT REVIEW ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of the Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 1st day of August, 1994 a public hearing will be held on the 15th day of August, 1994 at 6:45 P.M., at a meeting of the Town Board in the Town Hall Council Chambers, 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 by the Town Board whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and changed as follows:

Item No. 2a continued

RESOLVED, that Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee.

Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$200.00
- b. Type I Action 500.00

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

Richard M. Moleski  
Town Clerk

Dated: August 1, 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 HEARING ON  
PROPOSAL TO AMEND  
ENVIRONMENTAL IMPACT  
REVIEW ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of the Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 1st day of August, 1994, a public hearing will be held on the 15th day of August, 1994 at 6:45 P.M., at a meeting of the Town Board in the Town Hall Council Chambers, 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 by the Town Board whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and changed as follows:

RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee. Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$200.00
- b. Type I Action \$500.00

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

Date: August 1, 1994

Richard M. Moleski  
Town Clerk

PUBLISH: August 4, 1994

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clerk* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks: first publication *August 4, 1994*; last publication .....; and that no more than six days intervened between publications.

*Kathleen Keicher*  
4

Sworn to before me this ..... day of

*August*, 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.

*Kathleen Keicher*....., 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 .....<sup>1</sup>..... weeks:  
first publication..... *August 4, 1994* ..... ;  
last publication ..... ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*  
.....  
4

Sworn to before me this .....  
day of *August* ....., 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*

LEGAL NOTICE

NOTICE OF HEARING ON  
PROPOSAL TO AMEND  
ENVIRONMENTAL IMPACT  
REVIEW ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of the Resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 1st day of August, 1994, a public hearing will be held on the 15th day of August, 1994 at 6:45 P.M., at a meeting of the Town Board in the Town Hall Council Chambers, 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 by the Town Board whether Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance") should be amended and changed as follows:

RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee.  
Every EAF shall be accompanied by the following respective fee to defray expenses:  
a. Unlisted Action \$200.00  
b. Type I Action \$500.00

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

Date: August 1, 1994

Richard M. Molecki  
Town Clerk

PUBLISH: August 4, 1994



Item No. 2b Motion by Councilman Johnson, Seconded by Councilman Blachowski

WHEREAS, Section 1660 of the Vehicle and Traffic Law of the State of New York authorizes this Town Board to establish a Truck Route System in the Town in order to limit the size, type and weight of trucks in certain routes within the Town, and

WHEREAS, this Town is concerned about truck traffic on residential streets and about the potential increase in noise and air pollution, pavement deterioration and accidents associated with truck traffic in the Town, and

WHEREAS, EMS Consulting was hired by the Town to perform a Truck Route Study for the Town, and

WHEREAS, a draft of such Truck Route Study was submitted to this Town Board in February of 1993, and on June 21, 1993, this Town Board held a public hearing thereon, and

WHEREAS, such tentative Truck Route System was then presented to Homeowners'/Taxpayers' Groups, the NYSDOT, Erie County, NFTA, NYS Thruway Authority, Cheektowaga Traffic Safety Commission, Cheektowaga Planning Board, Cheektowaga Engineering Department and the Cheektowaga Police Department for review and comment, and

WHEREAS, after reviewing input from all groups, agencies and departments, EMS Consulting then updated its Truck Route Study and proposed Truck Route System, and submitted same to this Town Board for further review and another public hearing, 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 August 15, 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 a truck route system in the Town and of amending other provisions of Chapter 76 of the Town Code, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to publish the attached Notice of Hearing in the Cheektowaga Times on August 4, 1994, said amendments being set forth in the Notice of Hearing.

\*\*\*\*\*

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board 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 August 15, 1994 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE XV

Truck Route System

Section 76-150. Trucks permitted, shall be repealed and shall be amended to read as follows:

- A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:
  1. AERO DRIVE, from the Town of Amherst line to Transit Road
  2. CAYUGA ROAD, from Genesee Street to the Town of Amherst line
  3. DELAVAN Avenue, from the Buffalo City line to Pine Ridge Road
  4. DICK ROAD, from Broadway to Genesee Street

Item No. 2b continued

5. DINGENS STREET, from the Buffalo City line to Harlem Road
  6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route 33)
  7. FRENCH ROAD, from Union Road to Transit Road
  8. GALLERIA DRIVE, from Walden Avenue to Union Road
  9. HOLTZ DRIVE, from Genesee Street to Aero Drive
  10. KENSINGTON AVENUE, from the Buffalo City line to the Amherst Town line
  11. MARYVALE DRIVE, from Pine Ridge Road to the Kensington Expressway on-ramp about 1,900 feet east of Harlem Road
  12. PINE RIDGE ROAD, from Genesee Street to Maryvale Drive
  13. RICHARD DRIVE, from the Buffalo City line to William Street
  14. SUGAR ROAD, from Eggert Road to Pine Ridge Road
  15. WILLIAM STREET, from the Buffalo City line to Harlem Road
  16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
  17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line
- B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.

ARTICLE XIII

Truck Exclusions

Section 76-130. All trucks excluded, shall be repealed.

Section 76-131. Trucks over five tons excluded, shall be repealed.

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

Richard M. Moleski  
Town Clerk

Dated: August 1, 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 OF PUBLIC HEARING

TAKE NOTICE that the Town Board 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 August 15, 1994 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE XV

Truck Route System

Section 76 - 150. Trucks permitted, shall be repealed and shall be amended to read as follows:

A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:

1. AERO DRIVE, from the Town of Amherst line to Transit Road.
2. CAYUGA ROAD, from Genesee Street to the Town of Amherst line
3. DELAVAN AVENUE, from the Buffalo City line to Pine Ridge Road
4. DICK ROAD, from Broadway to Genesee Street
5. DINGENS STREET, from the Buffalo City line to Harlem Road
6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route-33)
7. FRENCH ROAD, from Union Road to Transit Road
8. GALLERIA DRIVE, from Walden Avenue to Union Road
9. HOLTZ DRIVE, from Genesee Street to Aero Drive
10. KENSINGTON AVENUE, from the Buffalo City line to the Amherst Town line
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14. SUGAR ROAD, from Eggert Road to Pine Ridge Road
15. WILLIAM STREET, from the Buffalo City line to Harlem Road
16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line

B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.

ARTICLE XIII

Truck Exclusions

Section 76-130. All trucks excluded, shall be repealed.

Section 76-131. Trucks over five tons excluded, shall be repealed.

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

Dated: August 1, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 4, 1994

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

*Kathleen Kercher*, 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 *8-4-94* ;  
last publication ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Kercher*

Sworn to before me this *4*

day of *August*, 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*

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board 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 August 15, 1994 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of said Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE XV

Truck Route System

Section 76-150. Trucks permitted, shall be repealed and shall be amended to read as follows:

A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:

1. AERO DRIVE, from the Town of Amherst line to Transit Road.
2. CAYUGA ROAD, from Genesee Street to the Town of Amherst line
3. DELAVAN AVENUE, from the Buffalo City line to Pine Ridge Road
4. DICK ROAD, from Broadway to Genesee Street
5. DINGENS STREET, from the Buffalo City line to Harlem Road
6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route-33)
7. FRENCH ROAD, from Union Road to Transit Road
8. GALLERIA DRIVE, from Walden Avenue to Union Road
9. HOLTZ DRIVE, from Genesee Street to Aero Drive
10. KENSINGTON AVENUE, from the Buffalo City line to the Amherst Town line
11. MARYVALE DRIVE, from Pine Ridge Road to the Kensington Expressway on-ramp about 1,900 feet east of Harlem Road
12. PINE RIDGE ROAD, from Genesee Street to Maryvale Drive
13. RICHARD DRIVE, from the Buffalo City line to William Street
14. SUGAR ROAD, from Eggert Road to Pine Ridge Road
15. WILLIAM STREET, from the Buffalo City line to Harlem Road
16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line

B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.

ARTICLE XIII

Truck Exclusions

Section 76-130. All trucks excluded, shall be repealed.

Section 76-131. Trucks over five tons excluded, shall be repealed.

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

Dated: August 1, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 4, 1994

STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF CHEEKTOWAGA

ss.

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clerk* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for *1* weeks: first publication *8-4-94*; last publication; and that no more than six days intervened between publications.

*Kathleen Keicher*

Sworn to before me this *4*

day of *August*, 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*

MEETING NO. 15  
August 1, 1994

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

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

GENERAL FUND:

From:	0100-1430-4431	Maintenance & Repairs-Personnel	\$ 180.00
	0100-7140-1602	Recreation Specialist	3,500.00
	0100-7140-1611	Rink Personnel	3,500.00
	0100-7140-1615	Recreation Instructor-Aid to Youth	3,500.00
	0100-7140-1621	Umpires, Referees	2,009.00
	0100-7140-4539	Softball	1,401.00
	0100-7140-4539	Softball	1,500.00
	0100-7140-4539	Softball	2,900.00
	0100-7310-1803	Adapted Recreation	5,000.00
To:	0100-1430-4001	Office Supplies-Personnel	180.00
	0100-7140-1651	Theater	3,500.00
	0100-7140-1651	Theater	3,500.00
	0100-7140-1651	Theater	3,500.00
	0100-7140-1630	Gymnastics	2,009.00
	0100-7140-4601	Aid to Youth	1,401.00
	0100-7140-4521	Hockey	1,500.00
	0100-7140-4527	Soccer	2,900.00
	0100-7310-1804	Administrative Interns	5,000.00

PART TOWN FUND:

From:	0800-3630-1985	Sewer District Allocation	2,137.50
	0800-9010-8903	FICA Allocated	163.50
To:	0800-3620-1431	Part-Time Plumbing Inspector	2,137.50
	0800-9010-8121	Social Security	163.50

SPECIAL DISTRICTS FUND:

From:	4200-8142-2799	Appropriated Fund Balance	11,979.19
	4300-8143-2799	Appropriated Fund Balance	5,376.07
	4400-8144-2799	Appropriated Fund Balance	56,689.13
	4500-8145-2799	Appropriated Fund Balance	48,905.56
	4600-8146-2799	Appropriated Fund Balance	30,551.42
	4700-8147-2799	Appropriated Fund Balance	19,979.31
	2500-8125-4543	Contracted Sewer Repair	2,301.00
To:	4200-9901-8001	Transfer to Master Drainage District	11,979.19
	4300-9901-8001	Transfer to Master Drainage District	5,376.07
	4400-9901-8001	Transfer to Master Drainage District	56,689.13
	4500-9901-8001	Transfer to Master Drainage District	48,905.56
	4600-9901-8001	Transfer to Master Drainage District	30,551.42
	4700-9901-8001	Transfer to Master Drainage District	19,979.31
	2500-8125-4912	Building Inspector Allocation	2,137.50
	2500-8125-8902	Allocated FICA	163.50

COMMUNITY DEVELOPMENT FUND

From:	0700-1093-0675	Handicap Sidewalk	20,000.00
To:	0700-1093-0670	Handicapped Play Equipment	20,000.00

CAPITAL FUND:

From:	5405-1910-5031	Transfers-in	173,480.68
	5406-1910-3097	State Grant	10,000.00
	5406-1910-4797	Federal Grant-HUD	63,250.00

MEETING NO. 15  
August 1, 1994

Item No. 3 continued

To:	5404-4200-0012	Repairs & Maintenance, Storm District #2	11,979.19
	5405-4300-0013	Repairs & Maintenance, Storm District #3	5,376.07
	5405-4400-0014	Repairs & Maintenance, Storm District #4	56,689.13
	5405-4500-0015	Repairs & Maintenance, Storm District #5	48,905.56
	5405-4600-0016	Repairs & Maintenance, Storm District #6	30,551.42
	5405-4600-0017	Repairs & Maintenance, Storm District #7	19,979.31
	5406-0700-0018	Stiglmeier Handicapped Playground	73,250.00

Upon Roll Call....

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

Item No. 4a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, bids were duly received by this Town at a bid opening held on July 27th, 1994, for the furnishing of fuel, oil, gas, lubricants, etc. for use by the various Town of Cheektowaga departments and as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

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

RESOLVED, that the bids be awarded to American Lubricants, Inc., 619 Bailey Avenue, New York 14206 for items D through Q, and T.F. Kurk Inc., 2130 Clinton Street, Buffalo, New York 14206 for items A through C, as per tabulation attached.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

American Lubricants Inc.  
 619 Bailey Avenue  
 Buffalo Ny 14206  
 716-827-8300

OIL AND LUBRICATION SPECIFICATIONS

	<u>GAL.</u>	<u>DRUM</u>	<u>BULK</u>
A. #2 Diesel Fuel (supplied as a winterized blend during cold weather, <u>Bulk</u> delivery.	N/B		
B. #1 Fuel Oil (Kerosene), <u>55-Gal. drum</u> delivery.	1.14	62.70	
C. Regular Unleaded Gasoline, (with an octane rating of at least 89), <u>Bulk</u> delivery.	N/B		
D. Hydraulic oil #1432 AW, R&O, Anti-wear, rust and oxidation resistant, <u>55 Gal. drum</u> delivery.	1.68	92.40	1.68
E. Hydraulic oil #1446 AW, R&O, Anti-wear, rust and oxidation resistant, <u>Bulk and 55 Gal. drum</u> delivery.	1.68	92.40	1.68
F. Universal transmission-hydraulic fluid, (meets or exceeds Ford's specs #134 for hydraulic oil), <u>55 Gal. drum</u> delivery.	2.66	146.30	2.66
G. Automatic transmission fluid, Dextron/Mercon type, <u>Bulk and 55 Gal. drum</u> delivery.	2.69	147.95	2.69
H. Motor oil, Reg. SAE 30, SA-SB, non-detergent, (for use where additive oils are not required or desired), <u>55 Gal. drum</u> delivery.	1.98	108.90	1.98
I. Motor oil, SAE 30, SG-CE, Super C heavy duty motor oil, (meets or exceeds Detroit Diesel specifications), <u>Bulk and 55 Gal. drum</u> delivery.	2.36	129.80	2.36
J. Motor oil, SAE 10W-30, SG-CD, (for use in gasoline engines), <u>55 Gal. drum</u> delivery.	2.29	125.95	2.29
K. Motor oil, SAE 15W-40, SG-CE, Super C heavy duty motor oil, (meets or exceeds Mack's EO-K2 specifications), <u>Bulk and 55 Gal. drum</u> delivery.	2.29	125.95	2.29
L. Gear oil, DSL APGO 80/90, GL-5, <u>120 LB. can</u> delivery.	.46#	55.20	
M. Gear oil, DSL APGO 140, GL-5, <u>120 LB. can</u> delivery.	.46#	55.20	
N. Multi-purpose lube #2, DSL Extreme pressure lithium based grease, <u>120 LB. can</u> delivery.	.61#	73.20	
O. Heavy duty wheel bearing grease, Lubriplate or as equal, <u>120 LB. can</u> delivery.	.67#	80.40	
P. Multi-purpose permanent anti-freeze, (for both low and high silicate uses), <u>55 GAL. drum</u> delivery.	2.55	140.25	
Q. Universal Power Steering Fluid	3.13	172.15	

\$ 18.00 Refundable Drum Deposit

est

T.F. Kurk Inc  
2130 Clinton St  
Buffalo NY 14206  
716-824-1298

OIL AND LUBRICATION SPECIFICATIONS

- |   | <u>GAL.</u> | <u>DRUM</u> | <u>BULK</u> |
|---|-------------|-------------|-------------|
| A. #2 Diesel Fuel (supplied as a winterized blend during cold weather, <u>Bulk</u> delivery.  |             |             | \$.5650     |
| B. #1 Fuel Oil (Kerosene), <u>55-Gal. drum</u> delivery.  |             |             | \$ 1.12     |
| C. Regular Unleaded Gasoline, (with an octane rating of at least 89), <u>Bulk</u> delivery.   |             |             | \$.6390     |
| D. Hydraulic oil #1432 AW, R&O, Anti-wear, rust and oxidation resistant, <u>55 Gal. drum</u> delivery.  |             |             |             |
| E. Hydraulic oil #1446 AW, R&O, Anti-wear, rust and oxidation resistant, <u>Bulk and 55 Gal. drum</u> delivery.                                       |             |             |             |
| F. Universal transmission-hydraulic fluid, (meets or exceeds Ford's specs #134 for hydraulic oil), <u>55 Gal. drum</u> delivery.                      |             |             |             |
| G. Automatic transmission fluid, Dextron/Mercon type, <u>Bulk and 55 Gal. drum</u> delivery.  |             |             |             |
| H. Motor oil, Reg. SAE 30, SA-SB, non-detergent, (for use where additive oils are not required or desired), <u>55 Gal. drum</u> delivery.             |             |             |             |
| I. Motor oil, SAE 30, SG-CE, Super C heavy duty motor oil, (meets or exceeds Detroit Diesel specifications), <u>Bulk and 55 Gal. drum</u> delivery.   |             |             |             |
| J. Motor oil, SAE 10W-30, SG-CD, (for use in gasoline engines), <u>55 Gal. drum</u> delivery.   |             |             |             |
| K. Motor oil, SAE 15W-40, SG-CE, Super C heavy duty motor oil, (meets or exceeds Mack's EO-K2 specifications), <u>Bulk and 55 Gal. drum</u> delivery. |             |             |             |
| L. Gear oil, DSL APGO 80/90, GL-5, <u>120 LB. can</u> delivery.   |             |             |             |
| M. Gear oil, DSL APGO 140, GL-5, <u>120 LB. can</u> delivery.   |             |             |             |
| N. Multi-purpose lube #2, DSL Extreme pressure lithium based grease, <u>120 LB. can</u> delivery.   |             |             |             |
| O. Heavy duty wheel bearing grease, Lubriplate or as equal, <u>120 LB. can</u> delivery.  |             |             |             |
| P. Multi-purpose permanent anti-freeze, (for both low and high silicate uses), <u>55 GAL. drum</u> delivery.  |             |             |             |
| Q. Universal Power Steering Fluid   |             |             |             |

\$ \_\_\_\_\_ Refundable Drum Deposit

est.



MEETING NO. 15  
August 1, 1994

Item No. 4b Motion by Councilman Blachowski, Seconded by Councilman Rogowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Stiglmeier Park Playstructure for which bids were received and publicly opened on July 13, 1994, AND

WHEREAS, said bids were referred to Darryl L. Jones, Landscape Architect, for analysis, tabulation and report, a report which is hereto attached and contained in the planning consultant's letter of July 27, 1994 to the Community Development Director, AND

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

RESOLVED, that the contract for the Stiglmeier Park Playstructure Project be and hereby is awarded to:

Johnstone Landscaping Services, Inc.  
2508 Stony Point Road  
Grand Island, New York 14072

for the bid price of \$73,250.00, which includes the base bid price of \$69,750.00 plus the bid price for Alternate No. 1 in the amount of \$3,500.00, said bid being the lowest meeting the requirements of the specifications, AND, BE IT

FURTHER RESOLVED, that the Supervisor, on behalf of the Town Board, is directed and authorized to sign an agreement with said Johnstone Landscaping Services, Inc. for the Stiglmeier Park Playstructure project, AND BE IT

FURTHER RESOLVED, that this project will be paid from Community Development funds and New York State grant funds under account number 5406-0700-0018.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE



Darryl L. Jones, RLA  
Registered Landscape Architect  
55 Marsdale Road  
Cheektowaga, NY 14215-2033  
716/831-0753  
FAX 716/834-7318

July 28, 1994

Office of Economic & Community Development  
Alexander Community Center  
275 Alexander Ave.  
Cheektowaga, NY 14211

Attn: Mr. Jerome J. Gabryszak, Director

RE: **Stiglmeier Park Playstructure**  
**Proj. No. 008.94**

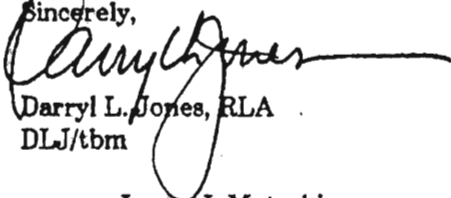
Dear Mr. Gabryszak:

I have enclosed, for your information, a copy of the bid tabulation sheet. As a result of that bid opening on July 13, 1994 @ 11:00am, the apparent low bidder was Johnstone Landscape Service, Inc.. Upon review of the bid proposal, this office recommends acceptance of the following:

Base Bid	\$ 69,750.00
Alternate No. 1	
( Two Benches & Waste Receptacle)	<u>\$ 3,500.00</u>
Total Bid Proposal w/Alternate:	<b>\$ 73,250.00</b>

It is understood that funding for this project will be sufficient to cover the above stated bid proposal and that award of contract can occur only after clearance has been obtained from HUD. If there are any questions or comments, please call.

Sincerely,



Darryl L. Jones, RLA  
DLJ/tbm

cc: James J. Matecki  
File



Recycled Paper

PROJECT: STIGLMEIER PARK PLAY STRUCTURE  
 PROJECT NO: 008.94

P.02	TRACTOR	CASE BID	ALT. NO. 1	ALT. NO. 2
	BERICAL PAVING	\$81,100.00	(+) \$3,000.00	(+) \$1,050.00
	12, INC.	\$83,444.00	(+) \$2,850.00	(+) \$1,950.00
	2CH GROVE LANDS.	\$77,305.00	(+) \$2,729.00	(+) \$786.00
	1 EASON NURSERY	\$74,952.00	(+) \$2,333.00	(+) \$1,655.00
	HNSPONE LANDS.	\$69,750.00	(+) \$3,500.00	(+) \$2,250.00
	10. CREEK LANDS.	\$92,223.00	(+) \$2,970.00	(+) \$2,600.00
	1 WILLIAMS TRUCKING	\$83,201.00	(+) \$2,618.00	(+) \$3,463.00

(2) BENCHES  
 (1) WASTE RECF.  
 (3) TREES

1 716 834 7318  
 Darryl L. Jones, RLA  
 07-28-1994 09:34AM

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

WHEREAS, this Town Board has authorized the preparation of plans and specifications for the reconstruction of the 50+ year old Harlem Road Pump Station, AND

WHEREAS, the Town Engineer advises that plans and specifications prepared by Nussbaumer & Clarke, Inc., Consulting Engineers, have been completed and the project is ready for bidding, AND

WHEREAS, funds have been budgeted for the pump station building reconstruction, motor, electrical controls and pump replacements with provisions for standby power, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Reconstruction of the Harlem Road Pump Station, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 24th day of August, 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

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 24th day of August, 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 Modifications to the Harlem Road Pumping Station Project, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., 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.

The project consists of four (4) separate contracts, as follows:

- Contract A - General-Mechanical
- Contract B - Plumbing
- Contract C - HVAC
- Contract D - Electrical

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, New York 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc., upon payment of \$80.00 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, Cheektowaga, New York 14227, and marked as "Proposal for the Modifications to the Harlem Road Pumping Station Project, Contract \_\_\_\_\_".

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.

Item No. 5a continued

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 certificates is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under 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 200 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF THE TOWN OF CHEEKTOWAGA

\_\_\_\_\_  
Richard M. Moleski, Town Clerk

Dated: August 1, 1994

Published: August 4, 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 24th day of August, 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 Modifications to the Harlem Road Pumping Station Project, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, Etc., prepared by Nussbaumer & Clarke, Inc., 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.

The project consists of four (4) separate contracts, as follows:

- Contract A - General-Mechanical
- Contract B - Plumbing
- Contract C - HVAC
- Contract D - Electrical

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, New York 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc., upon payment of \$80.00 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, Cheektowaga, New York 14227, and marked as "Proposal for the Modifications to the Harlem Road Pumping Station Project, Contract \_\_\_\_\_".

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.

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 200 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF THE TOWN OF CHEEKTOWAGA

Richard M. Moleski  
Town Clerk

Dated: August 1, 1994

PUBLISH: August 4, 1994

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

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication 8-4-94; last publication \_\_\_\_\_; and that no more than six days intervened between publications.

*Kathleen Keicher*

Sworn to before me this 4

day of August, 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

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The project consists of four (4) separate contracts, as follows:

- Contract A - General-Mechanical
- Contract B - Plumbing
- Contract C - HVAC
- Contract D - Electrical

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, New York 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc., upon payment of \$80.00 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, Cheektowaga, New York 14227, and marked as "Proposal for the Modifications to the Harlem Road Pumping Station Project, Contract \_\_\_\_\_".

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.

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 200 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF THE TOWN OF CHEEKTOWAGA

Richard M. Molestki  
Town Clerk

Dated: August 1, 1994

PUBLISH: August 4, 1994

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

*Kathleen Keicher*, 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 *8-4-94* ;  
last publication ;  
and that no more than six days intervined be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this *4*

day of *August*, 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*

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

WHEREAS, the Town of Cheektowaga desires improving the quality of Baseball and Softball Diamond Drainage at Town Park and Stiglmeier Park, AND

WHEREAS, Darryl L. Jones RLA, has prepared plans and specifications for Baseball and Softball Diamond Drainage for Cheektowaga Town Park and Stiglmeier Park, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Town Clerk to publish a Notice to Bidders for Baseball and Softball Diamond Drainage at Town Park and Stiglmeier Park, AND, BE IT FURTHER

RESOLVED, that sealed Bid Proposals shall be received by the Town Clerk and publicly opened and read on behalf of the Town of Cheektowaga on August 31, 1994 at 11:00 A.M. in Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York.

\* \* \* \* \*

NOTICE TO BIDDERS

Sealed bids for Baseball and Softball Diamond Drainage at Town and Stiglmeier Parks are invited and will be received, publicly opened and read on behalf of the Town of Cheektowaga on August 31, 1994 at 11:00 A.M. in the Town Hall, Broadway and Union Road, Cheektowaga, New York for the installation of new underdrains and related sitework.

Specifications (including Instructions to Bidders and Bid Form) and Plans for each project may be examined at the Town Hall, Broadway and Union Road and a copy may be obtained upon payment of \$50.00 per set for each project as a deposit to guarantee the safe return thereof.

Any bidder for the project furnishing the required bid security, other than the successful bidder, who returns such copy in good condition within fifteen (15) days following the receipt of bids for the project for which such bidder shall have submitted bid or the rejection of the bid of such bidder, will be refunded the full amount of the deposit, including the successful bidder, and one half of the deposit will be reimbursed for the return of all other copies of the plans and specifications in good condition following the award of the contract or the rejection of the bids covered by such plans and specifications.

The 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 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: July 29, 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 TO BIDDERS

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Attention of bidders is particularly called to the requirements as to conditions of employment to be observed and minimum wage rates to be paid under this contract.

Bids shall remain open for acceptance for forty-five (45) days subsequent to the opening thereof.

Dated: July 29, 1994

PUBLISH: August 4, 1994

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clerk* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for *1* weeks; first publication *8-4-94*; last publication; and that no more than six days intervened between publications.

*Kathleen Keicher*

Sworn to before me this *4*

day of *August*, 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.

**LEGAL NOTICE  
NOTICE TO BIDDERS**

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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.

Each bidder must deposit with his bid, security in an amount of not less than 10% of the Base Bid for each project 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: July 29, 1994

**PUBLISH:** August 4, 1994

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*Kathleen Keicher*

Sworn to before me this *4*

day of *August*, 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*

Item No. 6a 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 was submitted by Benderson Development Company, Incorporated to construct two buildings of 17,600 square feet and 11,900 square feet at 2475 and 2495 Walden Avenue, AND

WHEREAS, the applicant has agreed to install landscaping at other locations in the area in lieu of landscaping near the building, AND

WHEREAS, the Advisory Committee, at its meeting held on July 27, 1994 rendered the determination shown on the attached memo dated July 28, 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 issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

NAYES: Councilman Solecki

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - July 27, 1994  
July 28, 1994  
Page: 3

ITEM III            3788 Broadway            -    Proposed Office/Storage Building

Applicant:            J.J. Juliano

The applicant at the present time has a building on the site that houses offices and the Juliano Construction Company. They are proposing to construct a 144'x 50' building to the east of their existing structure. This building would be of similar construction with a brick front, two story office portion with the balance concrete block walls. At the present time they are talking to numerous parties regarding the rental of the building and have no definite tenants at this time.

The proposed building and its use would be compatible with existing uses in the area. This stretch of Broadway is a mix of residential and light manufacturing uses including a number of contractors' storage yards. To the east of the property is an appraisal office and to the west an ambulance company with ambulance storage facilities. Only a small portion of the rear will be developed for additional parking of 16 cars. The Town Engineer indicated that he would need drainage calculations to determine the adequacy of a proposed retention area at Broadway.

A letter had been received from the owner of the ambulance company to the west requesting a fence from Ellicott Road to the back of the existing building. After much discussion it was determined that the 700± lineal feet of fence is not necessary since the storage area at the rear of the existing building is a legal non-conforming use and this faces the ambulance parking lot. The Zoning Law does not require fencing in such a situation.

Public comment is open until August 8, 1994 and therefore this item will remain tabled for public comment as well as comments from the various Town groups.

ITEM    IV            2475-2495 Walden Avenue       -    Proposed Office Storage Buildings

Applicant:            Benderson Development

This item had been submitted to the Town at the end of 1993 and at that time the committee could offer no objection to the construction of buildings.

This stretch of Walden Avenue is a mix of retail office and manufacturing facilities as well as a number of warehousing operations and the proposed buildings would be for similar use. The Town Engineer had requested information on the sewer lines and drainage for the site. Nothing had been submitted until recently and the Town Engineer has indicated that he is satisfied with information submitted.

RE: EAC - July 27, 1994  
July 28, 1994  
Page: 4

The committee is recommending that the Town Board issue a Negative Declaration for the project since the applicant has agreed to install a yard hydrant in a location appropriate for fire fighting purposes and as part of the Planning Board approval has agreed to install landscaping on other properties in the area.

ITEM V            25 Tyrol Drive            -    Proposed 8,000 Sq. Ft. Office/Warehouse

Applicant:        Victor Liberatore

The applicant is proposing to construct an office warehouse on Tyrol Drive which is located in the Gardenville North Industrial Park off Innsbruck Drive. The site is a 1.25 acre site near Gary Pools and the United Education Services building. Access to the site would be exclusively from Tyrol Drive. Utility connections would be to water and sewer lines running along Union Road.

This item will remain tabled for public comment and for the various town groups to review the proposal.

Attachments

\*\*\*\*\*

**THE NEXT MEETING OF THE ENVIRONMENTAL  
ADVISORY COMMITTEE WILL BE HELD  
ON WEDNESDAY, AUGUST 10, 1994 AT 9:30 A.M. IN  
THE TOWN HALL COUNCIL CHAMBERS.**

\*\*\*\*\*

Item No. 6b 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 was submitted by Buffalo Telephone Company to erect a cellular telephone facility consisting of a 100' tower and equipment shelter at 1845 Dale Road, AND

WHEREAS, the Advisory Committee, at its meeting held on July 27, 1994 rendered the determination shown on the attached memo dated July 28, 1994, AND

WHEREAS, the tower and equipment building is not in the vicinity of any residences and is screened from both public roads by numerous trees and other utility towers, AND

WHEREAS, the Planning Board of the Town of Cheektowaga has reviewed the application and has found no problem with the location of the tower and equipment building, AND

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

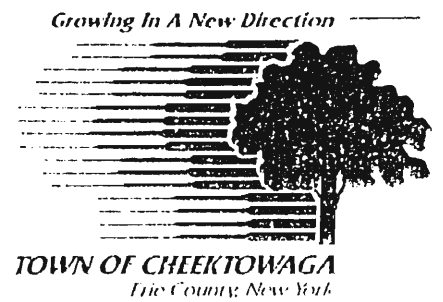
RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections  
Cheektowaga Town Hall  
3301 Broadway Street  
Cheektowaga, New York 14227-1088  
716 / 686-3470



M E M O

TO: Supervisor Dennis Gabryszak  
Honorable Town Board Members  
Richard Moleski, Town Clerk  
James Kirisits, Town Attorney

FROM: Thomas Adamczak  
Building Inspector

DATE: July 28, 1994

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on July 27, 1994 in the Town Hall Council Chambers.

ITEM I 1845 Dale Road - Proposed 100' Cellular Telephone Tower

Applicant: Buffalo Telephone

The Planning Board has reviewed the proposal and has recommended approval since this tower and its building are not readily visible from public roads.

As previously discussed in the July the minutes, the tower is designed to fill in a "dead spot" within the cellular telephone coverage. The location of the tower is at the rear of Cook Movers and is not visible from Walden Avenue or readily visible from Broadway. The tower, 100' high, would blend in with the numerous power line towers that parallel the New York State Thruway.

Since no further comment was received since the July meeting the Environmental Advisory Committee is recommending the Town Board issue a Negative Declaration for this project.

RE: EAC - July 13, 1994  
July 13, 1994  
Page: 4

ITEM IV            1845 Dale Road            -    Proposed 100 Foot Cellular Telephone  
Tower

Applicant:            Buffalo Telephone

The applicant is proposing to construct a 100' self supporting tower at the rear of the existing Cook Movers building located at 1845 Dale Road. Along with tower will be constructed a 12'x24' equipment building.

The property is located at the end of Dale Road along a paper street called Ray Road. Directly to the north across Dale is FS&G Industries and to the east a power company right-of-way on which exists the main transmission lines for both Niagara Mohawk and New York State Electric and Gas running north and south along with 2 Niagara Mohawk power substations. To the south of the site is located the eastern terminus of the Conrail Frontier Yard with rail lines running east. To the west is Clark Lift.

The company has located their tower in this area to fill in a "dead spot" within their cellular telephone coverage. This dead spot was not covered by the tower at French and Union Roads.

The tower will not intrude upon any residential areas since the entire area surrounding Cook Movers is zoned and used industrially. Furthermore, the tower will not "standout" since there exists numerous large towers for the primary power lines running north and south directly to the east of the site.

Landscaping was discussed and deemed not practical since there is no where to place landscaping for screening and any work along the rail line may result in disturbance of fill and other unknown materials.

This item will remain tabled for the close of public comment on July 25, 1994.

Attachments

\*\*\*\*\*

**THE NEXT MEETING OF THE ENVIRONMENTAL  
ADVISORY COMMITTEE WILL BE HELD  
ON WEDNESDAY, JULY 27, 2994 AT 9:30 A.M. IN THE  
TOWN HALL COUNCIL CHAMBERS.**

\*\*\*\*\*



August 1, 1994

Cheektowaga Town Board Members  
Broadway and Union Road  
Cheektowaga, New York 14227

re: Proposed tower at 1845 Dale Road

Cellular One, Buffalo Telephone Company (BTC) would like to extend an offer to the Town of Cheektowaga to use space on this tower to install antennas for Emergency Services (Fire and Police) used by the Town of Cheektowaga.

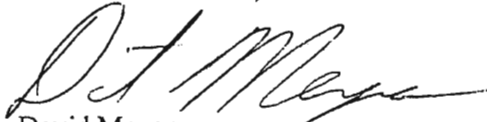
The following are certain of the issues, but not all, that may require resolution should the situation arise.

1. That Cook Moving Systems, Inc. provide written concurrence prior to the Town of Cheektowaga installing antennas on the tower.
2. That a "License Agreement" be approved and executed by all concerned parties and governmental agencies.
3. That a Federal Aviation Administration (FAA) Aeronautical Study Determination be made should the overall height of the antenna structure (tower) require extension beyond the presently approved height of 105 feet.

The Buffalo Telephone Company will fully cooperate with the Town of Cheektowaga in resolving any issues which may arise should this offer be acted upon.

If you have any questions or require additional information, please contact me at (716) 854-5076 or (716) 861-4267.

Sincerely,  
**CELLULAR ONE, BUFFALO TELEPHONE CO.**



David Meyers  
Project Manager

DM/adc

MEETING NO. 15  
August 1, 1994

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

WHEREAS, Bella Vista Group Incorporated, has applied to the Town for an environmental review of its proposal to construct a retail building on a 30+ acre site at the northwest corner of Losson and Transit Roads in the town, pursuant to the State Environmental Quality Review Act, AND

WHEREAS, by resolution dated June 7, 1993, this Town Board approved the site plan and issued a Negative Declaration for the project, AND

WHEREAS, the applicant submitted a revised site plan in January of 1994 to the Town with minor changes, AND

WHEREAS, these changes included additional screening, landscaped areas, multiple tenants and reduced square footage of building construction, AND

WHEREAS, these changes were found to be insignificant and within the parameters set by the Town Board resolution of June 7, 1993, AND

WHEREAS, by resolution dated January 18, 1994, this Town Board approved the revised site plan, AND

WHEREAS, the applicant has approached the Erie County Highway Department to construct an additional driveway to Losson Road approximately 300 feet west of Transit Road, AND

WHEREAS, the Erie County Highway Department, by letter dated June 1, 1994, has approved such driveway, AND

WHEREAS, the Planning Board, at their meeting of July 14, 1994, approved the minor change to the landscaping plan, AND

WHEREAS, the principal occupant of the site, Wegman's Markets, has agreed to allow access to the corner parcel, at the northwest corner of Losson and Transit Roads, through their site, thereby eliminating the need for additional driveways to public roads, AND

WHEREAS, all previous environmental commitments and mitigation measures remain, NOW, THEREFORE, BE IT

RESOLVED, that, based on the June 1, 1994 letter from the Erie County Highway Department and the July 14, 1994 approval by the Town Planning Board, this Town Board hereby accepts the revision to the site plan of January, 1994.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga is in the process of expanding the Anna M. Reinstein Memorial Library on Harlem Road in the Town, and

WHEREAS, due to the fact that the library will be expanded into a portion of Cheektowaga Town Park, parkland alienation legislation was required to be approved by the New York State Legislature, and

WHEREAS, Chapter 482 of the Laws of 1992 authorizes the Town to expand the Anna M. Reinstein Memorial Library into Cheektowaga Town Park provided that another parcel of land located on the south side of Bellevue Avenue was conveyed to and dedicated by the Town as parkland, and

WHEREAS, the owners of the aforementioned land on Bellevue Avenue, the Trustees under the Last Will and Testament of Victor Reinstein, have offered a Trustee's Deed for such land to the Town, NOW, THEREFORE, BE IT

Item No. 8 continued

RESOLVED, that this Town Board hereby accepts the aforementioned Trustee's Deed from the Trustees under the Last Will and Testament of Victor Reinstein, and hereby dedicates the lands described in such deed for public park purposes, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to record such Trustee's Deed 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

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

WHEREAS, structural collapse was discovered in the 12 inch V.T.F. sanitary trunk sewer at the intersection of E. Delavan Avenue and Preston Road in Sanitary Sewer District No. 5, and was verified by television inspection by the Cheektowaga Sewer Department, and

WHEREAS, the roadway at this intersection has sunken approximately 15 inches over a period of five days and shows signs of further collapse, thus creating a hazardous situation for traffic and pedestrian travel, and

WHEREAS, stone and foreign material have been found in the line discharging into the E. Delavan Pump Station, thus creating a situation of possible damage to the station and pumps, and

WHEREAS, the depth of the repair to be in excess of twenty feet and equipment needs presented conditions beyond normal Sewer Department capabilities, and

WHEREAS, since time is of the essence, three quotes were obtained for an Emergency repair to be scheduled starting Tuesday, August 2, 1994, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby declares that a public emergency exists with respect to this sanitary sewer collapse, resulting in a situation whereby there is imminent danger to public and private property and the life, health and safety of the Town's residents, and immediate action is required such that the Town cannot await compliance with formal competitive bidding requirements, and BE IT FURTHER

RESOLVED, that Mar-Wal Construction Co., Inc., 440 Gould Avenue, Depew, New York 14043 be and hereby is authorized to make the necessary repairs for the low bid in the amount of \$48,000.00, and BE IT FURTHER

RESOLVED, that payment for said repair be made from Capital Account No. 5823-8125-1101.

Upon Roll Call....

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

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

WHEREAS, the developer of the Park Place Estates Subdivision has completed the installation of the balance of the highway lighting system on Park Place consisting of Standards No. 5, 6, and 7 and related equipment as part of the development of said subdivisions, NOW, THEREFORE, BE IT

Item No. 10 continued

RESOLVED, that the New York State Electric & Gas Corporation is hereby authorized to connect Standards No. 5, 6, and 7 on Park Place at an annual increase to the Town's General Lighting District of \$141.30, in accordance with Service Classification Rate No. 2 as indicated on the attached NYSEG Proposal dated March 23, 1994.

Upon Roll Call.....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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)  
Stds. 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 @  $47^{10}$  = \$ 188  $40$

**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

\* STD No. 5, 6, 7  
3 @  $47^{10}$  CA = \$ 141  $30$

MEETING NO. 15  
August 1, 1994

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

WHEREAS, the Town of Cheektowaga Building Code requires that all Building and Plumbing Permit fees shall be as specified in a schedule as approved by the Town Board, AND

WHEREAS, it has been recommended that the attached Building and Plumbing Permit fee schedule be adopted, AND

WHEREAS, it is in the public interest to adopt the attached Building and Plumbing Permit fee schedule, NOW, THEREFORE, BE IT

RESOLVED, that the Building and Plumbing Permit fees shall be as set forth on the attached fee schedule.

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  
BUILDING AND PLUMBING PERMIT FEE SCHEDULE

Each application shall be accompanied by the required fee based upon the valuation of the structure or improvement except where a specific fee is provided herein.

COMMERCIAL STRUCTURES

\$5.00 per thousand for the first \$100,000 valuation plus \$3.00 per thousand for valuation over \$100,000 or fraction thereof. (Minimum Fee \$100.00)

RESIDENTIAL STRUCTURES

\$5.00 per thousand for the first \$100,000 valuation plus \$3.00 per thousand for valuation over \$100,000 or fraction thereof. (Minimum Fee \$25.00)

ADVERTISING SIGN ..(PER SIGN FACE).....	\$100.00
DEMOLITION (RESIDENTIAL).....	\$ 25.00
DEMOLITION (COMMERCIAL - UP TO 2,000 SQ. FT.)	\$ 50.00
DEMOLITION (COMMERCIAL - OVER 2,000 SQ. FT.)	\$100.00
TANK REMOVAL .....	\$ 50.00
IDENTIFICATION SIGN (PER SIGN FACE).....	\$ 50.00
MOBILE HOMES.....	\$ 50.00
MOVING OF BUILDINGS .....	\$ 50.00
PORTABLE SIGNS.....	\$ 50.00
STORAGE TANKS ..(PER TANK).....	\$100.00
SWIMMING POOLS..(ABOVE GROUND).....	\$ 25.00
SWIMMING POOLS..(IN GROUND).....	\$100.00

CERTIFICATE OF OCCUPANCY

When Building Permit In Force .....	No Charge
One & Two Family Dwellings .....	\$ 25.00
Multiple Dwellings (Per Apartment) .....	\$ 15.00
All Other Buildings .....	\$ 50.00

PLUMBING PLAN FILING FEE (COMMERCIAL) .....	\$ 50.00
PLUMBING PLAN FILING FEE (RESIDENTIAL) .....	\$ 20.00
BUILDING SEWER OR DRAIN PERMIT (ALL DISTRICTS).....	\$ 10.00

TOWN SANITARY SEWER DISTRICT TAP FEE (SEE SEWER USE ORDINANCE)	
COUNTY SANITARY SEWER DISTRICT INSPECTION FEE .....	\$ 10.00
SEWER REPAIR FEE.....	\$ 20.00
FEE FOR FIXTURES (FIRST FIXTURE).....	\$ 10.00
ALL ADDITIONAL FIXTURES (EACH).....	\$ 3.00

BUILDING SEWER AND DRAIN INSPECTION FEE (FOR EACH 100 FT. AND FRACTION THEREOF).....	\$ 5.00
STORM SEWER OR YARD DRAIN CONNECTION FEE .....	\$ 25.00
STORM SEWER OR YARD DRAIN INSPECTION FEE (FOR EACH 100 FT. AND FRACTION THEREOF).....	\$ 5.00
REINSPECTION FEE .....	\$ 10.00

In the event that work requiring a building or plumbing permit is commenced prior to the issuance of the permit, the fee for the permit shall be double the regular rate or the additional sum of \$25.00 whichever is greater. This shall be in addition to any other penalty provided for commencement of work without a permit.

In the event an application for a building permit is not approved or when a valid building permit shall have expired by limitation or abandonment the applicant shall be entitled to a refund of 50% of the fee paid with a minimum to be retained of \$10.00.

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

WHEREAS, Section 64(5-a) of the Town Law of the State of New York provides that a town board may require the owners of land within such town to cut, trim or remove from the land owned by them brush, grass, rubbish, weeds, etc. and may, if the owner neglects to do so, perform the necessary maintenance work and assess the real property for the expenses involved, AND

WHEREAS, the State Comptroller's Office has ruled that, pursuant to Section 64(5-a) of the Town Law, a board may assess upon the defaulting owner, an administrative expense incidental to the cost involved in performing the work, AND

WHEREAS, the Supervising Building and Plumbing Inspector has reviewed his department's administrative expenses involved in cleaning up property pursuant to Section 64(5-a) of the Town Law and has determined that an administrative fee of \$100.00 should be added to the defaulting property owner's tax bill for clean up of his property, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby establishes an administrative expense of \$100.00 as the fee to be added to a defaulting property owner's tax bill pursuant to Section 64(5-a) of the Town Law, AND BE IT FURTHER

RESOLVED, that this administrative fee shall be effective immediately.

Upon Roll Call....

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

Item No. 13 Motion by Unanimous, Seconded by Unanimous

WHEREAS, AM and FM radio stations (WGR) owned by Rich Communications Corporation recently aired skits and jokes that made fun of and mocked the Polish-American community and those of Polish descent, and

WHEREAS, ethnic "humor" is offensive to people with strong ties to their native country and to those with ethnic pride in their ancestry, and

WHEREAS, broadcast of these disparaging and insulting comments serves to create and reinforce negative and false stereotypes and should not be broadcast on public radio stations, and

WHEREAS, the making of jokes about any ethnic group is wrong and should not be tolerated, and

WHEREAS, the Rich family has been involved in and has received a lot of support from the Western New York community for years, and should prohibit disparaging comments and jokes about ethnic groups on its radio stations, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly condemns the Polish-American jokes and skits aired on Rich Communications Corporation's AM and FM radio stations, and BE IT FURTHER

RESOLVED, that this Town Board hereby petitions Rich Communications Corporation to cease such jokes and skits because they offend so many people and are negative in their stereotyping of Polish-Americans, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Rich family at Rich Communications Corporation, the general managers of both Rich Communications Corporation radio stations, the Am-Pol Eagle and the Cheektowaga Times.



Item No. 13 continued

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation Community Development loan to Marilyn Jackson, for property owned by her at 12 Albert Court, Depew, New York, and

WHEREAS, Marilyn Jackson is applying for a separate mortgage loan through KeyCorp Mortgage, and KeyCorp Mortgage 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 Marilyn Jackson and the Town's Housing Rehabilitation Community Development loan for 12 Albert Court, Depew, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation Community Development loan to Mr. and Mrs. Joseph Chludzinski, for property owned by them at Cheektowaga, New York, and

WHEREAS, Mr. and Mrs. Chludzinski are applying for a separate mortgage loan through Western Division Credit Union, and Western Division Credit Union 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. and Mrs. Chludzinski and the Town's Housing Rehabilitation Community Development loan for 164 St. Felix Avenue, Cheektowaga, New York, and any other documents necessary to effectuate the Subordination Agreement.

Upon Roll Call....

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

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

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

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

WHEREAS, activities utilizing Community Development funds have been programmed for the Villages of Depew and Sloan in the 1994 program year, NOW, THEREFORE, BE IT

Item No. 14c continued

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

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga has received funding through the U.S. Department of Health and Human Services (grant #IH86SP04160) to underwrite the Cheektowaga Action Partnership, and

WHEREAS, grant funds are provided for continuation of 4th year contracts for an Independent Evaluator, Media-Public Relations, and Community Programming consultants, (0100-7320-4000), and

WHEREAS, the grant identifies Nowak and Associates, 146 Park Forest Drive, Williamsville, New York as the Project Evaluator, RjM & Associates, Advertising and Public Relations, 10 Old Farm Court, Depew, New York as the Media Consultant, and the Cheektowaga Department of Youth and Recreational Services as the Community Programming Consultant, NOW, THEREFORE, BE IT

RESOLVED, that under the terms and conditions of the above-referenced grant, the Supervisor of the Town of Cheektowaga be and hereby is directed to execute renewal of agreements between the Town of Cheektowaga and the said parties for the contract period August 2nd, 1994 running through July 31, 1995 with total consultant costs not to exceed:

Nowak and Associates	\$52,500.00
RjM & Associates	27,060.00
Cheektowaga Department of Youth and Recreational Services	35,760.00

Upon Roll Call....

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

Item No. 14e Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, National Fuel Gas Distribution Corporation is requesting to lease a portion of Town property on the east side of Kaufman Road from the Town for the purpose of installing facilities thereon to increase gas distribution pressure in the immediate neighborhood, and

WHEREAS, the proposed Meter and Regulator Lot Lease has been reviewed by the Town Engineering and Law Departments and has been revised to meet the concerns of the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Meter and Regulator Lot Lease with National Fuel Gas Distribution Corporation, and BE IT FURTHER

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

Item No. 14e continued

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

METER AND REGULATOR LOT LEASE

06502

The undersigned LESSOR hereby leases to LESSEE, NATIONAL FUEL GAS DISTRIBUTION CORPORATION, a New York Corporation having an office at 10 Lafayette Square, Buffalo, New York 14203, its successors or assigns, that parcel of land 10 feet by 60 feet situate as follows:

a plot of land fronting on Kaufman Road 10 feet in width by 60 feet in depth located in the northwest corner of lessors property.

LESSOR is the owner in fee of all that tract or parcel of land situate in the Town of Cheektowaga, County of Erie, State of New York, bounded or described as follows:

Northerly by lands of: Benderson Harlem Assoc., S. Rappold
Easterly by lands of: Harlem Road
Southerly by lands of: Lessor
Westerly by lands of: Kaufman Road

(Reference Only: Deed Liber 2594 Page 421 Lot 34 Twp. 11 Rng. 7 Tax Map Number 102.22-8-14

LESSOR hereby grants to LESSEE, the right to erect, operate and maintain a meter, dehydrator, compressor, and/or regulator station, its appurtenances and equipment, together with a right-of-way to lay, maintain, operate, alter, relocate, remove and change the size of pipelines, its valves, fittings and accessories for the transportation of gas to and from said meter and station, along with right of ingress and egress to and from same. LESSOR agrees not to permit, construct or locate any above or below ground structures which would interfere with or obstruct the LESSEE'S exercise of the rights contained herein. The terms and provisions of this lease shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

The term of this Lease shall be five (5) years, commencing on the date this Lease is executed. This Lease may be renewed for successive five (5) year terms, subject to renegotiation of the annual rental.

LESSEE agrees to pay LESSOR \$150.00 annually in advance by mailing a check to LESSOR's address. If LESSEE fails to pay the rent 30 days after notice by LESSOR to LESSEE of the delinquency, this Lease may be terminated provided that LESSEE has not paid LESSOR said rental to cure the delinquency. LESSOR and LESSEE mutually agree that, within thirty (30) days after termination of this Lease, LESSEE shall remove all above ground and below ground facilities from LESSOR's property.

TOWN OF CHEEKTOWAGA

LESSOR: Date:

LESSOR: Date: September 6th 1994

Signature lines for LESSOR

BY: Dennis A. Rappold Signature
3301 Broadway Street
Cheektowaga, NY 14227

SS#

Fed. I.D. # 16-6002209

LESSEE: Date: 9-16-94

NATIONAL FUEL GAS DISTRIBUTION CORPORATION

David F. Smith
Senior Vice President

Box 78

R 122517 Hek
DWM 961
765-2

ACKNOWLEDGEMENTS

STATE OF NEW YORK

SS

COUNTY OF

On this 6th day of September, 1994 before me the subscriber personally appeared Dennis H. Gabryszak

to me known, who being by me duly sworn did depose and say that he resides at 36 Ely Rd, Cheektowaga, NY that he is the Supervisor of Town of Cheektowaga the corporation described in, and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Kevin G. Schenk

Notary Public

KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 28, 1995

STATE OF NEW YORK

SS

COUNTY OF ERIE

On this 16th day of September, 1994 before me the subscriber personally appeared DAVID F. SMITH to me known, who being by me duly sworn did depose and say that he resides in the Town of Tonawanda, County of Erie and State of New York that he is the Senior Vice President of NATIONAL FUEL GAS DISTRIBUTION CORPORATION the corporation described in, and which executed the foregoing instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Virginia L. Brege  
Notary Public

VIRGINIA L. BREGE  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires January 27, 1996

Box 78

44-11-02908-4

EXPENDITURE REQUEST

PIN# 10553

SPIN# U0157

#06502

CW RS 94 D  
(KAUFMAN RD)

BUDGET AREA 04 RESP. CENTER 00044 JOB NUMBER 11-02908-4

APPRO NO. 400X TAX DISTRICT CWE0 PLANT ACCOUNT 3740 DATE ISSUED 051494

MAP NUMBER 480 ESTIMATED COST \$ 1000

Township CHEEKTOWAGA County ERIE State NY

Approved By \_\_\_\_\_

Superintendent \_\_\_\_\_  
 Engineering \_\_\_\_\_  
 Executive \_\_\_\_\_

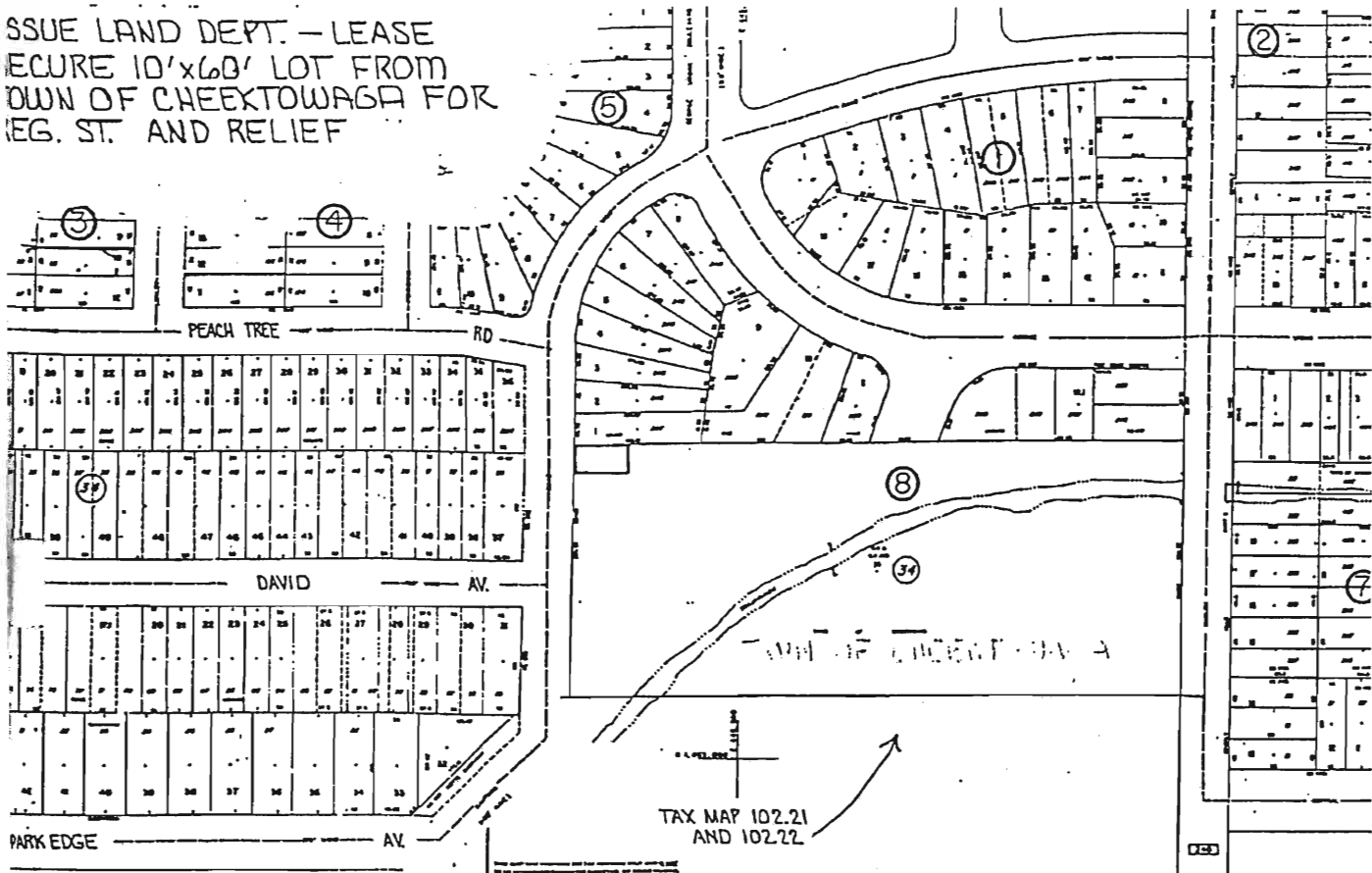
PIPE SUMMARY		
SIZE	MAT'L	FOOTAGE

Approved: TA HAUG  
 Date: MAY 19 1994

DESCRIPTION AND SKETCH

(SHOW REMOVALS IN RED. SHOW PROPOSED IN DOTTED BLACK.)

ISSUE LAND DEPT. - LEASE  
 SECURE 10'x60' LOT FROM  
 TOWN OF CHEEKTOWAGA FOR  
 REG. ST. AND RELIEF



ON NYD MAIN REPLACEMENTS JOBS	CONSTRUCTION PRIORITY	LINE EXT. PLAN (NY DIVISION) RECEIVED MAY 27 1994 EMERGENCY UTILITIES LAND DEPT.
PERMITS REQUIRED	RIGHT OF WAY REQUIRED <input type="checkbox"/> YES <input type="checkbox"/> NO	
	PRIORITY	

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

*Kathleen Keicher*, 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 *8-4-94* ..... ;  
last publication ..... ;  
and that no more than six days intervened be-  
tween publications.

LEGAL NOTICE

NOTICE OF  
ADOPTION OF RESOLUTION  
SUBJECT TO  
PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that  
the Town Board of the Town of Cheek-  
towaga, on August 1, 1994 adopted a  
resolution authorizing the Supervisor  
to execute a Meter and Regulator Lot  
Lease with National Fuel Gas Distri-  
bution Corporation for the installation  
and maintenance of facilities to in-  
crease gas distribution pressure to  
Town residents on the east side of  
Kaufman Road in between Peachtree  
Road and David Avenue in the Town  
of Cheektowaga.

A copy of such Meter and Regulator  
Lot Lease is on file in the Town Clerk's  
Office where the same may be in-  
spected during regular business hours.

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

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

Dated: August 1, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 4, 1994

*Kathleen Keicher*  
4

Sworn to before me this .....  
day of *August*, 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.

*Kathleen Keicher*, 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.....*8-4-94*..... ;  
last publication..... ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this .....*4*.....

day of *August*....., 19*94*.....

*Margaret J. Bourdette*

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

**LEGAL NOTICE**

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

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on August 1, 1994 adopted a resolution authorizing the Supervisor to execute a Meter and Regulator Lot Lease with National Fuel Gas Distribution Corporation for the installation and maintenance of facilities to increase gas distribution pressure to Town residents on the east side of Kaufman Road in between Peachtree Road and David Avenue in the Town of Cheektowaga.

A copy of such Meter and Regulator Lot Lease is on file in the Town Clerk's Office where the same may be inspected during regular business hours.

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

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

Dated: August 1, 1994

**RICHARD M. MOLESKI**  
Town Clerk

PUBLISH: August 4, 1994

MARGARET J. BOURDETTE  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES 12/11/9*5*



Item No. 14f Motion by Councilman Wielinski, Seconded by Councilman Solecki

WHEREAS, by resolution dated April 4, 1994, a contract for the replacement of sidewalks in various locations in the Town of Cheektowaga was awarded to Campobello Construction Co., Inc., and

WHEREAS, various disputes and/or disagreements have arisen between the parties to the aforesaid contract, and

WHEREAS, the contracting parties desire to settle any and all disputes and/or disagreements by the mutual exchange of general releases, subject to however Campobello Construction Co., Inc. complying with paragraph 22 Correction of Work of the contract on all work heretofore performed under such contract.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor or Town Attorney be and he hereby is authorized to sign a general release, as limited as aforesaid, in furtherance of this settlement and compromise.

Upon Roll Call....

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

Item No. 15a Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED, that this Town Board has received a letter of resignation from both Todd Schmigel and Kathleen O'Neill, employed by the Town as Public Safety Dispatchers, NOW, THEREFORE, BE IT

RESOLVED, that Todd Schmigel be and hereby is terminated from his employment effective June 26, 1994 and Kathleen O'Neill be and hereby is terminated from her employment effective July 10, 1994.

Upon Roll Call....

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

Item No. 15b 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>TOWN CLERK'S OFFICE</u>	
Lisa DeMont	7/23/94
<u>FACILITIES DEPARTMENT</u>	
Andrew Sciandra	7/30/94
Dominic P. Salvaggio	8/08/94
<u>RECYCLING DEPARTMENT</u>	
Kevin Wroblewski	7/19/94
<u>POLICE DEPARTMENT</u>	
Kristen Kolbert	8/01/94

Upon Roll Call....

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

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

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

Rachael Okoniewski	
Amy Pacer	14043
Carl Grassl	14043
Dwayne Dewyea	14225
Greg Burkhard	14212
Joe Prybylski	14043
Brian Zanghi	14225
Melanie Pilat	14215
Elizabeth Warfield	14227
Ellen Gill	14227
Robert McGarry	14043
Eric Houlahan	14214
Kristen Reddien	14225
Richard Bridenbaker	14043
Craig Kowalski	14215
Matthew Nagel	14225
Darryl Lindell	14211
Mike Barnhard	14227
Thomas Wasiak	14227
	14212

Upon Roll Call....

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

Item No. 16a Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, by resolution dated July 5, 1994, the hourly salary for seasonal employee Traci Howlett was listed as \$5.00, NOW, THEREFORE, BE IT

RESOLVED, that said resolution be amended as follows:

The hourly salary for Traci Howlett, a seasonal clerk in the Police Department, be and hereby is established at \$6.00 per hour, retroactive to July 5, 1994.

Upon Roll Call....

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

Item No. 16b Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, by resolution dated July 5, 1994, Robert Albano was mistakenly hired as a part-time employee in the Sanitation Department, AND

WHEREAS, this individual was hired as a seasonal employee in the Recycling Department, NOW, THEREFORE, BE IT

RESOLVED, that Robert Albano be and hereby is hired as a seasonal employee in the Recycling Department at \$5.00 per hour, retroactive to July 6, 1994.

Upon Roll Call....

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

Item No. 17a Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the position of Payroll Clerk be and hereby is created in the Accounting/Payroll Department, effective immediately.

Upon Roll Call....

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

Item No. 17b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

BE IT RESOLVED, that the position of Assistant to the Town Supervisor (PJC-Exempt) be and hereby is created in the Supervisor's Office, effective immediately.

Upon Roll Call....

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

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

BE IT RESOLVED, that the following individuals be transferred from part-time to seasonal, retroactive to June 6, 1994:

Patrick Cartenuto  
Ronald Cyrankowski  
Laila Desjardins  
Amy Weber  
Scott Fleetwood  
Wendy Sala

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 Jaworowicz

WHEREAS, a vacancy exists in the position of Program Coordinator (Grant) in the Youth and Recreational Services Department/Cheektowaga Action Partnership, AND

WHEREAS, this position is underwritten by the Alcohol Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services, Public Health Services under grant number 1H86SP04160, AND

WHEREAS, the existing Civil Service list was canvassed for said position, AND

WHEREAS, Patricia Mack appears on said Civil Service list, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Patricia Mack of Cheektowaga, New York 14227, be and hereby is appointed to the position of Program Coordinator (Grant) with the Youth and Recreational Services Department/Cheektowaga Action Partnership in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective August 3, 1994.

Upon Roll Call....

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

Item No. 19b Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Pump Operator (Provisional) in the Main Pump Station, AND

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, there currently exists no valid Civil Service list for said position, AND

WHEREAS, Gary Podgorski, currently employed as a General Mechanic in the Facilities Department bid on said vacancy and meets all the minimum qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Gary Podgorski of Cheektowaga, New York 14227, be and hereby is appointed to the position of Pump Operator, pending the results of a Civil Service Examination for said position, in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective August 2, 1994.

Upon Roll Call....

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

Item No. 19c Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

WHEREAS, due to maternity leave, a temporary vacancy exists in the position of Clerk-Typist in the Facilities Department, AND

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, Ann-Marie Herb, currently employed as a part-time employee in the Facilities Department, has applied for said position and meets all the necessary qualifications, AND

WHEREAS, as per Civil Service Law, Ann-Marie Herb may be appointed to this temporary vacancy for a period not to exceed ninety (90) days, NOW, THEREFORE, BE IT

RESOLVED, that Ann-Marie Herb of Cheektowaga, New York 14227, be and hereby is appointed to the temporary vacancy of Clerk-Typist in the Facilities Department, in accordance with the provisions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective August 2, 1994, AND, BE IT FURTHER

RESOLVED, that said appointment will expire on October 30, 1994.

Upon Roll Call....

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

Item No. 20a Motion by Councilman Wielinski, Seconded by Councilman Johnson

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

Item No. 20a continued

collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, Inc.:

EFFECTIVE

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

Joseph Sieber

8/02/94

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 20b Motion by Councilman Solecki, Seconded by Councilman Wielinski

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)

Richard Kernen

8/02/94

POLICE DEPARTMENT - \$5.00 per hour (Clerical)

Kolleen Kolbert

8/02/94

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 Rogowski

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, the State has granted an additional sum of \$1,380.00 to be used for B.O.C.E.S Quality Control, NOW, THEREFORE, BE IT

RESOLVED, that the following account line items be and hereby are amended as follows:

0100-1415-3500 (Revenue) \$1,380.00  
State Aid-Archive Grant

0100-1415-4001 (Expense) \$1,380.00  
Contractual Services-Archive Grant

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 Vouchers and Warrants are submitted to the Town of Cheektowaga prior to July 29, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$ 400,425.87
HIGHWAY FUND	215,283.55
TRUST AND AGENCY FUND	11,705.30
CDBG HUD FUND	39,338.31
PART TOWN FUND	4,589.84
HUD RENTAL REHAB FUND	1,203.50
RISK RETENTION FUND	3,222.00
NYS HOME PROGRAM FUND	27,297.00
HUD HOUSING REHABILITATION FUND	4,544.00
SPECIAL DISTRICTS FUND	255,884.59
CAPITAL FUND	<u>170,335.74</u>
	\$1,133,829.70

Upon Roll Call....

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 23 Building Permits  
Received and Filed.

Item No. 24 Supervisor's Statement of Funds - June, 1994  
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 25a Notice of Claim: John M. Pajonk 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: Jacqueline J. Craique 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. 26 Notice of Petition: Stroehmann Bakeries Inc. vs the Town of  
Cheektowaga, a Municipal Corporation, its Assessor and Board of  
Review  
Copies were sent to: William Conway, Assessor and James Kirisits,  
Town Attorney.  
Received and Filed

Item No. 27 Petition: Gardenvale Drive Parking Restrictions  
Received and Filed.

\*\*\*\*\*

MOTION BY COUNCILMAN JOHNSON, SECONDED BY SUPERVISOR GABRYSZAK  
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

\*\*\*\*\*

IV. SUSPENSION OF RULES

Item No. 28 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on August 15, 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 4th day of August, 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 August 15, 1994 at 7:00 P.M., to consider the advisability of adopting amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102 Parking prohibited in designated locations shall be amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD                      west side                      from the south curbline of Huth Road  
to the west curbline of Heather Road

Section 76-102 Parking prohibited in designated locations shall be amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD                      west side                      from the south curbline of Huth Road  
to the west curbline of Heather  
Road, excepting that portion of  
Gardenvale Road which directly abuts  
Nos. 89, 93, 99, and 105 Gardenvale  
Road

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

\_\_\_\_\_  
Richard M. Moleski  
Town Clerk

Dated: August 1, 1994

\*\*\*\*\*

Item No. 28 continued

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE



LEGAL NOTICE

NOTICE 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 August 15, 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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GARDENVALE ROAD - west side - from the south curblin of Huth Road to the west curblin of Heather Road, excepting that portion of Gardenvale Road which directly abuts Nos. 89, 93, 99 and 105 Gardenvale Road.

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

Dated: August 1, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 4, 1994

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

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication 8-4-94; last publication .....; and that no more than six days intervened between publications.

*Kathleen Keicher*

Sworn to before me this 4

day of August, 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 August 15, 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: August 1, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 4, 1994

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

*Kathleen Keicher*, 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 *8-4-94* ;  
last publication ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this *4*

day of *August*, 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*

Item No. 29

Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski to adjourn this meeting in memory of Justin Jarnot, former Town of Cheektowaga employee.

Richard M. Moleski  
Town Clerk

PUBLIC HEARINGS  
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 16 August 15, 1994

1 Amendment to Environmental Impact Review Ordinance

Meeting No. 18 September 6, 1994

1 Rezoning of property located at 3171 Broadway from M1-Light Manufacturing District to CM-General Commercial District

PUBLIC HEARINGS

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Meeting No. 18 September 6, 1994

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Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of August, 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; Ronald Marten, Building and Plumbing Inspector; Chester Bryan, Town Engineer; Salvatore LaGreca, Chairman of Planning Board; James Matecki, Director of Facilities Department; Robert Kaczmarek, Supervising Accountant; John Schaller, Assistant Chief of Police; Len Szymanski, Foreman-Facilities Department.

I. PUBLIC HEARINGS

Item No. 2a This being the time and place advertised for a public hearing to consider the advisability of adopting amendments to the Chapter 76 of the Code of the Town of Cheektowaga, (Vehicle and Traffic) hereinafter more particularly described, the Supervisor directed the Town Clerk to present proof of the publication and posting of the notice of hearing. The Town Clerk presented proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:

ARTICLE X

Parking, Standing and Stopping

Section 76-102 Parking prohibited in designated locations shall be amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD                      west side                      from the south curblines of Huth Road  
to the west curblines of Heather Road

Section 76-102 Parking prohibited in designated locations shall be amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD                      west side                      from the south curblines of Huth Road  
to the west curblines of Heather  
Road, excepting that portion of  
Gardenvale Road which directly abuts  
Nos. 89, 93, 99, and 105 Gardenvale  
Road

Item No. 2a cont'd

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

Item No. 2b 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 XV

Truck Route System

Section 76-150. Trucks permitted, shall be repealed and shall be amended to read as follows:

- A. A truck route system, upon which all trucks, tractors and tractor-trailer combinations, excluding tandems, having a total gross weight in excess of five (5) tons are permitted to travel and operate, shall consist of the following highways:
1. AERO DRIVE, from the Town of Amherst line to Transit Road
  2. CAYUGA ROAD, from Genesee Street to the Town of Amherst line
  3. DELAVAN Avenue, from the Buffalo City line to Pine Ridge Road
  4. DICK ROAD, from Broadway to Genesee Street
  5. DINGENS STREET, from the Buffalo City line to Harlem Road
  6. EGGERT ROAD, from Sugar Road to the westbound Kensington Expressway Ramps (State Route 33)
  7. FRENCH ROAD, from Union Road to Transit Road
  8. GALLERIA DRIVE, from Walden Avenue to Union Road
  9. HOLTZ DRIVE, from Genesee Street to Aero Drive
  10. KENSINGTON AVENUE, from Buffalo City line to Amherst Town Line
  11. MARYVALE DRIVE, from Pine Ridge Road to the Kensington Expressway on-ramp about 1,900 feet east of Harlem Road
  12. PINE RIDGE ROAD, from Genesee Street to Maryvale Drive
  13. RICHARD DRIVE, from the Buffalo City line to William Street
  14. SUGAR ROAD, from Eggert Road to Pine Ridge Road
  15. WILLIAM STREET, from the Buffalo City line to Harlem Road
  16. WILLIAM STREET, from the NYS Thruway (I-90) westbound ramps to Union Road
  17. YOUNGS ROAD, from Aero Drive to the Town of Amherst line
- B. All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five (5) tons shall be prohibited from traveling and operating on all highways which are not on the truck route system, as specified in Section 76-150.A. of this Chapter.



Item No. 2b cont'd

ARTICLE XIII

Truck Exclusions

Section 76-130. All trucks excluded, shall be repealed.

Section 76-131. Trucks over five tons excluded, shall be repealed.

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 Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Benderson Development Company, Inc. submitted, in 1989, a site plan to the Town of Cheektowaga relative to a retail center known as Union Consumer Square, located at 3735 Union Road, Cheektowaga, New York, and

WHEREAS, as a result of litigation between the Town of Cheektowaga and Benderson Development Company, Inc., and intervention in court by certain individuals residing in close proximity to the Union Consumer Square project a traffic study was conducted, and

WHEREAS, as a result of this traffic study, an agreement was signed on September 18, 1992 by Benderson Development Company, Inc., and the Town of Cheektowaga, in which certain road improvements were to be constructed at Union Road and Galleria Drive as mitigation for the Union Consumer Square project, and

WHEREAS, the agreement also listed a number of road improvements that the Benderson Development Company, Inc. would never be responsible for constructing, said improvements including a center turning lane on Union Road, and

WHEREAS, the submission by Benderson Development Company, Inc. for approval of the site plan for Phase II of the Union Consumer Square has resulted in a new study of traffic in the vicinity, and

WHEREAS, the study listed possible traffic mitigation measures for Union Consumer Square Phase II, including a bridge connecting the project with South Creek Drive and road improvements to Union Road, and

WHEREAS, the bridge was the least desirable of the mitigation measures and the Union Road improvements the most practical, and

WHEREAS, Benderson Development Company, Inc. has agreed to construct the Union Road improvements, and

WHEREAS, the agreement signed September 18, 1992 is now an impediment of the signing of an agreement between Benderson Development Company, Inc., and the New York State Department of Transportation for road improvements to Union Road, including a center turning Lane, and

WHEREAS, it is in the best interests of the Town of Cheektowaga that these improvements be constructed, NOW, THEREFORE, BE IT

RESOLVED, that the agreement, signed September 18, 1992, by the Town of Cheektowaga and Benderson Development Company, Inc. is hereby rescinded in its entirety.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 4a 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, reject or modify the recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by J.J. Juliano Construction, Inc. to construct a 7,200 S.F. office/warehouse at 3788 Broadway, and

WHEREAS, the Advisory Committee, at its meeting held on August 10, 1994 rendered the determination shown on the attached memo dated August 12, 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, issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - August 10, 1994  
August 11, 1994  
Page: 2

The New York State Department of Transportation (NYSDOT) has future plans for eliminating the bridge on Union Road south of this site. If, at the time the bridge is eliminated, the NYSDOT does not pipe the drainage ditch along the applicants property, the applicant has indicated he will do so. This would allow for possible access to Union Road with DOT permission.

The committee is recommending the Town Board issue a Negative Declaration for this project since the area is used for light manufacturing (office/ warehousing) and the owner has committed to making the project aesthetically pleasing as possible.

ITEM II            3788 Broadway                            -    Proposed Office/Storage Building

Applicant:        J.J. Juliano

The applicant is proposing to construct a building similar to the one that exists at the present time at this location. It will have one or more tenants and will be used primarily for office/storage use. The construction of this building will not require the destruction large amounts of vegetation and as part of this project the owner is agreeing to plant additional shrubberies/trees.

The Town Engineer has reviewed the drainage plan, and although he has not given his final approval on this, there is a belief that no problem will be encountered.

The area is a mix of residences as well as offices and storage facilities so this proposal is not incompatible with surrounding uses and it is in conformity with the Town's Master Plan.

The committee is recommending the Town Board issue a Negative Declaration for this project.

ITEM III           3450 Union Road                            -    Proposed Rezoning From CM to MS

Applicant:        Atlantic Refining and Marketing Corporation

The proposal is to rezone the facility to Motor Service use to allow for the re-establishing of oil change operations in the building. The property is presently used as a combination gas dispensing station and mini-mart.

The plans submitted by the applicant do not indicate where the bays will be located and any customer access to them. A question also arose regarding the location of parking spaces along Walden Avenue within the Walden Avenue right-of-way.

Item No. 4b 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, reject or modify the recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Victor Liberatore to construct a 8,000+ S.F. office/warehouse at 25 Tyrol Drive, and

WHEREAS, the Advisory Committee, at its meeting held on August 10, 1994 rendered the determination shown on the attached memo dated August 12, 1994, and

WHEREAS, the applicant has agreed to eliminate parking west of the building to increase the landscaped area, and

WHEREAS, the applicant has committed to piping the Union Road ditch, if the New York State Department of Transportation does not pipe it as part of their future Union Road project, and

WHEREAS, the Advisory Committee has suggested a negative declaration be issued for the project, 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 purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

Office of Building & Plumbing Inspections  
Cheektowaga Town Hall  
3301 Broadway Street  
Cheektowaga, New York 14227-1088  
716 / 686-3470



M E M O

TO: Supervisor Dennis Gabryszak  
Honorable Town Board Members  
Richard Moleski, Town Clerk  
James Kirisits, Town Attorney

FROM: Thomas Adamczak  
Building Inspector

DATE: August 11, 1994

The following is a summary of the proposals which have been reviewed by the Town Environmental Advisory Committee at a meeting held on August 10, 1994 in the Town Hall Council Chambers.

ITEM I 25 Tyrol Drive - Proposed 8,000 Sq. Ft. Office/ Warehouse

Applicant: Victor Liberatore

The applicant is proposing to construct this office/ warehouse on the site within the Gardenville Industrial Park North. Tyrol Drive is a private road which extends south from Innsbruck. The lot fronting on Tyrol is a through-lot with frontage on Union Road. All access to the lot is from Tyrol Drive since Union Road at this point is sloped to meet the bridge near French Road.

The business that will be the primary tenant is Liberator Clock. They sell and service time clocks as well as other time pieces with industrial applications. The building will face south with parking proposed for the east, west and south sides of the building.

After some discussion the owner has agreed to eliminate parking along the west side of the building to allow for additional green area along Union Road. He will continue to maintain a service entrance which will necessitate the keeping of a 10 to 15 foot wide driveway.

He has agreed to save as many existing trees as possible and will be meeting with members of the CCAC to discuss his plans.

RE: EAC - August 10, 1994  
August 11, 1994  
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The New York State Department of Transportation (NYSDOT) has future plans for eliminating the bridge on Union Road south of this site. If, at the time the bridge is eliminated, the NYSDOT does not pipe the drainage ditch along the applicants property, the applicant has indicated he will do so. This would allow for possible access to Union Road with DOT permission.

The committee is recommending the Town Board issue a Negative Declaration for this project since the area is used for light manufacturing (office/ warehousing) and the owner has committed to making the project aesthetically pleasing as possible.

ITEM II            3788 Broadway                            -    Proposed Office/Storage Building

Applicant:        J.J. Juliano

The applicant is proposing to construct a building similar to the one that exists at the present time at this location. It will have one or more tenants and will be used primarily for office/storage use. The construction of this building will not require the destruction large amounts of vegetation and as part of this project the owner is agreeing to plant additional shrubberies/trees.

The Town Engineer has reviewed the drainage plan, and although he has not given his final approval on this, there is a belief that no problem will be encountered.

The area is a mix of residences as well as offices and storage facilities so this proposal is not incompatible with surrounding uses and it is in conformity with the Town's Master Plan.

The committee is recommending the Town Board issue a Negative Declaration for this project.

ITEM III           3450 Union Road                            -    Proposed Rezoning From CM to MS

Applicant:        Atlantic Refining and Marketing Corporation

The proposal is to rezone the facility to Motor Service use to allow for the re-establishing of oil change operations in the building. The property is presently used as a combination gas dispensing station and mini-mart.

The plans submitted by the applicant do not indicate where the bays will be located and any customer access to them. A question also arose regarding the location of parking spaces along Walden Avenue within the Walden Avenue right-of-way.

Item No. 4c 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, reject or modify the recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Holiday Union Associates II (the "Applicant") to develop Phase II of Union Consumer Square at 3755 Union Road, and

WHEREAS, in compliance with Article 8 of the Environmental Conservation Law ("SEQRA") and Chapter 23A (Environmental Impact Review) of the Town Code, the Town Board expressed its intent to be Lead Agency for purposes of conducting a SEQRA review, and

WHEREAS, the Town Board identified one other involved agency in the Project, the New York State Department of Transportation, and caused a letter to be sent to this agency stating its intent to be Lead Agency, and

WHEREAS, the involved agency responded to the Town Board and consented to the Town Board being Lead Agency for purposes of the SEQRA review of the project, and

WHEREAS, pursuant to Chapter 23(a) of the Town Code, the Town Board referred the project to the Town Environmental Advisory Committee ("EAC") for its review and recommendation to the Town Board, and

WHEREAS, the EAC, as part of the review process, to solicit comments, referred the project to various Town Committees and boards, and

WHEREAS, the EAC reviewed the full environmental Assessment Form ("EAF"), site plan; traffic study; and other materials submitted by the Applicant as part of the application, and

WHEREAS, numerous meetings were held between the Applicant and various Town committees and boards to discuss the Phase II project, including meetings with the EAC on March 23, April 6, April 20 and August 10 of 1994, and

WHEREAS, the Applicant has made revisions to the project plans; has committed to constructing road improvements to Union Road; has committed to providing certain controls during construction and after completion, as listed on the attached letters from the Applicant, and

WHEREAS, the EAC, after a careful review of the foregoing material and in consultation with the other Departments of the Town, has recommended to the Town Board that the Town Board issue a "Negative Declaration", as stated in the attached memorandum, dated August 12, 1994, and

WHEREAS, the Town Board has carefully reviewed the EAF, the site plan, and all other materials submitted in connection with the EAF and has carefully considered the recommendations of the EAC and other involved/interested agencies, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, based on the above-referenced commitments by the Applicant and the attached memorandum and letters, hereby determines that the project will not have a significant effect on the environment and, therefore, issues a "Negative Declaration" for purposes of SEQRA.

Item No. 4c 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



4c

RE: EAC - August 10, 1994  
August 11, 1994  
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The Planning Board will be reviewing the landscaping plan at their August 11th meeting and based on discussions, with the Town Engineer with regard to drainage and the Planning Board on landscaping, the applicant will be presenting a new site plan for the committee's August 24th meeting, therefore, this item will remain tabled.

ITEM VI Union Consumer Square - Phase II Construction of Approximately 160,000 Square Feet of Retail Space

Applicant: Benderson Development Corporation/Holiday Union Associates II

The proposal was first filed with the Town in March of 1994. The proposal was to demolish the Holiday Theaters located at 3755 Union Road and to construct approximately 160,000 square feet of retail space. 40,000 square feet of retail space would be located in the area generally occupied by the Holiday I and II Theaters with the balance located along the east line of the property as a continuation of the existing Union Consumer Square. The proposals at the present time are for retail sales use. No restaurants, which could be competition for the existing Garcia's and Holiday Showcase, are contemplated for the Phase II portion of the Square.

As part of the review process, this project was referred to the New York State Department of Transportation for their review and comment as well as to numerous Town Committees/Boards. As a result the developer has attended numerous meetings involving the Town Traffic Safety Commission, Planning Board, Environmental Advisory Committee, Conservation Advisory Council and the New York State Department of Transportation. At these meetings a number of concerns and questions were put to the developer. These included questions on traffic, drainage, hours of operation, control of delivery vehicles, on-premises housekeeping as well as other items. They were addressed as follows:

- Traffic - The NYSDOT reviewed the traffic study that was performed for the project by EMS Consulting (it should be noted that this study included Galleria Corners data as if the corner was already develop). They concluded that additional data was needed and the Town, in addition to requiring the additional data for the NYSDOT, requested the developer to obtain a second traffic consultants opinion.

As a result a traffic study with additional data was submitted to the NYSDOT for their review and to SRF and Associates of Rochester, New York, the second consultant.

The traffic study indicated that there would some minor impact to the traffic on Union Road and that certain mitigation measures could be taken to alleviate the problems encountered with levels of service in the area. These measures would be construction of a center left turn lane on Union Road from Galleria Drive south pass South Creek or construction of a bridge across Scajaquada Creek Drive connecting to South Creek Drive.

RE: EAC - August 10, 1994  
Date: August 11, 1994  
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In addition to the bridge, the possibility of installing a traffic signal at Union and South Creek was explored. The second consultant, SRF and Associates, reviewed the study and concluded that the impact upon Union Road was minor and did not warrant the construction of the bridge across South Creek but that minor road improvements to Union Road may be needed to improve traffic flows in this area.

The NYSDOT in reviewing the traffic study and possible mitigation for the proposed project had to eliminate any possible mitigation in the way of road improvements to Union Road. This was the result of an agreement signed in 1992 between the Town and the developer which had said that the developer would place in escrow, for future road improvements, the balance of monies from road improvements that were constructed in '92 - '93. This amount of money, approximately \$72,000, was to be used by the state for future road improvements. As a result any future work at Union Consumer Square would not require the developer to provide mitigation on Union Road. The NYDOT did indicate that the bridge across South Creek may be a feasible alternative to other mitigation. The NYSDOT also indicated many improvements would be part of a 1998 DOT project on Union Road.

Since the NYSDOT's comments could not consider road improvements to Union Road, numerous discussions were held between the developer and the Town. The developer has agreed to spend approximately \$200,000 in interim improvements if the '92 agreement is terminated.

The Environmental Advisory Committee believes it is best for the Town to terminate the agreement and encourage the NYSDOT to approve the interim road improvements to Union Road.

- The developer has submitted to the Town a copy of special regulations for tenants on the property. These include control of delivery vehicles, dumpsters, rodent controls, noise producing equipment as well as other typical housekeeping items.

- The developer has also agreed to dust control, rodent control and other measures during the construction of the facilities.

- Drainage - The developers intent is to utilize most of the existing drainage system within this portion of the Square and the Town Engineer is in the process of reviewing these details. It does not appear that a significant amount of piping or other site work will be required to drain the proposed facilities. The project will also not involve any significant increase in impervious surfaces since most of the site is now blacktop and building.

Since the developer has committed to providing mitigation for this project, it is the recommendation of this committee that the Town Board issue a Negative Declaration for the project.

Attachments



BENDERSON DEVELOPMENT COMPANY, INC. • 570 Delaware Ave. Buffalo, NY 14202 • (716) 886-0211 • FAX (716) 886-2269

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- A & P
- Ames Department Stores
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- Chase Lincoln First Bank
- Citibank
- City Mattress
- Conagra
- Consolidated Stores
- Corning
- Cub Foods
- Dansk
- Denny's
- Dress Barn
- Drug Emporium
- Dunham's
- Dunkin' Donuts
- Eddie Bauer
- Edison Brothers Apparel
- EW. Woolworth
- Fashion Bug
- Fabri-Centers of America
- Family Dollar Stores
- Fashion Factory
- Fay's Drugs
- Federal Express
- Fleet Bank
- Food Lion
- Freddy's
- Friendly's Ice Cream
- G.H. Bass
- Gap Stores
- General Electric
- General Mills/Olive Garden
- Gilano
- Goodyear
- Hancock Fabrics
- Hills Department Stores
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- Price Chopper
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- Revco
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- Sam's Wholesale Club
- Sara Lee
- Scrivner
- Sears Roebuck & Company
- Sherwin-Williams
- Shop Rite
- So-Fro Fabrics
- Sports Authority
- Staples
- Super Valu
- Taco Bell
- Tandy/Radio Shack
- Target
- Thriftway Markets
- T.J. Maxx
- Tops Markets
- Trans-World Records
- U.S. Shoe
- Video Factory
- Wal-Mart
- Walgreens

August 10, 1994

Town of Cheektowaga  
 Cheektowaga Town Hall  
 Broadway & Union Rd.  
 Cheektowaga, NY 14225  
 Attn: Mr. Thomas Adamczak  
 Building Inspector

RE: Site Management Agreement  
 Union Consumer Square Phase I & II

Dear Mr. Adamczak:

As a result of recent meetings with Town officials and neighboring residents to the above referenced property, this letter shall serve as a site management agreement between the managing company, Benderson Development Company, Inc. (Manager), Holiday Union Associates, L.P. (Owner) and the Town of Cheektowaga (Town).

The manager, on behalf of the owner, shall inform all existing tenants in the Phase I area by mail and hand delivered notices. Proposed tenants for Phase II and future tenants for Phase I shall be notified via the lease agreement.

An attachment shall accompany enclosed, the lease agreement and notices for proposed tenants and existing tenants, respectively.

A status report and schedule for current issues related to this matter will follow.

Please feel free to contact Mr. Bruce Marchese if any problems should arise.

Sincerely,  
 BENDERSON DEVELOPMENT CO., INC.

*Anthony L. Battista/DDD*

Anthony L. Battista  
 Director of Property Management

ALB/dd

cc: Councilman Tom Johnson      Randy Benderson      Bruce Marchese  
 Al Koenig      Dan Duggan  
 Dominic Selvaggio      Mike Yeomans  
 Tom Valentine      Tim Morgan

tb347

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Fashion Bug  
Fabri-Centers of America  
Family Dollar Stores  
Fashion Factory  
Fay's Drugs  
Federal Express  
Fleet Bank  
Food Lion  
Freddy's  
Friendly's Ice Cream  
G.H. Bass  
Gap Stores  
General Electric  
General Mills/Olive Garden  
Gitano  
Goodyear  
Hancock Fabrics  
Hills Department Stores  
Hit or Miss  
Homestyle Buffet  
HomeBase  
Home Depot  
IBM  
Izod/Gant  
J.C. Penney  
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M & T Bank  
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Marine Midland Bank  
Melville  
National Auto  
Nautica  
Office Depot  
Office Max  
Old Country Buffet  
Pace Club  
Payless Shoe  
Pep-Boys  
Perkins  
Phar-Mor  
Phillips Van Heusen  
Pier 1 Imports  
Pizza Hut  
Polo/Ralph Lauren  
Ponderosa  
Price Chopper  
Reebok  
Revco  
Rite Aid  
Royal Doulton  
Sam's Wholesale Club  
Sara Lee  
Scrivner  
Sears Roebuck & Company  
Sherwin-Williams  
Shop Rite  
So-Fro Fabrics  
Sports Authority  
Staples  
Super Valu  
Taco Bell  
Tandy/Radio Shack  
Target  
Thriftway Markets  
T.J. Maxx  
Tops Markets  
Trans-World Records  
U.S. Shoe  
Video Factory  
Wal-Mart  
Walgreens

UNION CONSUMER SQUARE

3755 UNION ROAD

CHEEKTOWAGA, NY

SPECIAL REGULATIONS FOR THE PROPERTY OWNER AND TENANTS

In conformance with local ordinances and requests by neighboring residents and Town officials, the following rules must be adhered to:

1. The local noise ordinance is in effect from 11pm to 7am. Any noise producing activity or operation is prohibited between these hours. This includes, but is not limited to, dumpster and compactor deliveries, servicing and use; any delivery producing noise i.e. engine idling, dock activities; snowplowing operations and parking lot sweeping operations.
2. The delivery gates leading to the rear of the plaza will be locked when the noise ordinance is in effect. Delivery trucks are not allowed to stack or keep their engines running at the eastern most gate near the residential properties.
3. All delivery drivers must observe and obey NYS DEC regulations regarding vehicle exhaust as related to engine idling. Signs have been posted strategically as a reminder.
4. All dumpsters must be secured at all times by keeping lids closed and padlocked to prevent unauthorized dumpings and rodent infestation. Areas around the dumpsters must be kept clean by the tenant.
5. Tenants must practice pest and rodent control around the dumpster/compactor area by contracting with a certified pest control company to install and service (monthly) bait containers.
6. Bait containers must be placed along the fence at the eastern property line and serviced (monthly) by a certified pest control company at the direction of the property owner. Said costs shall be included in the common area maintenance charges.
7. Any tenant requiring refrigerated products to be delivered must have an exterior outlet near the delivery area in order to allow the delivery person to connect to the outlet to maintain product and shut off the engine.
8. Any tenant utilizing exterior motor driven equipment, i.e. HVAC units, generators, must use the equipment with the latest technology in that product line related to noise reduction and abatement.
9. It is the responsibility of the property owner and tenants to notify their respective vendors.



BENDERSON DEVELOPMENT COMPANY, INC. • 570 Delaware Ave. Buffalo, NY 11202 • (716) 886-0211 • FAX (716) 886-2269

AMONG OUR TENANTS

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Applebee's  
Barnes & Noble  
BJ's Wholesale Club  
Blockbuster Video  
Brown Group  
Bugle Boy  
Builders Square  
Burlington Coat  
Chase Lincoln First Bank  
Citibank  
City Mattress  
Conagra  
Consolidated Stores  
Corning  
Cub Foods  
Dansk  
Denny's  
Dress Barn  
Drug Emporium  
Dunham's  
Dunkin' Donuts  
Eddie Bauer  
Edison Brothers Apparel  
EW, Woolworth  
Fashion Bug  
Fabri-Centers of America  
Family Dollar Stores  
Fashion Factory  
Fay's Drugs  
Federal Express  
Fleet Bank  
Food Lion  
Freddy's  
Friendly's Ice Cream  
G.H. Bass  
Gap Stores  
General Electric  
General Mills/Olive Garden  
Gilano  
Goodyear  
Hancock Fabrics  
Hills Department Stores  
Hit or Miss  
Homestyle Buffet  
HomeBase  
Home Depot  
IBM  
Izod / Gant  
J.C. Penney  
K-Mart  
Key Bank of New York  
Kidco  
Kinney Shoe  
Kobacker Company  
Lane Bryant  
Lechters  
Levi Strauss  
Loehmann's  
London Fog  
M & T Bank  
Manufacturers Hanover  
Marine Midland Bank  
Melville  
National Auto  
Nautica  
Office Depot  
Office Max  
Old Country Buffet  
Pace Club  
Payless Shoe  
Pep-Boys  
Perkins  
Phar-Mor  
Phillips Van Heusen  
Pier 1 Imports  
Pizza Hut  
Polo / Ralph Lauren  
Ponderosa  
Price Chopper  
Reebok  
Revco  
Rite Aid  
Royal Doulton  
Sam's Wholesale Club  
Sara Lee  
Scrivner  
Sears Roebuck & Company  
Sherwin-Williams  
Shop Rite  
So-Fro Fabrics  
Sports Authority  
Staples  
Super Valu  
Taco Bell  
Tandy / Radio Shack  
Target  
Thriftway Markets  
T.J. Maxx  
Tops Markets  
Trans-World Records  
U.S. Shoe  
Video Factory  
Wal-Mart  
Walgreens

August 10, 1994

Mr. Thomas Adamczak  
Town of Cheektowaga  
Cheektowaga Town Hall  
Broadway and Union Road  
Cheektowaga, New York 14227

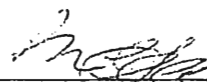
RE: Union Consumer Square  
Phase 2  
Cheektowaga, New York

Dear Tom:

Holiday Union Associates ensures that proper on site drainage, dust control, noise control, parking/traffic routing and debris clean-up measures will be enforced throughout the duration of the construction activities for the subject project.

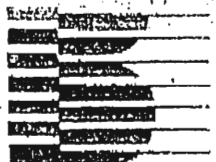
Please feel free to contact me if you should have any questions or comments regarding this matter.

Sincerely,

  
Michael Yeomans  
HOLIDAY-UNION ASSOCIATES

cc: Dennis Gabryszak, Town Supervisor  
Thomas Johnson, Town Councilman  
Timothy Morgan, H.U.A.  
File  
pctm014

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- Builders Square
- Burlington Coat
- Chase Lincoln First Bank
- Citybank
- City Mattress
- Conagra
- Consolidated Stores
- Crenning
- Cub Foods
- Dansk
- Denny's
- Diets Barn
- Drug Emporium
- Dunkin' Donuts
- Dunkin' Donuts
- Lakle Bauer
- Edison Brothers Apparel
- MAC Woodworth
- Fashion Bug
- Fabri-Centers of America
- Family Dollar Stores
- Dehlon Factory
- Fry's Drugs
- Federal Express
- First Bank
- Food Lion
- Freddy's
- Freddie's Ice Cream
- G.H. Bass
- Gap Stores
- General Electric
- General Mills/Olive Garden
- Gitano
- Goodyear
- Hancock Fabrics
- Hills Department Stores
- Hill or Hill
- Homestyle Buffet
- HomeDepot
- Home Depot
- IBM
- Isod/Gant
- J.C. Penney
- K-Mart
- Key Bank of New York
- Kidco
- Kinney Shoe
- Kobacker Company
- Lane Bryant
- Leichters
- Levi Strauss
- Loehmann's
- London Fog
- M & T Bank
- Manufacturers Hanover
- Marine Midland Bank
- Melville
- National Auto
- Nautica
- Office Depot
- Office Max
- Old Country Buffet
- Face Club
- Payless Shoe
- Pop-Boys
- Perkins
- Phar-Mor
- Phillips Van Heusen
- Pier 1 Imports
- Pizza Hut
- Polo/Ralph Lauren
- Ponderosa
- Price Chopper
- Reebok
- Revoce
- Rite Aid
- Royal Doulton
- Sam's Wholesale Club
- Sara Lee
- Scribner
- Sears Roebuck & Company
- Sherrin-Williams
- Shop Rite
- So-Fix Fabrics
- Sports Authority
- Staples
- Super Value
- Taco Bell
- Tandy/Radio Shack
- Target
- Trailway Markets
- T.J. Maxx
- Tops Markets
- Trans-World Records
- U.S. Shoe
- Video Factory
- Wal-Mart
- Walgreens

August 11, 1994

Mr. Thomas Adamczak  
**TOWN OF CHEEKTOWAGA**  
Cheektowaga Town Hall  
Broadway and Union Road  
Cheektowaga, New York 14227

RE: **Union Consumer Square**  
**Phase 2**  
**Cheektowaga, New York**

Dear Mr. Adamczak:

Pursuant to the request of Councilman Thomas Johnson, I wish to reaffirm the commitment by Holiday/Union Associates to construct temporary improvements along Union Road in advance of the New York State Department of Transportation project scheduled for 1998, as our contribution to mitigating existing traffic congestion and to provide relief to the intersection of Union Road and South Creek Drive, with consideration for the safety of the pedestrian and vehicular traffic using the Union Road arterial.

We further agree to undertake the process of engineering and approval by the New York State Department of Transportation upon formal approval by the Town Board for the expansion of Union Consumer Square. We believe this process can be accomplished by mid to late November 1994, which will afford us the opportunity to solicit bids and award contracts through the winter months and be prepared to commence construction in the early Spring of 1995. It is anticipated that construction of the temporary improvements to Union Road will be approximately sixty (60) days. We will make every effort to have the work done as quickly as possible during the construction season of 1995.

Further, Holiday-Union Associates agrees to provide a bond to cover the costs of the roadway improvements should a "Certificate of Occupancy" be granted in advance of the completion of the temporary roadway improvements being provided as part of the approval process of the Union Consumer Square Expansion.

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

Page 2.  
Mr. T. Adamczak  
August 11, 1994

The temporary improvements will be completed in accordance with the outline set forth in EMS Consulting's correspondence of August 5, 1994 to Mr. E.J. Nowicki and EMS Consulting's correspondence to the Building Department of August 8, 1994 together with our agreement of August 10, 1994 (copies enclosed).

Respectfully Submitted,

**HOLIDAY-UNION ASSOCIATES**



Michael Yeomans  
Director of Construction

cc: Thomas Johnson - Town Councilman  
Chet Bryant - Town Engineer  
Dennis Gabryszak - Town Supervisor  
James Smith - EMS Consulting  
Randall Benderson - H.U.A.  
Timothy Morgan - H.U.A.  
File

pcny141  
Enclosures



BENDERSON DEVELOPMENT COMPANY, INC. • 570 Delaware Ave. Buffalo, NY 11202 • (716) 886-0211 • FAX (716) 886-2269

AMONG OUR TENANTS

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Bugle Boy  
Builders Square  
Burlington Coat  
Chase Lincoln First Bank  
Cliffbank  
City Mattress  
Conagra  
Consolidated Stores  
Corning  
Club Foods  
Dansk  
Denny's  
Dress Barn  
Drug Emporium  
Dunham's  
Dunkin' Donuts  
Eddie Bauer  
Edison Brothers Apparel  
EW. Wofblworth  
Fashion Bug  
Fabri-Centers of America  
Family Dollar Stores  
Fashion Factory  
Fay's Drugs  
Federal Express  
Fleet Bank  
Food Lion  
Freddy's  
Friendly's Ice Cream  
G.H. Bass  
Gap Stores  
General Electric  
General Mills / Olive Garden  
Gitano  
Goodyear  
Hancock Fabrics  
Hills Department Stores  
Hit or Miss  
Homestyle Buffet  
HomeBase  
Home Depot  
IBM  
Izod / Gant  
J.C. Penney  
K-Mart  
Key Bank of New York  
Kidco  
Kinney Shoe  
Kobacker Company  
Lane Bryant  
Lechters  
Levi Strauss  
Loehmann's  
London Fog  
M & T Bank  
Manufacturers Hanover  
Marine Midland Bank  
Melville  
National Auto  
Nautica  
Office Depot  
Office Max  
Old Country Buffet  
Pace Club  
Payless Shoe  
Pep-Boys  
Perkins  
Phar-Mor  
Phillips Van Heusen  
Pier 1 Imports  
Pizza Hut  
Polo / Ralph Lauren  
Ponderosa  
Price Chopper  
Reebok  
Revco  
Rite Aid  
Royal Doulton  
Sam's Wholesale Club  
Sara Lee  
Scrivner  
Sears Roebuck & Company  
Sherwin-Williams  
Shop Rite  
So-Fro Fabrics  
Sports Authority  
Staples  
Super Valu  
Taco Bell  
Tandy / Radio Shack  
Target  
Thriftway Markets  
T.J. Maxx  
Tops Markets  
Trans-World Records  
U.S. Shoe  
Video Factory  
Wal-Mart  
Walgreens

August 10, 1994

Mr. Thomas Adamczak  
Town of Cheektowaga  
Cheektowaga Town Hall  
Broadway and Union Road  
Cheektowaga, New York 14227

RE: **Union Consumer Square  
Phase 2  
Union Road Mitigation**

Dear Tom:

Since the inception of the subject project and throughout the approval process with the Town of Cheektowaga, Holiday-Union Associates has met with representatives from the Town Engineering Department, Building Department, Town Board, Planning Board, Traffic Safety Commission, Environmental Committee, Conservation Advisory Committee, neighborhood committees and the New York State Department of Transportation to discuss the proposed expansion of Union Consumer Square. In addition, H.U.A. retained the services of two professional Traffic Engineers at the Town's request.

As a result of this input and in an effort to improve the existing vehicular safety and to provide additional traffic movement relief at the intersection of Union Road and South Creek Drive, H.U.A. has committed to the following mitigation measures as delineated in EMS Consulting's letter of August 8, 1994 (copy attached) and EMS Consulting's letter of August 5, 1994 to the New York State Department of Transportation (copy attached):

- o Widen Union Road from McKesson Parkway, north to the existing M & T Bank driveway, including required transitioning to the existing Cheektowaga School driveway.
- o Reconfigure the existing traffic lanes, resulting in the creation of a center "fifth" lane for the left-turning traffic, in addition to the two southbound and northbound lanes.
- o Modify existing pavement markings and traffic signage.
- o Provide an additional left turn lane from the existing plaza southbound onto Union Road.

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Page 2  
Mr. Tom Adamczak  
August 10, 1994

As a condition to these mitigation measures, H.U.A. requests termination of the September 12, 1992 agreement between the town of Cheektowaga, Holiday Union Associates and the New York State Department of Transportation regarding the Phase III Improvements to Union Road and to apply the remaining funds (\$71,999.77), to the mitigation measures.

In closing, it should be noted that the mitigation measures aforementioned are to be considered interim improvements, providing a transition to the 1998 New York State Department of Transportation project on Union Road. The '98 Project will be designed to alleviate the existing traffic congestion problems on Union Road, created by normal traffic growth and numerous local developments.

Please feel free to contact me if you should have any questions or comments regarding this matter.

Sincerely,

Michael Yeomans

**HOLIDAY-UNION ASSOCIATES**

cc: Thomas Johnson, Town Councilman  
Chet Bryant, Town Engineer  
Dennis Gabryszak, Town Supervisor  
James Smith, EMS Consulting  
Randall Benderson, H.U.A.  
Timothy Morgan, H.U.A.  
File

pctm013



ENGINEERING · MANAGEMENT · SURVEYS

1863 Clinton Street, Buffalo, New York 14206, (716) 822-1007

August 8, 1994

Mr. Thomas Adamczyk  
Building Inspector  
Town of Cheektowaga  
Town Hall  
3301 Broadway  
Cheektowaga, New York 14227

RE: Mitigating Traffic Improvements  
Traffic Impact Analysis  
Union Consumer Square Expansion  
3755 Union Road  
Town of Cheektowaga

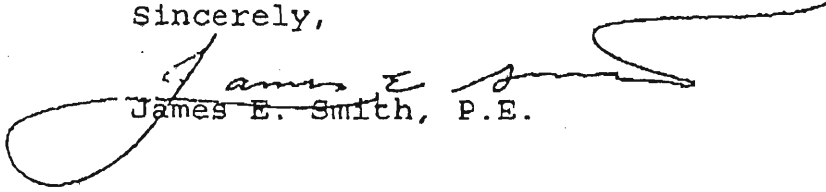
Dear Mr. Adamczyk:

The letter to you from the NYSDOT dated July 7, 1994 outlined the September 18, 1992 agreement between the Town of Cheektowaga, the Holiday-Union Associates, and the NYSDOT regarding Phase III improvements to Union Road. The letter also stated that the NYSDOT will cooperate in reviewing any proposed interim improvements to Union Road if the Town and Holiday-Union Associates agree to terminate the agreement.

A meeting was held between Councilman Tom Johnson and the Holiday-Union Associates on July 19, 1994. Councilman Johnson and Mr. Randall Benderson, representing Holiday-Union Associates, agreed to terminate the agreement and apply the funds remaining from Phase I & Phase II of the project (\$71,999.77) to interim improvements on Union Road. The interim improvements would provide a transition to the 1998 project on Union Road scheduled by the NYSDOT. The interim project would add to the vehicular safety as well as provide additional traffic movement relief at the intersection of Union Road and South Creek Drive. The 1998 NYSDOT project will be designed to alleviate the existing traffic congestion problems created by normal traffic growth and the numerous development in the area.

Please contact me if you require any further information or explanation.

Sincerely,

  
James E. Smith, P.E.

JES/ks

cc: Tim Morgan, Benderson Development  
Tom Johnson, Town Councilman  
Chet Bryan, Town Engineer



ENGINEERING · MANAGEMENT · SURVEYS  
1863 Clinton Street, Buffalo, New York 14206; (716) 822-1007

August 5, 1994

Mr. E. J. Nowicki, P.E.  
Planning & Program Manager  
New York State Department of Transportation  
125 Main Street  
Buffalo, New York 14203

RE: Response to Review Comments  
Traffic Impact Analysis  
Union Consumer Square Expansion  
3755 Union Road  
Town of Cheektowaga

Dear Mr. Nowicki:

The following is in response to your comments to Thomas Adamczak dated July 7, 1994 on the subject Traffic Impact study report.

General

Your letter outlined the September 18, 1992 agreement between the Town of Cheektowaga, the Holiday-Union Associates, and the NYSDOT regarding Phase III improvements to Union Road. The letter also stated that the NYSDOT will cooperate in reviewing any proposed interim improvements to Union Road if the Town and Holiday-Union Associates agree to terminate the agreement.

A meeting was held between Councilman Tom Johnson and the Holiday-Union Associates on July 19, 1994. Councilman Johnson and Mr. Randall Benderson, representing Holiday-Union Associates, agreed to terminate the agreement and apply the funds remaining from Phase I & Phase II of the project (\$71,999.77) to interim improvements on Union Road. The interim improvements would provide a transition to the 1998 project on Union Road scheduled by the NYSDOT. The interim project would add to the vehicular safety as well as provide additional traffic movement relief at the intersection of Union Road and South Creek Drive. The 1998 NYSDOT project will be designed to alleviate the existing traffic congestion problems created by normal traffic growth and the numerous development in the area.

Mr. Nowicki  
August 5, 1994  
Page 2 of 3

A meeting was held between EMS Consulting and NYSDOT Traffic and Safety Division staff on July 5, 1994 to discuss design standards if Union Road were widened to 5 lanes at this time as an interim improvement. The standards required for Phase III in 1992 were for what was considered to be permanent improvements since a NYSDOT project was not programmed at the time. Now that a project is scheduled for 1998, it was indicated that the standards can be relaxed somewhat. The following would be the minimum improvements:

1. The curb line would have to be moved back about two feet on the west side of Union Road from McKesson Parkway north to the Bank Driveway as previously included in Project Phase III.
2. Provisions for pedestrian traffic would only be required on the east side of Union Road. The width of the bridge over Scajaquada Creek is approximately 68.3 feet between curbs. The road lane configuration would therefore be the following from west to east on the bridge.

A 14 foot outside southbound through traffic lane adjacent to the existing west curb line, a 11 foot through traffic lane southbound, a 10 foot center lane for left turning traffic, a 11 foot northbound through traffic lane, and a 12 foot northbound through traffic lane.

This lane configuration would retain the existing 10 foot shoulder area for pedestrian traffic on the east side of the bridge.

3. The existing bridge railing would remain. Extra wide 20 inch thrie beam corrugated guide rail would be installed across the bridge on the west side to reinforce the existing bridge rail.
4. The lane configuration on the bridge described in item 2 above would be continued south to the Dick's Plaza driveway and Cheektowaga School driveway intersection. Concrete curb would be installed on the west side from the bridge curb south to the School driveway. No sidewalk would be required on the west side of Union Road off the bridge. Corrugated beam guide rail would be required about 1 foot behind the curb both north of the bridge to McKesson Parkway and south of the bridge to the School driveway. A closed drainage system would be provided on the west side as included in Project Phase III.
5. The pavement widening would be transitioned and an the 8 foot shoulder constructed south of Cheektowaga School driveway on the west side of Union Road in about 450 feet.

Mr. Nowicki  
August 5, 1994  
Page 3 of 3

6. There would not be any work required on the east side of Union Road. Pedestrians would use the existing paved shoulder.
7. No work would be required on South Creek Drive.
8. A traffic signal would not be approved at this time.
9. It would not be necessary to overlay the existing pavement as required in Project Phase III. The pavement would be only widened on the west side about 10 feet.
10. Signs and pavement markings would have to be modified accordingly.

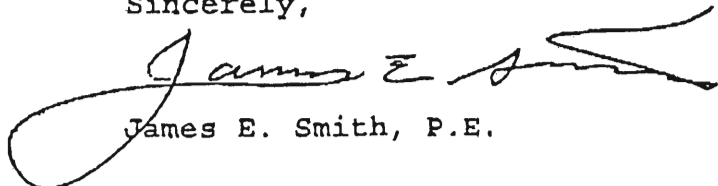
Holiday-Union Associates is in agreement with these interim improvements.

Union Consumer Square

Councilman Johnson and the Holiday-Union Associates expressed agreement with comments contained in your letter with the following exceptions. Councilman Johnson will require that the interim improvements on Union Road be implemented rather than providing access to South Creek Drive.

Please contact me if you require any further information or explanation.

Sincerely,



James E. Smith, P.E.

JES/ks

cc: Tim Morgan, Benderson Development  
Tom Johnson, Town Councilman  
Chet Bryan, Town Engineer  
Tom Adamczak, Town or Cheektowaga

NO. 17

NO. 18

NO. 19

Item No. 4d 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, an application was submitted by Louis Pease/Raw Energy Fitness Centers to rezone from M1-Light Manufacturing to CM-General Commercial property, located at 2550 Walden Avenue, and

WHEREAS, the Advisory Committee, held meetings to discuss the proposal, and at the meeting held on June 28, 1994, rendered the determination shown on the attached memorandum, dated June 29, 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, issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

EAC - June 28, 1993

June 29, 1994

Page: 2

The applicant indicated that he would be installing bumper blocks to prevent access between the private driveway leading to the garage and the customer parking that has access to Transit Road. Signs will also be installed directing customers to use the parking lot off of Transit Road.

The applicant indicated that a revised plan would be submitted for review at the next EAC meeting and final recommendations will be made at that time. Because the applicant has time constraints on his mortgage commitment, we would recommend that the Town Board call a public hearing at their next meeting so that a public hearing can be held and at that time final recommendations from the EAC will be available.

ITEM II                    2550 Walden Avenue                    -                    Proposed Rezoning M1 to CM

Applicant:                    Louis Pease, Jr.

The proposal is to convert the former Toyota dealership into an indoor roller blade/floor hockey rink with a gymnasium/exercise facility in the front. The Conservation Advisory Council and Traffic Safety Commission have reviewed the proposal and their comments are attached.

The applicant is committed to installing signs at Walden Avenue indicating entrance and exit for the one-way driveways and they will be installing landscaping at the Northwest corner of the property. The corner is visible from the Flea Market and the landscaping will help screen their parking area.

The Planning Board has approved the landscaping plan for the property.

The applicant has indicated that a firm is being retained to remove an underground tank that was located on the site and will perform any other necessary cleanup.

The committee is recommending that the Town Board issue a Negative Declaration for the project since the proposed use will be compatible with existing uses in the area. The applicant has committed to making the changes suggested by the various reviewing groups.

ITEM III                    Union and Old Union Road                    -                    Proposed Incubator Industrial Park

Applicant:                    Frank Wailand

This item had been tabled for a number of months pending a submission to the NYSDOT of a traffic study by the developer. This has been completed and the DOT has commented on the study. They agreed that two driveways are recommended for the site allowing access to both Union Road and Old Union Road.

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

WHEREAS, Louis Pease/Raw Energy Fitness Center has petitioned for the rezoning from M1-Light Manufacturing to CM-General Commercial of property owned by John J. Maroone and located at 2550 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 18th day of July, 1994 at 6:30 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 Negative Declaration for this proposal, NOW, THEREFORE, BE IT

RESOLVED, that the application of Louis Pease/Raw Energy Fitness Center for the rezoning from M1-Light Manufacturing to CM-General Commercial of the property specified in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED that the Zoning Map and 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



5

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

COMMENCING at a point in the north line of Walden Avenue Extension distant 308.18 feet easterly from the intersection of the north line of Walden Avenue Extension with the west line of lands conveyed to Buffalo Realty Corporation by deed dated August 16, 1954 and recorded in the Erie County Clerk's Office in Liber 5583 of Deeds at page 131; thence easterly along the north line of Walden Avenue Extension 200 feet to the west line of lands conveyed to L. J. Lewis by deed dated August 23, 1883 and recorded in the Erie County Clerk's Office in Liber 262 of Deeds at page 210; thence northerly along the west line of said lands conveyed to Lewis and parallel with the west line of said lands conveyed to Buffalo Realty Corporation, 425.20 feet; thence westerly at right angles to the last described line, 197.32 feet; thence southerly parallel with the west line of said lands conveyed to Buffalo Realty Corporation 457.84 feet to the place of beginning.

THIS CONVEYANCE is made and accepted subject to an easement granted to the County of Erie, New York, by an instrument recorded in the office of the Clerk of the County of Erie, New York, in Liber 5268 of Deeds at page 133 on February 4, 1953.

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

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 15th day of August, 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 Blachowski seconded by Councilman Johnson

WHEREAS, Louis Pease/Raw Energy Fitness Center has petitioned for the rezoning from M1-Light Manufacturing to CM-General Commercial of Property owned by John J. Maroone and located at 2550 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 18th day of July, 1994 at 6:30 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 Negative Declaration for this proposal, NOW, THEREFORE, BE IT

RESOLVED that the application of Louis Pease/Raw Energy Fitness Center for the rezoning from M1-Light Manufacturing to CM-General Commercial of the property specified in the attached legal description be and the same is hereby approved, AND BE IT FURTHER

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

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

COMMENCING at a point in the north line of Walden Avenue Extension distant 306.18 feet easterly from the intersection of the north line of Walden Avenue Extension with the west line of lands conveyed to Buffalo Realty Corporation by deed dated August 16, 1954 and recorded in the Erie County Clerk's Office in Liber 5583 of Deeds at page 131; thence easterly along the north line of Walden Avenue Extension 200 feet to the west line of lands conveyed to L.J. Lewis by deed dated August 23, 1866 and recorded in the Erie County Clerk's Office in Liber 262 of Deeds at page 210; thence northerly along the west line of said lands conveyed to Lewis and parallel with the west line of said lands conveyed to Buffalo Realty Corporation, 425.20 feet; thence westerly at right angles to the last described line, 197.32 feet; thence southerly parallel with the west line of said lands conveyed to Buffalo Realty Corporation 457.84 feet to the place of beginning.

THIS CONVEYANCE is made and accepted subject to an easement granted to the County of Erie, New York, in Liber 5268 of Deeds at page 133 on February 4, 1953.

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

PUBLISH: August 18, 1994

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clerk* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for *1* weeks: first publication *8-25-94*; last publication .....; and that no more than six days intervened between publications.

*Kathleen Keicher*  
 25

Sworn to before me this ..... day of *August*, 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  
 NY 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 15th day of August, 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 Blachowski seconded by Councilman Johnson

WHEREAS, Louis Pease/Raw Energy Fitness Center has petitioned for the rezoning from M1-Light Manufacturing to CM-General Commercial of Property owned by John J. Maroone and located at 2550 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 18th day of July, 1994 at 6:30 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 Negative Declaration for this proposal, NOW, THEREFORE, BE IT

RESOLVED that the application of Louis Pease/Raw Energy Fitness Center for the rezoning from M1-Light Manufacturing to CM-General Commercial of the property specified in the attached legal description be and the same is hereby approved, AND BE IT FURTHER

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

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

COMMENCING at a point in the north line of Walden Avenue Extension distant 306.18 feet easterly from the intersection of the north line of Walden Avenue Extension with the west line of lands conveyed to Buffalo Realty Corporation by deed dated August 16, 1954 and recorded in the Erie County Clerk's Office in Liber 5583 of Deeds at page 131; thence easterly along the north line of Walden Avenue Extension 200 feet to the west line of lands conveyed to L.J. Lewis by deed dated August 23, 1866 and recorded in the Erie County Clerk's Office in Liber 262 of Deeds at page 210; thence northerly along the west line of said lands conveyed to Lewis and parallel with the west line of said lands conveyed to Buffalo Realty Corporation, 425.20 feet; thence westerly at right angles to the last described line, 197.32 feet; thence southerly parallel with the west line of said lands conveyed to Buffalo Realty Corporation 457.84 feet to the place of beginning.

THIS CONVEYANCE is made and accepted subject to an easement granted to the County of Erie, New York, in Liber 5268 of Deeds at page 133 on February 4, 1953.

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

PUBLISH: August 18, 1994

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

*Kathleen Keicher*, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is *Clerk* of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for *1* weeks: first publication *8-25-94*; last publication; and that no more than six days intervened between publications.

*Kathleen Keicher*

Sworn to before me this *25*

day of *August*, 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. 6 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, this Town Board held a public hearing on July 18, 1994 and on August 15, 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

Section 76-101. All-night parking shall be amended by adding thereto the following after "Marc Lane":

Pine Ridge Terrace

Section 76-102 Parking prohibited in designated locations shall be amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD                      west side                      from the south curblin of Huth Road  
to the west curblin of Heather Road

Section 76-102 Parking prohibited in designated locations shall be amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD                      west side                      from the south curblin of Huth Road  
to the west curblin of Heather  
Road, excepting that portion of  
Gardenvale Road which directly abuts  
Nos. 89, 93, 99, and 105 Gardenvale  
Road

F. Miscellaneous parking signs

(6) No standing anytime

WILLIAM STREET                      north side                      from the west curblin of Union Road  
to the east curblin of Ceil Drive  
extended

WILLIAM STREET                      south side                      from the west curblin of Union Road  
to the east curblin of Ceil Drive

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.

Item No. 6 cont'd

(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 15th day of August, 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 Supervisor Gabryszak

WHEREAS, this Town Board held a public hearing on July 18, 1994 and on August 15, 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

Section 76 -101. All-night parking shall be amended by adding thereto the following after "Marc Lane":

Pine Ridge Terrace

Section 76-102. Parking prohibited in designated locations shall be amended by deleting therefrom the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD - West side - from the south curblin of Huth Road to the west curblin of Heather Road

Section 76-102 Parking prohibited in designated locations shall be amended by adding thereto the following:

The parking of vehicles is hereby prohibited in any of the following locations:

A. No parking this side or one-side parking

GARDENVALE ROAD - West side - from the south curblin of Huth Road to the west curblin of Heather Road, excepting that portion of Gardenvale Road which directly abuts Nos. 89, 93, 99 and 105 Gardenvale Road

F. Miscellaneous parking signs

(6) No standing anytime

WILLIAM STREET - North side - from the west curblin of Union Road to the east curblin of Ceil Drive extended.

WILLIAM STREET - South side - from the west curblin of Union Road to the east curblin of Ceil Drive.

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 August 15, 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. 6, 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 15th day of August, 1994.

RICHARD M. MOLESKI Town Clerk

PUBLISH: August 18, 1994

STATE OF NEW YORK COUNTY OF ERIE TOWN OF CHEEKTOWAGA

ss.

Kathleen J. Keicher, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication 8-25-94; last publication; and that no more than six days intervened between publications.

Kathleen J. Keicher

Sworn to before me this 25 day of August, 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

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 August 15, 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. 6, 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 15th day of August, 1994.

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 18, 1994

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

*Kathleen J. Keicher*, 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 *8-25-94* ;  
last publication ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen J. Keicher*

Sworn to before me this *25*

day of *August*, 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

NO. 17

NO. 18

NO. 19

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

WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga (Environmental Impact Review Ordinance"), and

WHEREAS, the Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, and

WHEREAS, this Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Environmental Impact Review Ordinance and gave due notice thereof as required by law, and

WHEREAS, a public hearing on said proposed amendment was duly held by this Town Board in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York on the 15th day of August, 1994 at 6:45 P.M.; at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, and

WHEREAS, it is in the public interest to amend the Environmental Impact Review Ordinance as set forth below, NOW, THEREFORE, BE IT

RESOLVED, that the Environmental Impact Review Ordinance be and the same is amended and changed as follows:

RESOLVED that Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee. Every EAF shall be accompanied by the following respective fee to defray expenses:

- |                    |          |
|--------------------|----------|
| a. Unlisted Action | \$200.00 |
| b. Type I Action   | \$500.00 |

and BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 15, 1994; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED, that the aforementioned change to the Environmental Impact Review Ordinance of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said change shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

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 15th day of August, 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 Blachowski seconded by Councilman Jaworowicz WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance"), AND WHEREAS, the Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, AND WHEREAS, THIS Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Environmental Impact Review Ordinance and gave due notice thereof as required by law, AND

WHEREAS, a public hearing on said proposed amendment was duly held by this Town Board in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York on the 15th day of August, 1994 at 6:45 P.M.; at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, AND

WHEREAS, it is in the public interest to amend the Environmental Impact Review Ordinance as set forth below, AND

NOW, THEREFORE, BE IT RESOLVED that the Environmental Impact Review Ordinance be and the same hereby is amended and change as follows:

RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee. Every EAF shall be accompanied by the following respective fee to defray expenses:

- a. Unlisted Action \$200.00 b. Type I Action \$500.00

AND

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 15, 1994; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned change to the Environmental Impact Review Ordinance of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said change shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

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

PUBLISH: August 18, 1994

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

Kathleen Keicher, of the town of Cheektowaga, in said County of Erie, being duly sworn, deposes and says that he (she) is Clerk of the Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication 8-25-94; last publication; and that no more than six days intervened between publications.

Kathleen Keicher

Sworn to before me this 25

day of August, 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 15th day of August, 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 Blachowski seconded by Councilman Jaworowicz WHEREAS, on August 27, 1979, the Town of Cheektowaga adopted Chapter 23A of the Code of the Town of Cheektowaga ("Environmental Impact Review Ordinance"), AND

WHEREAS, the Building and Plumbing Inspector has recommended that certain provisions of such Environmental Impact Review Ordinance be amended, AND

WHEREAS, THIS Town Board duly called a public hearing to consider the advisability of adopting said recommended changes to the said Environmental Impact Review Ordinance and gave due notice thereof as required by law, AND

WHEREAS, a public hearing on said proposed amendment was duly held by this Town Board in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York on the 15th day of August, 1994 at 6:45 P.M.; at which hearing all parties in interest and citizens had an opportunity to be heard and were heard, AND

WHEREAS, it is in the public interest to amend the Environmental Impact Review Ordinance as set forth below, AND

NOW, THEREFORE, BE IT RESOLVED that the Environmental Impact Review Ordinance be and the same hereby is amended and change as follows:

RESOLVED THAT Section 23A-10, Application fee, shall be deleted and a new Section 23A-10, which reads as follows, shall be enacted in its place:

Section 23A-10. Application fee. Every EAF shall be accompanied by the following respective fee to defray expenses:  
a. Unlisted Action \$200.00  
b. Type I Action \$500.00  
AND

BE IT FURTHER RESOLVED, that a copy of this Resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 15, 1994; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein; and the affidavit of such publication shall be filed with the Town Clerk.

The aforementioned change to the Environmental Impact Review Ordinance of the Town of Cheektowaga, New York shall take effect ten (10) days after such publication, but said change shall take effect from the date of their service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of their passage and entry into the minutes.

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

PUBLISH: August 18, 1994

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

*Kathleen Keicher*, 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 *8-25-94* ;  
last publication ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this *25*

day of *August*, 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. 8 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

BE IT RESOLVED that a public hearing on proposed amendments to Chapter 76 of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on September 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 18th day of August, 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 September 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 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>Location</u>	<u>Sign</u>
Crestview Ave.	North-south	Kuhn Road	Eastbound	Southwest corner	
Kuhn Road	East-west	Crestview	Northbound	Southeast 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

FRANTZEN TERRACE	south side	from the west curblineline of Zeller Lane westerly to a point 85 feet + west of the west curblineline of Zeller Lane.
------------------	------------	---

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

Dated: August 15, 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 } ss.  
TOWN OF CHEEKTOWAGA }

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

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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: Crestview Ave. DIRECTION: North-South ENTRANCE STREET: Kuhn Rd. TRAFFIC STOPS: Eastbound SIGN LOCATION: Southwest Corner

STREET: Kuhn Rd. DIRECTION: East-West ENTRANCE STREET: Crestview TRAFFIC STOPS: Northbound SIGN LOCATION: Southeast 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

FRANTZEN TERRACE - southside - from the west curbline of Zeller Lane westerly to a point 85 feet +/- west of the west curbline of Zeller Lane.

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

Dated: August 15, 1994

RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 18, 1994

*Kathleen Keicher* 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 *8-25-94* ;  
last publication ..... ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this *25*

day of *August*, 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*

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, corner of Broadway and Union Road, in said Town of Cheektowaga on September 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 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:** Crestview Ave. **DI-RECTION:** North-South **EN-TRANCE STREET:** Kuhn Rd. **TRAFFIC STOPS:** Eastbound **SIGN LOCATION:** Southwest Corner

**STREET:** Kuhn Rd. **DIREC-TION:** East-West **ENTRANCE STREET:** Crestview **TRAFFIC STOPS:** Northbound **SIGN LOCA-TION:** Southeast 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**

**FRANTZEN TERRACE** - south-side - from the west curblin of Zeller Lane westerly to a point 85 feet +/- west of the west curblin of Zeller Lane.

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

Dated: August 15, 1994

**RICHARD M. MOLESKI**  
Town Clerk

**PUBLISH: August 18, 1994**

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

*Kathleen Keicher*, 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 *8-25-94* ;  
last publication ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this *25*

day of *August*, 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 *15*

Item No. 9 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, sealed bid proposals were received by the Cheektowaga Town Clerk on August 10, 1994 for Cheektowaga Parks New Playstructures at Hanley, Orchard and Raymond Parks, and

WHEREAS, Darryl L. Jones, RLA and the Facilities Department Director have reviewed the bid proposal submitted for compliance with the terms of the projects, plans and specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby awards Cheektowaga Parks New Playstructures at Hanley, Orchard and Raymond Parks to:

Birchgrove Landscaping, Inc.  
P.O. Box 117  
East Aurora, New York 14052

Base Bid	\$ 99,415.00
Alternate No. 2 (Additional Surfacing under existing playstructure at Hanley Park)	\$ 3,064.00
Alternate No. 8 (Additional surfacing under existing playstructure at Raymond Park)	\$ 4,897.00
Total Bid Proposal w/Alternates:	\$107,376.00

and BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Accounts #5402.7110.9506, #5907.7110.1203, 5629.7110.0095 and Facilities Department Account #0100.7110.4000.4458.

Upon Roll Call....

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

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

WHEREAS, by resolution passed on February 28, 1994, this Town Board adopted certain policies on the issuance of permits for picnic shelters in town parks, and

WHEREAS, paragraph G of the adopted policies, entitled "Fundraising Ventures", prohibits political parties and candidates for public office from using picnic shelters for raising funds for political purposes, and

WHEREAS, the New York Civil Liberties Union, at the behest of the Cheektowaga Republican Party, has questioned the constitutionality of the above-stated policy, and

WHEREAS, even if the above-stated policy is repealed, town lands may not be used for the sale of food and/or beverage except where the Town Board first grants permission or consent after a public hearing, as provided in Section 64 (7) of the Town Law, NOW, THEREFORE, BE IT

RESOLVED, that subdivision 1 of paragraph G of the Shelter Permit Policy be and the same is hereby repealed.

Upon Roll Call....

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

Item No. 11 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, the Niagara Frontier Transportation Authority ("NFTA") is in the process of constructing a Transit Center at the Appletree Business Park to improve transit operations within the Niagara Frontier, and

WHEREAS, this project is required to follow procedures established under the State Environmental Quality Review Act ("SEQRA"), including the solicitation of comments and input from the Town of Cheektowaga, and

WHEREAS, residents along Bennett Road and the Town Building Inspections Department have some concerns about the location of this Transit Center with respect to setbacks from Bennett Road under the Town Zoning Law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby petitions the NFTA to cease work on its Transit Center at the Appletree Business Park to comply with all provisions of the Town Zoning Law and to consider moving such Transit Center farther from Bennett Road, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to the NFTA.

Upon Roll Call....

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

Item No. 12 Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated August 16, 1993, this Town Board retained Foit-Albert Associates to provide architectural and engineering services for the proposed Losson Road/Julia Reinstein Library, and

WHEREAS, Foit-Albert Associates has prepared the construction documents consisting of drawings and specifications for this proposed library building, and has submitted same to this Town Board for approval, and

WHEREAS, the latest preliminary estimate of the construction cost for this library, as prepared by Foit-Albert Associates is \$2,110,904.00, and

WHEREAS, the Town Engineer has reviewed the construction documents for the proposed library and finds same acceptable subject to further review of the HVAC system, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the construction documents and latest preliminary estimate of construction cost, as prepared by Foit-Albert Associates, subject to final approval of the HVAC system by the Town Engineer, all in accord with the terms of the agreement with Foit-Albert Associates.

Upon Roll Call....

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

Item No. 13 Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated July 18, 1994, this Town Board directed the owners of property along Union Road from McKesson Parkway to George Urban Boulevard on the west side and from South Creek Drive to Orchard Place on the east side to install sidewalks in front of their properties, and

WHEREAS, if such property owners elect not to erect such sidewalks on or before August 22, 1994, the Town would erect such sidewalks and assess the cost thereof on the tax bills for the property owners, and

Item No. 13 cont'd

WHEREAS, Section 200-a of the Town Law provides that the Town may assess the expense of such sidewalk installation in five or less annual installments, and

WHEREAS, the notification letter accompanying the Town Board resolution which was sent to owners of property along Union Road stated that the owners would be given only two years to pay for these sidewalks, and

WHEREAS, the Board wishes to allow the owners of property along Union Road five years to pay for such sidewalks, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned July 18, 1994 resolution be and hereby is amended to provide that, should the Town install sidewalks along the designated portion of Union Road, the owners of such property will be assessed the expense thereof in five annual installments (with interest at 6%), and BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of this resolution by certified mail to each owner of property along the aforementioned portion of Union Road.

Upon Roll Call....

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

Item No. 14a Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz

WHEREAS, by resolution dated July 18, 1994, this Town Board authorized the Supervisor to execute an agreement with Henry M. and Arlene Fronckowiak relating to the erection of a fence near the Stiglmeier Park/Parkside Village boundary, and

WHEREAS, Henry M. and Arlene Fronckowiak revised said agreement to clarify maintenance and ownership rights, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached revised agreement with Henry M. and Arlene Fronckowiak.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT



AGREEMENT

THIS AGREEMENT made and entered into as of the 29<sup>th</sup> day of July, 1994 by and between TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a domestic municipal corporation having its principal place of business at 3301 Broadway in the Town of Cheektowaga, County of Erie and State of New York ("Town"); and HENRY M. FRONCKOWIAK and ARLENE FRONCKOWIAK, residing at East Aurora, New York ("Fronckowiaks")

WITNESSETH

WHEREAS, the Town is the owner of property known as John C. Stiglmeier Park located on Losson Road in the Town of Cheektowaga, County of Erie and State of New York (hereinafter "Stiglmeier Park"), and

WHEREAS, the Fronckowiaks are the owners of a mobile home park known as Parkside Village located on Crabapple Lane adjacent to Stiglmeier Park, and

WHEREAS, a berm and landscaping located in Stiglmeier Park separate Stiglmeier Park from Parkside Village, and

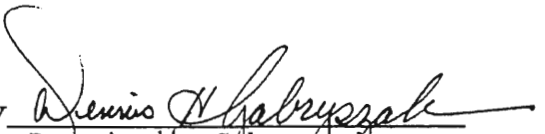
WHEREAS, the Fronckowiaks have offered to erect a six-foot-high vinyl-coated chain link fence at the foot of the aforementioned berm near the Parkside Village property line to discourage trespassers into Stiglmeier Park and Parkside Village,

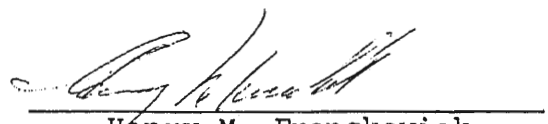
NOW, THEREFORE, in consideration of the premises and the mutual agreements hereinafter set forth, the parties hereto agree as follows:

1. The Fronckowiaks shall erect or cause to be erected a six-foot high vinyl-coated chain link fence at the foot of the berm in Stiglmeier Park. Such fence shall be erected as close as possible to the Parkside Village property.
2. Such fence installation shall be done under the supervision of the Director of the Facilities Department of the Town.
3. After fence installation is completed by the Fronckowiaks, the Fronckowiaks shall transfer ownership of such fence to the Town. Such ownership shall continue as long as the fence remains in place. Should the Town decide at some future date to move the fence for any reason, the Town would then, at its' own expense, move the fence to the property line of the Fronckowiaks', and ownership would then revert back to the Fronckowiaks. This agreement shall remain in force between the Town and any future owners of Parkside Village, should the property ever be sold by the Fronckowiaks.
4. The Fronckowiaks/ owners of Parkside Village shall maintain the Town-owned property located on the berm side of the fence by cutting the grass, weeds, etc. thereon.
5. The Town shall have no obligation or duty to maintain or repair the fence. Such repair and maintenance costs shall be borne by the owners of Parkside Village, and it is further understood that only employees of Parkside Village shall have authority to perform any needed maintenance.

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

TOWN OF CHEEKTOWAGA

By   
Dennis H. Gabryszak

  
Henry M. Fronckowiak

  
Arlene Fronckowiak

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

WHEREAS, the Town of Cheektowaga Youth and Recreational Services Department will be sponsoring the Haunted Forest in Stiglmeier Park October 18-20, and

WHEREAS, Key Bank of New York encourages employees to volunteer in worthwhile community endeavors, and

WHEREAS, employees of the local Key Bank wish to assist the Town in making preparations for the Haunted Forest, and

WHEREAS, Key Bank of New York has requested that the Town approve and execute the attached Service Organization Release and Talent Authorization and Release forms, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Service Organization Release and Talent Authorization and Release forms.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

SERVICE ORGANIZATION RELEASE

This Service Organization Release is given to Key Bank of New York ("Key Bank"), with an office at \_\_\_\_\_ by Town of Cheektowaga Youth + Recreation Dept. ("Service Organization"), with an office at 275 Alexander Ave; Cheektowaga, NY according to the following terms and conditions.

RECITALS:

WHEREAS, Key Bank has encouraged its employees to contribute their time to certain charitable and public benefit purposes, and many employees have agreed to volunteer for such services, and

WHEREAS, Key Bank is agreeable to allow such employees ("Employees") to provide such services during certain limited business hours in order to enhance the opportunity for its Employees to provide this public service, and Key Bank has requested this release relative to its objective to allow these Employees to participate in the program "Neighbors Make The Difference" for the period of Sept. 14th 1 pm to 5:00 pm ("Program").

RELEASE

1. Key Bank has offered Employees the opportunity to volunteer to perform public service work for Neighbors Make The Difference, without loss of pay. Service Organization is responsible for any applicable screening process of volunteers. This program is completely voluntary.

2. Service Organization acknowledges that the Employees are not participating in the Program as employees or agents of Key Bank, and Service Organization understands that Key Bank assumes no liability or responsibility for specific actions of the Employees participating in the Program, and Service Organization specifically releases Key Bank, its subsidiaries and affiliates, and all of their directors, officers, employees, agents, successors and assigns from any claim or loss relative to the actions of said Employees during such participation. This Release includes acts of negligence, as well as any intentional acts or acts of omission. Service Organization agrees that it will not initiate any cause of action against Key Bank, its subsidiaries or affiliates, or any of their directors, officers, employees, agents, successors and assigns.

3. Service Organization acknowledges that Key Bank is not contracting or agreeing to provide any specific number of Employees of any particular type or skill, or agreeing to provide any Employees for any particular period of time.

4. Service Organization shall indemnify and hold harmless Key Bank, its subsidiaries and/or affiliated corporations, and all of their directors, officers, employees, agents, successors and assigns from any costs, liabilities, and damages to any person or property, real or personal, resulting from the Employees' participation in the Program. All indemnities in this Release by Service Organization shall include the legal fees, court costs, appeal costs, and related litigation expenses.

5. All provisions of this Agreement shall bind assigns and successors in interest of Service Organization.

SERVICE ORGANIZATION:

DATE:

Town of Cheektowaga  
By: [Signature]

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

WHEREAS, the Town Board is committed to pursuing economic development activities in order to preserve existing jobs, create new employment opportunities for Town residents and increase the Town's property tax base, and

WHEREAS, in accordance with these goals, the Town created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development and growth in the Town, and

WHEREAS, use of Community Development Block Grant funds has been approved by the Department of Housing and Urban Development for economic Development activities in the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with the Cheektowaga Economic Development Corporation for the purpose of allocating Community Development Block Grant funds to that agency for the 1994-95 program year in an amount of up to \$175,400, which includes \$75,000 from the 1994-95 program year and \$100,400 from the 1992-93 program years.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga has previously provided assistance for housing rehabilitation under the Rental Rehabilitation Grant Program to Mr. Eugene Jason for property located at 28 Glenwood Court, 4 Trent Square and 56 Windwood Court, and

WHEREAS, the Town has retained programmatic liens on said properties in order to secure compliance with federal regulations and grant conditions, and

WHEREAS, Eugene Jason has requested the Town to subordinate its liens on said properties to M & T Bank, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute the attached Subordination Agreement relating to 28 Glenwood Court, 4 Trent Square and 56 Windwood Court.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

CONSULT YOUR LAWYER BEFORE SIGNING THIS FORM—THIS FORM SHOULD BE USED BY LAWYERS ONLY.

# Subordination Agreement

Date July 15, 1994

The parties agree as follows:

**Parties**

Holder of the Existing Mortgage (Holder) **TOWN OF CHEEKTOWAGA**

Address 3223 Union Road, Cheektowaga, New York 14227

Mortgagee in the New Mortgage (Mortgagee) **MANUFACTURERS AND TRADERS TRUST COMPANY**

Address One M & T Plaza, Buffalo, New York, 14203

**The Property**

1. The Property is described as follows:

ALL THAT PLOT OF LAND, situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number twenty-six (26), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number one hundred eighty-eight (188) as shown on a map filed in the Erie County Clerk's Office under Cover Number 1684.

(28 A-E Glenwood)

See additional listed properties in Schedule A attached hereto and made a part hereof.

Existing Mortgage

2. The Holder now owns and holds the following mortgage and the bond or note which it secures:

Mortgage dated August 9 1988 made by Eugene Jason

to The Town of Cheektowaga

in the amount of \$ 12,500.00 and recorded in liber 10421 of section of Mortgages, page 208 in the office of the Erie County Clerk AND ALSO, Mortgage dated April 13, 1989 made by Eugene Jason to The Town of Cheektowaga, in the amount of \$25,000.00 and recorded in Lib er 10505 of Mortgages at page 489 in the Office of the Erie County Clerk.

(28 A-E Glenwood) See additional listed properties in Schedule A attached hereto and made a part hereof.

covering all or part of the Property.

New Mortgage Description of Property Subordination

3. The owner of the Property is about to sign and deliver to Mortgagee, a New Mortgage to secure the amount of Three Million and 00/100 - - - - - Dollars (\$3,000,000.00 ) and interest, covering the Property. The Property is more fully described in the New Mortgage.

4. The Mortgagee will not accept the New Mortgage unless the Existing Mortgage is subordinated to it. In exchange for \$1.00 and other good and valuable consideration and to induce Mortgagee to accept the New Mortgage, the Holder agrees to subordinate the lien of the Existing Mortgage to the lien of the New Mortgage.

The Existing Mortgage lien shall be subordinated in the amount secured by the New Mortgage, interest and advances already paid and to be paid in the future under the New Mortgage. Examples of the advances are brokerage commissions, fees for making the loan, mortgage recording tax, documentary stamps, fee for examination of title and surveys. Advances may be paid without notice to Holder. The maximum amount of the lien of the Existing Mortgage that is subordinated is the amount secured by the New Mortgage and interest.

This Subordination Agreement shall apply to any extension, renewal or modification of the New Mortgage.

No oral changes

5. This Agreement cannot be changed or ended except in writing signed by Holder and Mortgagee.

Who is bound

6. If there are more than one Holder each shall be separately liable. The words "Holder" and "Mortgagee" shall include their heirs, executors, administrators, successors and assigns. If there are more than one Holder or Mortgagee the words "Holder" and "Mortgagee" used in this Agreement includes them.

Signatures

Holder states that Holder has read this Subordination Agreement, received a completely filled in copy of it and has signed this Subordination Agreement as of the date at the top of the first page.

WITNESS

HOLDER THE TOWN OF CHEEKTOWAGA

BY. *Eugene Jason*

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.:  
On the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_  
before me came

to me known and known to me to be the individual described in, and who executed, the foregoing instrument, and acknowledged to me that he executed the same.

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.:  
On the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_  
before me came

to me known and known to me to be the individual described in, and who executed, the foregoing instrument, and acknowledged to me that he executed the same.

State of New York }  
County of Erie } ss.:  
On the 15th day of July, nineteen hundred and Ninety-four  
before me 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  
that he is the Supervisor of The Town of Cheektowaga

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

KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified In Erie County  
My Commission Expires Feb. 28, 1995



State of

County of

} ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, before me came \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say that \_\_\_\_\_ he resides in \_\_\_\_\_

that he is the \_\_\_\_\_ of \_\_\_\_\_

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 \_\_\_\_\_ of said corporation; and that he signed his name thereto by like order.

State of

County of

} ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_, nineteen hundred and \_\_\_\_\_, before me came \_\_\_\_\_, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides in \_\_\_\_\_

that he knows \_\_\_\_\_

to be the individual described in, and who executed the foregoing instrument; that he, said subscribing witness, was present, and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

No.

TOWN OF CHEEKTOWAGA

TO

MANUFACTURERS AND TRADERS TRUST COMPANY

Subordination Agreement

Dated, July 15, 1994

The land affected by the within instrument lies in \_\_\_\_\_

SCHEDULE "A"

(4 Trent)

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. 26, Township 11, Range 7 of the Holland Land Company's Survey and according to a map filed in Erie County Clerk's Office under Cover No. 1682, is known as Subdivision Lot number one hundred seven (107).

The holder now owns and holds the following mortgage and the Bond or Note which it secures: Mortgage dated September 3, 1993 made by Eugene Jason to the Town of Cheektowaga in the amount of \$30,000.00 and recorded on April 28, 1994 Liber 12625 of Mortgages at page 8724 and Mortgage Eugene Jason to the Town of Cheektowaga in the amount of \$30,000.00 dated September 3, 1993, recorded April 28, 1994 Liber 12625 or Mortgages at page 8741.

---

(56 A-D Windwood)

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. 26, Township 11, Range 7 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under Cover No. 1682, is known as Subdivision Lot Numbers sixty-five (65) and sixty-six (66).

The holder now owns and holds the following mortgage and the Bond or Note which it secures: Mortgage dated September 3, 1993 made by Eugene Jason to the Town of Cheektowaga in the amount of \$37,500.00 and recorded on April 28, 1994 Liber 12625 of Mortgages at page 8008 and Mortgage Eugene Jason to the Town of Cheektowaga

in the amount of \$37,500.00 dated September 3, 1994, recorded April 28, 1994 Liber 12625 or Mortgages at page 8014, and mortgage in the amount of \$37,500.00 Eugene Jason to the Town of Cheektowaga dated September 3, 1993, recorded April 28, 1994 in Liber 12625 of Mortgages at page 8721.

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

WHEREAS, the Cheektowaga Action Partnership is desirous of holding its third annual awards banquet at Salvatore's Italian Gardens October 27th, 1994, and

WHEREAS, it is necessary to execute an agreement and submit a deposit of \$100.00 in order to reserve space for said banquet, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute a booking agreement between CAP and Salvatore's Italian Gardens (0100-7320-4000).

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, Lake Side Contracting Company, Inc. has submitted Certification of Substantial Completion for Masonry Work at the Alexander Community Center, and

WHEREAS, Scaffidi & Moore Architects and the Facilities Department Director have reviewed the Certificate of Substantial Completion for compliance with the terms of the contract manual, and

WHEREAS, the Date of Substantial Completion has been determined as July 25, 1994 which is the date of commencement of applicable warranties required in the Contract Documents, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board approves the Certificate of Substantial Completion as submitted by Lake Side Contracting Company, Inc., 303 South Park Avenue, Buffalo, New York 14204.

Upon Roll Call....

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

Item No. 16a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

BE IT RESOLVED that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

<u>RECYCLING DEPARTMENT</u>	<u>EFFECTIVE</u>
Michael Soulski	07-16-94
Jeffrey Lewinski	08-07-94
Kevin Wojciechowski	08-20-94
John Kapron	08-20-94
Stephen Schottman	08-18-94

Upon Roll Call....

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

Item No. 16b Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the below listed individuals be terminated from the Youth and Recreation Department (seasonal):

Ryan Golas  
Samantha Schanne  
Kim Auger  
Adrienne Jozwiak  
Maureen Collins  
Debbie Reed  
Rosalind Schaaf  
Melissa Newhouse  
Mikal Murray  
Katherine Netzel  
Julie Brewer  
Laura Herko  
Kristen Scarafia  
Kelly Szczublewski  
Carol Wichlacz

Upon Roll Call....

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

Item No. 17a Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, due to retirement, a vacancy exists in the position of Electrician in the Facilities Department, and

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, no full-time employee bid on said vacancy, and

WHEREAS, Henry Kawalerski, applied for said position and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Henry Kawalerski of Cheektowaga, New York 14225, be and hereby is appointed to the position of Electrician in the Facilities 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, effective August 16, 1994.

Upon Roll Call....

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

Item No. 17b Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, and

WHEREAS, said vacancy was posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, no full-time employee bid on said position, and

WHEREAS, Richard Latshaw, currently employed as a part-time Laborer in the Sewer Department applied for said vacancy and meets all the necessary qualifications, NOW, THEREFORE, BE IT

Item No. 17b cont'd

RESOLVED, that Richard Latshaw of 78 Daniel Avenue, Cheektowaga, New York 14225, be and hereby is appointed to the position of Laborer's Aide in the Recycling 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, effective August 16, 1994.

Upon Roll Call....

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

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

WHEREAS, the Cheektowaga Youth and Recreational Services Department is sponsoring a residential camping experience (Camp Aloha) for developmentally disabled youngsters at the conclusion of its summer day camp, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be transferred from an hourly rate to a salary classification for the week of August 14, 1994 - August 20, 1994 (7310.1802) (See A) and revert back to their part-time hourly status in the Adapted Recreation Program, effective August 21, 1994 (7310.1803)(See B):

<u>NAME/ADDRESS</u>	<u>RATE</u>
Amy Connor	\$225.00 (A) 4.75 (B)
Angela Krause	\$240.00 (A) 6.00 (B)

Upon Roll Call....

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

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

BE IT RESOLVED that the following individuals be transferred as indicated, and revert back to their part-time status, effective August 15, 1994:

TRANSFER FROM CAMP FLAMINGO (7310.1810) to  
ADAPTED RECREATION PROGRAM (7310.1803)

Jennifer Golas  
Gayle Bosiaki  
Kelly Szczublewski  
Sandra Bentz  
Amy Zakrzewski  
Kim Rafanowicz  
Jeff Jankowski  
Julie Chiarilli

TRANSFER FROM CAMP JI-IK-DO-WAH-GAH (7310.1801) to  
ADAPTED RECREATION PROGRAM (7310.1803)

Donna Quigley  
Lori Bruato  
Steffane Albano

Item No. 19 cont'd

TRANSFER FROM CAMP CRABAPPLE (7310.1802) to  
ADAPTED RECREATION PROGRAM (7310.1803)

Amanda Varney  
Amy Tomaka  
Barbara Walters

Upon Roll Call....

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

Item No. 20 Motion by Councilman Solecki, Seconded by Councilman Wielinski

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)

Erie Cadwallader

08-26-94

Upon Roll Call....

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

Item No. 21 Motion by Councilman Wielinski, Seconded by Councilman Solecki

WHEREAS, the New York State Government Finance Officer's Association will be hosting a roundtable discussion forum on legislation impacting local governments on August 17 & 18, 1994, and

WHEREAS, some of the legislation to be discussed are pertinent to the operation of the Town of Cheektowaga and have the sponsorship of Assemblyman Tokasz and Pordum, and

WHEREAS, these legislative issues cover such items as renewal of Collateral Legislation, acceptance of Credit Card payments by local governments, Level Debt Payments, elimination of the five percent down payment requirement on Capital Projects, and the extension of BANs beyond five years including other legislative issues, and

WHEREAS, key staff members of the Governor's Office, the State Budget Office, the State Comptroller's Office, the NYS Senate and Assembly, as well as, representatives from the NYS Conference of Mayors, NYS Association of Towns, Supervisor and County Legislators will be participating in this forum in development and setting the 1994 - 1995 Legislative Agenda for New York State, and

WHEREAS, Supervising Accountant Robert E. Kaczmarek, as Chairman of the Western Council of NYSGFOA has been invited to participate in this legislative forum, and

WHEREAS, Supervising Accountant Robert E. Kaczmarek is requesting authorization to attend this Forum on behalf of the Town, and

WHEREAS, this Board feels that it would be advantageous to the Town, for Mr. Kaczmarek to attend this forum, NOW, THEREFORE, BE IT

Item No. 21 cont'd

RESOLVED, that Supervising Accountant Accountant Robert E. Kaczmarek be and hereby is authorized to attend the aforementioned Legislative Roundtable Forum and to be absent from the Town of Cheektowaga from August 16 through the 18, 1994, and BE IT FURTHER

RESOLVED, that all reasonable and necessary expenses in an amount not to exceed \$500.00 shall be appropriated from budget line item number 0100-1910-4082.

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:	0100-1330-4431	Equipment Repairs & Maintenance - Tax Office	\$2,500.00
	0100-7140-4506	Gymnastics	285.00
	0100-7310-1803	Adapted Recreation Program	4,000.00
	0100-7310-1803	Adapted Recreation Program	4,000.00
	0100-7310-4689	Youth Conservation Corp.	250.00
	0100-7310-4685	Y.E.S.	1,251.00
	0100-7310-4695	Y.E.S./GIVE/ERIE CO.	50.00
	0100-7140-1625	Lacrosse	2,000.00
	0100-7140-1633	Softball	2,800.00
	0100-7140-1636	Soccer	4,000.00
	0100-7140-1815	Outdoor Basketball	2,600.00
	0100-7140-4506	Gymnastics	210.00
	0100-7320-1200	Assistant Program Director-CAP	800.00
	0100-7320-1200	Assistant Program Director-CAP	1,100.00
	0100-7320-1200	Assistant Program Director-CAP	900.00
TO:	0100-1330-4001	Office Supplies	\$2,500.00
	0100-7140-4601	Aid to Youth	285.00
	0100-7310-1804	Admin. Interns	4,000.00
	0100-7310-1810	Summer Day Camp	4,000.00
	0100-7310-4085	NYSCC Expense	250.00
	0100-7310-4201	Telephone	1,251.00
	0100-7310-4085	NYSCC Expense	50.00
	0100-7140-1630	Gymnastics	2,000.00
	0100-7140-1651	Theater	2,800.00
	0100-7140-1651	Theater	4,000.00
	0100-7140-1654	Basketball	2,600.00
	0100-7140-4257	Soccer	210.00
	0100-7320-1100	Project Director-CAP	800.00
	0100-7320-1300	Program Coordinator	1,100.00
	0100-7320-1400	Administrative Clerk	900.00

SPECIAL DISTRICT FUND:

FROM:	7600-1910-2799	Appropriated Fund Balance	\$3,000.00
TO:	7600-8350-4340	Hydrant Maintenance	\$3,000.00

COMMUNITY DEVELOPMENT FUND

FROM:	0700-9092-0702	Sloan Sanitary Sewer Project	\$7,600.00
	0700-9091-0702	Sloan Sanitary Sewer Project	8,700.00
	0700-9091-0712	Sloan Sewer Smoke Testing	545.53



Item No. 22 cont'd

TO:	0700-9092-0670	Sloan Handicapped Play Equipment	\$7,600.00
	0700-9091-0670	Sloan Handicapped Play Equipment	8,700.00
	0700-9091-0670	Sloan Handicapped Play Equipment	545.53

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 August 12, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$2,358,295.66
HIGHWAY FUND	605,384.53
TRUST & AGENCY FUND	21,601.23
CDBG HUD FUND	16,572.75
PART TOWN FUND	41,425.80
RISK RETENTION FUND	67,128.21
NYS HOME PROGRAM FUND	9,557.00
HUD HOUSING REHABILITATION FUND	9,077.00
SPECIAL DISTRICTS FUND	1,983,619.08
CAPITAL FUND	1,111,020.04
	<u>\$6,223,681.30</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 24a Minutes of Cheektowaga Planning Board - July 14, 1994  
Received and Filed.

Item No. 24b Minutes of Cheektowaga Traffic Safety Commission - July 19, 1994  
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 25 County of Erie - Certificate & Notice of Closing Highway - portion of  
George Urban Blvd.  
Received and Filed.

Item No. 26 Petition regarding "No Parking Ban" on east side of The Avenue  
Copies were sent to: Dennis Gabryszak, Supervisor; Town Board  
Members.  
Received and Filed.

Item No. 27a Notice of Claim - Vince and Patricia Edbauer 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. 27b Notice of Claim - Kevin Fischer 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. 28a Notice of Petition - NYS Electric & Gas vs Town Assessor, Board of  
Assessment Review  
Received and Filed.

Item No. 28b Notice of Petition - Avis Rent-A-Car vs Town Assessor, Board of  
Assessment Review  
Received and Filed.

Item No. 28c Notice of Petition - Empire State Storage Association vs Town  
Assessor, Board of Assessment Review  
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 Jaworowicz, Solecki, Rogowski,  
Blachowski, Johnson and Wielinski  
NAYES: 0  
ABSENT: 0

Item No. 29 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, Polish Falcons Gymnastic Society, Inc. has made application  
and requested the rezoning of property located at 3171 Broadway from M-1, Light  
Manufacturing to CM-General Commercial District, said applicant having the per-  
mission of the property owner, namely; Bob Litz, President of Litmar, Inc., NOW,  
THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under  
the provisions of the Zoning Ordinance on September 6, 1994 at 6:30 o'clock P.M.,  
Eastern Daylight Saving Time at the Cheektowaga Town Hall, 3301 Broadway,  
Cheektowaga, New York.

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, corner of Broadway and Union Road on the 6th day of SEPTEMBER, 1994 at 6:30 o'clock, P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of POLISH FALCONS/LITMAR INC. to Rezone from M1-LIGHT MANUFACTURING District to CM-GENERAL COMMERCIAL District on property located at 3171 Broadway 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.

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. 15, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point in the southerly line of Broadway, formerly known as Batavia Road, said line also being the north line of Lot No. 15, eight hundred thirty-six and eighty-eight hundredths (836.88) feet westerly from the easterly line of said Lot No. 15 measured at right angles; running thence southerly and parallel with the last line of said Lot No. 15, two hundred eighty-one and twenty-five hundredths (281.25) feet to a point; thence westerly at right angles to the last mentioned line seventy-four and fifty-eight hundredths (74.58) feet to a point; thence northerly and at right angles to the last mentioned line sixty-six and seventy-five hundredths (66.75) feet to a point; thence continuing northerly two hundred and four hundred seventy-five thousandths (200.475) feet to a point in the south line of Broadway distant eight-six and two hundred ninety-five thousandths (86.295) feet westerly from the point of beginning; and measured along the southerly line of Broadway; thence easterly and along the southerly line of

Broadway eighty-six and two hundred ninety-five thousandths (86.295) 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 OF THE TOWN OF CHEEKTOWAGA

By: RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 18, 1994

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

*Kathleen J. Keicher*, 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 *8-25-94* ;  
last publication ..... ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen J. Keicher*

Sworn to before me this *25* .....

day of *August* ....., 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**

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 6th day of SEPTEMBER, 1994 at 6:30 o'clock P.M., Eastern Daylight Saving Time of said day for the purpose of considering the application of POLISH FALCONS/LITMAR INC. to Rezone from MI-LIGHT MANUFACTURING District to CM-GENERAL COMMERCIAL District on property located at 3171 Broadway 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.

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. 15, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point in the southerly line of Broadway, formerly known as Batavia Road, said line also being the north line of Lot No. 15, eight hundred thirty-six and eighty-eight hundredths (836.88) feet westerly from the easterly line of said Lot No. 15 measured at right angles; running thence southerly and parallel with the last line of said Lot No. 15, two hundred eighty-one and twenty-five hundredths (281.25) feet to a point; thence westerly at right angles to the last mentioned line seventy-four and fifty-eight hundredths (74.58) feet to a point; thence northerly and at right angles to the last mentioned line sixty-six and seventy-five hundredths (66.75) feet to a point; thence continuing northerly two hundred and four hundred seventy-five thousandths (200.475) feet to a point in the south line of Broadway distant eight-six and two hundred ninety-five thousandths (86.295) feet westerly from the point of beginning, and measured along the southerly line of Broadway; thence easterly and along the southerly line of Broadway eighty-six and two hundred ninety-five thousandths (86.295) 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 OF THE TOWN OF CHEEKTOWAGA

By: RICHARD M. MOLESKI  
Town Clerk

PUBLISH: August 18, 1994

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

*Kathleen Keicher*, 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 .....*8-25-94*..... ;  
last publication ..... ;  
and that no more than six days intervened be-  
tween publications.

*Kathleen Keicher*

Sworn to before me this .....*25*.....

day of .....*August*....., 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*

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

WHEREAS, bids were received and opened by the Town Clerk at a bid opening on August 10, 1994 for the replacement of existing sidewalks in the Town, and

WHEREAS, said bids were received and tabulated and an award was made by this Town Board to M. Passucci, Inc., 4085 Walden Avenue, Lancaster, NY 14086, being the lowest responsible bidder, and

WHEREAS, said lowest bidder, after completing first phase of project was terminated by this Town Board for not meeting specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the completion of this project for the year 1994 be awarded to M. Passucci, Inc., 4085 Walden Avenue, Lancaster, NY 14086 for their submission of the next lowest bid at a total of \$198,851.00 with the award being made at the following unit prices:

Item 1	4" thick sidewalk	\$2.75
Item 2	6" thick sidewalk	3.00
Item 3	Excess fill or excavation	5.00
Item 4	4" diameter P.V.C. underdrain	1.00
Item 5	6" sidewalk reinforced 6X6X10	3.10
Item 6	Landscaping behind Item 1	1.00
Item 7	Fine asphalt mix beyond Item 1	3.00
Item 8	6" reinforced driveway apron	3.10
Item 9	Root cutting	2.50
Item 10	Traffic control	1.00

and BE IT FURTHER

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

Item No. 31 Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski to adjourn the meeting.

RICHARD M. MOLESKI  
Town Clerk

SPECIAL MEETING NO. 17  
August 22, 1994

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 22nd day of August, 1994 at 5:30 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; Ronald Marten, Building and Plumbing Inspector.

Item No. 2 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

WHEREAS, Emerald Gardens, Inc., as part of the acceptance of the Emerald Gardens Subdivision, Phase I, and as a prerequisite to the construction of any buildings in such subdivision, has submitted to the Town for its acceptance a warranty deed for Town highways to be known as Garnet Drive, Topaz Drive and Whitney Place, and

WHEREAS, the Town Superintendent of Highways, in the attached letter dated July 28, 1994, has recommended that such deed and highways be accepted by the Town, and

WHEREAS, Emerald Gardens, Inc. has also submitted to the Town a drainage easement covering such subdivision, and

WHEREAS, a maintenance bond for the aforementioned highway and a performance bond to guarantee street lighting have been submitted by the developer, and

WHEREAS, the developer has also submitted a guarantee of funds in the amount of \$2,500 to be held by the Town in escrow to guarantee the cleaning of storm sewers, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned warranty deed, drainage easement, maintenance bond and performance bond be and hereby are accepted by this Town Board, contingent on approval as to content by the Town Engineer and Town Attorney, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file such deed and easement in the Erie County Clerk's Office.

\*\*\*\*\*

Motion by Councilman Johnson, Seconded by Supervisor Gabryszak to amend the above resolution, and the voting was as follows:

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*\*\*\*\*

Item No. 2 cont'd

AMENDED RESOLUTION

Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Emerald Gardens, Inc., as part of the acceptance of the Emerald Gardens Subdivision, Phase I, and as a prerequisite to the construction of any buildings in such subdivision, has submitted to the Town for its acceptance a warranty deed for Town highways to be known as Garnet Drive, Topaz Drive and Whitney Place, and

WHEREAS, the Town Superintendent of Highways, in the attached letter dated July 28, 1994, has recommended that such deed and highways be accepted by the Town, and

WHEREAS, Emerald Gardens, Inc. has also submitted to the Town a drainage easement covering such subdivision, and

WHEREAS, a maintenance bond for the aforementioned highway and a performance bond to guarantee street lighting have been submitted by the developer, and

WHEREAS, the developer has also submitted a guarantee of funds in the amount of \$2,500 to be held by the Town in escrow to guarantee the cleaning of storm sewers, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned warranty deed, drainage easement, maintenance bond and performance bond and escrow moneys be and hereby are accepted by this Town Board, contingent on approval as to content by the Town Engineer and Town Attorney, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file such deed and easement in the Erie County Clerk's Office, and BE IT FURTHER

RESOLVED, that as a condition of approval, the map cover for this subdivision shall have depicted thereon the 30 foot wide area to be deed restricted for tree preservation along the east boundary of the subdivision with lots on Towers Boulevard (except for the extension of Whitney Place), and along the south boundary with lots on LeHavre Drive, for the purpose of preserving existing trees, and BE IT FURTHER

RESOLVED, that replacement tree plantings be undertaken on a one-for-one basis for trees previously removed from the tree preservation areas by Emerald Gardens, Inc., and this shall be accomplished under the direction of the Town Building Inspector before certificates of occupancy for the subject lots are issued.

Upon Roll Call....

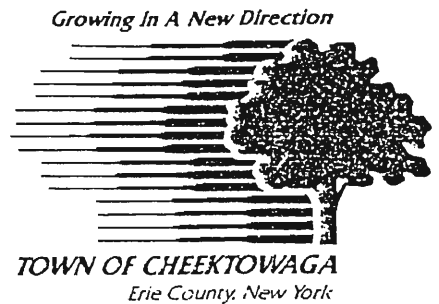
AYES: Supervisor Gabryszak, Councilmen Jaworowicz, Solecki, Rogowski,  
Blachowski, Johnson and Wielinski  
NAYES: 0  
ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

**Highway Department**

3145 Union Road  
Cheektowaga, NY 14227-1083  
716 / 686-3450  
Mobile: 716 / 863-5867

**Christopher J. Kowal**  
Superintendent of Highways



July 28, 1994

Honorable Supervisor, Dennis Gabryszak  
and Honorable Town Board Members  
Cheektowaga, NY 14227

Re: Acceptance of Deeds, Easements,  
Performance Bonds & Maintenance  
Bonds - Phase I Section of  
Emerald Garden Subdivision

Dear Honorable Members of the Board:

Please be advised that timely and effective inspections during all phases of construction have been performed by Highway Engineer, Ted Skowron, and myself. As a result, we find that the section of roads, as herein described, do conform to or exceed the current specifications of the Town of Cheektowaga, and are recommended for acceptance into the town's system of highways. Concurrence by Engineering and Building Inspection are on file.

The roads in this section are described as follows:

- TOPAZ DRIVE - A 60' wide R.O.W., beginning at a point in the north line of Whitney Place; thence northerly for a distance of 527.06', fronting Sublot 16-21, 100, 101, 124.
- DRIVE  
GARNET ~~LANE~~ - A 60' wide R.O.W. beginning at a point in the west line of Topaz Drive, thence westerly a distance of 697.89', fronting Sublot 93 - 100 & 101 - 108.
- WHITNEY PLACE - A 60' wide R.O.W. beginning at a point + 130' west of Towers Blvd. at the end of existing Whitney Place, thence westerly for a distance of 868.34', fronting Sublot 21 - 31, 117 - 124.

The deeds are in the Town Attorney's office for approval & filing. The Maintenance Bond is in an amount provided for in the P.I.P. ordinance, and is also on file with the Town Attorney's office. A street lighting agreement is being provided. Drainage easements, as per Schedule Att., must be filed.

Trusting this to meet with your approval, I am

Very truly yours,  
  
Christopher J. Kowal  
Highway Superintendent

TRS/CJK/nms

cc: Town Attorney      Hwy. Engr. ✓  
Town Clerk            Files  
Town Engineer  
Bldg. Inspector

Residence: 260 Cass Ave. + Cheektowaga, New York 14227 + 716 / 895-7185

Promoting Pride - Progress - Professionalism



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

WHEREAS, 2001 Properties, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to MS-Motor Service District of property owned by it and located at 50 Dewberry Lane, 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 7th day of February, 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 Cheektowaga Planning Board has reviewed such application and has not made a recommendation because of a split vote, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga", has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a Conditional Negative Declaration for the rezoning, and

WHEREAS, the petitioner has made the following commitments to the Town with respect to this project:

1. Only routine maintenance (i.e., oil change, minor repairs, etc.) will be conducted on the premises. No major repair work (i.e., engine, transmission overhaul) or collision work will be conducted on the premises.
2. Drainage will be approved by the Town Engineer and Town Highway Department Engineer.
3. The vehicle will continue to be parked at the Scrivner facility until they can be brought into the building for maintenance
4. No outside vehicle storage will be permitted.
5. Bay doors will not be left open.
6. No servicing of Vehicles except those of Scrivner (or its successor) will be permitted.
7. No more than 30 trucks per 24-hour period will be serviced
8. The Town Disaster Coordinator and South Line Fire Chief will be contacted with regard to fuel tanks and use of other material
9. The tree preservation plan of January 8, 1994 will be followed
0. No outside storage of waste material (i.e., tires, anti-freeze, filters, etc.) will be allowed.

NOW, THEREFORE, BE IT RESOLVED, that, based on the aforementioned commitments made by the petitioner, this Town Board hereby directs that a Negative Declaration for this rezoning be issued, and BE IT FURTHER

RESOLVED, that the application of 2001 Properties, Inc. for the rezoning from M-1 Light Manufacturing district to MS-Motor Services District of the property specified in the attached legal description and the same is hereby granted, and BE IT FURTHER

Item No. 3 cont'd

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

\*\*\*\*\*

MOTION BY COUNCILMAN JOHNSON, SECONDED BY COUNCILMAN BLACHOWSKI 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

The above resolution was tabled until Town Board Meeting of September 6, 1994

Item No. 4 Motion by Supervisor Gabryszak, Seconded by Councilman Wielinski 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 6th day of September, 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; Ronald Marten, Building and Plumbing Inspector; Chester Bryan, Town Engineer; Salvatore LaGreca, Chairman of Planning Board; Andrew Kulyk, Chairman of Zoning Board; Kenneth Kopacz, Director of the Department of Youth and Recreational Services.

I. FROM THE TABLE

Item No. 2 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak  
Councilman Johnson

WHEREAS, 2001 Properties, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to MS-Motor Service District of property owned by it and located at 50 Dewberry Lane, 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 7th day of February, 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 Cheektowaga Planning Board has reviewed such application and has not made a recommendation because of a split vote, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a Conditional Negative Declaration for the rezoning, and

WHEREAS, the petitioner has made the following commitments to the Town with respect to this project:

1. Only routine maintenance (i.e., oil change, minor repairs, etc.) will be conducted on the premises. No major repair work (i.e., engine, transmission overhaul) or collision work will be conducted on the premises.
2. Drainage will be approved by the Town Engineer and Town Highway Department Engineer.
3. The vehicle will continue to be parked at the Scrivner facility until they can be brought into the building for maintenance.
4. No outside vehicle storage will be permitted.

Item No. 2 continued

5. Bay doors will not be left open.
6. No servicing of vehicles except those of Scrivner (or its successor) will be permitted.
7. No more than 30 trucks per 24-hour period will be serviced.
8. The Town Disaster Coordinator and South Line Fire Chief will be contacted with regard to fuel tanks and use of other materials.
9. The tree preservation plan of January 8, 1994 will be followed.
10. No outside storage of waste material (i.e., tires, anti-freeze, filters, etc.) will be allowed.

NOW, THEREFORE, BE IT RESOLVED, that, based on the aforementioned commitments made by the petitioner, this Town Board hereby directs that a Negative Declaration for this rezoning be issued, and BE IT FURTHER

RESOLVED, that the application of 2001 Properties, Inc. for the rezoning from M-1 Light Manufacturing district to MS-Motor Services District of the property specified in the attached legal description be and the same is hereby granted, 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 2, 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

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. 114, Township 10, Range 7, of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at the northwest corner of lands conveyed to S. M. Flickinger Co., Inc. by deed recorded in the Erie County Clerk's Office in Liber 7189 of Deeds at Page 644; running thence southerly along the west line of lands so conveyed to S. M. Flickinger Co., Inc. by deed aforesaid and on a bearing of S. 19° 40' 58" east a distance of 366.66 feet to a point in the north line of a proposed 60 foot right of way; thence southwesterly on a bearing of S. 57° 07' 43" west along the said 60 foot right of way, 231.66 feet to a point; thence westerly on a bearing of S. 89° 59' 54" west along the said 60 foot right of way, 89.21 feet to a point; thence northwesterly on a curve to the left having a radius of 50 feet, a distance of 68.54 feet (arc distance) to a point; thence westerly on a bearing of S. 89° 59' 54" west, 50 feet to a point; thence northerly on a bearing of N. 00° 00' 06" west, 127.36 feet to a point in a line distance 100 feet southerly measured at right angles from the monumented center line of the New York Central Railroad Track No. 250; thence northeasterly on a bearing of N. 40° 30' 16" east and parallel with and 100 feet southerly therefrom the monumented center line of the New York Central Railroad Track No. 250, a distance of 399.21 feet to the point of beginning.

II. PUBLIC HEARING

Item No. 3 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 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>
Crestview Ave.	North-south	Kuhn Road	Eastbound	Southwest Corner
Kuhn Road	East-west	Crestview	Northbound	Southeast 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

FRANTZEN TERRACE south side from the west curbline of Zeller Lane westerly to a point 85 feet ± west of the west curbline of Zeller Lane

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 Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, 2001 Properties, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of property owned by it and located at 50 Dewberry Lane, 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 7th day of February, 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 Cheektowaga Planning Board has reviewed such application and one-half of the voting members of such Board were firmly opposed to the rezoning and felt that a MS-District was not appropriate for this or any industrial park, 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

Item No. 4a continued

rezoning, and recommended the issuance of a negative declaration subject to certain conditions which would be overly onerous for the Building Inspections Department to enforce, and

WHEREAS, the past history of the applicant with respect to this property has shown that the property was renovated without building permits, operations have been ongoing without the proper zoning, and no permit was obtained for a wall sign installed, and

WHEREAS, the applicant has also neglected to follow through with commitments it made with respect to this project, and

WHEREAS, in 1990, the Cheektowaga Planning Board recommended denial of the rezoning of a parcel nearby on Innsbruck Drive at Union Road for the purpose of performing work on trucks, and

WHEREAS, the placement of conditions on this rezoning, as proposed by the applicant, is contrary to proper zoning and would, in fact, constitute illegal contract zoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of 2001 Properties, Inc. for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property specified in the attached legal description be and the same is hereby denied for the following reasons:

1. Such use is incompatible with the other uses and zoning (predominantly M1) in the neighboring area.
2. The rezoning of this property is not in accordance with the Town's comprehensive plan and would constitute spot zoning.
3. The proposed use would create noise, air pollution and waste disposal problems and concerns.
4. The proposed uses would negatively affect nearby residential properties.
5. The rezoning of this property to MS-District would affect the character of the neighborhood.
6. The rezoning of this property to MS-District would negatively affect the value of other properties in the area.
7. The rezoning of this property and the accompanying uses would increase traffic congestion problems in this area.

and, BE IT FURTHER

RESOLVED, that, due to the fact that this rezoning application is not being considered by this Town Board, no environmental determination under SEQRA is hereby rendered.

\*\*\*\*\*

MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMAN WIELINSKI TO TABLE THE ABOVE RESOLUTION, ITEM 4A, 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

**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. 114, Township 10, Range 7, of the Buffalo Creek Reservation, bounded and described as follows:

**BEGINNING** at the northwest corner of lands conveyed to S. M. Flickinger Co., Inc. by deed recorded in the Erie County Clerk's Office in Liber 7189 of Deeds at Page 644; running thence southerly along the west line of lands so conveyed to S. M. Flickinger Co., Inc. by deed aforesaid and on a bearing of S. 19° 40' 58" east a distance of 366.66 feet to a point in the north line of a proposed 60 foot right of way; thence southwesterly on a bearing of S. 57° 07' 43" west along the said 60 foot right of way, 231.66 feet to a point; thence westerly on a bearing of S. 89° 59' 54" west along the said 60 foot right of way, 89.21 feet to a point; thence northwesterly on a curve to the left having a radius of 50 feet, a distance of 68.54 feet (arc distance) to a point; thence westerly on a bearing of S. 89° 59' 54" west, 50 feet to a point; thence northerly on a bearing of N. 00° 00' 06" west, 127.36 feet to a point in a line distance 100 feet southerly measured at right angles from the monumented center line of the New York Central Railroad Track No. 250; thence northeasterly on a bearing of N. 40° 30' 16" east and parallel with and 100 feet southerly therefrom the monumented center line of the New York Central Railroad Track No. 250, a distance of 399.21 feet to the point of beginning.



Item No. 4b Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, Polish Falcons Gymnastic Society, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of property owned by Litmar, Inc. and located at 3171 Broadway, 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 6th day of September 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 Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. Receipt and approval of a landscape plan by the Planning Board,

and

WHEREAS, this Town Board, by resolution dated July 18, 1994 issued a negative declaration under SEQRA for this project, NOW, THEREFORE, BE IT

RESOLVED, that the application of Polish Falcons Gymnastic Society, Inc. for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby granted, and BE IT FURTHER

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

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

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 6th day of September, 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 Blachowski seconded by Councilman Johnson

WHEREAS, Polish Falcons Gymnastic Society, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of property owned by Litmar, Inc and located at 3171 Broadway, 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 6th day of September 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 Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. Receipt and approval of a landscape plan by the Planning Board, and

WHEREAS, this Town Board, by resolution dated July 18, 1994 issued a negative declaration under SEORA for this project, NOW, THEREFORE, BE IT

RESOLVED, that the application of Polish Falcons Gymnastic Society, Inc. for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby granted, and BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance 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 No. 15, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point in the southerly line of Broadway, formerly known as Batavia Road, said line also being the north line of Lot No. 15, eight hundred thirty-six and eighty-eight hundredths (836.88) feet westerly from the easterly line of said Lot No. 15 measured at right angles; running thence southerly and parallel with the last line of said Lot No. 15, two hundred eighty-one and twenty-five hundredths (281.25) feet to a point; thence westerly at right angles to the last mentioned line seventy-four and fifty-eight hundredths (74.58) feet to a point; thence northerly and at right angles to the last mentioned line sixty-six and seventy-five hundredths (66.75) feet to a point; thence continuing northerly two hundred and four hundred seventy-five thousandths (200.475) feet to a point in the south line of Broadway distant eighty-six and two hundred ninety-five thousandths (86.295) feet westerly from the point of beginning, and measured along the southerly line of Broadway; thence easterly and along the southerly line of Broadway eighty-six and two hundred ninety-five thousandths (86.295) 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

PUBLISH: September 15, 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 Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks: first publication.....September 15, 1994.....; last publication.....September 15, 1994.....; and that no more than six days intervened between publications.

*Melissa Gugliuzza*

Sworn to before me this .....15th..... day of .....September....., 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 September, 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 Blachowski seconded by Councilman Johnson

WHEREAS, Polish Falcons Gymnastic Society, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of property owned by Litmar, Inc and located at 3171 Broadway, 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 6th day of September 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 Ordinance"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof subject to the following conditions:

1. Receipt and approval of a landscape plan by the Planning Board, and

WHEREAS, this Town Board, by resolution dated July 18, 1994 issued a negative declaration under SEQRA for this project, NOW, THEREFORE, BE IT

RESOLVED, that the application of Polish Falcons Gymnastic Society, Inc. for the rezoning from M1-Light Manufacturing District to CM-General Commercial District of the property specified in the attached legal description be and the same is hereby granted, and BE IT FURTHER

RESOLVED, that the Zoning Map and Ordinance 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 No. 15, Township 11, Range 7 of the Holland Land Company's Survey and further bounded and described as follows:

BEGINNING at a point in the southerly line of Broadway, formerly known as Batavia Road, said line also being the north line of Lot No. 15, eight hundred thirty-six and eighty-eight hundredths (836.88) feet westerly from the easterly line of said Lot No. 15 measured at right angles; running thence southerly and parallel with the last line of said Lot No. 15, two hundred eighty-one and twenty-five hundredths (281.25) feet to a point; thence westerly at right angles to the last mentioned line seventy-four and fifty-eight hundredths (74.58) feet to a point; thence northerly and at right angles to the last mentioned line sixty-six and seventy-five hundredths (66.75) feet to a point; thence continuing northerly two hundred and four hundred seventy-five thousandths (200.475) feet to a point in the south line of Broadway distant eighty-six and two hundred ninety-five thousandths (86.295) feet westerly from the point of beginning, and measured along the southerly line of Broadway; thence easterly and along the southerly line of Broadway eighty-six and two hundred ninety-five thousandths (86.295) 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

PUBLISH: September 15, 1994

127  
50.17

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.....September 15, 1994.....;  
last publication.....September 15, 1994.....;  
and that no more than six days intervened be-  
tween publications.

*Melissa Gugliuzza*

Sworn to before me this .....15th.....

day of .....September....., 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. 18  
September 6, 1994

Item No. 5 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:	0100-1640-4161	Gasoline	\$ 2,500.00
	0100-1640-1443	Auto Body Repairman	20,000.00
	0100-9010-8141	Medical Insurance	4,500.00
	0100-9010-8141	Medical Insurance	11,000.00
	0100-9010-8143	Retiree Medical Insurance	9,500.00
	0100-7310-1802	Dev. Disabled Day Camp	1,091.00
	0100-7310-4698	Overnight Camp	284.86
	0100-7140-4611	Transportation	128.20
	0100-7180-4026	First Aid Supplies	1.28
	0100-7180-4612	Swim Meets	106.90
	0100-3120-2705	Zero Tolerance Revenue	750.00
	0100-1440-4042	Maps	450.00
To:	0100-1640-4445	Equipment Repairs Facilities	2,500.00
	0100-1640-1442	Auto Mechanic Central Garage	20,000.00
	0100-1110-4001	Office Supplies	2,500.00
	0100-1110-4082	Business Travel	2,000.00
	0100-9501-9400	Interfund Transfer Part Town	20,500.00
	0100-7310-1810	Day Camps	1,091.00
	0100-7310-4431	Equipment Repair & Maintenance	284.86
	0100-7140-4524	Field Trips	128.20
	0100-7180-4191	Misc. Supplies-Pool	1.28
	0100-7180-4191	Misc. Supplies-Pool	106.90
	0100-3120-4705	Zero Tolerance Expense	750.00
	0100-1440-4001	Office Supplies	450.00

HIGHWAY FUND

From:	0300-9010-8141	Medical Insurance	29,500.00
	0300-9010-8151	Group Life Insurance	2,700.00
To:	0300-9010-8143	Retiree Medical Insurance	29,500.00
	0300-9010-8181	Optical Insurance	2,700.00

PART TOWN FUND

From:	0800-1910-5031	Transfers In-General Fund	20,500.00
To:	0800-9010-8141	Medical Insurance	11,000.00
	0800-9010-8143	Retiree Medical Insurance	9,500.00

SPECIAL DISTRICT FUND

From:	1500-8160-8151	Group Life Insurance	3,635.00
	1500-8160-4469	Landfill Costs	27,087.00
	2500-8125-8141	Medical Insurance	7,110.00
	2500-8125-4545	Telemetry	233.02
	2500-8135-4356	Buffalo Sewer Authority	19,100.00
	2500-8125-4953	Harlem PS-Cap & Reconst.	71,000.00
	4000-8140-4588	Fertilization	10,388.00
To:	1500-8160-8141	Medical Insurance	9,500.00
	1500-8160-8143	Retiree Medical Insurance	14,000.00
	1500-8160-8171	Dental Insurance	6,302.00
	1500-8160-8181	Optical Insurance	920.00
	2500-8125-8143	Retiree Medical Insurance	6,235.00
	2500-8125-8171	Dental Insurance	675.00
	2500-8125-8181	Optical Insurance	200.00
	2500-8125-4475	Root Control	233.02

Item No. 5 continued

SPECIAL DISTRICT FUND CONT'D.

To:	2500-8135-8141	Medical Insurance	\$ 5,900.00
	2500-8135-8143	Retiree Medical Insurance	11,800.00
	2500-8135-8171	Dental Insurance	1,300.00
	2500-8135-8181	Optical Insurance	100.00
	2500-8125-9990	Harlem Road PS-Cap & Reconst.	71,000.00
	4000-8140-4543	Contracted Maintenance	10,388.00

CAPITAL FUND

From:	5402-1910-9399	Administrative	20,000.00
	5823-1910-5031	Transfer In	71,000.00
	5317-8125-4545	Telemetry	125,000.00
	5016-8125-2501	MP Station Process Controller	10,000.00
	5823-1910-5031	Transfer In	135,000.00
	5815-7410-1100	Roofing Maryvale	55,752.00
	5818-7110-1101	Storage Tank Removal	2,313.00
	5818-7110-1102	Lighting Ball Diamonds	2,317.00
	5908-7110-1203	Misc. Machinery & Equipment	133.00
	5547-1625-0040	Alexander Remodeling	1,248.00
	5301-7110-8310	Relocation Expense Community Development	17,907.00
To:	5402-7110-9404	Various Park Diamonds	20,000.00
	5823-8125-1102	Transfer Out	71,000.00
	5317-9950-9901	Capital-Down Payment Bonds	125,000.00
	5016-9950-9901	Capital-Down Payment Bonds	10,000.00
	5823-8125-1102	Harlem PS	135,000.00
	5815-9950-9901	Transfer Out	55,752.00
	5818-9950-9901	Transfer Out	4,630.00
	5908-9950-9901	Transfer Out	133.00
	5547-1625-0040	Transfer Out	1,248.00
	5301-1625-9313	Alexander School Roof & Flashing	17,907.00

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 Solecki

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Modifications to the Harlem Road Pumping Station Project, which bids were publicly opened on August 24, 1994, AND

WHEREAS, said bids were referred to the Town Engineer and to Nussbaumer & Clarke, Inc., project consulting engineers, for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a memo from the Engineering Department dated August 31, 1994, AND

WHEREAS, said report recommends that Contract "A" for General Construction and Mechanical Work be awarded to Frank L. Ciminelli Construction Co., Inc., Contract "B" for Plumbing Work be awarded to M.K.S. Plumbing Corp. and that Contract "D" for Electrical Work be awarded to Ferguson Electric Construction Co. Inc. for their submission of the lowest bids meeting the requirements of the specifications, AND

WHEREAS, only one (1) bid was received for Contract "C" for Heating, Ventilating and Air Conditioning work, it is the recommendation of the Town Engineer and Nussbaumer & Clarke, Inc. that the lone bid be rejected for Contract "C" and that this portion of the project be re-bid, NOW, THEREFORE, BE IT

RESOLVED, that Contract "A" for General Construction and Mechanical Work be and hereby is awarded to:

Item No. 6 continued

Frank L. Ciminelli Construction Co., Inc.  
369 Franklin Street  
Buffalo, New York 14202-1790

for the bid price of \$442,000.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that Contract "B" for Plumbing Work be and hereby is awarded to:

M.K.S. Plumbing Corp.  
19 Ransier Drive  
West Seneca, New York 14224

for the bid price of \$17,300.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that Contract "D" for Electrical Work be and hereby is awarded to:

Ferguson Electric Construction Co. Inc.  
333 Ellicott Street  
Buffalo, New York 14203

for the bid price of \$102,900.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to sign said agreements with Frank L. Ciminelli Construction Co., Inc. for Contract "A", with M.K.S. Plumbing Corp. for Contract "B" and with Ferguson Electric Construction Co. Inc. for Contract "D", AND, BE IT FURTHER

RESOLVED, that funding for said project be chargeable to Account 5823-8125-1102, Harlem Road Pump Station Rehabilitation, AND, BE IT FURTHER

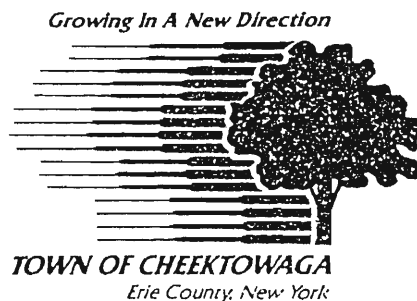
RESOLVED, that the lone bid submission for Contract "C" for Heating, Ventilating and Air Conditioning work be and hereby is rejected, and it is the intent of this Town Board to re-schedule the acceptance of bids for Contract "C" at a later date.

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



MEMO

TO: Councilman Thomas Johnson  
Chairman

FROM: William R. Pugh, P.E.  
Assistant Town Engineer

DATE: August 31, 1994

RE: Modifications to the  
Harlem Road Pump Station

Sealed bids were publicly opened and read aloud on August 24, 1994 for the above referenced project. Bid summaries for the four (4) bid categories are as follows:

Contract "A" - General Construction & Mechanical - Four (4) bids submitted as follows:

Frank L. Ciminelli Construction Co., Inc. . . . .	\$442,000.00
Kandey Company, Inc. . . . .	\$447,000.00
Nichter Associates, Inc. . . . .	\$447,000.00
L.P.G. General Corporation . . . . .	\$548,405.00

Contract "B" - Plumbing - Two (2) bids submitted as follows:

M.K.S. Plumbing Corp. . . . .	\$ 17,300.00
Ackerman & Huebsch, Inc. . . . .	\$ 30,666.00

Contract "C" - HVAC - One (1) bid submitted as follows:

Buffalo Sheet Metals, Inc. . . . .	\$ 61,089.00
------------------------------------	--------------

Contract "D" - Electrical - Two (2) bids submitted as follows:

Ferguson Electric Construction Co. . . . .	\$102,900.00
CIR Electric Construction Co. . . . .	\$110,700.00

It is the recommendation of this office and that of Nussbaumer & Clarke, Inc., the project consulting engineer, that Contract "A" General Construction and Mechanical, Contract "B" Plumbing, and Contract "D" Electrical, be awarded to the respective low bidders.

Since there was only one bidder for Contract "C", HVAC (Buffalo Sheet Metal, Inc. in the amount of \$61,089.00) and since this bid is approximately 25% over the engineer's estimate, it is recommended that the Town reject this bid and re-bid Contract "C". Rebidding Contract "C" will result in additional administrative costs, however, we feel that by soliciting additional competitive bids, that a net savings will be realized. A timely rebidding of said Contract "C" should not adversely delay or affect the project.

We are submitting a resolution for Town Board approval for the award of bids under Contracts "A", "B", and "D" to the lowest responsible bidders meeting the requirements of the specifications, and for the rejection of the lone bid under Contract "C".

WRP:dms



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

WHEREAS, sealed bid proposals for Softball and Hardball Diamond Drainage were received by the Town Clerk at a meeting held for said purpose on August 31, 1994, AND

WHEREAS, Darryl L. Jones, RLA in association with Wendel Engineers has reviewed said bid proposals for compliance with the terms of the plans and specifications, AND

WHEREAS, BDR Inc., 3480 Benzing Road, Orchard Park, New York 14127 has submitted a bid proposal in the amount of \$112,912.00, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board awards Softball and Hardball Diamond Drainage to BDR Inc, 3480 Benzing Road, Orchard Park, New York 14127 in the amount of \$112,912.00, AND BE IT FURTHER

RESOLVED, THAT FUNDS 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. 8 Motion by Councilman Wielinski, Seconded by Councilman Rogowski

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

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

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on September 14, 1994, in the Council Chambers of the Town of Cheektowaga

\* \* \* \* \*

LEGAL NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TIRES AND TUBES for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers of the Cheektowaga Town Hall on September 14, 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 TIRES".

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

\_\_\_\_\_  
RICHARD M. MOLESKI  
TOWN CLERK

Item No. 8 continued

Date: September 6, 1994

Publish: September 8, 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  
LEGAL NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA  
HIGHWAY DEPARTMENT

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive proposals for the purchase of TIRES AND TUBES for use by various departments in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers of the Cheektowaga Town Hall on September 14, 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 NY. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR TIRES".

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

RICHARD M. MOLESKI  
TOWN CLERK

DATE: September 6, 1994

PUBLISH: September 8, 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 Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for 1 weeks: first publication September 8, 1994; last publication September 8, 1994; and that no more than six days intervened between publications.

Melissa Gugliuzza

Sworn to before me this 8th

day of September, 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.

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 September 8, 1994;  
last publication September 8, 1994;  
and that no more than six days intervened be-  
tween publications.

Melissa Gugliuzza

Sworn to before me this 8th

day of September, 1994

Margaret J. Bourdette

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

**LEGAL NOTICE**  
**LEGAL NOTICE TO BID-  
DERS**  
**TOWN OF CHEEKTOWAGA  
HIGHWAY DEPARTMENT**  
NOTICE IS HEREBY GIVEN, that  
the Town of Cheektowaga Highway  
Department will receive proposals for  
the purchase of TIRES AND TUBES  
for use by various departments in the  
Town of Cheektowaga at a public bid  
opening to be held in the Council  
Chambers of the Cheektowaga Town  
Hall on September 14, 1994 at 11:00  
A.M.  
Information for bidders and specifi-  
cations may be obtained from the  
Office of Christopher J. Kowal, Super-  
intendent of Highways, at his office  
located at 3145 Union Road, Cheek-  
towaga NY. Bids must be enclosed in  
an opaque envelope plainly marked  
"BIDS FOR TIRES".  
Non-collusion forms must be  
signed and submitted with each bid.  
The Superintendent of Highways may  
reject any or all bids submitted.  
RICHARD M. MOLESKI  
TOWN CLERK  
DATE: September 6, 1994  
PUBLISH: September 8, 1994

MARGARET J. BOURDETTE  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES 12/11/95

Item No. 9 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 was submitted by Terri South to convert a residence into a Day Spa for the purpose of providing to the public various services such as hair styling and nail care, AND

WHEREAS, the Advisory Committee, at its meeting held on August 24, 1994 rendered the determination shown on the attached memo dated August 29, 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 issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - August 24, 1994  
August 29, 1994  
Page: 3

ITEM III            Losson Green Estate Phase VIII

Applicant:        L.J.D. Consultants

This site had been subject to a rezoning in 1992 and approved by the Town Board. At that time the applicant was rezoning the acreage from an apartment district to residential district for one and two family residences. At the time of submission Phase VIII consisted of 53 lots. The applicant at this time is now submitting a site plan showing 61 lots.

The subdivision configuration has changed in that the connecting road between the proposed Elm Leaf Drive and Crabapple Lane has been eliminated. The result is that this Phase VIII construction will be dead ended with a temporary cul-de-sac. This cul-de-sac would be eliminated with the construction of Phase IX connecting ultimately to Losson Road.

A discussion was held with the applicant's representative regarding Crabapple Lane and the need for re-habing or rebuilding the road, the conservation area which would be deeded to the Town in which trees should be preserved and the drainage for the overall site. It was suggested that the developer's applicant talk to the developer and possibly the owners of the parcels north of Crabapple Lane about funding part of the rebuilding of Crabapple Lane. It was noted that there might be county monies available for work on Crabapple.

The Town Engineer must review drainage with the applicant and how this drainage will be handled will be critical to the conservation area and the saving of trees.

It was indicated to the committee that the developer would wish to commence Phase VIII as soon as possible and Phase IX would proceed based on market conditions at a later date.

This item will be reviewed when additional information is submitted.

ITEM VI            5132 Transit Road                    -    Proposed Day Spa

Applicant:        Terrie South

The applicant is proposing to convert a residence into a "Day Spa". A "Day Spa" is an operation in which beauty treatments are provided to clients including hair treatments, nail treatments and massages. The zoning is proper for this type of use and the applicant has submitted a site plan showing the proposed parking and drainage for the site. The committee is recommending that the Town Board approve this project and issue a Negative Declaration providing the Planning Board approves the landscaping plan and the Town Engineer approves the drainage for the parking area and site in general.

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

WHEREAS, American Paving & Excavating, Inc. has submitted Change Order #2 in the amount of \$4,100.00 for site work performed at Cheektowaga Town Park Improvements, AND

WHEREAS, Change Order #2 entails transportation of ten (10) loads of fill and topsoil from Town Park to Stiglmeier Park, transportation and disposal of fifty (50) loads of fill material and drip edge for eight (8) picnic shelters, AND

WHEREAS, Darryl L. Jones, RLA and the Facilities Department Director, have reviewed an approved Change Order #2 as being in the best interests of the Town, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves Change Order #2 as submitted by American Paving & Excavating, Inc., 5880 Thompson Road, Clarence Center, New York 14032, in the amount of \$4,100.00, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5402-7110-9402.

Upon Roll Call....

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

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

WHEREAS, All-Weather Contractors, Inc. has submitted Certification of Substantial Completion for Roof Replacement at the Alexander Community Center, AND

WHEREAS, Scaffidi & Moore Architects and the Facilities Director have reviewed the project for compliance with the terms set forth in the plans and specifications for Roof Replacement, AND

WHEREAS, the date of Substantial Completion for Roof Replacement at the Alexander Community Center has been determined as July 29, 1994 and establishes the date of commencement of applicable warranties required by the Contract Documents, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby approves the Certificate of Substantial Completion as submitted by All-Weather Contractors, Inc. 510 Ellicott Road, Cheektowaga, New York 14227 for Roof Replacement at the Alexander Community Center.

Upon Roll Call....

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

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

WHEREAS, D.V. Brown & Associates, Inc. has submitted Application for Final Payment for Air Conditioning Units, Additions and Replacements at the Police and Court Building, AND

WHEREAS, R.P. Morrow Associates, P.C. and the Facilities Director have reviewed and approved the Contractor's Letter of Guarantee and Warranty Asbestos Statement, Contractor's Affidavit of Payment of Debts and Claims, Contractor's Affidavit of Release of Liens, Wage and Supplement Affidavit, Consent of Surety Company to Final Payment and Certificate of Substantial Completion dated July 20, 1994, NOW, THEREFORE, BE IT

Item No. 12 continued

RESOLVED, that the Cheektowaga Town Board approves final payment in the amount of \$4,592.00 for Air Conditioning Unit Additions and Replacements at the Police and Court Building to D.V. Brown & Associates, Inc., 567 Vickers Street, Tonawanda, New York 14150, AND BE IT FURTHER

RESOLVED, that funds for said action are available from Capital Improvement Account #5107-7110-9115.

Upon Roll Call....

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

Item No. 13 Motion by Supervisor Gabryszak, Seconded by Councilman Solecki

WHEREAS, under the Last Will and Testament of Dr. Victor Reinstein, a certain family trust was created, the remainder of which, upon the death of all named life beneficiaries, will be distributed to the "County of Erie" or the "Town of Cheektowaga" for "capital construction by expanding the physical library buildings in the Town of Cheektowaga or the erection of a new library or libraries"; and

WHEREAS, Julia B. Reinstein and Richard A. Grimm, Jr. as Executors of the Trustees under the Last Will and Testament of Dr. Victor Reinstein have petitioned the Surrogate of the County of Erie to reform and construe certain provisions of such Will, so that approximately 4.74 acres of land with a stone house situated in the middle of the Reinstein Woods might be transferred from the charitable trust upon payment of the sum of \$60,405.00, plus interest from May 2, 1991; and

WHEREAS, the Town would not be adversely affected by the aforesaid reformation;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Cheektowaga consents to the entry of a decree reforming the Last Will and Testament of Victor Reinstein, as set forth in the Petition of Julia B. Reinstein, Julia A. Reinstein and Richard A. Grimm, Jr., as amended and/or supplemented by the Memorandum Explaining Supplemental Petition of Donald J. Holzman, Esq., dated August 23, 1994.

Upon Roll Call....

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

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

WHEREAS, the Town Receiver of Taxes and Assessments presently collects school district taxes and deposits same with Marine Midland Bank, and

WHEREAS, it is advantageous to the Town to have these moneys deposited with Manufacturers and Traders Trust Company, Airport Plaza branch, for future school tax collections, NOW, THEREFORE, BE IT

RESOLVED, that the Town Receiver of Taxes and Assessments is authorized and directed to deposit moneys collected from school district tax warrants with Manufacturers and Traders Trust Company.

Upon Roll Call....

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



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

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1994 and terminates December 31, 1994 with the County of Erie concerning its STOP-DWI program, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute five (5) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

R E C E I V E D  
SEP 22 1994

T/V LE/CT  
1994 STOP-DWI

ERIE COUNTY STOP-DWI

'THIS AGREEMENT', made and entered into as of the 1st day of January, 1994, by and between the COUNTY OF ERIE, a municipal corporation of the State of New York, with offices at 95 Franklin Street, Buffalo, New York, 14202 hereinafter referred to as the COUNTY, party of the first part, and the TOWN/VILLAGE OF CHEEKTOWAGA, a municipal corporation of the State of New York in Erie County, with offices at BROADWAY & UNION RDS, CHEEKTOWAGA , New York 14227 , hereinafter referred to as the MUNICIPALITY, party of the second part.

W I T N E S S E T H:

WHEREAS, the COUNTY, pursuant to the authority granted to it by Article 31 of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP-DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, the MUNICIPALITY, through its police agency, has made formal application to the Erie County STOP-DWI Coordinator for the funding of certain alcohol traffic safety law enforcement activities in Erie County during the period from January 1, 1994 to December 31, 1994, which application is attached hereto and made a part hereof as Appendix "A", and

WHEREAS, a Justice Court has been established in and for the MUNICIPALITY with jurisdiction to hear and determine cases involving alleged violations of Section 1192, Section 511(2)(a)(i) and (iii) and Section 511(3) of the Vehicle and Traffic Law.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES:

FIRST: The term of this Agreement shall be the COUNTY's fiscal year commencing January 1, 1994 and ending December 31, 1994. The said term shall be divided into the following quarterly periods:

January 1 to March 31;  
April 1 to June 30;  
July 1 to September 30; and  
October 1 to December 31.

SECOND: During the term of this Agreement, the MUNICIPALITY, as an independent contractor, agrees to engage in the alcohol traffic safety law enforcement activities set forth in the annexed Appendix "A".

THIRD:

A. For purposes of this paragraph:

- (i) "DWI case" shall mean a criminal action commenced in any court within Erie County wherein a person is charged with a violation of Section 1192, Section 511(2)(a)(i) or (iii) or Section 511(3) of the Vehicle and Traffic Law;

(ii) "net STOP-DWI collections" shall mean the amount of fines, penalties and forfeitures collected by any court, judge, magistrate or other judicial officer within Erie County for violations of Section 1192, Section 511(2)(a)(i) or (iii) or Section 511(3) of the Vehicle and Traffic Law after deducting therefrom the amount of refunds made by reason of judicial mandate (e.g., appellate reversal of conviction, reduction of fine, etc.) or pursuant to former Section 521(c) of the Vehicle and Traffic Law (e.g., upon successful completion of an alcohol and drug rehabilitation program) and after deducting therefrom the percentage or amount withheld for deposit to the credit of the state STOP-DWI coordinating fund or for state operating and administrative expenses (i.e., any state assessment against fine revenues otherwise payable to Erie County pursuant to Section 1197(1) of the Vehicle and Traffic Law).

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the County agrees to pay the MUNICIPALITY, subject to the provisions of paragraph FOURTH (C) hereof, a sum not to exceed the lesser of either:

- (i) the MUNICIPALITY's actual expenses, as certified by the MUNICIPALITY upon forms acceptable to the COUNTY, in carrying out, during such quarterly period, the alcohol traffic safety law enforcement activities set forth in Appendix "A"; or
- (ii) sixty-five percent (65%) of the net STOP-DWI collections actually paid over and received by the COUNTY during such quarterly period, provided that such collections have resulted from convictions obtained in DWI cases commenced by the MUNICIPALITY's police agency.

C. Where in any quarterly period, the MUNICIPALITY's actual expenses, as certified in (i) above, exceed sixty-five percent (65%) of the amount of net STOP-DWI collections attributable to the MUNICIPALITY's alcohol traffic safety law enforcement activities, as calculated pursuant to (ii) above, such excess amount shall be added to the MUNICIPALITY's certified actual expenses in the next succeeding quarterly period for purposes of determining the sum payable to the MUNICIPALITY under this paragraph.

**FOURTH:**

A. For purposes of this paragraph:

- (i) "DWI case" shall mean a criminal action commenced in any court within Erie

County wherein a person is charged with a violation, or multiple violations involving the same person and arising out of the same incident, of Section 1192, Section 511(2)(a)(i) or (iii) or Section 511(3) of the Vehicle and Traffic Law;

- (ii) "finally disposed of" and "final disposition" shall mean the termination of a DWI case at the trial court level by reason of a dismissal, acquittal or conviction and imposition of sentence by the trial court, but shall not include the removal or transfer of a DWI case to another court.

B. Within thirty (30) days after the close of each of the quarterly periods of this Agreement, the COUNTY agrees to pay the MUNICIPALITY, for the services of the MUNICIPALITY's Justice Court, the sum of TEN DOLLARS (\$10.00) for each DWI case finally disposed of in such court during such quarterly period which was commenced by either the Erie County Sheriff's Department or the New York State Police. The said sum shall be payable by the COUNTY for each such DWI case regardless of the final disposition thereof.

C. The MUNICIPALITY agrees that the COUNTY, on behalf of the MUNICIPALITY, shall allocate and pay out, from the sums payable quarterly to the MUNICIPALITY under paragraph THIRD (B) hereof, the

sum of TEN DOLLARS (\$10.00) for each DWI case commenced by the MUNICIPALITY's police agency which was finally disposed of during the corresponding quarterly period. The said sum shall be paid by the COUNTY to the town or village in whose Justice Court the DWI case was finally disposed of and shall be payable regardless of the final disposition thereof.

**FIFTH:**

A. The MUNICIPALITY, through its police agency, agrees to compile information and render monthly reports to the Erie County STOP-DWI Coordinator with respect to:

- (i) the MUNICIPALITY's actual expenses in carrying out the alcohol traffic safety law enforcement activities set forth in Appendix "A". A sample copy of the STOP-DWI Monthly Fiscal Cost Report form is annexed hereto as Appendix "B";
- (ii) all alcohol-related traffic accidents investigated by the MUNICIPALITY's police agency (including copies of MV-104A forms prepared in connection therewith). A sample copy of the STOP-DWI Monthly Accident Report form is annexed hereto as Appendix "C"; and
- (iii) all DWI cases [cases involving alleged violation(s) of Section 1192, Section 511(2)(a)(i) or (iii) or Section 511(3) of the

Vehicle and Traffic Law] commenced by the MUNICIPALITY's police agency in any court in Erie County. A sample copy of the STOP-DWI Monthly Arrest Report form is annexed hereto as Appendix "D".

B. The MUNICIPALITY, through its Justice Court with jurisdiction to hear and determine DWI cases, agrees to compile information and render monthly reports to the Erie County STOP-DWI Coordinator with respect to all DWI cases finally disposed of [as those terms are defined in paragraph FOURTH (A)(i) and (ii), but including cases removed or transferred] in the MUNICIPALITY's Justice Court. A sample copy of the STOP-DWI Monthly Court Report form is annexed hereto as Appendix "E".

C. The MUNICIPALITY acknowledges that the determination by the COUNTY of the amounts payable to the MUNICIPALITY under paragraph THIRD and FOURTH of this Agreement is dependent upon the timely receipt by the Erie County STOP-DWI Coordinator of accurate information from the MUNICIPALITY. Accordingly, the MUNICIPALITY agrees that, as a condition precedent to its rights to payment under this Agreement, it shall fully complete and forward to the Erie County STOP-DWI Coordinator each of the monthly reports required under this paragraph (Appendices "B", "C", "D" and "E"; together with MV-104A copies) within 15 days after the last day of each monthly period to which such reports relate.



SIXTH: This Agreement is executory only to the extent of moneys available to the COUNTY for the performance hereof and appropriated therefor, being moneys in a separate account entitled "Special Traffic Options Program for Driving While Intoxicated" established and funded pursuant to Sections 1197 and 1803 of the Vehicle and Traffic Law, and the COUNTY shall incur no liability on account of this Agreement beyond such moneys.

SEVENTH: In the event the Erie County STOP-DWI Program, as approved by the Commissioner of the New York State Department of Motor Vehicles, is terminated before the COUNTY has paid to the MUNICIPALITY all of the sums otherwise payable under the terms of this Agreement, the provisions of Section 1197(9) of the Vehicle and Traffic Law with respect to program cessation shall govern for purposes of determining the availability of such sums for payment to the MUNICIPALITY.

EIGHTH: The MUNICIPALITY shall not assign, transfer, convey, sublet or otherwise dispose of this Agreement or of any right, title or interest therein, nor of the power to execute the same or any extension thereof to any other person or corporation without the previous consent in writing of the COUNTY.

NINTH: The MUNICIPALITY agrees to comply with all applicable laws of the State of New York, the United States and the County of Erie, including laws against discrimination, and with all rules and regulations of pertinent authorities having jurisdiction.

TENTH: The MUNICIPALITY shall be fully accountable for its performance under this Agreement and agrees for itself and its

officers to answer under oath all questions relevant to the performance thereof and to any transaction, act or omission in connection therewith if called before any Judicial, County, State or Federal agency empowered to investigate the Agreement or its performance.

**ELEVENTH:** The MUNICIPALITY agrees to furnish verified accounts of its disbursements hereunder, with certified or verified invoices thereto attached at such times and in such form and detail as may be required by the Erie County Comptroller, who may at her option audit the pertinent books and records of the MUNICIPALITY, and a final account within thirty (30) days after the termination of this Agreement.

**TWELFTH:** The MUNICIPALITY agrees to defend, hold harmless and indemnify the COUNTY against any and all liability, claims, demands, suits and judgments arising out of the performance of the MUNICIPALITY's obligations under this Agreement. The MUNICIPALITY further agrees to maintain insurance coverage during the term of this Agreement and to submit certificates of insurance in accordance with Vendor Classification C - "Professional Services", on Appendix "F" annexed hereto. For purposes of this Agreement, the MUNICIPALITY need not provide proof of professional liability insurance coverage. At the request of the MUNICIPALITY and with the advice of the Erie County Attorney, the Erie County STOP-DWI Coordinator may waive the excess and/or umbrella liability insurance coverage(s), or reduce the amount(s) thereof, otherwise required under this paragraph in lieu of proof of insurance coverage, the MUNICIPALITY may

furnish evidence of a self-insurance plan acceptable to the Erie County Attorney.

THIRTEENTH: Consistent with the MUNICIPALITY's status as an independent contractor, the COUNTY shall not be responsible for Worker's Compensation benefits, Social Security coverage or unemployment insurance benefits with respect to the MUNICIPALITY.

FOURTEENTH: This Agreement, or any renewal thereof, may be terminated by either party upon at least thirty (30) days prior notice. Such notice shall be provided in writing to the chief executive officer of the other party at the address appearing on the first page of this Agreement.

FIFTEENTH: Provided that the MUNICIPALITY shall have made formal application for the continued funding of its alcohol traffic safety law enforcement activities, this Agreement may be renewed for such additional twelve (12) month terms as may be mutually agreed upon by the parties through their respective legislative bodies.

This Agreement is executed by the COUNTY pursuant to a resolution adopted by the Legislature of the County of Erie at its meeting held on December 7, 1993, and by the MUNICIPALITY pursuant to a resolution of its governing body adopted at a meeting of said governing body held on September 6, 1994, of the MUNICIPALITY's resolution being annexed hereto as Appendix "G".

TOWN/VILLAGE CHEEKTOWAGA

COUNTY OF ERIE

By: *Dennis H. Gabryszak*  
(Name) DENNIS H. GABRYSZAK  
(Title) Supervisor

By: *Dennis T. Gorski*  
DENNIS T. GORSKI  
Erie County Executive

APPROVED AS TO CONTENT

*Maria Martens*  
MARIA MARTENS  
Erie County STOP-DWI Coordinator

APPROVED AS TO FORM

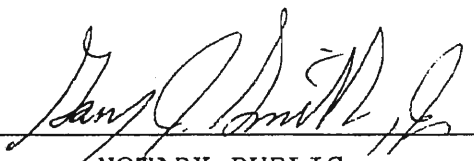
*James L. Tuppen*  
JAMES L. TUPPEN  
Assistant County Attorney  
Document No.: 94-1234-Ex  
Date: 10/26/94

ACKNOWLEDGMENTS

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

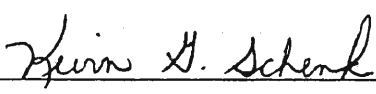
On this 4<sup>th</sup> day of November, 1994, before me personally came DENNIS T. GORSKI, to me personally known, who, being by me duly sworn, did depose and say that he resides in the Town of Cheektowaga, County of Erie and State of New York; that he is the County Executive of the COUNTY OF ERIE, the 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 and was so affixed by order of the Erie County Legislature and that he signed his name thereto by like order.

GARY J. SMITH, JR.  
NOTARY PUBLIC, STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES MAY 4, 1996

  
NOTARY PUBLIC

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

On this 12<sup>th</sup> day of September, 1994, before me personally came DENNIS H. GABRYSZAK, to me personally known, who, being by me duly sworn, did depose and say that he/she resides in the Town/Village of CHEEKTOWAGA, County of Erie and State of New York; that he/she is the SUPERVISOR of the Town/Village of CHEEKTOWAGA, the corporation described in, and which executed the within instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal and was so affixed by order of the governing body thereof and that he/she signed his/her name thereto by like order.

  
NOTARY PUBLIC

KEVIN G. SCHENK  
Notary Public, State of New York  
Qualified In Erie County  
My Commission Expires Feb. 28, 1995

**APPENDIX A**  
**Grant Application For Funding From**  
**The Erie County STOP-DWI Program**

RECEIVED  
 SEP 22 1994

Special Traffic Options Program  
for Driving While Intoxicated

ERIE COUNTY STOP-DWI

S.T.O.P. - D.W.I.

<p>1. Project Title</p> <p>STOP DWI 1994</p>	<p>2. Applicant Agency (Name/Address)</p> <p>Town of Cheektowaga Police Department          3223 Union Rd.          Cheektowaga, NY 14227</p>
<p>3. Project Coordinator (Name, Title, Address, and Telephone #)</p> <p>Bruce D. Chamberlin, Chief of Police          Cheektowaga Police Dept.          3223 Union Rd.          Cheektowaga, NY 14227</p>	
<p>4. Type of Application</p> <p><input type="checkbox"/> Initial</p> <p><input type="checkbox"/> Revision</p> <p><input checked="" type="checkbox"/> Continuation</p>	<p>5. Program area</p> <p><input checked="" type="checkbox"/> Law Enforcement</p> <p><input type="checkbox"/> Probation</p> <p><input type="checkbox"/> Prosecution</p> <p><input type="checkbox"/> Rehabilitation</p> <p><input type="checkbox"/> Adjudication</p> <p><input type="checkbox"/> Education</p> <p><input type="checkbox"/> Other _____</p>
<p>6. Governmental Unit</p> <p><input type="checkbox"/> City</p> <p><input type="checkbox"/> County</p> <p><input checked="" type="checkbox"/> Township</p> <p><input type="checkbox"/> Village</p> <p><input type="checkbox"/> Other _____</p>	<p>7. Total Cost of Project</p> <p>- Transferred from Grand Total on Page 8.</p> <p>\$ <u>138,008.35</u></p>
<p>8. Date of Application</p> <p><u>01 / 01 / 94</u> to <u>12 / 31 / 94</u></p>	<p>9. Period of Grant Operation</p> <p><u>01 / 01 / 94</u> to <u>12 / 31 / 94</u></p>

ERIE COUNTY STOP-DWI \* APPENDIX A

10. Fiscal agent (Name, Title, & Address of official authorized under law to receive payment of STOP-DWI funds on behalf of applicant agency or jurisdiction.

Dennis H. Gabryszak, Town Supervisor  
 Town of Cheektowaga  
 Broadway and Union Rd.  
 Cheektowaga, NY 14227

11. AUTHORIZING SIGNATURES

A. Project Coordinator	Title	Signature	Date
Bruce D. Chamberlin	Chief of Police	<i>B.D. Chamberlin</i>	20 SEP 94
B. For Governmental Unit or Agency	Title	Signature	Date
Dennis H. Gabryszak	Town Supervisor	<i>D. Gabryszak</i>	9-12-94

TOWN OF CHEEKTOWAGA POLICE DEPARTMENT PROGRAM OUTLINE

I. PROBLEM IDENTIFICATION AND ANALYSIS.

a) Statistics comparison:

1. Total number of motor vehicle accidents in the Town of Cheektowaga 1992-2,633, 1993-2383. This is a decrease of 9.49%.
2. Total number of DWI arrests; 1992-395, 1993-305. This is a decrease of 23%.
3. Number of motor vehicle accidents where a DWI arrest was made. 1992-115, 1993-83 (51% property damage, 49% injury). This is a decrease of 28%.  
The percentage of accidents where a DWI arrest was made was 3.48%.
4. Total number of VTL arrests; 1992-10,019, 1993-6737. This is a decrease of 33%.
5. Percentage of DWI arrests where an accident was involved; 1992-29% 1993-27%.
6. The above statistics represent the reported accidents only. The number of intoxicated or alcohol impaired drivers that went undetected is unknown.

b) Identification of problem.

1. The percentage of DWI related accidents in the Town of Cheektowaga was 3.48% in 1993, for a total of 83 accidents where a DWI arrest was made out of a total of 2,383 accidents.
2. The percentage of DWI arrests where an accident was involved was 27% or 83 of the total 305 DWI arrests.
3. While the number of DWI arrests has decreased, 305 DWI arrests were made and this number is still unacceptable.



c) Analysis.

1. Although the accidents involving driving while intoxicated has been decreasing, the numbers still show a need to further reduce alcohol related injury and damage.
2. The total number of accidents decreased by 9.48%, this is very possibly due to the increased selective enforcement of DWI laws.
3. The investigation of accidents is an essential part of identification and removal of intoxicated drivers from our highways.
4. Increased training of officers in identification of alcohol impaired/intoxicated drivers increases the number of arrests possible at accidents and vehicle stops.
5. Increased selective enforcement has a positive effect on reducing the number of accidents in the short term, selective enforcement and education have a longer term effect.

II. PROGRAM GOALS AND OBJECTIVES.

1. To reduce the total number of accidents in the Town of Cheektowaga by 10%.
2. To reduce the number of accidents involving DWIs by 5% in the Town of Cheektowaga.
3. To increase the number of DWI arrests by 10%.

### III. PROGRAM DESCRIPTION.

1. Assign one traffic officer to DWI patrol enforcement. The purpose of the patrol will be to identify and arrest impaired/intoxicated drivers on our highways.
2. The officers will be assigned in addition to the normal traffic enforcement provided by the Cheektowaga Police Department.
3. The officers will be assigned seven days a week, between the hours of 9:00 P.M. and 5:00 A.M.
4. Officers will receive training in identification and handling of both alcohol and drug impaired or intoxicated drivers. This training will be updated periodically.
5. This patrol will work in conjunction with accident investigation, radar speed enforcement, and routine vehicle and traffic law enforcement.
6. Officers will also be assigned to community DWI awareness programs. These programs will concentrate on young drivers in the 16 to 21 year old group.
7. Officers will also participate in STOP-DWI checkpoints and/or saturation patrols.

ERIE COUNTY STOP-DWI \* APPENDIX A

Period of Grant Operation: 01 / 01 / 94 to 12 / 31 / 94

BUDGET ITEMS	STOP DWI FUNDS
--------------	----------------

A. PERSONNEL

One Police Officer, 8 hrs per day X 365 = 2920 hrs at \$19.29 per hr.	\$56,326.80
One Police Sergeant, 4 hrs per week X 52 = 208 hrs at \$20.51 per hr.	4,266.08
One Clerk, 8 hrs per week X 52 = 416 hrs at \$12.48 per hr.	5,191.68
Overtime for Follow-up investigations Arrests Additional Enforcement	5,000.00
SUB-TOTAL	\$70,784.56

B. FRINGE BENEFITS

Police Officers hrs X 32%	\$18,024.58
Police Sergeant hrs X 32%	1,365.14
Clerk hrs X 32%	1,661.33
SUB-TOTAL	\$21,051.05

ERIE COUNTY STOP-DWI \* APPENDIX A

BUDGET ITEMS	STOP - DWI FUNDS
--------------	------------------

C. SUB-CONTRACTED SERVICES

SUB-TOTAL	

D. EQUIPMENT (OVER \$250.00)

Radar Unit Calibrations	\$ 400.00
Breathalyzer Calibrations	200.00
Equipment Repair	400.00
Shipping for Calibrations & Repair	200.00
SUB-TOTAL	\$1200.00

E. SUPPLIES (UNDER \$250.00)

Ampoules	\$307.84
Breath Tubes	103.70
Blood - Urine Collection Kits	80.00
SUB-TOTAL	\$491.54

ERIE COUNTY STOP-DWI \* APPENDIX A

BUDGET ITEMS	STOP - DWI FUNDS
--------------	------------------

F. TRAVEL AND SUBSISTENCE

Mileage Court Training, etc.	\$500.00
SUB-TOTAL	\$500.00

G. RENTALS

SUB-TOTAL	

H. ALL OTHER EXPENSES

Court Time 6 hrs X 300 Arrests	\$34,722.00
Officer Training 30 hrs X 12 = 360 hrs	6,944.40
Public information 120 hrs	2,314.80
SUB-TOTAL	\$43,981.20

GRAND TOTAL	\$138,008.35
-------------	--------------

Submit in Duplicate to:  
 Erie County Office of  
 Criminal Justice Planning  
 134 West Eagle St.  
 Buffalo, N.Y. 14202

STOP DWI  
 FISCAL COST REPORT

CATEGORY	MONTHLY EXPENDITURES	CUMULATIVE EXPEND
Personnel		
Fringe Benefits		
Equipment		
Supplies		
Travel		
All Other		
Court		
TOTAL		

I hereby certify that this report, schedules, statements, and the expenses for which payment is requested are true, current and complete and were made in accordance with State and County rules and regulations governing STOP - DWI expenditures and that the Articles listed were (or will be) necessary solely for the STOP - DWI Program.

FOR CLAIMANT \_\_\_\_\_  
 Signature Date  
 Print \_\_\_\_\_  
 Title

FISCAL OFFICER \_\_\_\_\_  
 Signature Date  
 Print \_\_\_\_\_

Reporting Agency \_\_\_\_\_

Report Month of \_\_\_\_\_

EMPLOYEE LAST NAME	SOCIAL SECURITY NUMBER (Last 4 digits)	EMPLOYEE TITLE	ANNUAL SALARY

Prepared by \_\_\_\_\_ Approved by \_\_\_\_\_

SCHEDULE II - EXPENSE OTHER

STOP DWI

TITLE: \_\_\_\_\_

FOR MONTH OF \_\_\_\_\_

---



REPORTING AGENCY

#	ACCIDENT:				#CASUALTIES: INJURIES: F				
	DATE	TIME	AM	PM	MOTOR VEHICLE:			PED	
					DRIVER	PASS'GR.	INJ.		
					INJ.	FAT.	INJ.	FAT.	INJ.
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
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14									
15									
16									
17									
18									
19									
20									

1 BLOOD ALCOHOL CONTENT  
2. BE AS SPECIFIC AS POSSIBLE!

STOP-DWI Monthly Arrest Report

MIAMI D

TO

County

Reporting Agency

Reporting Period

1. Total Number of Persons Charged with a Moving Traffic Violation

2. Total Number of Persons Arrested for DWAI, DWI, or BAC  $\geq$  .10 (section 1192) Violations

3. Total Number of Persons Arrested for Section 1192 Violations by Age

a) Under 18	
b) 18	
c) 19	
d) 20	
e) 21-24	
f) 25-29	
g) 30-39	
h) 40-49	
i) 50-59	
j) 60-64	
k) Over 64	

5. Total Number of Persons Arrested for Section 1192 Violations by Sex

a) Male	
b) Female	

6. Total Number of Persons Arrested for Section 1192 Violations by Time Intervals

a) 6:01a.m. to 6:00p.m.	
b) 6:01p.m. to 9:00p.m.	
c) 9:01p.m. to 12:00p.m.	
d) 12:01p.m. to 3:00a.m.	
e) 3:01a.m. to 6:00a.m.	

4. Total Number of Persons Arrested for Section 1192 Violations by BAC Level

a) No Test Offered	
b) Test Refused	
c) .00 to .05	
d) .051 to .07	
e) .071 to .099	
f) .10 to .149	
g) .15 to .199	
h) .20 or Greater	

7. Total Number of Persons Arrested for Section 1192 Violations by Day

a) Sunday	
b) Monday	
c) Tuesday	
d) Wednesday	
e) Thursday	
f) Friday	
g) Saturday	

DATE \_\_\_\_\_

REPORTING AGENCY \_\_\_\_\_

The following information is required for persons  
1192, 1193-1C, or Section 511-2 (a) ii, iii or 51

NAME		OFFENSE	AUO		PRI Y
LAST	FIRST		1192	5112 5113	

NAME OF JUSTICE: \_\_\_\_\_ COURT \_\_\_\_\_  
 LOCATION: \_\_\_\_\_ TYPE \_\_\_\_\_

DEFENDANT'S NAME	CHARGE OF STATUTE	ARRESTING AGENCY	DATE:		
			OF ARREST	OF ARRAIGNMT	OF DISPOS

JAMES J. KIRISITS  
Town Attorney

KEVIN G. SCHENK  
Deputy Town Attorney

MICHAEL J. STACHOWSKI  
Special Prosecutor

OFFICE OF THE TOWN ATTORNEY  
3301 Broadway Street  
Cheektowaga, New York 14227-1088  
716/686-3457  
FAX 716/683-0134



September 8, 1994

Ms. Maria Martens, Coordinator  
STOP-DWI Program  
134 W. Eagle Street  
Buffalo, New York 14202

Re: Self Insurance Notification

Dear Ms. Martens:

Be advised that, on March 24, 1980, the Town of Cheektowaga elected to self-insure and pay compensation benefits to its employees in accordance with the Workers Compensation Law of the State of New York. A copy of the letter from the N.Y.S. Workers Compensation Board accepting the Town as a self-insured employer is available upon request. Payments for such benefits are guaranteed by the full faith and credit of the Town and will be paid out of budgeted funds or from funded loss reserves or from Excess Workers Compensation insurance.

This notice will certify that the Town of Cheektowaga has elected to become a self-insurer for liabilities formerly covered by policies of Automobile, General, Police, Public Officials and Excess Umbrella Liability insurance. A copy of the Town Board resolutions effecting self-insurance are available upon request.

In lieu of a Certificate of Insurance, please accept this notice as evidence of the Town's intent to pay its legal obligations for meritorious Automobile, General, Police and other uninsured liability claims made against it and the County of Erie to the extent provided in the Town's agreements (STOP-DWI; Nutrition; Van Service; Snow Removal) with you.

Payments for such claims are guaranteed by the full faith and credit of the Town or its districts, as applicable, and will be paid out of budgeted funds or from funded loss reserves or from the proceeds of bonds the Town is permitted to issue for the payment of claims.

I trust the above will satisfy your insurance requirements. If you have any questions, please let me know.

Very truly yours,

DEPARTMENT OF LAW

*Kevin G. Schenk*

Kevin G. Schenk  
Deputy Town Attorney

ORIGINAL DOCUMENT  
ON FILE;  
SEP 28 1994  
IN CLAIMS OFFICE

cc: Ernest A. Holforth

APPENDIX G  
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 September, 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 Supervisor Gabryszak seconded by Councilman Jaworowicz

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and also is desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga enter into the attached Agreement which commenced January 1, 1994 and terminates December 31, 1994 with the County of Erie concerning its STOP-DWI program, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute five (5) copies of the attached Agreement and any and all other papers necessary to implement the terms of this Agreement.

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

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

WHEREAS, the Town of Cheektowaga is eligible for partial reimbursement of funds expended for youth programming during fiscal year 1995, and

WHEREAS, the Town of Cheektowaga will submit a State Aid application to the New York State Division for Youth for funding under the following Project Funding categories: Youth Bureau, Youth Service, Youth Initiatives and Recreation, NOW, THEREFORE, BE IT

RESOLVED, that said application is approved contingent upon the appropriation of funds in the adopted 1995 Town of Cheektowaga budget and that the Supervisor is hereby directed and authorized to duly execute and present same to the New York State Division of Youth.

Upon Roll Call....

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

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

BE IT RESOLVED, that the Supervisor be and hereby is directed to sign an agreement between the Department of Youth and Recreational Services and the County Flare Band, to cover to expense of their performance during the annual Haunted Forest to be held in Stiglmeier Park during the period of October 18th-October 20th, 1994, at a cost not to exceed \$1,500 (Line Item 7140.4492).

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 Councilman Rogowski

WHEREAS, the Town Board is in possession of and has reviewed the Hearing Officer's report in regards to disciplinary action taken against Francis T. Keefe, as per Section 75 of the New York State Civil Service Law, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board reaffirms its earlier action of March 7, 1994 in terminating the employment of Francis T. Keefe.

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

BE IT RESOLVED, that the following SEASONAL and PART-TIME employees be and hereby are terminated as listed:

	<u>EFFECTIVE</u>
<u>FACILITIES DEPARTMENT</u>	
Eric Ozolins	9-07-94
Jason Ozolins	9-07-94
Randall Boersma	9-07-94
Jeff Mallory	9-07-94
Jason Scott	9-07-94
Jarrett Sinclair	9-07-94
Justin Keating	9-07-94
Steven Cody	9-07-94

Item No. 16 continued

SEWER DEPARTMENT

Richard Latshaw  
Alex Nesteruk

Immediately  
"

TAX OFFICE

Marcie Dudek  
Emily Miklas

Immediately  
"

RECYCLING DEPARTMENT

Mark Ostempowski

Immediately

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, that the following positions be and hereby are abolished as listed, effective immediately:

- ( 1) Account Clerk & Bookkeeping Machine Operator
- ( 1) Assessment Clerk
- ( 1) Assistant Accountant
- ( 1) Assistant Automotive Mechanic Crew Chief
- ( 1) Assistant Building Inspector
- ( 2) Assistant Field Assessor
- ( 4) Assistant Working Crew Chief
- ( 1) Automotive Body Repairworker
- ( 3) Automotive Mechanic
- ( 1) Automotive Mechanic Crew Chief
- ( 1) Automotive Mechanic Helper
- ( 1) Building Inspector
- ( 1) Building & Plumbing Inspector
- ( 9) Caretaker
- ( 1) Chief Accountant
- ( 2) Cleaner
- ( 5) Clerk
- ( 1) Clerk of Justice Court
- ( 1) Clerk of Town Justice
- ( 2) Clerk-Stenographer
- ( 5) Clerk-Typist
- ( 2) Crew Chief
- ( 1) Deputy Town Attorney
- ( 1) Detective (Police)
- ( 6) Detective Sergeant
- ( 1) Director of Administration and Finance
- ( 3) Dog Control Officer
- ( 1) Employment Counselor
- ( 2) Engineering Aide
- ( 1) Engineering Assistant
- ( 1) Fiscal Officer
- ( 1) Gardener
- ( 4) General Mechanic
- ( 1) Janitor
- ( 1) Junior Engineering
- (47) Laborer
- ( 1) Laborer Crew Chief
- ( 6) Maintenance Worker
- (19) Motor Equipment Operator
- ( 1) Parks Crew Chief
- ( 2) Police Captain



Item No. 18 continued

- ( 3) Police Dispatcher & Telephone Operator
- ( 2) Police Lieutenant
- (11) Police Officer
- ( 3) Police Sergeant
- ( 1) Real Property Appraiser
- ( 1) Secretary to Supervisor
- ( 1) Senior Account Clerk-Typist
- ( 1) Senior Engineering Assistant
- ( 2) Senior Sewage Treatment Plant Operator
- (13) Sewage Treatment Plant Operator
- ( 5) Sewage Treatment Plant Operator Trainee
- ( 1) Sewer Maintenance Worker
- ( 1) Superintendent of Buildings and Grounds
- ( 1) Tree Trimmer
- ( 1) Truck Driver
- ( 1) Working Crew Chief
- ( 1) Youth Counselor
- ( 1) Zoning Inspector

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 Rogowski

BE IT RESOLVED, that to comply with the records of the Erie County Department of Personnel, the following positions be and hereby are created.

- ( 1) General Crew Chief
- ( 1) Senior Clerk
- ( 1) Equipment Maintenance Worker

Upon Roll Call....

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

Item No. 20 Motion by Councilman Johnson, Seconded by Councilman Rogowski

WHEREAS, Lawrence Darmsteter is a member of the Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, Mr. Darmsteter has moved and has been unable to attend or participate in the CCAC meetings, and

WHEREAS, Gordon Allen has been attending the CCAC meetings and assisting the CCAC, and

WHEREAS, Mr. Allen is well qualified for this position and has been recommended by the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby terminates Lawrence Darmsteter as a full voting member of the CCAC, and BE IT FURTHER

RESOLVED, that Gordon Allen, Cheektowaga, New York 14225 be and hereby is appointed to the position on the CCAC created by the termination of Lawrence Darmsteter, effective immediately and terminating on October 15, 1994.

Upon Roll Call....

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

Item No. 21a Motion by Councilman Wielinski, Seconded by Councilman Solecki

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

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, Stephen M. Fialkowski, currently employed as a Light Motor Equipment Operator in the Recycling Department, bid on said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Stephen M. Fialkowski of Cheektowaga, New York 14227, be and hereby is appointed to the position of General Mechanic in the Facilities Department (Line #7110) in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 7, 1994.

Upon Roll Call....

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

Item No. 21b Motion by Councilman Wielinski, Seconded by Councilman Rogowski

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

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, Robert Jaroszewski, currently employed as a Light Motor Equipment Operator in the Recycling Department, bid on said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Robert Jaroszewski of Sloan, New York 14212 be and hereby is appointed to the position of General Mechanic in the Facilities Department (Line #1625) in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 7, 1994.

Upon Roll Call....

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

Item No. 21c Motion by Councilman Wielinski, Seconded by Councilman Blachowski

WHEREAS, a vacancy exists in the position of Light Motor Equipment Operator in the Recycling Department, AND

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, Joseph Dietl, currently employed as a Laborer's Aide in the Recycling Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Joseph Dietl of Cheektowaga, New York 14225 be and hereby is appointed to the position of Light Motor Equipment Operator in the Recycling Department in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 7, 1994.

Item No. 21c continued

Upon Roll Call....

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

Item No. 21d Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Light Motor Equipment Operator in the Recycling Department, AND

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, David Longo, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that David Longo of \_\_\_\_\_, Cheektowaga, New York 14225 be and hereby is appointed to the position of Light Motor Equipment Operator in the Recycling Department in accordance with the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and Town of Cheektowaga Employees Association, effective September 7, 1994

Upon Roll Call....

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

Item No. 21e Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, Mitchel Marciszewski, currently employed as a Seasonal Laborer, applied for said vacancy and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Mitchel Marciszewski of \_\_\_\_\_ Cheektowaga, New York 14206 be and hereby is appointed to the position of Laborer's Aide in the Recycling 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, effective September 7, 1994.

Upon Roll Call....

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

Item No. 21f Motion by Councilman Jaworowicz, Seconded by Councilman Rogowski

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, no full-time employee bid on said vacancy, AND

WHEREAS, Greg McManus applied for said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

Item No. 21f continued

RESOLVED, that Greg McManus of \_\_\_\_\_, Cheektowaga, New York 14206 be and hereby is appointed to the position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 7, 1994.

Upon Roll Call....

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

Item No. 21g Motion by Supervisor Gabryszak, Seconded by Councilman Blachowski

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, AND

WHEREAS, notice of said vacancy was posted as per the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, AND

WHEREAS, John Ross, currently employed as a Seasonal Laborer in the Recycling Department, bid on said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that John Ross of \_\_\_\_\_ Cheektowaga, New York 14225 be and hereby is appointed to the position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 7, 1994.

Upon Roll Call....

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

Item No. 22a Motion by Councilman Blachowski, Seconded by Councilman Johnson

WHEREAS, a vacancy exists on the Zoning Board of Appeals for the Town of Cheektowaga, and

WHEREAS, applications were received for this position and this Board reviewed the qualifications of the applicants, NOW, THEREFORE, BE IT

RESOLVED, that Jane Wiercoch, \_\_\_\_\_ Depew, New York 14043 be and hereby is appointed to the vacancy which exists on the Zoning Board of Appeals, effective immediately and for a term ending on December 31, 1997.

Upon Roll Call....

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

Item No. 22b Motion by Councilman Solecki, Seconded by Councilman Jaworowicz

WHEREAS, pursuant to Local Law No. 1 of the Year 1993 entitled "A Local Law Establishing a Board of Ethics", a Board of Ethics for the Town of Cheektowaga was established, and

WHEREAS, by resolution dated August 16, 1993, members were appointed to such Board of Ethics, and

Item No. 22b continued

WHEREAS, the term of one of the members of such Board of Ethics has expired and a vacancy was created in another position by the resignation of a member, and

WHEREAS, this Board wishes to fill these vacancies, NOW, THEREFORE,  
BE IT

RESOLVED, that the following individuals be and hereby are appointed to the Board of Ethics, effective immediately, to serve for the following referenced terms:

<u>Member Appointed</u>	<u>Term Expires</u>
Laree Zierk Cheektowaga, New York 14225	August 15, 1999
Justine Przemielewski Cheektowaga, New York 14227	August 15, 1998

Upon Roll Call....

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

Item No. 23a Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the below listed individuals be hired to work in the Youth and Recreation Department at the titles and salaries indicated (part-time)

7140.1612

Recreation Instructor II - \$4.75  
Katherine Netzel

Recreation Instructor III - \$5.50  
Kim Rafanowicz

7140.1664/7140.1614

Recreation Specialist V - \$5.75  
Connie Stewart

7140.1664

Recreation Specialist X - \$7.00  
Barbara Walters

BE IT RESOLVED, that Colleen Tonsoline, presently employed as a Senior Recreation Instructor in the Gymnastics program be transferred to a part-time status (7140.1630) and also be hired to work as a Recreation Specialist X in the Pre-K program (7140.1664) - \$7.00

BE IT FURTHER RESOLVED, that Bonnie Nowicki, presently employed as a Recreation Specialist X in the Theatre program be transferred to a part-time status (7140.1651) and also be hired to work as a Recreation Specialist X in the Pre-K program (7140.1664) - \$7.00.

Upon Roll Call....

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

Item No. 23b 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

JUSTICE COURT - \$6.00 per hour (Clerical)

Lynn Marie Janiszewski

9-07-94

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer)

Todd Iozzia

9-07-94

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 23c Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

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

RECYCLING DEPARTMENT - \$5.00 per hour (Laborer)

James Kazmierczak

9-07-94

Michael Edmonson

"

John Skonecki

"

Scott Miller

"

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer)

Brad Chojnacki

9-07-94

Mark Dauer

"

Marty Doyle

"

Eugene Czajkowski

"

TAX OFFICE - \$4.75 per hour (Night Shift)

Mildred Keipper

9-07-94

Judith Skrzydlewski

"

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 24 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Youth and Recreation employees be transferred as indicated:

From Seasonal to Part-Time - Recreation Leader IX - \$7.25 (7140.1664)

Mary Beth Seivert

MEETING NO. 18  
September 6, 1994

Item No. 24 continued

From Seasonal to Part-Time - Recreation Leader VIII - \$7.00 per hour 7140.1627/  
7140.1664

Laila Desjardins

From Seasonal to Part-Time - From Line Item 7180.1902 to 7140.1664 - Recreation  
Leader IX - \$7.25

Michelle Kunkel

From Seasonal to Part-Time - From Line Item 7310.1810 to 7310.1814/7140.1614/  
7140.1630 Recreation Leader IV - \$6.00

Maria DiGiacomo

From Seasonal to Part-Time - From Line Item 7310.1810 to 7310.1814/7140.1614  
Recreation Leader IV - \$6.00

Michael Rokitka

From Seasonal to Part-Time - From Line Item 7310.1810 to 7140.1614 - From  
Counselor III to Recreation Leader I - \$5.25

Dawn Smith  
Dawn Zilbauer

From Seasonal to Part-Time - 7310.1810 to 7140.1614

Jennifer Garrison - Recreation Attendant I  
Brian Getz - Recreation Attendant IV  
Tammy Schumacher - Recreation Attendant II  
Michael Smith - Recreation Attendant IV  
Rebecca Volk - Recreation Attendant II  
Daniel Zilbauer - Recreation Attendant I

From Seasonal to Part-Time - From 7140.1648 - 7140.1614

Ginger Schwartz

From Recreation Attendant I to Recreation Attendant II - 7140.1614 - \$4.50

Eric Meinke

From Seasonal to Part-Time - 7310.1611 - Recreation Leader IV - \$6.00

Scott Fleetwood

BE IT RESOLVED, that the following individuals be transferred from  
seasonal to part-time:

7140.1664

Jill Szarzynski

7140.1630

Sabrina Kotowski  
Amy Sieczkarek  
Cheryl Skowronski

7140.1651

Leanne Ventura  
Joanne Haas  
Bonnie Nowicki  
Tom Kazmierczak

Item No. 24 continued

7140.1654

Patrick Cartenuto  
Greg Wazny

7140.1614

Corinne Kindzierski

Upon Roll Call....

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

Item No. 25a Motion by Councilman Jaworowicz, Seconded by Councilman Blachowski

WHEREAS, the New York State Division of Criminal Justice Services, Bureau of Municipal Police is sponsoring their annual training conference on September 21-22, 1994 in Binghamton, New York,

WHEREAS, Chief Chamberlin is requesting authorization to send Sgt. James Speyer and Officer Thomas Dryja to this training conference. Officer Dryja has been invited to attend this conference as a guest of NYS DCJS and speak on the subject of "Getting Started in Accreditation". Sgt. Speyer wishes to attend this conference which will cover a variety of topics on Leadership, Management and Accreditation. The Police Department will be responsible for the expenses of Sgt. Speyer which will amount approximately to \$250.00. A Cheektowaga Police Vehicle will be used for transportation to and from this seminar. NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Sgt. Speyer and Officer Dryja to this training seminar, and that the time they spend there be authorized as normal duty time. The expense will be charged to lines 0100-3120-4093 and 0100-3120-4085.

Upon Roll Call....

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

Item No. 25b Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Hornell Police Department is hosting a K-9 Training Seminar and Recertification from September 12-16, 1994 at the Hornell Police Department.

WHEREAS, Chief Chamberlin is requesting authorization to send K-9 Officer Daniel Smith and Gringo to this training seminar. Officer Smith and Gringo have been requested to assist in the training seminar. Gringo also needs to be recertified. This certification is required by the Rules and Regulations of the Police Canine Association of America, and is also needed for court documentation. The Police Department will be responsible for registration, meals and gasoline amounting to approximately \$257.50. Officer Smith will be using the K-9 vehicle for transportation to and from this seminar. NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send Officer Smith and Gringo to this training and that the time he spends there be authorized as normal duty. The expense will be charged to 0100-3120-4095.

Upon Roll Call....

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



Item No. 25c Motion by Councilman Blachowski, Seconded by Councilman Solecki

WHEREAS, the New York State Emergency Management Association will be holding its next scheduled meeting in Albany, New York on September 19, 1994, and

WHEREAS, thereafter, the New York State Disaster Preparedness Commission will be holding the 1994 Disaster Preparedness Conference in Albany, New York from September 20-22, 1994, and

WHEREAS, the Town's Disaster Coordinator has requested permission to attend this meeting and conference, and

WHEREAS, this meeting and conference will provide the Town's Disaster Coordinator with an opportunity to meet and exchange ideas with other emergency service professionals and will do much to improve the Town's policies and strategies for emergency readiness, response and recovery, NOW, THEREFORE, BE IT

RESOLVED, that the Town's Disaster Coordinator be and hereby is authorized to attend the aforementioned meeting and conference from September 19-22, 1994, and BE IT FURTHER

RESOLVED, that one-half of the cost of this meeting and conference, \$225.00, shall be paid by the State Emergency Management Office; the other one-half shall be paid from budget line item number 0100-1220-4008.

Upon Roll Call....

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

Item No. 25d Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the North Carolina State University in affiliation with the National Recreation and Park Association, is conducting a Supervisors' Management School in Oglebay Park, West Virginia, November 6, 1994 - November 10, 1994, and

WHEREAS, the program is designed to provide public service supervisors with the essential principles and most up-to-date techniques and information pertaining to staffing, organizing, directing and managing employees in order to achieve organizational goals, BE IT

RESOLVED, that Paul Marchewka and Kerry Switalski, be reimbursed for their necessary transportation expenses at a cost not to exceed \$180.00 (Line Item 01-1910.4083), lodging expense at a cost not to exceed \$660.00 (Line Item 01-7310.4191) and training fees not to exceed \$600.00 (Line Item 7310.4681).

Upon Roll Call....

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

Item No. 26 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Department of Youth and Recreational Services has previously been awarded a 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, the state has increased the original budget by \$300 to \$15,300 to reflect the need for a mandatory meeting in Albany, New York, BE IT

RESOLVED, that the following account line items be increased and hereby are amended:

Item No. 26 continued

NYS CC (Expense)-Account 0001-7310.4085 - From \$2,308 to \$2,608

NYS CC (Revenue)-Account 0001-7310.3091 - From \$15,000 to \$15,300

Upon Roll Call....

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

Item No. 27 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED, that the following Vouchers and Warrants that were submitted to the Town of Cheektowaga prior to September 2nd, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$256,436.41
HIGHWAY FUND	61,527.15
TRUST & AGENCY FUND	25,404.34
CDBG HUD FUND	42,008.52
PART TOWN FUND	4,589.39
HUD RENTAL REHABILITATION FUND	12,400.00
RISK RETENTION FUND	71,373.74
NYS HOME PROGRAM FUND	29,365.00
HUD HOUSING REHABILITATION FUND	13,557.00
SPECIAL DISTRICTS FUND	236,548.81
CAPITAL FUND	193,835.77

\$947,046.13

Upon Roll Call....

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

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 28 Building Permits  
Received and Filed.

Item No. 29 Supervisor's Statement of Funds - July, 1994  
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 30 Third Party Summons: Kenneth Krupski vs Donald S. Jablonski, Sr. and Margaret E. Jablonski; Donald S. Jablonski and Margaret E. Jablonski vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Sewer Maintenance and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 31a Notice of Claim: Jeffrey Jusiak vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Police Department and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 31b Notice of Claim: Edward and Janice Kuczarski vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Dept. and Allied Claims Insurance Carrier.  
Received and Filed.

Item No. 31c Notice of Claim: Thomas J. Carroll 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. 31d Notice of Claim: Filene's Basement, Inc. vs the Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Police Department and Allied Claims Insurance Carrier.  
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 32a Notice of Petition: Affordable Hospitality vs the Board of  
Assessment Review; the Assessor and the Town of Cheektowaga  
Received and Filed.

Item No. 32b Notice of Petition: Anthony P. Amigone vs the Assessor and the Board  
of Assessment Review  
Received and Filed.

Item No. 32c Notice of Petition: AMPCO-Pittsburg Secur. II AND Buffalo Forge Co.  
vs the Board of Assessment Review, the Assessor and the Town of  
Cheektowaga  
Received and Filed.

Item No. 32d Notice of Petition: Henry and Joan Bilski vs the Assessor and the  
the Board of Assessment Review  
Received and Filed.

Item No. 32e Notice of Petition: Bridgestone/Firestone, Inc. vs the Assessor and  
the Board of Assessment Review  
Received and Filed.

Item No. 32f Notice of Petition: CJM Properties vs the Assessor and the Board of  
Assessment Review  
Received and Filed.

Item No. 32g Notice of Petition: Cooper Turbocompressor, Inc. vs the Assessor and  
the Board of Assessment Review  
Received and Filed.

Item No. 32h Notice of Petition: Dynamic Enterprises vs the the Assessor and the  
Board of Assessment Review  
Received and Filed.

Item No. 32i Notice of Petition: Dynamic Hotel Development Inc. vs the Assessor,  
the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.

Item No. 32j Notice of Petition: Edgebrook Realty Associates, Ltd. vs the Assessor  
and the Board of Assessment Review  
Received and Filed.

Item No. 32k Notice of Petition: Flanigan's Furniture Showrooms vs the Assessor  
and the Board of Assessment Review  
Received and Filed.

- Item No. 32l Notice of Petition: Ford Leasing Development Corp. vs the Board of Assessment Review  
Received and Filed.
- Item No. 32m Notice of Petition: Friendly Ice Cream Corporation vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32n Notice of Petition: Garden Gate Manor vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32o Notice of Petition: General Cinema Corp. of New York vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32p Notice of Petition: Genesee Development vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32q Notice of Petition: Carlton Hasselback and Philip Hasselback vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32r Notice of Petition: Home Leasing Corporation vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32s Notice of Petition: Hills Department Stores vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32t Notice of Petition: IPFC Properties, Inc. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32u Notice of Petition: Eugene Jason and Arlene Jason, h/w and Eugene Jason, d/b/a Properties Unlimited vs the Assessor  
Received and Filed.
- Item No. 32v Notice of Petition: William Katz vs the Board of Assessment Review  
Received and Filed.
- Item No. 32w Notice of Petition: Manufacturers Hanover Trust Co. vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32x Notice of Petition: Miken Companies, Inc. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32y Notice of Petition: New Erie Industrial Center vs the Assessor and the Board of Assessment Review  
Received and Filed.

MEETING NO. 18  
September 6, 1994

- Item No. 32z Notice of Petition: New York Telephone Company vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32aa Notice of Petition: Niagara Frontier Transportation Authority vs the Town of Cheektowaga  
Received and Filed.
- Item No. 32bb Notice of Petition: Orange Valley Associates, a Limited Partnership vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32cc Notice of Petition: The Price Company vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32dd Notice of Petition: Quebecor Printing Buffalo, Inc. vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32ee Notice of Petition: Resser Management Corp. vs the Assessor and Board of Assessment Review  
Received and Filed.
- Item No. 32ff Notice of Petition: Reichold Chemicals/Sun Chemical Corp. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32gg Notice of Petition: Scrivner of New York, Inc. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32hh Notice of Petition: Warren Shapera vs the Assessor and the Board of Assessment Review  
Received and Filed.
- Item No. 32ii Notice of Petition: Snyder Corp. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32jj Notice of Petition: Sonwil Distribution Center, Inc. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32kk Notice of Petition: Ted's Jumbo Red Hots, Inc. vs the Assessor and the Town of Cheektowaga  
Received and Filed.
- Item No. 32ll Notice of Petition: Tops Market, Inc. vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.
- Item No. 32mm Notice of Petition: 2001 Properties, Inc. vs the Assessor and the Town of Cheektowaga  
Received and Filed.

Item No. 32nn Notice of Petition: James V. Welch & Associates vs the Assessor, the Board of Assessment Review and the Town of Cheektowaga  
Received and Filed.

Item No. 32oo Notice of Petition: Frederick A. Wolf and Thomas C. Bailey d/b/a 151 Associates vs the Assessor and the Board of Assessment Review  
Received and Filed.

Item No. 32pp Notice of Petition: Daniel Zelasko, William A. Pfohl, Robert Pfohl, Marlene Phillips and Elizabeth Werick vs the Assessor  
Received and Filed.

Item No. 33 Notice of Petition: Construction of Housing for Children with Special Needs on Property near Stanley G. Falk School  
Received and Filed.

Item No. 34a Request to Speak: Kathleen Hylkema Regarding Emerald Gardens Subdivision  
Received and Filed.

Item No. 34b Request to Speak: Wayne E Skerer Regarding Cedargrove Heights  
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

\* \* \* \* \*

Item No. 35 Motion by Supervisor Gabryszak, Seconded by Councilman Rogowski

WHEREAS, by resolution dated November 1, 1993, Queen City Appraisal, Inc. was retained "to provide an analysis and discussion" of the advantages and disadvantages of the homestead versus non-homestead tax rate, and

WHEREAS, representatives of Queen City Appraisal, Inc. have repeatedly promised the delivery of the aforesaid consulting report but has failed to do so; and more than a reasonable time has elapsed for the completion and delivery of such report;

NOW, THEREFORE, BE IT RESOLVED, that the resolution of November 1, 1993 retaining Queen City Appraisal, Inc. to report on the homestead/non-homestead tax rate be and hereby is rescinded and withdrawn.

Upon Roll Call....

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

Item No. 36 Motion by Supervisor Gabryszak, Seconded by Councilman Jaworowicz to adjourn this meeting.

RICHARD M. MOLESKI  
TOWN CLERK

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th day of September, 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; Greg Joos, Personnel Director; Chester Bryan, Town Engineer; Salvatore LaGreca, Chairman of Planning Board; Robert Kaczmarek, Supervising Accountant; Bruce Chamberlin, Chief of Police.

I. FROM THE TABLE

Item No. 2 Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak  
Councilman Johnson

WHEREAS, 2001 Properties, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to MS-Motor Service District of property owned by it and located at 50 Dewberry Lane, 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 7th day of February, 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 Cheektowaga Planning Board has reviewed such application and has not made a recommendation because of a split vote, and

WHEREAS, the Environmental Advisory Committee of the Town of Cheektowaga, pursuant to the "Environmental Impact Review Ordinance of the Town of Cheektowaga," has also duly considered the application for the aforementioned rezoning, and has recommended that this Town Board issue a Conditional Negative Declaration for the rezoning, and

WHEREAS, the petitioner has made the following commitments to the Town with respect to this project:

1. Only routine maintenance (i.e., oil change, minor repairs, etc.) will be conducted on the premises. No major repair work (i.e., engine, transmission overhaul) or collision work will be conducted on the premises.
2. Drainage will be approved by the Town Engineer and Town Highway Department Engineer.
3. The vehicle will continue to be parked at the Scrivner facility until they can be brought into the building for maintenance.
4. No outside vehicle storage will be permitted.

Item No. 2 continued

5. Bay doors will not be left open.
6. No servicing of vehicles except those of Scrivner (or its successor) will be permitted.
7. No more than 30 trucks per 24-hour period will be serviced.
8. The Town Disaster Coordinator and South Line Fire Chief will be contacted with regard to fuel tanks and use of other materials.
9. The tree preservation plan of January 8, 1994 will be followed.
10. No outside storage of waste material (i.e., tires, anti-freeze, filters, etc.) will be allowed.

NOW, THEREFORE, BE IT RESOLVED, that, based on the aforementioned commitments made by the petitioner, this Town Board hereby directs that a Negative Declaration for this rezoning be issued, and BE IT FURTHER

RESOLVED, that the application of 2001 Properties, Inc. for the rezoning from M-1 Light Manufacturing district to MS-Motor Services District of the property specified in the attached legal description be and the same is hereby granted, 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 UNANIMOUSLY, SECONDED BY UNANIMOUSLY  
TO TABLE THE ABOVE RESOLUTION, ITEM 2, AND THE VOTING WAS AS  
FOLLOWS:

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

ABOVE RESOLUTION WAS TABLED.

Item No. 3 Motion by Councilman Jaworowicz, Seconded by Councilman Solecki

WHEREAS, 2001 Properties, Inc. has petitioned for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of property owned by it and located at 50 Dewberry Lane, 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 7th day of February, 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 Cheektowaga Planning Board has reviewed such application and one-half of the voting members of such Board were firmly opposed to the rezoning and felt that a MS-District was not appropriate for this or any industrial park, 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 recommended the issuance of a negative declaration subject to certain conditions which would be overly onerous for the Building Inspections Department to enforce, and



Item No. 3 cont'd

WHEREAS, the past history of the applicant with respect to this property has shown that the property was renovated without building permits, operations have been ongoing without the proper zoning, and no permit was obtained for a wall sign installed, and

WHEREAS, the applicant has also neglected to follow through with commitments it made with respect to this project, and

WHEREAS, in 1990, the Cheektowaga Planning Board recommended denial of the rezoning of a parcel nearby on Innsbruck Drive at Union Road for the purpose of performing work on trucks, and

WHEREAS, the placement of conditions on this rezoning, as proposed by the applicant, is contrary to proper zoning and would, in fact, constitute illegal contract zoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of 2001 Properties, Inc. for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property specified in the attached legal description be and the same is hereby denied for the following reasons:

1. Such use is incompatible with the other uses and zoning (predominantly M1) in the neighboring area.
2. The rezoning of this property is not in accordance with the Town's comprehensive plan and would constitute spot zoning.
3. The proposed use would create noise, air pollution and waste disposal problems and concerns.
4. The proposed uses would negatively affect nearby residential properties.
5. The rezoning of this property to MS-District would affect the character of the neighborhood.
6. The rezoning of this property to MS-District would negatively affect the value of other properties in the area.
7. The rezoning of this property and the accompanying uses would increase traffic congestion problems in this area.

and, BE IT FURTHER

RESOLVED, that, due to the fact that this rezoning application is not being considered by this Town Board, no environmental determination under SEQRA is hereby rendered.

\*\*\*\*\*

MOTION BY UNANIMOUSLY, SECONDED BY UNANIMOUSLY  
TO TABLE THE ABOVE RESOLUTION, ITEM 3 AND THE VOTING WAS AS  
FOLLOWS:

Upon Roll Call....

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

THE ABOVE RESOLUTION WAS TABLED.

II. RESOLUTIONS

Item No. 4 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:	0100-7310-1802	Developmentally Disabled Camp	\$1,071.75
	0100-7140-1602	Recreation Specialist	100.00
	0100-7180-4074	Clothing	213.30
	0100-7180-4612	Transportation	2.14
	0100-1355-4458	Property Updates	5,000.00
TO:	0100-7310-1810	Day Camps	\$1,071.75
	0100-7140-1625	LaCrosse Salaries	100.00
	0100-7180-4191	Miscellaneous Expenses Beaches & Pools	213.30
	0100-7180-4191	Miscellaneous Expenses Beaches & Pools	2.14
	0100-9950-8000	Transfers Out	5,000.00

SPECIAL DISTRICTS

FROM:	2500-8125-4163	Gas-Oil-Grease	\$5,000.00
TO:	2500-8125-4438	Sewer Repair	\$5,000.00

Upon Roll Call....

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

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

WHEREAS, on the 7th day of May, 1994, this Town Board adopted an Ambulance Ordinance, the EMS Board, which was created at that time, has completed a review and evaluation of new/renewal license applications for driver(s)/attendant(s), and has recommended that the Town Board issue such licenses, and

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

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

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY</u>	<u>EMT EXPIRES</u>
Wayne Altemoos	Amherst, NY 14226	Town's	2/28/97

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

WHEREAS, bids were duly received by this Town Board at a bid opening on September 14, 1994 for the purchase of tires and tubes along with recapping of our used casings by various departments as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

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

RESOLVED, that the bids be awarded to Goodyear Tire and Rubber, Inc., 740 Young Street, Tonawanda, NY 14150 and Division Tire and Auto Parts, Inc., 2750 Kenmore Avenue, Tonawanda, NY 14150 being the lowest responsible bidders in each category or size meeting specifications as set forth in tabulation attached and made a part hereof.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

MINIMUM SPECIFICATIONS FOR

NEW & UNUSED TIRES AND TUBES, ALONG WITH  
RECAPPING OF OUR USED TIRE CASINGS.

Minimum Tire Quality Grading as Follows:

- A. ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.
- B. All tires and tubes listed herein shall be supplied as new & unused except for those labelled (Recapped).
- C. The price per recapped tire shall be based on recapping our used tire casings.
- D. The minimum tread depth of recapped tires shall be: 17/32 inch for Highway tread and 22/32 inch for Traction tread.
- E. \* All new P225/75R15, P225/70R15 and P235/70R15 size tires shall have an Universal Tire Grading of at least: (Temperature "B", Traction "A", Tread Wear "240", and Speed "S-100").

TOWN OF CHEEKTOWAGA

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 1: PASSENGER CAR TIRES (RADIAL PLY)

ALL SEASON TREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
P175/80R13	FIRESTONE FR440	32.53
P185/80R13	FIRESTONE FR440	32.02
P185/75R14	FIRESTONE FR440	34.93
P195/75R14	FIRESTONE FR440	36.43
P205/75R14	FIRESTONE FR440	38.63
P215/75R14	FIRESTONE FR721	40.71
P205/70R14	FIRESTONE FR440	38.25
P215/70R14	FIRESTONE FR440	40.55
P205/75R15	FIRESTONE FR440	40.08
P215/75R15	FIRESTONE FR440	41.85
P225/75R15	FIRESTONE FR680	48.21
	* Temp. ( B ), Trac. ( A ), Wear ( 400 ), Speed ( S )-( 102 )	
P235/75R15	FIRESTONE FR440	45.65
P205/70R15	FIRESTONE FR480	43.27
P225/70R15	FIRESTONE FIREHAWK SS	41.89
	* Temp. ( B ), Trac. ( A ), Wear ( 300 ), Speed ( S )-( 100 )	
P235/70R15	FIRESTONE FIREHAWK SS	43.24
	* Temp. ( B ), Trac. ( A ), Wear ( 300 ), Speed ( S )-( 102 )	
P215/65R15	FIRESTONE FIREHAWK SS	42.93

SNOW TREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
P175/80R13	MULTIMILE RADIAL SNOW	34.78
P185/80R13	MULTIMILE RADIAL SNOW	36.79
P185/75R14	MULTIMILE RADIAL SNOW	38.76
P195/75R14	MULTIMILE RADIAL SNOW	39.88
P205/75R14	MULTIMILE RADIAL SNOW	41.43
P215/75R14	MULTIMILE RADIAL SNOW	44.09
P205/70R14	MULTIMILE RADIAL SNOW	41.60
P215/70R14	MULTIMILE RADIAL SNOW	43.23
P205/75R15	MULTIMILE RADIAL SNOW	42.99
P215/75R15	MULTIMILE RADIAL SNOW	44.52
P225/75R15	MULTIMILE RADIAL SNOW	47.20
	* Temp. ( NA ), Trac. ( NA ), Wear ( NA ), Speed ( )-( )	
P235/75R15	MULTIMILE RADIAL SNOW	53.39
P205/70R15	MULTIMILE RADIAL SNOW	42.99
P225/70R15	FIRESTONE TOWN & COUNTRY SUPER RADIAL	48.34
	* Temp. ( NA ), Trac. ( NA ), Wear ( NA ), Speed ( H )-( 100 )	
P235/70R15	FIRESTONE TOWN & COUNTRY SUPER RADIAL	51.67
	* Temp. ( NA ), Trac. ( NA ), Wear ( NA ), Speed ( T )-( 102 )	
P215/65R15	MULTIMILE RADIAL SNOW	53.66

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 2: LIGHT TRUCK TIRES (RADIAL PLY)

ALL SEASON TREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	FIRESTONE R4S	61.51
LT235/85R16	8/D	FIRESTONE R4S	65.81
LT235/85R16	10/E	FIRESTONE R4S	68.53
LT225/75R16	8/D	FIRESTONE R4S	64.49
LT245/75R16	10/E	FIRESTONE R4S	68.53
7.50R16LT	8/D	FIRESTONE R4S	70.56
8.75R16.5LT	8/D	FIRESTONE R4S	65.28
9.50R16.5LT	8/D	FIRESTONE R4S	70.48

MUD & SNOW TREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	FIRESTONE RADIAL A/T	71.30
LT235/85R16	8/D	FIRESTONE RADIAL A/T	73.89
LT235/85R16	10/E	FIRESTONE RADIAL A/T	75.84
LT225/75R16	8/D	FIRESTONE RADIAL A/T	70.91
LT245/75R16	10/E	FIRESTONE RADIAL A/T	75.63
7.50R16LT	8/D	FIRESTONE RADIAL A/T	77.22
8.75R16.5LT	8/D	FIRESTONE RADIAL A/T	70.48
9.50R16.5LT	8/D	FIRESTONE RADIAL A/T	76.13

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 3: LIGHT TRUCK TIRES (BIAS PLY)

<u>REGULAR HIGHWAY TREAD (Tubeless, Black Sidewall)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tire</u>
8-14.5LT	12/F	MULTIMILE POWERKING LOW BOY	60.77
7.00-15LT	8/D	FIRESTONE T110	58.23
7.50-16LT	8/D	FIRESTONE T110	69.23
8.00-16.5LT	8/D	FIRESTONE T1 WIDE DUAL	58.23
8.75-16.5LT	8/D	FIRESTONE T1 WIDE DUAL	65.72
9.50-16.5LT	8/D	FIRESTONE T1 WIDE DUAL	76.35
10-16.5LT	8/D	NO BID	

<u>MUD &amp; SNOW TREAD (Tubeless, Black Sidewall)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tire</u>
7.50-16LT	8/D	MULTIMILE SUPER TRAC TUBLS.	64.06
8.00-16.5LT	8/D	FIRESTONE TOWN AND COUNTRY	<del>59.25</del>
8.75-16.5LT	8/D	FIRESTONE TOWN AND COUNTRY	66.72
9.50-16.5LT	8/D	FIRESTONE TOWN AND COUNTRY	77.35



Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

**ITEM 4: TRUCK & BUS TIRES AND TUBES (RADIAL PLY)**

REGULAR HIGHWAY TREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price</u> <u>Per Tire</u>
215/75R17.5	12/F	NO BID	
225/70R19.5	12/F	NO BID	
9R22.5	12/F	FIRESTONE T559	163.20
11R22.5	14/G	FIRESTONE XR4	187.25
11R22.5	16/H	FIRESTONE T559	201.93
385/65R22.5	18/J	FIRESTONE HP3000	387.90
385/65R22.5	20/L	NO BID	
11R24.5	16/H	FIRESTONE T559	218.51

MUD & SNOW TREAD (Tubeless, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price</u> <u>Per Tire</u>
225/70R19.5	12/F	NO BID	
9R22.5	12/F	NO BID	
11R22.5	14/G	FIRESTONE T663	198.05
11R22.5	16/H	FIRESTONE T823	211.84
11R22.5	(Recapped)	OLIVER XDT	66.78
11R24.5	16/H	FIRESTONE T823	233.21
11R24.5	(Recapped)	OLIVER XDT	71.72

REGULAR HIGHWAY TREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube</u>	<u>Price</u> <u>Per Tire</u>
8.25R20	12/F	NO BID		
9.00R20	12/F	FIRESTONE T559	11.00	159.40
10.00R20	14/G	FIRESTONE T559	12.10	183.15
10.00R20	16/H	FIRESTONE UT2000	12.10	292.28
10.00R20	(Recapped)	OLIVER SPREAD AXLE	12.10	65.00
11.00R20	16/H	FIRESTONE UT2000	14.81	235.95
12.00R20	18/J	FIRESTONE UT2000	18.32	272.21
14/80R20	20X ONLY	FIRESTONE HP2000	18.32	292.59
11.00R22	16/H	FIRESTONE UT2000	15.78	256.21

MUD & SNOW TREAD (Tube Type, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube</u>	<u>Price</u> <u>Per Tire</u>
8.25R20	12/F	NO BID		
9.00R20	12/F	FIRESTONE T663	11.00	167.57
10.00R20	14/G	FIRESTONE T663	12.10	185.63
10.00R20	16/H	FIRESTONE T823	12.10	207.00
11.00R20	16/H	FIRESTONE T506	14.81	235.89
12.00R20	18/J	NO BID		
11.00R22	16/H	NO BID		
11.00R22	(RECAPPED)	OLIVER XDT	15.78	72.65
11.00R24	16/H	NO BID		
11.00R24	(RECAPPED)	OLIVER XDT	18.92	73.60

*200/100*

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 5: TRUCK & BUS TIRES AND TUBES (BIAS PLY)

<u>REGULAR HIGHWAY TREAD (Tube Type,)</u>			<u>Price</u>	
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube</u>	<u>Per Tire</u>
7.50-20	10/E	FIRESTONE TRANSPORT 1	8.08	86.78
8.25-20	10/E	FIRESTONE TRANSPORT 1	8.17	92.41
9.00-20	10/E	FIRESTONE TRANSPORT 1	9.22	102.08
9.00-20	12/F	FIRESTONE TRANSPORT 1	9.22	113.00
10.00-20	12/F	FIRESTONE TRANSPORT 1	10.13	130.14
10.00-20	14/G	FIRESTONE TRANSPORT 1	10.13	143.16
11.00-20	12/F	FIRESTONE TRANSPORT 1	14.81	160.84
11.00-20	14/G	FIRESTONE TRANSPORT 1	14.81	170.95
12.00-20	14/G	NO BID		
12.00-20	16/H	NO BID		
11.00-22	14/G	FIRESTONE TRANSPORT 1	15.78	194.44

<u>MUD &amp; SNOW TREAD (Tube Type)</u>			<u>Price</u>	
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube</u>	<u>Per Tire</u>
8.25-20	10/E	FIRESTONE SUPER ALL GRIP	8.17	102.71
9.00-20	10/E	FIRESTONE SUPER ALL GRIP	9.22	120.30
9.00-20	12/F	FIRESTONE SUPER ALL TRACTION	9.22	132.63
10.00-20	12/F	FIRESTONE POWER DRIVE	10.13	144.08
10.00-20	14/G	FIRESTONE SUPER ALL TRACTION	10.13	159.95
11.00-20	12/F	FIRESTONE POWER DRIVE	14.81	165.40
11.00-20	14/G	FIRESTONE SUPER ALL TRACTION	14.81	182.86
12.00-20	14/G	NO BID		
12.00-20	16/H	NO BID		
11.00-22	14/G	FIRESTONE POWER DRIVE	15.78	194.15

*Quoted*

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 6: OFF-THE-ROAD TRUCK, INDUSTRIAL, & FARM TIRES AND TUBES

<u>LOADER (Tubeless)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tire</u>
17.5-25 L2 Sure Grip	12/F	FIRESTONE SUPER GROUND GRIP	<u>365.09</u>
20.5-25 L2 Sure Grip	12/F	FIRESTONE SUPER GROUND GRIP	<u>675.22</u>
20.5-25 L3 Hard Rock	12/F	FIRESTONE SUPER ROCK GRIP	<u>762.67</u>
20.5R25 L2 Sure Grip	12/F	BRIDGESTONE VKT	<u>1213.30</u>
20.5R25 L3 Hard Rock	12/F	BRIDGESTONE VMT	<u>1213.30</u>

<u>GRADER (Tubeless)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tire</u>
14.00-24 G2 Sure Grip	12/F	FIRESTONE SUPER GROUND GRIP	<u>322.34</u>

<u>FARM TRACTOR (Tubeless)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tire</u>
11L-16SL F3 Contractor	12/F	MULTIMILE POWERKING F-3	<u>75.75</u>
16.9-24 R3 All Weather	6/C	FIRESTONE ANS	<u>260.51</u>
18.4-26 R1 Torc Trac	10/E	FIRESTONE SUPER ALL TRACTION FWD	410.51
18.4-16.1 R1 Torc Trac	6/C	FIRESTONE TRACTION F&R	335.28

<u>FARM TRACTOR (Tube Type)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube Per Tire</u>
9.00-10 Implement Rib	<del>8/D</del> 8/D	8 PLY FIRESTONE RIB F3	<u>6.04</u> 92.37
7.50-16 Implement Rib	8/D	FIRESTONE FARM IMP	<u>6.55</u> 44.05
14.9-24 R4 Sure Grip	<del>8/D</del> 8/D	8 PLY FIRE. AT UTILITY	17.27 226.68
16.9-28 R4 Sure Grip	8/D	FIRESTONE AT UTILITY	20.61 <u>277.85</u>

<u>INDUSTRIAL (Tubeless)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tire</u>
4.80-12 Trailer	4/B	CARLISLE SAWTOOTH	<u>18.63</u>

<u>INDUSTRIAL (Tube Type)</u>			<u>Price</u>
<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube Per Tire</u>
6.50-10 Mine Xtra Trac	10/E	MULTIMILE POWERKING IND DP TRAC 5.30	48.60
7.00-12 Mine Xtra Trac	14/G	MULTIMILE POWERKING IND DP TRAC 5.38	<u>64.55</u>

*Issued*

MINIMUM SPECIFICATIONS FOR  
NEW & UNUSED TIRES AND TUBES, ALONG WITH  
RECAPPING OF OUR USED TIRE CASINGS.

Minimum Tire Quality Grading as Follows:

- A. ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.
- B. All tires and tubes listed herein shall be supplied as new & unused except for those labelled (Recapped).
- C. The price per recapped tire shall be based on recapping our used tire casings.
- D. The minimum tread depth of recapped tires shall be: 17/32 inch for Highway tread and 22/32 inch for Traction tread.
- E. \* All new P225/75R15, P225/70R15 and P235/70R15 size tires shall have an Universal Tire Grading of at least: (Temperature "B", Traction "A", Tread Wear "240", and Speed "S-100").

TOWN OF CHEEKTOWAGA

Goodyear

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 1: PASSENGER CAR TIRES (RADIAL PLY)

(AVAILABLE IN WHITEWALL ONLY)

ALL SEASON TREAD (Tubeless, Black Sidewall, Belted)

Size	MAKE & MODEL	Price Per Tire
P175/80R13	REGATTA	27.00
P185/80R13	"	28.00
P185/75R14	"	31.00
P195/75R14	"	31.00
P205/75R14	"	27.00
P215/75R14	"	41.00
P205/70R14	"	28.00
P215/70R14	"	33.00
P205/75R15	"	36.00
P215/75R15	"	38.00
P225/75R15	"	40.00
* Temp. ( B ), Trac. ( A ), Wear ( 320 ), Speed ( S )-(102)		
P235/75R15	"	42.00
P205/70R15	"	41.00
P225/70R15	"	45.00
* Temp. ( B ), Trac. ( A ), Wear ( 320 ), Speed ( S )-(100)		
P235/70R15	GT+4 BLACK	54.00
* Temp. ( A ), Trac. ( A ), Wear ( 240 ), Speed ( V )-(102)		
P215/65R15	REGATTA BLACK	42.00

(AVAILABLE IN WHITEWALL ONLY)

SNOW TREAD (Tubeless, Black Sidewall, Belted)

Size	MAKE & MODEL	Price Per Tire
P175/80R13	F32	32.00
P185/80R13	"	33.00
P185/75R14	"	35.00
P195/75R14	ULTRA GRIP	32.00
P205/75R14	F32	39.00
P215/75R14	"	40.00
P205/70R14	ULTRA GRIP	35.00
P215/70R14	"	37.00
P205/75R15	"	36.00
P215/75R15	"	37.00
P225/75R15	"	38.00
* Temp. ( ), Trac. ( ), Wear ( ), Speed ( )-( )		
P235/75R15	"	41.00
P205/70R15	"	37.00
P225/70R15	"	40.00
* Temp. ( ), Trac. ( ), Wear ( ), Speed ( )-( )		
P235/70R15	GT+4 BLACK	54.00
* Temp. ( A ), Trac. ( A ), Wear ( 240 ), Speed ( V )-(102)		
P215/65R15	GT+4	68.00

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Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 2: LIGHT TRUCK TIRES (RADIAL PLY)

ALL SEASON TREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	WORKHORSE RADIAL	65.00
LT235/85R16	8/D	WRANGLER RADIAL LT	71.00
LT235/85R16	10/E	WORKHORSE RADIAL	70.00
LT225/75R16	8/D	" "	66.00
LT245/75R16	10/E	" "	71.00
7.50R16LT	8/D	WRANGLER RADIAL LT	72.00
8.75R16.5LT	8/D	WORKHORSE RADIAL	56.00
9.50R16.5LT	8/D	WRANGLER RADIAL LT	74.00

MUD & SNOW TREAD (Tubeless, Black Sidewall, Belted)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
LT215/85R16	8/D	WORKHORSE EXTRA GRIP	67.00
LT235/85R16	8/D	WRANGLER AT	72.00
LT235/85R16	10/E	WORKHORSE EXTRA GRIP	73.00
LT225/75R16	8/D	" " "	69.00
LT245/75R16	10/E	" " "	74.00
7.50R16LT	8/D	WRANGLER AT	74.00
8.75R16.5LT	8/D	" " "	69.00
9.50R16.5LT	8/D	WORKHORSE EXTRA GRIP	73.00

*Boyer*

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 3: LIGHT TRUCK TIRES (BIAS PLY)

REGULAR HIGHWAY TREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>
8-14.5LT	12/F	TRACTION HI MILER
7.00-15LT	8/D	WORKHORSE RIB
7.50-16LT	8/D	" "
8.00-16.5LT	8/D	" "
8.75-16.5LT	8/D	" "
9.50-16.5LT	8/D	" "
10-16.5LT	8/D	" "

Price  
Per Tire

59.00  
53.00  
37.00  
35.00  
37.00  
40.00

MUD & SNOW TREAD (Tubeless, Black Sidewall)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>
7.50-16LT	8/D	WORKHORSE M+S
8.00-16.5LT	8/D	" "
8.75-16.5LT	8/D	WORKHORSE M+S
9.50-16.5LT	8/D	" "

Price  
Per Tire

40.00  
40.00  
44.00

*Goodly*

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 4: TRUCK & BUS TIRES AND TUBES (RADIAL PLY)

REGULAR HIGHWAY TREAD (Tubeless, Belted)			Price
Size	PLY/RANGE	MAKE & MODEL	Per Tire
215/75R17.5	12/F	G291	<del>151.00</del>
225/70R19.5	12/F	G291	<del>175.00</del>
9R22.5	12/F	UEE	<del>145.00</del>
11R22.5	14/G	UEE	<del>197.00</del>
11R22.5	16/H	UEE	218.00
385/65R22.5	18/J	G286	<del>327.00</del>
385/65R22.5	20/L	G286 (LR 5 ONLY)	<del>327.00</del>
11R24.5	16/H	G159A	240.00

MUD & SNOW TREAD (Tubeless, Belted)			Price
Size	PLY/RANGE	MAKE & MODEL	Per Tire
225/70R19.5	12/F	G124	<del>124.00</del>
9R22.5	12/F	TD	<del>148.00</del>
11R22.5	14/G	G124	<del>204.00</del>
11R22.5	16/H	G124	223.00
11R22.5	(Recapped)	G167 mc 22/32	79.00
11R24.5	16/H	TD	240.00
11R24.5	(Recapped)	G167 mc 22/32	79.00

REGULAR HIGHWAY TREAD (Tube Type, Belted)			Price
Size	PLY/RANGE	MAKE & MODEL	Per Tube Per Tire
8.25R20	12/F	UEE	<del>10.00</del> <del>149.00</del>
9.00R20	12/F	UEE	<del>4.00</del> <del>166.00</del>
10.00R20	14/G	UEE	<del>10.00</del> <del>180.00</del>
10.00R20	16/H	UEE	<del>10.00</del> <del>191.00</del>
10.00R20	(Recapped)	G159	<del>10.00</del> <del>80.00</del>
11.00R20	16/H	UEE	16.00 <del>219.00</del>
12.00R20	18/J	G186	20.00 <del>260.00</del>
14/80R20	20/L	G186	20.00 <del>269.00</del>
11.00R22	16/H	G286	<del>13.00</del> <del>253.00</del>

MUD & SNOW TREAD (Tube Type, Belted)			Price
Size	PLY/RANGE	MAKE & MODEL	Per Tube Per Tire
8.25R20	12/F	TD	10.00 <del>152.00</del>
9.00R20	12/F	TD	<del>4.00</del> <del>169.00</del>
10.00R20	14/G	TD	<del>10.00</del> <del>184.00</del>
10.00R20	16/H	TD	<del>10.00</del> <del>195.00</del>
11.00R20	16/H	TD	16.00 <del>223.00</del>
12.00R20	18/J	G186	20.00 <del>260.00</del>
11.00R22	16/H	G144	13.00 <del>282.00</del>
11.00R22	(RECAPPED)	G124	<del>13.00</del> <del>106.00</del>
11.00R24	16/H	G186	20.00 <del>308.00</del>
11.00R24	(RECAPPED)	G124	20.00 113.00



*Analysis*

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 5: TRUCK & BUS TIRES AND TUBES (BIAS PLY)

REGULAR HIGHWAY TREAD (Tube Type,)

Size	PLY/RANGE	MAKE & MODEL	Price	
			Per Tube	Per Tire
7.50-20	10/E	SHM	11.00	94.00
8.25-20	10/E	SHM	10.00	100.00
9.00-20	10/E	SHM	9.00	117.00
9.00-20	12/F	SHM	9.00	124.00
10.00-20	12/F	SHM	10.00	135.00
10.00-20	14/G	SHM	10.00	179.00
11.00-20	12/F	SHM	16.00	183.00
11.00-20	14/G	SHM	16.00	210.00
12.00-20	14/G	SHM	26.00	274.00
12.00-20	16/H	SHM		
11.00-22	14/G	SHM	13.00	219.00

MUD & SNOW TREAD (Tube Type)

Size	PLY/RANGE	MAKE & MODEL	Price	
			Per Tube	Per Tire
8.25-20	10/E	CXG	16.00	118.00
9.00-20	10/E	CXG	9.00	135.00
9.00-20	12/F	LXG	9.00	159.00
10.00-20	12/F	CXG	10.00	170.00
10.00-20	14/G	CXG	16.00	196.00
11.00-20	12/F	CXG	16.00	193.00
11.00-20	14/G	CXG	16.00	222.00
12.00-20	14/G			
12.00-20	16/H			
11.00-22	14/G			

*Analysis:*

Minimum Tire Quality Grading as Follows: ALL TIRES BID SHALL BE COMPARABLE IN QUALITY TO MAJOR DOMESTIC BRANDS.

ITEM 6: OFF-THE-ROAD TRUCK, INDUSTRIAL, & FARM TIRES AND TUBES

LOADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
17.5-25 L2 Sure Grip	12/F	SURE GRIP LOADER	440.00
20.5-25 L2 Sure Grip	12/F	" " "	733.00
20.5-25 L3 Hard Rock	12/F	SUPER HARD ROCK LOADER	841.00
20.5R25 L2 Sure Grip	12/F	RL2F	1262.00
20.5R25 L3 Hard Rock	12/F	RL2F	1262.00

GRADER (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
14.00-24 G2 Sure Grip	12/F	GRADER SURE GRIP	330.00

FARM TRACTOR (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
11L-16SL F3 Contractor	12/F	LABORER	117.00
16.9-24 R3 All Weather	6/C	ALL WEATHER (TUBE TYPE ONLY)	263.00
18.4-26 R1 Torc Trac	10/E	DYNA TORQUE II (6 Ply only)	277.00
18.4-16.1 R1 Torc Trac	6/C	TRACTION SURE GRIP	280.00

FARM TRACTOR (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
9.00-10 Implement Rib	4/B	IMPLEMENT RIB	7.00	47.00
7.50-16 Implement Rib	8/D			
14.9-24 R4 Sure Grip	6/C	INDUSTRIAL SURE GRIP	17.00	197.00
16.9-28 R4 Sure Grip	8/D	INDUSTRIAL SURE GRIP	19.00	354.00

INDUSTRIAL (Tubeless)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Price Per Tire</u>
4.80-12 Trailer	4/B	HI LANDER CT	28.00

INDUSTRIAL (Tube Type)

<u>Size</u>	<u>PLY/RANGE</u>	<u>MAKE &amp; MODEL</u>	<u>Per Tube</u>	<u>Price Per Tire</u>
6.50-10 Mine Xtra Trac	10/E	EXTRA TRACTION MINE	6.00	79.00
7.00-12 Mine Xtra Trac	14/G	" " "	6.00	135.00

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

WHEREAS, this Town Board, by resolution dated September 6, 1994, awarded construction contracts for the Modifications to the Harlem Road Pump Station Project consisting of Contract "A" for General Construction and Mechanic Work, for Contract "B" Plumbing Work and for Contract "D: Electrical Work to the respective low bidder meeting the requirements of the specifications; and rejected the sole bid submission for Contract "C" Heating, Ventilating and Air Conditioning with the intent of rescheduling the solicitation of competitive bids for Contract "C", and

WHEREAS, the Town Engineer advises that plans and specifications prepared by Nussbaumer & Clarke, Inc., project consulting engineers, have been completed for the re-bid of Contract "C" Heating, Ventilating and Air Conditioning, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Reconstruction of the Harlem Road Pump Station, Contract "C" Heating, Ventilating and Air Conditioning re-bid, said notice to be published in THE CHEEKTOWAGA TIMES, and BE IT FURTHER

RESOLVED, that sealed bids will be received on the 7th day of October, 1994 at 11:00 A.M., Eastern Daylight Saving Time, 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 7th day of October, 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 Modifications to the Harlem Road Pump Station Project, CONTRACT C, HVAC, RE-BID, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., 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, New York 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc. upon payment of \$80.00 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 Plans and Specifications in good condition within thirty (30) 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 the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as non-bidders. Any bidder requesting more than one (1) set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

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, Cheektowaga, New York 14227, and marked as "Proposal for the Modifications to the Harlem Road Pumping Station Project, Contract C, Re-bid".

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 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%)

Item No. 7 cont'd

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.

A Pre-Bid Meeting will be held on October 4, 1994 at 10:00 AM at the Harlem Road Pumping Station. The Pumping Station is located on Harlem Road north of the entrance to the Cheektowaga Town Park.

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.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 200 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

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

RICHARD M. MOLESKI  
Town Clerk

DATED: September 19, 1994

PUBLISHED: September 22, 1994

\* \* \* \* \*

Upon Roll Call....

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

AFFIDAVIT - NEXT PAGE

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, Cheektowaga, New York 14227, and marked as "Proposal for the Modifications to the Harlem Road Pumping Station Project, Contract C, Re-bid".

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The work shall be completed within 200 consecutive calendar days, to begin five (5) days after the "Order of Commence Work" has been issued.

BY ORDER OF:  
THE TOWN OF  
CHEEKTOWAGA  
Richard M. Moleski,  
Town Clerk

Dated: September 19, 1994

PUBLISH: September 22, 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 .....1..... weeks:  
first publication..... September 22, 1994..... ;  
last publication..... September 22, 1994..... ;  
and that no more than six days intervened be-  
tween publications.

*Melissa Gugliuzza*  
.....

Sworn to before me this .....22nd.....

day of .....September....., 19<sup>94</sup>.....

*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 7th day of October, 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 Modifications to the Harlem Road Pumping Station Project, CONTRACT C, HVAC, RE-BID, complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., 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, New York 14219. Copies may be secured at the office of Nussbaumer & Clarke, Inc., upon payment of \$80.00 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

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5254

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.

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BY ORDER OF:  
THE TOWN OF  
CHEEKTOWAGA  
Richard M. Moleski,  
Town Clerk

Dated: September 19, 1994

PUBLISH: September 22, 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 .....1..... weeks:  
first publication..... September 22, 1994..... ;  
last publication..... September 22, 1994..... ;  
and that no more than six days intervened be-  
tween publications.

*Melissa Gugliuzza*  
.....

Sworn to before me this .....22nd.....

day of ..... September....., 19<sup>94</sup>.....

*Margaret J. Bourdette*  
.....

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

133  
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MARGARET J. BOURDETTE  
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MY COMMISSION EXPIRES 12/11/95

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Item No. 8a 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 any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Benderson Development Company, Incorporated to construct a 52-seat, 3,028 square foot restaurant at the southwest corner of Transit and Losson Roads, and

WHEREAS, the project was referred to the New York State Department of Transportation ("NYS DOT") and to the Erie County Department of Environment and Planning for their comments, and

WHEREAS, these agencies have found no problems with the site plan, and

WHEREAS, the applicant has included, as part of the project, sidewalks along Losson Road, connections to future development on this corner, storm water detention areas and landscaping as approved by the Town Planning Board, and

WHEREAS, the applicant will save as many trees as possible and obtain approval from the U.S. Army Corps of Engineers for development in a freshwater wetlands, and

WHEREAS, the applicant will submit a comprehensive drainage and traffic plan at such time the adjacent 12+ acres are developed and the plan will include this site, and

WHEREAS, the Advisory Committee, rendered the determination as shown on the attached memo dated September 15, 1994, and

WHEREAS, the 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 issues a "Negative Declaration" for purposes of SEQRA.

Upon Roll Call....

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

NAYES: Councilmen Solecki and Wielinski

ABSENT: 0

\*SEE NEXT PAGE(S) FOR ATTACHMENT

*Office of Building & Plumbing Inspections*  
*Cheektowaga Town Hall*  
*3301 Broadway Street*  
*Cheektowaga, New York 14227-1088*  
*716 / 686-3470*



M E M O

TO: Supervisor Dennis Gabryszak  
and Members of the Town Board

FROM: Thomas Adameczak  
Building Inspector

DATE: September 15, 1994

RE: Boston Rotisserie Chicken, Transit and Losson Roads

The Environmental Advisory Committee has been reviewing the above project for environmental impacts.

The site is properly zoned (Retail Business) for this use and is adjacent to vacant land also zoned for retail business.

On the opposite corner is the Wegman's Supermarket presently under construction.

A wetlands delineation was performed and federal wetlands on the site are under an acre and the applicant is therefore seeking, from the U.S. Army Corps of Engineers, permission under a "National 26" permit to develop the wetlands.

A tree survey was performed and the conclusion of the consulting firm was that the trees were young and in generally poor condition. Some would be saved and additional landscaping has been approved by the Planning Board.

The New York State Department of Transportation (NYSDOT) has indicated that the project will have no impact on their highway.

The applicant would adhere to any conditions, from the Erie County Highway Department, made part of the Losson Road curb cut.

The drainage plan is satisfactory to the Town Engineer.

It is therefore the recommendation of the Environmental Advisory Board that the Town Board issue a Negative Declaration for this project.

TA:cl



Item No. 8b 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, is must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Benderson Development Company, Incorporated to construct a 16,100 square foot retail store and 68-seat, 2,000 square foot restaurant at the southwest corner of Union Road and Galleria Drive to be known as Galleria Corners, and

WHEREAS, the project was referred to the New York State Department of Transportation ("NYSDOT") for their comments, and

WHEREAS, the NYSDOT has indicated to the Town by letter dated July 7, 1994 that the driveway locations are acceptable, and

WHEREAS, the applicant has revised the original site plan to show the installation of sidewalks along Union Road and Galleria Drive, establishment of landscaping as required by the Zoning Law and the movement of the retail building in an attempt to save existing trees at the southwest corner of the site, and

WHEREAS, the Traffic Safety Commission is reviewing the final plan which includes signage prohibiting left turns onto Union Road, and

WHEREAS, the Building Inspector will not issue a building permit until the Traffic Safety Commission completes their review, and

WHEREAS, prior to the issuance of a building permit for the 2,000 s.f. restaurant, the Town Board will review the architectural facade treatment of the building, and

WHEREAS, the Advisory Committee, at its meeting held on August 24, 1994 rendered the determination shown on the attached memo dated August 29, 1994, and

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

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 purposes of SEQRA.

Upon Roll Call....

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

\*SEE NEXT PAGE(S) FOR ATTACHMENT

RE: EAC - August 24, 1994  
August 29, 1994  
Page: 4

ITEM V            Galleria Corners            -    Proposed Retail Store and Restuarant

Applicant:        Benderson Development

The applicant is proposing to construct a 16,100 square foot retail building and a 68-seat restaurant with drive-thru . A new plan has been submitted which shows two access driveways, one to Union Road and one to Galleria Drive. These driveways will be two-way/all-movement driveways and this project has been reviewed by the New York State DOT. They have concluded that this project will not have an impact upon their highway system.

The new plan reflects the installation of sidewalks along both Union Road and Galleria Drive, the minimum landscaping as required by the Zoning Law, and the shift of the retail building in an effort to save some of the existing trees that are located at the southwest corner of the property.

The area is presently zoned for retail business (which includes restaurant) and the use is compatible with existing and projected uses for the general vicinity.

The restaurant would be located closest to Union Road and would have a drive thru with stacking for nine cars. It was suggested to the applicant that signage be placed at the Union Road driveway prohibiting left turns onto Union Road. This signage would be placed on private property and would not be police-enforceable since the New York State DOT would not prohibit left turns out of the site.

This final site plan will be reviewed by the Town Planning Board and by the Town Traffic Saftey Commission.

It was noted to the applicant that they must adjust their parking to come into compliance with the Zoning Law requirements. At the present time they are short one parking space and must change their access aisles for the handicap parking spaces. This change to the handicap access aisles may affect their parking requirements.

The committee is recommending that the Town Board issue a Negative Declaration for this project.

ITEM VI            Losson and Transit            -    Proposed Boston Rotisserie Chicken

Applicant:        Benderson Development

The site is at the southwest corner of Losson Road Transit and is a 1.2 acre parcel. This parcel had been broken off from a larger site that had at one time been the site of a proposed Bell's Supermarket. The restaurant would have seating for 52 people and be approximately 3,000 square feet. The applicant was told that the plan must show sidewalks for Losson Road and Transit and that additional plans must be brought in with regard to drainage and sanitary sewerage. In addition, landscaping must be reviewed by the Planning Board and a tree survey and wetlands study must be submitted. The applicant indicated that the tree survey and wetlands have been completed but not received.

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

WHEREAS, the Town entered into an agreement with the New York State Department of Transportation dated January 18, 1994 in connection with the Cost of Relocating Municipally Owned Facilities Maintained for Public Use, which agreement provides for reimbursement to the Town for modifications required at the Sewer District No. 8 Rein Road Pump Station necessitated as a result of significant grade changes established under the N.Y.S.D.O.T. project for the Reconstruction of Genesee Street, D254088, C.PIN 5209.25, and

WHEREAS, said agreement provides for reimbursement for engineering design services and construction costs associated with modifications required to the pump station wet well, electrical control panel, access road and appurtenances in a total amount not to exceed \$23,800, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. as submitted to the Town Engineer and dated August 26, 1994 for the preparation of plans and specifications and professional services to provide for said Modifications to the Rein 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 \$6,330.00 is to be charged to Account #5407-1440-0019 and BE IT FURTHER

RESOLVED, that funds received by the Town from the N.Y.S.D.O.T. for reimbursement under the subject agreement upon completion of the project shall be credited to Account #5407-1910-3089.

Upon Roll Call....

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

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

WHEREAS, the Town of Cheektowaga owns the building housing the Cheektowaga Historical Museum at 3329 Broadway, Cheektowaga, New York, and

WHEREAS, under an agreement dated December 12, 1991, the Cheektowaga Historical Association (the Historical Association) uses, occupies and operates the aforesaid museum for the preservation and storage of various objects having historical and/or aesthetic interest or value, and

WHEREAS, the aforesaid agreement provides, among other things, that the historical association will keep the museum open to the public on Sundays from 2:00 p.m. to 4:00 p.m, and

WHEREAS, the said agreement also provides for the painting of the interior of the museum by the Town, and

WHEREAS, in anticipation of the celebration of its 25th anniversary on October 10, 1995, the Historical Association has requested permission to close the museum during the months of January and February, 1995, so that the interior of the building can be painted and some displays can be changed, and

WHEREAS, the Historical Association has agreed to hire an insured painting contractor to perform the interior painting work, and has further agreed to pay for all materials and labor, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga agrees to the closure of the Cheektowaga Historical Museum during the months of January and February of 1995, and BE IT FURTHER

Item No. 10 cont'd

RESOLVED, that the Town of Cheektowaga hereby accepts the offer of the Cheektowaga Historical Association to hire and pay for all materials and labor associated with the painting of the interior of the Cheektowaga Historical Museum.

Upon Roll Call....

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

Item No. 11a Motion by Councilman Blachowski, Seconded by Councilman Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located north of 95 Colden Court, south of the Kensington Expressway, known as Sublots 40 and 41, Cheektowaga, New York, SBL #91.16-1-1.1 and according to the Assessors' Office is owned by 3500 Genesee Associates, c/o Niagara Frontier Realty, 420 Main Street, Suite 1825, Buffalo, New York 14202-3511, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

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

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 2810 Union Road (formerly Meineke Muffler), Cheektowaga, New York, SBL #113.12-3-12 and according to the Assessors' Office is owned by LaPorta Enterprises Incorporated, 2810 Union Road, Cheektowaga, New York 14227-1415, and

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

RESOLVED, that pursuant to Article 4, Section 64, Paragraph 5a of the Town Law of the State of New York, the high weeds be cut and removed by the Town and all costs incurred be assessed against the property hereinbefore described.

Upon Roll Call....

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

Item No. 12a Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that Leonard Luh be and hereby is terminated from his employment as a Public Safety Dispatcher with the Town of Cheektowaga, effective September 14, 1994.

Item No. 12a cont'd

Upon Roll Call....

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

Item No. 12b Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that Michael Zogaria be and hereby is terminated from his employment as a Public Safety Dispatcher with the Town of Cheektowaga, effective September 14, 1994.

Upon Roll Call....

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

Item No. 12c Motion by Councilman Wielinski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that Timothy Zawadzki be and hereby is terminated from his employment as a Public Safety Dispatcher with the Town of Cheektowaga, effective September 14, 1994.

Upon Roll Call....

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

Item No. 12d Termination of Recreation Supervisor  
This item was withdrawn.

Item No. 12e Motion by Councilman Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be terminated from the Youth and Recreation Department (part-time):

Karen Malkiewicz	Ken Bednasz
Ron Veiders	Patrick Boland
Christine Cramer	Jon Bova
Phil Farugia	Eric Corcoran
David Harrington	Greg Crossman
Brian Stachowski	April Dhanens
Michelle Frazer	Carl Grassl
Debbie Zimmerman	Joe Gruber
Sean Zent	Kevin Jones
Elaine Myska	Dan Kmiotek
Tim Kronenwetter	Mike Matuszewski
Todd Miller	Paul Lutz
Mike Callahan	Jason Siembida
Ed Pawlowski	Scott Sincebaugh
Dawn Pszczolkowski	Eric Stockmeyer
Karen Kuehmeier	Erin Wisniewski
Greg Bean	Mark Znaczk
Amy Dauscher	Kendra Baumgartner
Amber Gorzynski	Kevin Corcoran
Sue Johnson	Matthew Starr
Amy Owens	John Jarzynski
Denee Schallmo	Anthony Kalisz
Margaret Brezowski	John Kulesz
Amy Garbacz	Bill Bonczar
Brian Gould	Edward McIssac, III

Item No. 12e cont'd

Eric Kazukiewicz	Michael Pastwick
Lisa Lewandowski	Teri Duszynski
Sarah Warfield	David Duszynski
Mike Wyse	Jamie Loos
Craig Bova	Jeff Mallory
Doug Egloff	Mark Klosko
Sarah Garcea	Chris Cummings
Janine Glijer	Anthony Buccilli
Renee Kazukiewicz	Dave Sobolewski
Katherine Kriel	David Bova
David Owens	Paul Ivanowski
Tony Pawlowski	Ian Catbagan
Keith Hansen	Kevin Noworyta
Susan Wysocki	Mike Boczar
Juliette Nowak	Richard Smith
Sean Seivert	Craig Mahalic
Heather DeSimone	Pat Cullinan
Kathryn Astran	Bil Gillman
Jennifer Gerace	James Ruzewski
Jill Jaskier	Emilio Zeolla
Karen Magierski	Chris White
Michelle Miszewski	Ralph C. Brown
Kimberly Popiela	Christopher G. Goss
Dominick Selvaggio	Charles F. Kucinski
John Marchitte	Scott Baginski
Erin O'Brien	Andrea Cirino
Kristen Odrobina	Glen Getz
Elizabeth Kreavy	Lynn Kopra
Jason Nietopski	Cheryl L. Ostemposki
Andy Boczkowski	Tamara L. Ozolins
Caroline Burnicki	James Domzalski
Daniel Tschopp	Carolyn R. Ralicki
Donald Nowak	Jill E. Sieczkarek
Scott R. Syroczyński	Kimberly Couture
Kimberly Mahoney	Jill Marie Matuszewski
Lynn M. Nowak	Shawn J. Ryan
Mary Pat Speyer	Gayle C. Todd
Sandra Stevens	Brian Roehmholdt
Andrew Canllone	Justin Keating
Dorothy Wojik	Denise Tasca
Eric Pacer	Gerald Sobolewski
Laura Matulich	

Upon Roll Call....

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

Item No. 12f Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

BE IT RESOLVED that the following SEASONAL and PART-TIME employees be  
and hereby are terminated as listed:

<u>FACILITIES DEPARTMENT</u>	<u>EFFECTIVE</u>
Tom Jakubowicz	08-27-94
John Mazgaj	09-07-94
Mark Dauer	09-07-94
Walter Gardon	09-16-94
Ronald Kaczmarek	09-11-94
Gordon Hagmier	09-16-94
Raymond Full	09-16-94
Timothy Blakowski	09-18-94

Item No. 12f cont'd

RECYCLING DEPARTMENT

Robert Albano 09-07-94

JUSTICE COURT

Margaret Mikler 08-10-94

SEWER DEPARTMENT

John Guenther 09-10-94

POLICE DEPARTMENT - Crossing Guard

Mary Pardi 09-15-94

Upon Roll Call....

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

Item No. 13 Create three (3) positions of Sergeant in Police Department  
This item was withdrawn.

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

WHEREAS, the term of David G. Zale as a member of the Board of Assessment Review of the Town of Cheektowaga will expire on September 30, 1994, and

WHEREAS, David G. Zale has performed his duties as a member of the Board of Assessment Review in an exemplary manner, and

WHEREAS, this Board is desirous of retaining David G. Zale as a member of the Board of Assessment Review, NOW, THEREFORE, BE IT

RESOLVED, that David G. Zale of Depew, New York 14043 be and hereby is reappointed as a member of the Board of Assessment Review of the Town of Cheektowaga for a term ending September 30, 1999.

Upon Roll Call....

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

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

WHEREAS, two vacancies exist in the position of Payroll Clerk (Provisional/Permanent) in the Payroll Department, and

WHEREAS, said vacancies were posted as per the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, and

WHEREAS, there currently exists no valid promotional Civil Service list for the title of Payroll Clerk, and

WHEREAS, Joanne Orr, currently employed as a Senior Clerk and Christine Lacey, currently employed as a Clerk-Typist in the Payroll Department, bid on said vacancies are familiar with the duties and meet the minimum qualifications for said positions, NOW, THEREFORE, BE IT

Item No. 15a cont'd

RESOLVED, that Joanne Orr of Depew, New York 14043 and Christine Lacey of 196 Messer Avenue, Depew, New York 14043, be and hereby are appointed to the position of Payroll Clerk in the Payroll Department, on a provisional basis, pending the establishment of a valid promotional Civil Service list for said position, and BE IT FURTHER

RESOLVED, that said appointments are effective September 20, 1994 and are made in accordance with the terms and conditions as setforth in the agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association.

Upon Roll Call....

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

Item No. 15b Appointment(s) to position of Public Safety Dispatcher  
This item was withdrawn.

Item No. 15c Appointment(s) to position of Sergeant in Police Department  
This item was withdrawn.

Item No. 15d Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, and

WHEREAS, John Zyla applied for said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that John Zyla of Cheektowaga, New York 14227 be and hereby is appointed to the position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions as setforth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 21, 1994, and BE IT FURTHER

RESOLVED, that said appointment date is condition upon Mr. Zyla receiving his pre-employment physical prior to start date.

\*\*\*\*\*

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

Upon Roll Call....

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

\*\*\*\*\*

Motion by Councilman Johnson, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Laborer's Aide in the Recycling Department, and

WHEREAS, John Zyla applied for said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that John Zyla of Cheektowaga, New York 14227 be and hereby is appointed to the position of Laborer's Aide in the Recycling Department in accordance with the terms and conditions as setforth in the collective



Item No. 15d cont'd

bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 26, 1994, and BE IT FURTHER

RESOLVED, that said appointment date is condition upon Mr. Zyla receiving his pre-employment physical prior to start date.

Upon Roll Call....

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

Item No. 16a Motion by Councilman Wielinski, Seconded by Councilman Jaworowicz

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 Cheek Employees Association, Inc.:

FACILITIES DEPARTMENT - \$5.00 per hour (Laborer) EFFECTIVE  
William Nierling 09-22-94

Upon Roll Call....

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

Item No. 16b Motion by Councilman Wielinski, 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.:

FACILITIES DEPARTMENT - \$5.00 per Hour (Laborer) EFFECTIVE  
Patricia Obarka 09-20-94  
POLICE DEPARTMENT - \$5.00 per hour (Clerical)  
Jill M. Szczesek 09-20-94

Upon Roll Call....

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

Item No. 17a Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Police S.W.A.T Team would like to hold a training session at the Hornell Sportsman Club in Hornell, NY from September 25-28, 1994, and

WHEREAS, Chief Chamberlin is requesting permission to send the following officer(s) to this training: Capt. Richard Chamberlin, Lt. John Glascott, Sgt. Kenneth Hycner, Det. Russel Paul, P/O Edward Brotz, Det. Thomas Wentland, Det.

Item No. 17a cont'd

Gerald Grant, Sgt. James Speyer, P/O Daniel Kean, P/O Daniel Smith, P/O Carl Hendel, P/O Donald Strozyk, P/O Lawrence Bauer, P/O Gerald Jankowski to this training session. The Hornell Sportsman Club houses a rifle range, indoor pistol range, electronic moving target range, outdoor pistol range and a "tire house". The only other facility to have this extensive training equipment is Fort Drum, NY. The Police Department will be responsible for range fee, lodging and gasoline with the expense amounting to approximately \$1980.00. Cheektowaga Police vehicles will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send the above officers to this training and that the time they spend be authorized as normal duty time. The expense will be charged to line 0100-3120-4007, 0100-3120-4085.

Upon Roll Call....

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

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

WHEREAS, the Office of Court Administration will sponsor a three-day seminar from October 17 to October 19, 1994 for Town and Village Court Clerks at the Holiday Inn, Rochester, New York, and

WHEREAS, Topics to be discussed include recordkeeping, the TSLED TICKET SYSTEM, criminal disposition reporting and the role of the division of criminal justice services in seal orders, new legislation, vehicle and traffic matters, criminal procedures and small claims and civil procedures, and

WHEREAS, it appears that continuing training by the Cheektowaga Court staff on these subject matters is necessary to maintain an efficient court system and to comply with the ongoing and changing administrative rules promulgated by the Unified Court System, NOW, THEREFORE, BE IT

RESOLVED, that Susan Schottman and Judith Faulkner be and hereby are authorized to attend the seminar at Rochester, New York, and BE IT FURTHER

RESOLVED, that their travel and other actual and necessary expenses to attend said seminar be reimbursed by the Town.

Upon Roll Call....

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

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

WHEREAS, the Office of Court Administration will sponsor a three-day seminar from October 17 to October 19, 1994 for Town and Village Court Justices in Rochester, New York, and

WHEREAS, Basic and Advanced certification courses will be held at said program and needed toward satisfying the judicial education requirements for Town Justices, NOW, THEREFORE, BE IT

RESOLVED, that Cheektowaga Town Justices Thomas S. Kolbert and Ronald E. Kmiotek be allowed to attend said Judicial Education program at Rochester, New York, and BE IT FURTHER

RESOLVED, that the travel and other actual and necessary expenses to attend the program be reimbursed by the Town.

Item No. 17c cont'd

Upon Roll Call....

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

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

WHEREAS, Elsie Ettinger is an unqualified owner of 1 Bearer Bond of the Town of Cheektowaga General obligation of Serial Bond 1983, 8.60%, Due 5-1-94, Certificate number 1573, at \$5,000.00 face value, and

WHEREAS, Mrs. Ettinger, has provided the Town with an affidavit of loss establishing her ownership of said bond and how the certificate became lost, and

WHEREAS, under Section 164 of the Local Finance Law, the bondholder is required to provide the Town with a "Security to Indemnify" with unlimited liability holding the Town of Cheektowaga and the Town's agent - Marine Midland Bank - harmless of any wrong doing, and

WHEREAS, Mrs. Ettinger has complied with the provisions of the section 164 of the Local Finance Law and has met all requirements of the Law, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Board acknowledge the actions taken by Ms. Ettinger and accepts the documentation presented, AND BE IT FURTHER

RESOLVED, that the Town Board authorize the Supervising Accountant to file one copy with the Town Clerk and to forward the duplicate copies to the Town's agent, Marine Midland Bank, along with a certified copy of this resolution authorizing Marine Midland Bank to release the funds due to Ms. Ettinger.

Upon Roll Call....

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

Item No. 19 Motion by Supervisor Gabryszak, Seconded by Councilman Johnson

BE IT RESOLVED that the following Vouchers and Warrants are submitted to the Town of Cheektowaga prior to September 16th, 1994 are hereby approved and made a part hereof:

GENERAL FUND	\$2,427,369.76
HIGHWAY FUND	653,793.65
TRUST & AGENCY FUND	18,121.25
CDBG FUND	5,535.89
PART TOWN FUND	49,280.28
RISK RETENTION FUND	19,664.02
NYS HOME PROGRAM FUND	42,758.00
HUD HOUSING REHABILITATION FUND	13,964.00
SPECIAL DISTRICTS FUND	1,185,642.16
CAPITAL FUND	879,660.01
	<u>\$5,295,789.02</u>

Upon Roll Call....

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Cheektowaga Planning Board - Minutes of August 11, 1994  
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21 Summons & Complaint - General Accident Ins. Co., subrogee & Adams  
Como Lounge, Inc. vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Building Inspector's Office; ALLIED CLAIMS, Insurance  
Carrier  
Received and Filed.

Item No. 22a Notice of Claim - Janice & James Krygier 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. 22b Notice of Claim - Angeline Pappas 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. 22c Notice of Claim - Diane Parker vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; Sewer Department; ALLIED CLAIMS, Insurance Carrier  
Received and Filed.

Item No. 22d Notice of Claim - Catherine Bierma vs Town of Cheektowaga  
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits,  
Town Attorney; James Matecki, Facilities Director; N. Rutkowski,  
Facilities Department; ALLIED CLAIMS, Insurance Carrier  
Received and Filed.

Item No. 23a Notice of Petition - Various property owners in Cedargrove Heights vs  
Town of Cheektowaga and Town Assessor  
Received and Filed.

Item No. 23b Notice of Petition - NYNEX vs Town of Cheektowaga and Town Assessor  
Received and Filed.

Item No. 24 Letter from Mayor Michael Rusinek of Depew regarding issue of town  
taxing of Depew Village residents  
Received and Filed.

V. SUSPENSION OF RULES

Motion by Councilman Johnson, Seconded by Councilman Solecki  
to suspend the rules to include the following item.

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

Item No. 25 Motion by Councilman Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is desirous of constructing a full service library building to be known as the Julia Boyer Reinstein Library on Losson Road in the Town, and

WHEREAS, moneys for such construction have been bonded and State grant moneys have also been made available, and

WHEREAS, construction and bid specification documents have been prepared and the State Education Department has now given clearance for letting this construction project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Advertisement for Bidders for the construction of the Julia Boyer Reinstein Library in the Cheektowaga Times, Buffalo News and The Challenger, and BE IT FURTHER

RESOLVED, that the Town Clerk is the officer designated to open sealed bids for this project on the 14th day of October, 1994 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\* \* \* \* \*

ADVERTISEMENT FOR 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 October 14, 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 Construction for the Julia Boyer Reinstein Library (Approximately 20,000 SF) complete, in place, and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Foit-Albert Associates, Architecture, Engineering and Surveying, P.C., for said project 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.

The Project consists of four (4) separate contracts as follows:

- Contract A - General
- Contract B - Plumbing
- Contract C - HVAC
- Contract D - Electrical

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 Architect at 763 Main Street, Buffalo, New York 14203 Copies may be secured at the office of Foit-Albert Associates upon payment of \$80.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga,

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, Cheektowaga, New York, 14227 and marked as "Proposal for the Construction of the Julia Boyer Reinstein Library, Contract \_\_\_" ."

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 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 be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

Item No. 25 cont'd

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

RICHARD M. MOLESKI  
Town Clerk

DATED: September 19, 1994

PUBLISHED: September 22, 1994

\*\*\*\*\*

Upon Roll Call....

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

**LEGAL NOTICE  
ADVERTISEMENT  
FOR BIDDERS**

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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, Cheektowaga, New York 14227, and marked as "Proposal for the Construction of the Julia Boyer Reinstein Library, Contract".

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.

BY ORDER OF:  
THE TOWN OF  
CHEEKTOWAGA  
Richard M. Moleski,  
Town Clerk

Dated: September 19, 1994

PUBLISH: September 22, 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 Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for .....1..... weeks: first publication.....September 22, 1994.....; last publication.....September 22, 1994.....; and that no more than six days intervened between publications.

*Melissa Gugliuzza*

Sworn to before me this .....22nd.....

day of .....September....., 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**

**ADVERTISEMENT FOR BIDDERS**

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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.

BY ORDER OF:  
THE TOWN OF  
CHEEKTOWAGA  
Richard M. Moleski,  
Town Clerk

Dated: September 19, 1994

PUBLISH: September 22, 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 Cheektowaga Times, a public newspaper published weekly in said town; that the notice, of which the annexed printed slip, taken from said newspaper is a copy, was inserted and published in said paper once a week for ..... weeks: first publication..... September 22, 1994.....; last publication..... September 22, 1994.....; and that no more than six days intervened between publications.

*Melissa Gugliuzza*

Sworn to before me this .....22nd.....

day of ..... September ..... 19<sup>94</sup>.....

*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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- Contract D - Electrical

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 Architect at 763 Main Street, Buffalo, New York 14203. Copies may be secured at the office of Folt-Albert Associates upon payment of \$80.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

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, Cheektowaga, New York 14227, and marked as "Proposal for the Construction of the Julia Boyer Reinstein Library, Contract A, B, C or D".

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.

BY ORDER OF: THE TOWN OF CHEEKTOWAGA  
Richard M. Moleski, Town Clerk  
Dated: September 19, 1994

LISA STEPHAN-KOZLOWSKI

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 22nd day of September 1994

*Lisa Stephan-Kozlowski*

Dates Ad Ran :

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this 23RD day

19 94

*Barbara Anne Juzwiak*  
Notary Public, Erie County, New York  
*Juzwiak*

BARBARA ANNE JUZWIAK  
Notary Public, State of New York  
Appointed in Erie County, New York  
My Commission Expires 10/30/96

**ADVERTISEMENT FOR 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 October 14, 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 construction of the Julia Boyer Reinstein Library (Approximately 20,000 SF) complete, in place, and ready for use in accordance with the Contract Documents heretofore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Folt-Albert Associates, Architecture, Engineering and Surveying, P.C. 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.  
 The project consists of four (4) separate contracts, as follows:  
 Contract A - General  
 Contract B - Plumbing  
 Contract C - HVAC  
 Contract D - Electrical  
 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 Architect at 763 Main Street, Buffalo, New York 14203. Copies may be secured at the office of Folt-Albert Associates upon payment of \$80.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.  
 All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town

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Sworn to before me this 23RD day

of SEPTEMBER 19 94

Barbara Anne Juzwiak  
 Notary Public, Erie County, New York  
 Niagara

BARBARA ANNE JUZWIAK  
 Notary Public, State of New York  
 Appointed in Niagara County  
 My Commission Expires 07/30/96

(716) 897-0442

# BUFFALO CHALLENGER NEWSWEEKLY

1303 FILLMORE AVENUE

BUFFALO, NEW YORK 14211

## PROOF OF AFFIDAVIT

STATE OF NEW YORK )

)SS.

COUNTY OF ERIE )

Barbara Bonds BEING DULY SWORN, DEPOSES AND SAYS THAT HE/SHE IS Publisher/Editor OF THE CHALLENGER PUBLISHING COMPANY, INCORPORATED. PUBLISHED WEEKLY IN THE CITY OF BUFFALO, ERIE COUNTY, NEW YORK AND THAT THE NOTICE, OF WHICH THE ANNEXED PRINTED SLIP, TAKEN FROM SAID NEWSPAPER, IS A COPY: WAS INSERTED AND PUBLISHED IN SAME ONCE A WEEK FOR 1 WEEK(S). BEGINNING ON THE 28th DAY OF September AND ENDING ON THE 28th DAY OF September 1994.

SWORN BEFORE ME THIS 13th DAY OF October, 1994

Dianna S. Jacobs

DIANNA S. JACOBS  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires MAY 31, 1996

...the other depart... New York 14203 Bids should be submitted to the office...

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**BY ORDER OF: THE TOWN OF CHEEKTOWAGA**

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/S.  
by th

(716) 897-0442

# BUFFALO CHALLENGER NEWSWEEKLY

1303 FILLMORE AVENUE

BUFFALO, NEW YORK 14211

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SWORN BEFORE ME THIS 13th DAY OF October 1994

Dianna S. Jacobs

DIANNA S. JACOBS  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires MAY 31, 1996

MEETING NO. 19  
September 19, 1994

Item No. 26 Motion by Councilman Rogowski, Seconded by Councilman Jaworowicz  
to adjourn the meeting.

RICHARD M. MOLESKI  
Town Clerk

PUBLIC HEARINGS  
(held prior to Town Board meetings)

NO.

ITEM

Meeting No. 21 October 17, 1994

- 1 Hearing regarding review/appeal of decision for amusement arcade license for premises known as ImagiMAZE in Garden Village Plaza

PUBLIC HEARINGS

NO. ITEM PAGE

Meeting No. 24 November 7, 1994

2 Amendment to Traffic Ordinance - Art. X, "Parking, Standing and Stopping" - Zoerb Avenue and Sonwil Drive

NO. 07  
17



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