

**TOWN OF CHEEKTOWAGA
MEETING NO. 14
JULY 1, 1996**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 1st day of July, 1996 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Robert Kaczmarek, Supervising Accountant, Kenneth Kopacz, Director of Youth and Recreational Services; Leonard Szymanski, Foreman in Facilities Department; Chris Kowal, Highway Superintendent; Michael Stachowski, Town Prosecutor; Salvatore LaGreca, Planning Board Chairman; Thomas Adamczak, Building Inspector; Allan Blachowski, Principal Engineering Assistant; and Donald Wegner, Part-Time Zoning Inspector.

I. FROM THE TABLE

Item No. 2 The following resolution was withdrawn at this meeting.

WHEREAS, bids were duly received on March 13, 1996 as a result of advertisement for the purchase of refuse containers for the Sanitation Department, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated June 11, 1996 from Principal Engineer, Allan B. Blachowski, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of refuse containers for the Sanitation Department, as recommended by the Town Engineer, be and the same is hereby awarded for the period covering 1996, 1997, 1998 to the following:

<u>Bidder</u>	<u>Item</u>	<u>Quantity</u>	
Plastopan North America, Inc. 812 East 59th Street Los Angeles, CA 90001	I - A	500-999	\$33.55
	I - B	1000-2999	\$33.55
	I - C	3000-4999	\$33.55
	I - D	5000-6000	\$33.55
Otto Industries, Inc. 12700 General Drive Charlotte, NC 28273	II - A	500-999	\$40.72
	II - B	1000-2999	\$40.72
	II - C	3000-4999	\$40.72
	II - D	5000-6000	\$40.72

and BE IT FURTHER

RESOLVED that the funds have been budgeted in Account #5906-7310-9601 and the initial purchase of refuse containers will be as follows:

Item I	64 gallon containers Plastopan North America, Inc.		
	Quantity <u>1600</u>	Total Bid Price	<u>\$50,325.00</u>
Item II	95 gallon containers Otto Industries, Inc.		
	Quantity <u>775</u>	Total Bid Price	<u>\$31,558.00</u>

II. PUBLIC HEARING

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Item No. 3 This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 96-5 of the Year 1996 entitled "A Local Law to Amend the Local Law Relating to Zoning". A brief description on the contents of Local Law Intro No. 5 of the Year 1996 is as follows:

Town of Cheektowaga

Local Law Intro No. 96-5 of the Year 1996

A local law to amend various sections of the Local Law Relating to Zoning in various zoning districts, including, but not limited to provisions relating to intent, signs, permitted uses, accessory uses, setbacks for front yards, sideyards and rear yards, site plan review, size and height limitations, parking and fences.

A copy of the complete text of "Local Law Intro No. 96-5 of the Year 1996" shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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.

III. RESOLUTIONS

Item No. 4 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED that the following Vouchers & Warrants were submitted to the Town of Cheektowaga prior to June 28, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$272,399.13
HIGHWAY FUND	95,815.28
TRUST & AGENCY	12,858.88
PART TOWN FUND	4,237.03
RISK RETENTION FUND	30,182.46
CDBG HUD FUND	542.92
HUD HOUSING REHABILITATION FUND	475.00
SPECIAL DISTRICTS FUND	256,195.83
CAPITAL FUND	<u>181,017.21</u>
	\$853,705.74

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 5 Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, Tyree Consulting Co., on behalf of Mobil Oil Corporation, has made application and requested Rezoning from CM-General Commercial to MS-Motor Service District for property located at 1051 Harlem Road, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on July 15, 1996 at 6:30 o'clock P.M. at the Town Hall, corner of Broadway and Union Roads.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

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Item No. 6 Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

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WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, AND

WHEREAS, the Cheektowaga Patriotic Commission, Inc. has made application to hold a parade on Thursday, July 4, 1996 on Harlem Road, from the Thruway Mall to Town Park, and other activities, including fireworks, amusement rides and games, sale of food and beverages, for the Independence Day celebration on July 4, 5 and 6, 1996, AND

WHEREAS, this Board has reviewed the application submitted by the Cheektowaga Patriotic Commission, Inc., which application has been approved by the Police Department and the Special Events Committee and they have no objection to same, AND

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

Requirement that application be made at least 60 days prior to the date of the special event

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Patriotic Commission, Inc. for its parade and other activities to be held on July 4, 5 and 6, 1996 and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 7 Motion By Councilmember Jaworowicz, Seconded by Councilmember Swiatek

WHEREAS, Goodyear Commercial Tire and Service Center, a division of the Goodyear Tire and Rubber Company, was awarded bids for certain tires and tubes by Town Board resolution dated October 16, 1995, AND

WHEREAS, Goodyear Commercial Tire and Service Center is closed for business, but requested the Town to agree to assign this contract to Goodyear Wholesale Tire Center, AND

WHEREAS, the Town Superintendent of Highways has recommended that the Town Board approve this assignment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the assignment of the above referenced contract to Goodyear Wholesale Tire Center, 730 Young Street, Tonawanda, New York 14150.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 8 Motion By Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, former (now retired) town employee, Frank W. Orlikowski, sustained on-the-job personal injuries on March 19, 1987, when, while emptying a garbage dumpster struck him on the head, face and body, AND

Item No. 8 continued

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WHEREAS, upon information and belief, the aforesaid garbage dumpster was owned and/or maintained by Bell's Markets, Inc. and/or Peter J. Schmitt Co., Inc. at 1999 William Street, Cheektowaga, New York, AND

WHEREAS, Orlikowski applied for and received workers' compensation benefits through the Town's self-insured workers' compensation program, regardless of fault, AND

WHEREAS, Orlikowski commenced a civil lawsuit against Bell's Markets, Inc., Peter J. Schmitt Co. Inc. and others who he claimed were in some way at fault for his injuries, AND

WHEREAS, Bell's Markets, Inc. and Peter J. Schmitt Co., Inc. commenced a third-party action against the Town for indemnification, in whole or in part, on any judgment against them, claiming that Orlikowski's injuries were caused by the contributing negligence of the Town, AND

WHEREAS, a pre-trial conference has been held on said lawsuit before the Hon. Norman A. Stiller, as Judicial Hearing Officer, and a settlement has been negotiated on condition that the Town waive any workers' compensation lien, AND

WHEREAS, the attorneys for the Town under its self-insured liability program, as well as the Town's workers' compensation claims manager, have reviewed the matter, and they have requested that the aforesaid waiver be made,

NOW, THEREFORE, BE IT RESOLVED, that Kenneth J. Snyder of W.C.S., Inc. and/or the attorneys for the Town be and they hereby are authorized to waive any workers' compensation lien the Town may have on the aforementioned matter.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 9a Motion By Councilmember Jaworowicz, Seconded by Supervisor Gabryszak

WHEREAS, Contract "A" - General Construction, for the Julia Boyer Reinstein Library was awarded by Town Board Resolution dated October 25, 1994 to Nichter Construction Co., Inc., in the amount of \$1,663,000.00, AND

WHEREAS, Foit-Albert Associates, Project Architect, has submitted and recommended approval of Change Order No. A-04 for the modification of column covers at library entry and the ceiling tiles to accept sprinkler heads, as further outlined in change order documents and as detailed in the attached memorandum of the Town Engineering Department dated June 27, 1996, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. A-04 in the amount of \$2,118.00 as an addition to the contract of

Nichter Construction Company, Inc.
344 Vulcan Street, Buffalo, New York 14207

be and hereby is approved and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Change Order No. A-04 on behalf of this Town Board and, BE IT FURTHER

RESOLVED, that funding for Change Order No. A-04 shall be chargeable to Account No. 5403-1220-9409.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 9b Motion By Councilmember Jaworowicz, Seconded by Supervisor Gabryszak

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WHEREAS, Contract "D" - Electrical, for the Julia Boyer Reinstein Library was awarded by Town Board Resolution dated October 25, 1994 to CIR Electrical Company, Inc., in the amount of \$256,300.00, AND

WHEREAS, Foit-Albert Associates, Project Architects,. has submitted and recommended approval of Change Order No. D-05 for the addition of the following:

- (a) flow and tamper switches for fire alarm system
- (b) additional circuit panel
- (c) emergency lighting on battery pack
- (d) bookshelf lighting

as further outlined in change order documents and as detailed in the attached memorandum of the Town Engineering Department dated June 27, 1996, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. D-05 in the amount of \$8,000.60 as an addition to the contract of

CIR Electrical Company, Inc.
1067 Harlem Road, Buffalo, New York 14227

be and hereby is approved and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Change Order No. D-05 on behalf of this Town Board and, BE IT FURTHER

RESOLVED, that funding for Change Order No. D-05 shall be chargeable to Account No. 5403-1220-9409.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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BE IT RESOLVED, that Losson Green Estates Subdivision, Phase VIII, be and hereby is approved subject to the terms contained in the attached letter of the Town Superintendent of Highways and, BE IT FURTHER

RESOLVED, that the Tree Survey dated October 31, 1992 prepared by the developer be and hereby is also accepted and approved by this Town Board, and no trees shown on said survey shall be removed until approved by the Building Inspector.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11a Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building

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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 received from Roberts, Shackleton & Boy, Architects, for the developing of 4822 Genesee Street for Heartland Industries, a Distributor/Retailer of sheds, gazebos, bridges and small garages, AND

WHEREAS, the submitted plan shows compliance with applicable zoning and drainage regulations, AND

WHEREAS, the Planning Board, at their meeting of June 13, 1996 has recommended that the Landscaping/Site Plan be approved, AND

WHEREAS, the Advisory Committee, at its meeting held on June 26, 1996 rendered the determination shown on the attached memo dated June 27, 1996, 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 the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11b Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

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

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

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

WHEREAS, the Advisory Committee, at its meeting held on March 15, 1995, rendered the determination shown on the attached memo dated March 15, 1995, with respect to Losson Green Estates, Phase VIII, AND

WHEREAS, since March 15, 1995, the Town, with the developer's assistance, has completed the reconstruction of Crabapple Lane; and the developer has made arrangements with Erie County concerning the County sewer pump station, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendation made by the Environmental Advisory Committee for this subdivision, AND

WHEREAS, the developer has committed to deeding a conservation area to the Town,
NOW, THEREFORE, BE IT

RESOLVED, that, based on the aforementioned commitments made by the developer, 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 S.E.Q.R.A

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11c Motion By Councilmember Johnson, Seconded by Councilmember 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

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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 Bernard and DeSimone Architects for the construction of a 7,600 square foot picnic shelter at 2145 Old Union Road, Resurrection Life Fellowship, AND

WHEREAS, the Planning Board recommended approval of the site plan with some modification at their meeting of June 13, 1996, AND

WHEREAS, the Advisory Committee, at its meeting held on June 26, 1996 rendered the determination shown on the attached memo dated June 27, 1996, AND

WHEREAS, the Town Board has reviewed the application 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 the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11d Motion By Councilmember Johnson, Seconded by Councilmember 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

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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 Gregory Carballada, Architect, for the construction of 5,240 square feet of additions to 825 Rein Road, Doc's Truck and Auto Center, AND

WHEREAS, the landscape plan has been accepted by the Planning Board at their meeting of June 13, 1996 and have recommended approval of same, AND

WHEREAS, the Advisory Committee, at its meeting held on June 26, 1996 rendered the determination shown on the attached memo dated July 27, 1996, 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 the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 11e Motion By Councilmember Johnson, Seconded by Councilmember 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

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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 William Schutt and Associates to erect an 18,000 square foot PEP Boys Center at 3901 Union Road,

WHEREAS, this project was referred to the New York State Department of Transportation ("NYSDOT") which has approved the access to Union Road, AND

WHEREAS, the applicant has submitted a landscaping plan, acceptable to the Planning Board, which retains the trees at the rear of the site, AND

WHEREAS, the applicant has agreed to provide trees for the Town's tree planting program and has agreed to participate in the "Rails-To-Trails" program at a later date, AND

WHEREAS, the Advisory Committee, at its meeting held on June 26, 1996 rendered the determination shown on the attached memo dated June 27, 1996, 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 the purpose of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 12a Cleanup of Property Located at 20 St. Lucia Lane
This item was withdrawn.

Item No. 12b Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high grass and weeds on vacant property located at 24 Atwood Place, Cheektowaga, New York, SBL #90.84-2-53 and according to the Assessor's Office is owned by Baha R. Kufash, 166 Longmeadow Drive, Apt. 3, Amherst, New York 14226, AND

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 12c Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on property located at 1231 and 1235 French Road, Cheektowaga, New York, SBL #125.12-10-3 and according to the Assessor's Office is owned by The Benenson Capital Company, c/o Leonard J. Kreppel, 708 Third Avenue, New York, New York 10017, AND

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 12d Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds on property located at 708 South Huth Road, Cheektowaga, New York, SBL #91.08-14-22 and according to the Assessors' Office is owned by Kevin F. Frayne & W., 708 South Huth Road, Cheektowaga, New York 14225, AND

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

Item No. 12d continued

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 13 Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

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WHEREAS, the Unsafe Buildings and Collapsed Structure Ordinance of the Town of Cheektowaga, New York, required that unsafe structures be made safe and secured, repaired, demolished or removed, AND

WHEREAS, The Benenson Capital Company, 708 Third Avenue, New York, New York 10017, who according to the Assessor's Office, is owner of an unsafe fence located at 1231 and 1235 French Road, Cheektowaga, New York, SBL #125.12-10-3; and said The Benenson Capital Company has failed and neglected to demolish and remove said unsafe structure, AND

WHEREAS, a hearing was held before the Town Board on July 1, 1996 at 7:00 o'clock P.M., at which time all persons having an interest in this fence/structure were given the opportunity to be heard, NOW, THEREFORE, BE IT

RESOLVED, that this fence be demolished and removed and all costs in the demolition and removal be assessed against the land on which the fence is located.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 14a Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, the Town, in its 1996 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town, AND

WHEREAS, agreements between the Town and these cultural and not-for-profit organizations have been prepared and forwarded to such groups, AND

WHEREAS, the organizations listed below have completed and returned signed agreements and their accounting report from the 1995 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreements in the forms attached to this resolution, with the cultural and not-for-profit organizations listed below for the amounts listed and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreements with the following referenced cultural and not-for-profit organizations for the following respective amounts

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Patriotic Commission, Inc.	\$10,000.00

and, BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization out of the respective cultural group budget line item in the 1996 Town budget, subject to audit and approval of a properly signed Town voucher.

Item No. 14a continued

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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Item No. 14b Motion By Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, a housing rehabilitation loan, secured by a mortgage, was previously provided to the owners of 77 Hillwood Drive by the Town of Cheektowaga Community Development Office, AND

WHEREAS, said property was subsequently sold without repayment to the Town of said housing rehabilitation loan, AND

WHEREAS, the amount owed under said mortgage was repaid to the Town by Monroe Title Insurance Company on behalf of the purchase of said property, AND

WHEREAS, Monroe Title Insurance Company has requested that in consideration of said payment, the Town assign its mortgage on said property to Monroe Title Insurance Company, AND

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WHEREAS, the Director of Community Development has recommended that the Town assign its mortgage on said property to Monroe Title Insurance Company, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an Assignment of Mortgage for the property at 77 Hillwood Drive, Cheektowaga, New York to assign said mortgage to Monroe Title Insurance Corporation.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 14c Motion By Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, this Town Board designated the Chase Bank, N.A. and Chemical Bank as official Town Depositories for the year 1996, AND

WHEREAS, these two banks have now merged into the The Chase Manhattan Bank,
AND

WHEREAS, security is being updated and the Chase Manhattan Bank wants to reconfirm its security procedures with the Town and has requested the attached agreement to be signed, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Funds Transfer Security Agreement for Tested Telephone with Chase Manhattan Bank.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 15 Motion By Councilmember Rogowski, Seconded by Unanimous

WHEREAS, Herb Niebergall was a lifelong resident of Cheektowaga who has contributed to the community in his work and in baseball, AND

WHEREAS, Herb Niebergall has been manager of the Cheektowaga Travelers baseball team since 1946 and holds a career win-loss record as manager; and he also served as coach of this team for many years, AND

WHEREAS, Herb Niebergall was also instrumental in the establishment of the Cheektowaga Classic league, AND

WHEREAS, a number of young ballplayers coached by Herb Niebergall have gone on to professional big-league careers, and hundreds of others have benefitted from his coaching, AND

WHEREAS, Herb Niebergall also was a scout for the Cleveland Indians, AND

WHEREAS, this Board wishes to recognize Herb Niebergall for his 50 years of service to baseball and the youth of this Town, and for his love of baseball, NOW, THEREFORE, BE IT

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RESOLVED, that, in recognition of the contributions made by Herb Niebergall to baseball and the Town of Cheektowaga, this Town Board hereby names Ball Diamond No. 2 in Cheektowaga Town Park in honor of Herb Niebergall.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 16 Motion By Councilmember Swiatek, Seconded by Councilmember Rogowski

BE IT RESOLVED, that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

EFFECTIVE

POLICE DEPARTMENT

Eleanor Bienko	Immediately
Jennifer Filipink	6-07-96
Jodee Fiorella	5-16-96

SANITATION DEPARTMENT

Gregory Kida	6-22-96
Eric Kraus	6-15-96
Ginene Kazmierczak	6-22-96

RECYCLING DEPARTMENT

Scott Wesolowski	6-15-96
Brian Papero, Jr.	6-18-96

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 17 Motion By Councilmember Swiatek, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the salaries of the following Town Officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 1996:

Town Attorney	\$50,686.82
Town Engineer	\$59,223.97
Supervising Accountant	\$50,030.34
Assessor	\$52,195.66
Executive Director - Youth	\$55,080.13
Director of Community Development	\$46,524.43
Working Crew Chief - Sanitation	\$49,206.84
Senior Citizens Director	\$46,338.00
Supervising Building Inspector	\$55,363.60
Employment & Training Director	\$55,875.93
Coordinator of Employee Relations	\$49,615.84
Deputy Town Attorney	\$34,497.12
Prosecuting Attorney	\$28,759.45
Accountant	\$38,104.66
Junior Accountant	\$29,101.86
Clerk to Justice Court	\$33,673.65
Legislative Assistant	\$33,591.69
Council Office Clerk Steno	\$28,161.85

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Assistant to the Supervisor	\$33,591.69
Deputy Tax Receiver	\$32,113.81
1st Deputy Town Clerk	\$35,697.51
2nd Deputy Town Clerk	\$33,642.80
Deputy Highway Superintendent	\$53,492.63
Real Property Appraiser	\$39,316.16
Program Coordinator - 1	\$33,530.13
Secretary to Coordinator of Employee Relations	\$30,742.97
Project Director	\$41,129.74

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 18a Appointment to Fill Vacancy in Position of General Crew Chief in Facilities
Department
This item was withdrawn.

Item No. 18b Motion By Councilmember Swiatek, Seconded by Councilmember Rogowski

WHEREAS, by resolution, this Town Board created the position of Project Director
under the Suburban Wellness Coalition Grant for the Cheektowaga Action Partnership, AND

WHEREAS, Ellen Fischer, currently employed as the Project Director for the
Cheektowaga Action Partnership has applied for said position and meets the necessary qualifications
for said position, NOW, THEREFORE, BE IT

RESOLVED, that Ellen Fischer of XXXXXXXXXXXXXXXX, Cheektowaga, New York
XXXXX, be and hereby is appointed to the position of Project Director under the Suburban Wellness
Coalition Grant for the Cheektowaga Action Partnership, effective July 2, 1996 and, BE IT FURTHER

RESOLVED, that the annual salary for said position be and hereby is established at
\$41,129.74.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 18c Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

WHEREAS, a vacancy exists in the position of Automotive Mechanic Helper in the
Central Garage, AND

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

WHEREAS, Thomas J. Carney, currently employed as Part-Time Laborer in the
Sanitation Department, bid on said vacancy, and meets the necessary qualifications for said position,
NOW, THEREFORE, BE IT

RESOLVED, that Thomas J. Carney, Jr. of XXXXXXXXXXXXXXXX, Cheektowaga, New
York XXXXX be and hereby is appointed to the position of Automotive Mechanic Helper in the Central
Garage, 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
July 2, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Wielinski, and Swiatek
NAYES; Councilmember Johnson
ABSENT: 0

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Item No. 19a Motion By Councilmember Swiatek, Seconded by Councilmember 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:

EFFECTIVE

POLICE DEPARTMENT - \$5.00 per hour

Robin Knaus XXXXXXXXXXXXXXXXXXXX Immediately

SEWER MAINTENANCE - \$5.50 per hour

Mark Klosko XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX Immediately

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 19b Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

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:

EFFECTIVE

TAX OFFICE - \$5.75 per hour (Day Shift)

Melinda Chadwick XXXXXXXXXXXXXXXXXXXX Immediately

POLICE DEPARTMENT - \$5.00 per hour

Dana Lynn Manos XXXXXXXXXXXXXXXXXXXXXXXXXXXX Immediately

Item No. 19b continued

RECYCLING DEPARTMENT - \$5.00 per hour

Marvin Rowland, Jr. XXXXXXXXXXXXXXXXXXXX Immediately

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 20 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

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

Camp Flamingo - 7310.1810

Recreation Attendant IV (Counselor IV) - \$5.00

Lauri Imiola XXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXX

Tennis - 7140.1642

Recreation Instructor III - \$5.00
(Effective June 24th)

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Eric Burns XXXXXXXXXXXXXXXXXXXX XXXXX

Pools

Lifeguard - 7180.1903

Level I - \$4.75

Miranda Serafini XXXXXXXXXXXXXXX XXXXX

From Part-Time to Seasonal

Scott Morris XXXXXXXXXXXXXXXXXXXXXXX XXXXX

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 21 Motion By Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, the North Carolina State University in affiliation with the National Recreation and Park Association, is conducting a Supervisor's Management School in Oglebay Park, West Virginia, November 3-7, 1996, AND

WHEREAS, the program is designed to provide public service supervisors with the essential principals and most up-to-date techniques and information pertaining to staffing, directing and managing employees in order to achieve organizational goals, BE IT

RESOLVED, that Kerry Switalski, Recreation Attendant in the Cheektowaga Department of Senior Services, be reimbursed for her necessary transportation expenses not to exceed \$180.00 (estimate) (Line Item 7620.4491), food and lodging expenses at a cost not to exceed \$350.00 (Line Item 7620.4491) and training fees not to exceed \$330.00 (Line Item 7310.4681).

Item No. 21 continued

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

IV. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Building Permits
Received and Filed.

Item No. 23 Supervisor's Statement of Funds - May 1996
Received and Filed.

V. GENERAL COMMUNICATIONS

Item No. 24 Summons and Complaint: General Accident Insurance Co. as Subrogee of Larry S. and Jill A. Matuszak 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. 25a Notice of Claim: Irene Karasiewicz vs the Town of Cheektowaga

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Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25b Notice of Claim: State Farm Insurance Companies, as Subrogee of Mr. and Mrs. Richard Wype 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. 25c Notice of Claim: Ronald Lease vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Department; and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25d Notice of Claim: Michael J. and Lynn Brunetto vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Bruce Chamberlin, Police Chief; and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25e Notice of Claim: Thomas J. Wasielewski, Father and Daniel J., an Infant vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Department; and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 25f Notice of Claim: Elizabeth Jones/William Jasinski vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department; and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 26 Memorandum Regarding Request for Rehabilitation Loan for Maryvale East Management Corp.
This was read aloud by Councilmember Jaworowicz.
Received and Filed.

Item No. 27 Motion By Supervisor Gabryszak, Seconded by Unanimous to adjourn this meeting in memory of Robert Bartosz, a former employee and Officer Robert Burgess on the 29th anniversary of his death. This meeting was adjourned at 9:10 P.M.

Richard M. Moleski
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 15
July 15, 1996**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 15th day of July, 1996 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember William P. Rogowski
Councilmember Jacqueline A. Blachowski
Councilmember Thomas M. Johnson, Jr.
Councilmember William L. Wielinski
Councilmember Jeff Swiatek

ABSENT: Councilmember Patricia A. Jaworowicz

Councilmember Jaworowicz was absent due to death of her mother.

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Leonard Szymanski, Foreman in Facilities Department; David Kulik, Working Foreman-Sanitation Department; Sal LaGreca, Planning Board Chairman; Bruce Chamberlin, Chief of Police.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

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

HIGHWAY FUND

FROM:	0300-9501-9211	Bond Interest	\$50,000.00
TO:	0300-9501-9131	Bond Principal	\$50,000.00

SPECIAL DISTRICTS FUND

FROM:	2500-8125-4475	Root Control	\$1,275.00
TO:	2500-8125-4585	SD#5 Water Billing Information	\$1,275.00

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES: 0

ABSENT: Councilmember Jaworowicz

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

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to July 12, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$1,894,274.03
HIGHWAY FUND	538,074.77
TRUST & AGENCY	30,994.69
PART TOWN FUND	48,049.71
RISK RETENTION FUND	44,406.13
HUD HOUSING REHABILITATION FUND	26,653.50
SPECIAL DISTRICTS FUND	927,412.59
CAPITAL FUND	127,694.64
	<u>\$3,637,560.06</u>

Item No. 3 cont'd

**TOWN OF CHEEKTOWAGA
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AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
 NAYES: 0
 ABSENT: Councilmember Jaworowicz

Item No. 4 Motion by Councilmember Rogowski, Seconded by unanimous

WHEREAS, James J. ("Jim") Matecki began his career with the Town of Cheektowaga in 1968, when he was appointed to the position of Laborer in the Heating and Plumbing Department, and

WHEREAS, through hard work, talent and determination, Jim Matecki rose through the ranks and began his service in the Parks (now Facilities) Department in 1973, and thereafter became General Foreman of the Parks/Facilities Department in 1976, and

WHEREAS, as head of the Parks/Facilities Department, Jim Matecki was responsible for the upkeep and maintenance of the Town's parks, playgrounds and buildings, and saw the Town's parks system grow substantially, and

WHEREAS, through Jim Matecki's efforts, the Town was able to offer enhanced recreational facilities to residents to all areas of the Town, and

WHEREAS, Jim Matecki passed away unexpectedly and prematurely on May 8, 1996, at which time, the Town suffered a great loss, NOW, THEREFORE, BE IT

RESOLVED, that, in recognition of all that Jim Matecki did to enhance the quality of life for all Town residents, this Town Board hereby names the Facilities Department building at 500 Losson Road, the "James J. Matecki Facilities Center".

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
 NAYES: 0
 ABSENT: Councilmember Jaworowicz

Item No. 5 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, bids were duly received on March 13, 1996 as a result of advertisement for the purchase of refuse containers for the Sanitation Department, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated June 11, 1996 from Principal Engineer, Allan B. Blachowski, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of refuse containers for the Sanitation Department, as recommended by the Town Engineer, be and the same is hereby awarded for the period covering 1996, 1997 and 1998 to the following:

<u>Bidder</u>	<u>Item</u>	<u>Quantity</u>	
Plastopan North America, Inc. 812 East 59th Street Los Angeles, CA	I-A	500-999	\$33.55
	I-B	1000-2999	\$33.55
	I-C	3000-4999	\$33.55
	I-D	5000-6000	\$33.55
Otto Industries, Inc. 12700 General Drive Charlotte, NC 28273	II-A	500-999	\$40.72
	II-B	1000-2999	\$40.72
	II-C	3000-4999	\$40.72
	II-D	5000-6000	\$40.72

and BE IT FURTHER

Item No. 5 cont'd

RESOLVED that funds have been budgeted in account #5906-7310-9601 and the initial purchase of refuse containers will be as follows:

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Item 1	64 gallon Containers Quantity <u>2295</u>	Plastopan North America, Inc. Total Bid Price <u>\$76,997.25</u>
Item II	95 gallon Containers Quantity <u>1530</u>	Otto Industries, Inc. Total Bid Price <u>\$62,301.60</u>



Motion by Councilmember Johnson, Seconded by Councilmember Swiatek to amend the above resolution, and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
 NAYES: 0
 ABSENT: Councilmember Jaworowicz

The Amended Resolution is as follows:



WHEREAS, bids were duly received on March 13, 1996 as a result of advertisement for the purchase of refuse containers for the Sanitation Department, and

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated June 11, 1996 from Principal Engineer, Allan B. Blachowski, NOW, THEREFORE, BE IT

RESOLVED that the bid for the purchase of refuse containers for the Sanitation Department, as recommended by the Town Engineer, be and the same is hereby awarded to the following:

<u>Bidder</u>	<u>Item</u>	<u>Quantity</u>	
Plastopan North America, Inc. 812 East 59th Street Los Angeles, CA	I-A	500-999	\$33.55
	I-B	1000-2999	\$33.55
	I-C	3000-4999	\$33.55
	I-D	5000-6000	\$33.55
Otto Industries, Inc. 12700 General Drive Charlotte, NC 28273	II-A	500-999	\$40.72
	II-B	1000-2999	\$40.72
	II-C	3000-4999	\$40.72
	II-D	5000-6000	\$40.72

and BE IT FURTHER

RESOLVED that funds have been budgeted in account #5906-7310-9601 and the initial purchase of refuse containers will be as follows:

Item 1	64 gallon Containers Quantity <u>2295</u>	Plastopan North America, Inc. Total Bid Price <u>\$76,997.25</u>
Item II	95 gallon Containers Quantity <u>1530</u>	Otto Industries, Inc. Total Bid Price <u>\$62,301.60</u>

Item No. 5 cont'd

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
 NAYES: 0
 ABSENT: Councilmember Jaworowicz

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** See next page(s) for attachments

Item No. 6a Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, a bill is pending in the New York State Senate and Assembly (S.7379/A.10863) to amend the Vehicle and Traffic Law and State Finance Law to reform the administration of the Justice Court fund within the Office of the State Comptroller by streamlining the local filing process and maximizing local retention of local fine monies, and

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WHEREAS, this bill would permit certain local justice courts to electronically report local fine and penalty receipts to the Justice Court Fund, and remit only the State's share to the State, in lieu of the current system which requires justice courts to remit all receipts to the Justice Court Fund, which then returns the local share on a quarterly basis, and

WHEREAS, this legislation would provide a welcome cash flow to participating municipalities, and would allow municipalities to have more immediate access to their own funds and enhance interest earned on local deposits, and

WHEREAS, the Cheektowaga Town Justices support the adoption of this legislation, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby supports the above referenced bill and memorializes the State Senate, Assembly and Governor to approve same, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator William Stachowski, Governor George E. Pataki and the Office of the State Comptroller, Bureau of Justice Court Fund.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 6b Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, State Assemblyman Paul A. Tokasz has introduced a bill in the Assembly (Bill No. 11089) to amend the Public Authorities Law to authorize the New York State Thruway Authority ("NYSTA") to issue annual short distance commuter permits which would provide travel at no charge between Interchange 50 and the Black Rock Barrier, and

WHEREAS, such bill also provides that, if the NYSTA can demonstrate a significant loss of revenue, the NYSTA would be authorized to offer such permits at a reduced cost and to restrict the use of permits to peak commuter hours, and

WHEREAS, this Town Board supports such bill to lower the significant cost incurred by Town taxpayers who commute daily along this section of the Thruway, and to lessen traffic congestion on Town streets which are used to by-pass the tolls, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby supports the above referenced bill introduced by Assemblyman Tokasz and memorialize the State Assembly, Senate and Governor to enact same, and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 7 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, Benderson Development Co., Inc. has proposed the development of a hotel and multi-family dwellings on the west side of Dick Road at Barone Circle in the Town, and
Item No. 7 cont'd

WHEREAS, Benderson Development Co., Inc. had a Traffic Study prepared for such intersection, which study shows that a traffic signal is warranted at such intersection, and

WHEREAS, since Dick Road is a County highway, Erie County must approve the permit for such signal, and

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WHEREAS, Erie County has approved the installation of a signal at this location, but will only issue such permit to the Town, and

WHEREAS, the Town has previously approved a permit/agreement with Benderson Development Co., Inc. concerning this proposed signal, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby requests the County of Erie Department of Public Works, Division of Highways, to issue the Town a permit for the installation and maintenance of a traffic signal at the above referenced intersection, and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 8 Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, a major drainage system which conveys stormwaters from Como Park Boulevard and Bennett Road, both being County highways, and from intersection Town highways, namely, Center Avenue and Vita Road, traverses private properties south of Como Park Boulevard, including property owned by the Bellevue Fire District No. 9, and

WHEREAS, the project for the reconstruction of the new Bellevue Fire Hall provides for the relocation and improvement to said public storm drainage system, and the granting of easements to provide for the future maintenance of this pipeline, with the costs for this on-site relocation being borne by the Fire District, and

WHEREAS, it has been determined that the existing drainage system south of the Fire District property on adjoining private property is deteriorated and deficient and it is the recommendation of the Town Engineer that said system be replaced entailing approximately 400 L.F. of 30" pipeline through a new alignment to Cayuga Creek, through a proposed easement to be granted to the Town, and

WHEREAS, the County of Erie has committed funding for a 50% share in the construction of the recommended new pipe outlet downstream of the Bellevue Fire Company project site estimated to cost \$20,700, NOW, THEREFORE, BE IT

WHEREAS, that this Town Board hereby approves of the appropriation of funds from the Townwide Drainage District for the purchase of 400± L.F. of 30" pipe and related bedding and backfill stone materials in an amount not to exceed \$10,350 to facilitate the construction of new outlet system in conjunction with the Erie County Division of Highways, and BE IT FURTHER

RESOLVED that funding for the purchase of the aforesaid materials shall be chargeable to Account No. 4000-8140-4432.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 9a Motion by Councilmember Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town has submitted a Consolidated Plan and annual program statement to the Department of Housing & Urban Development for Community Development Block Grant funding totaling \$885,000 for the 1996 Program Year, and

WHEREAS, it will be necessary to execute a Grant Agreement with the Department of Housing and Urban Development for Fiscal Year 1996 Community Development Block Grant funding upon approval of said Consolidated Plan and annual program statement by HUD, and

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WHEREAS, the Town has been informed by HUD that its 1996 allocation of Community Development Block Grant funds has been increased by \$17,000, to \$902,000, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute a Grant Agreement with the Department of Housing and Urban Development Block Grant Program Year, and BE IT FURTHER

RESOLVED that the additional \$17,000 in Community Development Block Grant funds be allocated as follows: \$14,675 - Single-Family Housing Rehabilitation; \$600 - Village of Sloan Drainage Improvements, and; \$1,725 - Village of Depew Handicapped Accessible Curb-Cuts and Sidewalks Replacement.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 9b Motion by Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, Benderson Development Co., Inc. is developing property on the west side of Dick Road at Barone Circle for a hotel and multiple family dwelling, and

WHEREAS, a Traffic Study prepared for such intersection shows that a Traffic signal is warranted, and

WHEREAS, Erie County has tentatively agreed to issue a permit to the Town for a signal at this location, and

WHEREAS, before the Town will request a signal permit from the County, it wants certain assurances from Benderson Development Co., Inc. and such assurances are spelled out in the attached Permit, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby issues the attached permit to Benderson Development Co., Inc. subject to the terms and conditions spelled out in such permit, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached permit on behalf of the Town.

* See next page(s) for attachment

Item No. 9c Motion by Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Office of General Services ("OGS") recently finalized an agreement with NYNEX for significant (25+%) discounts on all NYNEX local usage charges for a period ending March 5, 2001, and

WHEREAS, OGS has the authority to and has passed on this discount to certain municipalities, including the Town of Cheektowaga, and

WHEREAS, in order to avail itself of this discount, the Town must execute the attached Letter of Commitment and list all of its Billed Telephone Numbers on the attached sheet, and

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WHEREAS, the Town desires to utilize this OGS agreement to save substantial moneys on local usage calls, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the attached Letter of Commitment with NYNEX.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

**See next page(s) for attachment

Item No. 10a Negative Declaration regarding SEQR - 2777 Walden Avenue
This item was withdrawn.

Item No. 10b Motion by Councilmember Johnson, Seconded by Councilmember 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

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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, Mobil Oil Corporation has submitted an application to rezone from CM-General Commercial to MS-Motor Service the existing service station at 1051 Harlem Road, and

WHEREAS, as part of the project, the existing store building would be demolished and a larger, 1,991 square foot, store building would be constructed, and

WHEREAS, the Advisory Committee, at its meeting held on June 26, 1996 rendered its determination shown on the attached memo dated June 27, 1996, 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 the purposes of SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

**See next page(s) for attachment

Item No. 11a Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, Contract "B" (Plumbing) for the Julia Boyer Reinstein Library was awarded by Town Board Resolution dated October 25, 1994 to Matthew Kandefer, Inc., in the amount of \$34,760.00, and

WHEREAS, Foit-Albert Associates, Project Architect, and the Town Engineer had advised that work under the aforesaid contract has been completed in accordance with the contract requirements, and

WHEREAS, Foit-Albert Associates has also submitted and recommended the approval of Change Order No. B-01 (Final) which provides for the modification of the plumbing for a sink in the staff lounge as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED that the Town Board be and hereby accepts the completed project, Contract "B" (Plumbing) and directs the Supervisor to sign the final contract acceptance documents

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with Matthew Kandefer, Inc., 2215 Broadway, Buffalo, New York 14212, including Change Order No. B-01 which provides for an increase to the aforesaid contract in the amount of \$260.00, and BE IT FURTHER

RESOLVED that funding for Change Order No. B-01 shall be chargeable to Account #5403-1220-9409.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 11b Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, Contract "D" (Electrical), for the Julia Boyer Reinstein Library was awarded by Town Board Resolution dated October 25, 1994 to CIR Electrical Company, Inc., in the amount of \$256,300.00, and

WHEREAS, Foit-Albert Associates, Project Architect, has submitted and recommended approval of Change Order No. D-06 for the addition of smoke detectors in all reading areas and the office area which replaces the beam detector system for which the Town has received full credit as further outlined in change order documents and as detailed in the attached memorandum from the Town Engineering Department dated July 10, 1996, NOW, THEREFORE, BE IT

RESOLVED that Change Order No. D-06 in the amount of \$4,976.00 as an addition to the contract of:

CIR Electrical Company, Inc.
1067 Harlem Road
Buffalo, New York 14227

be and hereby is approved, and BE IT FURTHER

RESOLVED that the Supervisor be and hereby is authorized and directed to execute said Change Order No. D-06 on behalf of this Town Board, and BE IT FURTHER

RESOLVED that funding for Change Order No. D-06 shall be chargeable to Account No. 5403-1220-9409.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

**See next page(s) for attachments

Item No. 12 Motion by Councilmember Blachowski, Seconded by Supervisor Gabryszak

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

NOW, THEREFORE, BE IT RESOLVED that the recommendations of the 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.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0

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ABSENT: Councilmember Jaworowicz

**See next page(s) for attachments

Item No. 13a Motion by Councilmember Blachowski, Seconded by Councilmember Johnson

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds on vacant property located at 274 Cayuga Road, Cheektowaga, New York, SBL #92.09-1-22.1 and according to the Assessor's Office is owned by John C. Manley, Jr., c/o Upstate Appraisal, Inc., 280 Cayuga Road, Cheektowaga, New York 14225, and

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

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

**TOWN OF CHEEKTOWAGA
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Item No. 13b Motion by Councilmember Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds on vacant property located on East Delavan Avenue, East corner of Marne Road, Cheektowaga, New York, SBL #90.76-4-30 and according to the Assessor's Office is owned by Andrew Pyszczyński, P.O. Box 383, Cedarville, California 96104-0380, and

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

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 13c Motion by Councilmember Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds and grass on vacant property located on Girard Avenue, Cheektowaga, New York, SBL #113.55-4-1 and according to the Assessor's Office is owned by Frank Sterbak, c/o Arlyne Bayerl, 3114 Genesee Road, Lawtons, New York 14091-9752, and

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

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 13d Motion by Councilmember Blachowski, Seconded by Supervisor Gabryszak

WHEREAS, continuous complaints have been received by the Town Board regarding accumulated high weeds and debris on vacant property located at 257 North Seine Drive, Cheektowaga, New York, SBL #125.06-11-22 and according to the Assessor's Office is owned by Robert C. Crutcher and wife, c/o Francine Lewis, 128 Urban Street, Buffalo, New York 14211-1359, and

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

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 14 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

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BE IT RESOLVED that the following Youth and Recreation employees be terminated, effective immediately:

Keith Duke	Karen Malkiewicz
Bradley Engel	Brandon Mertz
Jennifer Garcea	Carisa Nowak
Renee Kazukiewicz	Shaun Noworyta
Anne Marie Kiszewski	Jason Peters
Eric Kotowski	Darcy Ragione
Glenn Kowalski	Mike Schieda
Sharon Kreil	Courtney Silva
Sarah Lazazzero	Karen Tripp
Chris Long	Alexander Ziolo

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 15 Motion by Councilmember Wielinski, Seconded by Councilmember Swiatek

BE IT RESOLVED that three (3) positions for the title of Police Sergeant be and hereby are created in the Police Department, effective immediately.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 16 Motion by Councilmember Wielinski, Seconded by Councilmember Swiatek

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

WHEREAS, candidates from the existing Civil Service List were canvassed, interviewed and their resumes and work performance were studied, NOW, THEREFORE, BE IT

Item No. 16 cont'd

RESOLVED that the following named individuals be and hereby are promoted to the position of Sergeant in the Police Department, effective July 16, 1996:

Daniel Petroski, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, NY XXXXX
Clifford Platt, XXXXXXXXXXX, Cheektowaga, NY XXXXX
David J. Zack, XXXXXXXXXXX, Cheektowaga, NY XXXXX

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 17 Motion by Councilmember Wielinski, Seconded by Councilmember Swiatek

BE IT RESOLVED that three (3) positions for the title of Patrolman be and hereby are abolished effective immediately.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

**TOWN OF CHEEKTOWAGA
MEETING NO. 15
July 15, 1996**

Item No. 18 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, Teresa Golas, a Clerk-Typist in the Youth and Recreational Services Department, has been under doctor's care and has exhausted all her sick leave, personal leave and vacation time, and

WHEREAS, Teresa Golas, as per Article 9 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, has submitted a written request to this Town Board for an unpaid leave of absence for up to but not exceeding one year in length, NOW, THEREFORE, BE IT

RESOLVED that Teresa Golas be and hereby is granted an unpaid leave of absence from her position of Clerk-Typist in the Youth and Recreational Services Department for up to but not exceeding one year in length, effective July 3, 1996.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 19 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the following individual was hired as a Head Lifeguard at the May 20th Town Board meeting, and

WHEREAS, she has received a certificate as a Water Safety Instructor (WSI), NOW, THEREFORE, BE IT

RESOLVED that she be elevated to the position of Head Lifeguard - WSI at a rate of \$7.25 per hour, retroactive to June 24th (7180.1902):

Kimberly Kubiak XXXXXXXXXXXXXXXXXXXX XXXXX

and BE IT FURTHER

RESOLVED that the following individuals be transferred as indicated:

Lifeguards - 7180.1903

From Level I to Level II - \$5.00
(retroactive to June 24th)

Jonathan Bialek XXXXXXXXXXXXXXXXXXXX XXXXX

From Level I to Level III - \$5.50
(retroactive to June 24th)

Juliette Nowak XXXXXXXXXXXXXXXXXXXX XXXXX

Beach and Pool Supervisors - 7180.1902

From Level VI to Head Lifeguard - \$7.00
(retroactive to July 5th)

Gregory Bean XXXXXXXXXXXXXXXXXXXX XXXXX

and BE IT FURTHER

RESOLVED that the following individual be hired as a seasonal employee, effective immediately:

Bathhouse Attendant - 7180.1901 - \$4.25

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Kevin Gancarz

XXXXXXXXXXXXXXXXXXXXXXX XXXXX

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski,
and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 20 Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, a one day Trenchless Technology Seminar, sponsored by Superior Pipecleaning, Inc. and Buffalo Pipe Contractors, is being conducted in Blasdell, New York on July 29, 1996, and

WHEREAS, this seminar is dedicated to educating municipalities in areas of manhole rehabilitation, I/I control and various sewer system maintenance and repair technologies, and

WHEREAS, William R. Pugh, P.E., Town Engineer, Robert Latshaw, Sewer Maintenance Working Crew Chief, Gene Dudek, Sewer Maintenance Man and Raymond Bobeck, Sewer Maintenance Man have requested permission to attend this seminar, and

WHEREAS, attendance by Town representatives at this seminar will prove valuable as it relates to the efficient and cost effective maintenance of Town sanitary sewer systems, NOW, THEREFORE, BE IT

RESOLVED that the aforementioned individuals are hereby authorized to attend the Trenchless Technology Seminar and to utilize a Town vehicle to travel to and from such conference, and BE IT FURTHER

RESOLVED that the total registration fee of \$225.00 for these four (4) employees shall be charged to Budget Line Item No. 2500-8125-4087.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski,
and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

II. DEPARTMENTAL COMMUNICATIONS

Item No. 21a Minutes of Cheektowaga Public Library Board - May 29, 1996
Received and Filed.

Item No. 21b Minutes of Cheektowaga Planning Board - June 13, 1996
Received and Filed.

Item No. 21c Minutes of Cheektowaga Traffic Safety Commission - June 18, 1996
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 22 SUMMONS & COMPLAINT - Gary Lachina vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company, Highway Department.
Received and Filed.

Item No. 23a Notice of Claim - Joan Ann Ludovico vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company, Chief of Police.
Received and Filed.

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Item No. 23b Notice of Claim - Allstate Insurance Co. as subrogee of Nancy Hill vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company, Sewer Department.
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilmember Johnson, Seconded by Councilmember Wielinski to suspend the rules to include the following item, and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 24 Motion by Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, a vacancy currently exists in the position of Assistant Town Engineer in the Engineering Department, and

WHEREAS, such job title is in the competitive class of the civil and the civil service eligible list for Assistance Town Engineer was properly canvassed, and

WHEREAS, interviews for such position were held, and

WHEREAS, Walter J. Domino appeared first on the eligible civil service list for Assistant Town Engineer and meets all of the requirements for such job, and

WHEREAS, Mr. Domino has experience working in the engineering field, NOW, THEREFORE, BE IT

Item No. 24 cont'd

RESOLVED that Walter J. Domino, 1021 Como Park Boulevard, Depew, New York 14043 be and hereby is appointed to the permanent position of Assistant Town Engineer in the Town Engineering Department, effective July 29, 1996, at an annual salary of \$46,000.00.

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 25 Motion by Supervisor Gabryszak, Seconded by Unanimous to adjourn the meeting in memory of Alice Osieja, mother of Patricia A. Jaworowicz, Councilmember.
This meeting was adjourned at 8:30 P.M.

RICHARD M. MOLESKI
Town Clerk

**TOWN OF CHEEKTOWAGA
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TOWN OF CHEEKTOWAGA
MEETING NO. 16
AUGUST 5, 1996

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th day of August, 1996 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Leonard Szymanski, Foreman in Facilities Department; Sal LaGreca, Planning Board Chairman; Bruce Chamberlin, Chief of Police; Robert Kaczmarek, Supervising Accountant; Thomas Adamczak, Building Inspector; and Allan Blachowski, Principal Engineering Assistant.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

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

COMMUNITY DEVELOPMENT

From:	0700-1091-0706	Housing Assistance	\$ 2,250.00
	0700-1092-0701	Planning	2,000.00
	0700-1092-0707	Neighborhood Community Development	5,332.12
	0700-1093-0708	Supportive Services	5,600.00
	0700-1094-0704	Contingency	3,000.00
	0700-1094-0705	Economic Development	25,000.00
	0700-1095-0684	Fair Housing Study	16,266.67
To:	0700-1091-0600	Housing Rehabilitation	\$ 2,250.00
	0700-1092-0600	Housing Rehabilitation	2,000.00
	0700-1092-0600	Housing Rehabilitation	5,332.12
	0700-1093-0600	Housing Rehabilitation	5,600.00
	0700-1094-0600	Housing Rehabilitation	3,000.00
	0700-1094-0600	Housing Rehabilitation	25,000.00
	0700-1095-0600	Housing Rehabilitation	16,266.67

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES: 0

ABSENT: 0

Item No. 3 Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED, that the following Vouchers and Warrants were submitted to the Town of Cheektowaga prior to August 2, 1996 are hereby approved and made a part hereof:

Item No. 3 cont'd.

GENERAL FUND	\$296,371.37
HIGHWAY FUND	167,667.54
TRUST & AGENCY FUND	20,696.42
PART TOWN FUND	6,244.30
RISK RETENTION FUND	5,444.91
CDBG HUD FUND	45,197.71
HUD HOUSING REHABILITATION FUND	5,050.00
SPECIAL DISTRICTS FUND	246,139.57
CAPITAL FUND	<u>194,618.34</u>
	\$987,430.16

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 4a Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, Dreamco Development Corp. has made application and requested Rezoning from R-Residential District and NS-Neighborhood Services District to C-Commercial Retail Business District for property located on William Street, between Kennedy Road and St. Felix Street, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on August 19, 1996 at 6:30 o'clock P.M. at the Town Hall, corner of Broadway and Union Roads.



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 4A, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0



AMENDED

WHEREAS, Dreamco Development Corp. has made application and requested Rezoning from R-Residential District and NS-Neighborhood Services District to C-Commercial Retail Business District for property located on William Street, between Kennedy Road and St. Felix Street, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on Wednesday, August 21, 1996 at 6:00 o'clock P.M. at the Town Hall, corner of Broadway and Union Roads.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 4b Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, since March of 1995, the Federal Communications Commission ("FCC") has auctioned off 1,900 megahertz of the radio spectrum to new license holders, most of which are cellular phone and paging companies, AND

WHEREAS, this action has created a large demand and increase in the number of applications for the construction of cellular towers, AND

WHEREAS, as a result of the Telecommunications Reform Act of 1996, the Federal government has prevented municipalities from banning such towers outright, AND

WHEREAS, concern over the increase of such towers and the effect they have on aesthetics, zoning and safety has prompted Erie County to establish County standards for placing these towers/antennas on County property and to recommend the establishment of guidelines throughout Erie County for locating these towers, AND

WHEREAS, the Town of Cheektowaga still retains some zoning control over the placement of these towers and is currently researching its authority and discussing and investigating guidelines for the placement of these towers in the Town, AND

WHEREAS, additional time is needed to investigate this matter and to establish guidelines for the placement of these towers/antennas in the Town and it is imperative that a temporary moratorium be placed on the erection of these towers until guidelines are established, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 19th day of August, 1996 at 7:00 p.m. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard 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 a "COMMUNICATIONS TOWER MORATORIUM" should be enacted, 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 10 days prior to the date of said hearing.



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, 3301 Broadway, on the 19th day of August, at 7:00 p.m. of said day for the purpose of considering the adoption of the following COMMUNICATIONS TOWER MORATORIUM Ordinance:

COMMUNICATIONS TOWER MORATORIUM

1. For a period of 90 days the following type of use is declared to be a Special Review Zoning District:

The erection or establishment of communication towers or antennas; or mobile services antennas; or personal wireless service facilities (as defined in Section 704 of the Telecommunications Act of 1996) erected on the ground or on top of buildings or structures in any zoning district within the Town of Cheektowaga.

2. All departments, agencies and authorities of the Town shall withhold the issuance of any permits for the establishment of the above described towers/antennas declared to be a Special Review Zoning District within the Town of Cheektowaga.

Item No. 4b cont'd.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its

absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

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

Dated: August 5, 1996

Richard M. Moleski
Town Clerk



MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 4B, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0



AMENDED

WHEREAS, since March of 1995, the Federal Communications Commission ("FCC") has auctioned off 1,900 megahertz of the radio spectrum to new license holders, most of which are cellular phone and paging companies, AND

WHEREAS, this action has created a large demand and increase in the number of applications for the construction of cellular towers, AND

WHEREAS, as a result of the Telecommunications Reform Act of 1996, the Federal government has prevented municipalities from banning such towers outright, AND

WHEREAS, concern over the increase of such towers and the effect they have on aesthetics, zoning and safety has prompted Erie County to establish County standards for placing these towers/antennas on County property and to recommend the establishment of guidelines throughout Erie County for locating these towers, AND

WHEREAS, the Town of Cheektowaga still retains some zoning control over the placement of these towers and is currently researching its authority and discussing and investigating guidelines for the placement of these towers in the Town, AND

WHEREAS, additional time is needed to investigate this matter and to establish guidelines for the placement of these towers/antennas in the Town and it is imperative that a temporary moratorium be placed on the erection of these towers until guidelines are established, NOW, THEREFORE, BE IT

Item No. 4b cont'd.

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 19th day of August, 1996 at 6:30 p.m. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard 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 a "COMMUNICATIONS TOWER MORATORIUM" should be enacted, 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 10 days prior to the date of said hearing.



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, 3301 Broadway, on the 19th day of August, at 6:30 p.m. of said day for the purpose of considering the adoption of the following COMMUNICATIONS TOWER MORATORIUM Ordinance:

COMMUNICATIONS TOWER MORATORIUM

- 1. For a period of 90 days the following type of use is declared to be a Special Review Zoning District:

The erection or establishment of communication towers or antennas; or mobile services antennas; or personal wireless service facilities (as defined in Section 704 of the Telecommunications Act of 1996) erected on the ground or on top of buildings or structures in any zoning district within the Town of Cheektowaga.

- 2. All departments, agencies and authorities of the Town shall withhold the issuance of any permits for the establishment of the above described towers/antennas declared to be a Special Review Zoning District within the Town of Cheektowaga.
- 3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

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

Dated: August 5, 1996

Richard M. Moleski
Town Clerk

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 5 Motion By Councilmember Johnson, Seconded by Councilmember 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, rezoning, 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 the Town of Cheektowaga to amend the Local Law known as the Zoning Law of the Town of Cheektowaga, AND

WHEREAS, there was a need to amend the Zoning Law to reflect trends, maintain a minimum standard of living and address inadequacies in the Law, AND

WHEREAS, the Advisory Committee, at its meeting held on June 13, 1996 rendered the determination shown on the attached memo dated June 14, 1996, 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 the purposes of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6 Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated January 21, 1992, Local Law No. 1 of the Year 1992 of the Town of Cheektowaga, entitled "A Local Law Relating to Zoning" was adopted, AND

WHEREAS, the Building Inspections Department and the Petitions Committee of the Town of Cheektowaga have recommended various amendments to the Local Law Relating to Zoning, AND

WHEREAS, a draft of such amendments was prepared and was forwarded to various other governmental agencies for comment, AND

WHEREAS, a public hearing was held on the 1st day of July, 1996 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend a Local Law Relating to Zoning", and public comment was had thereon, AND

WHEREAS, this Board feels it is in the public interest to adopt such local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 5 of the Year 1996, entitled "A Local Law to Amend the Local Law Relating to Zoning" be and the same is hereby adopted AND, BE IT FURTHER

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

RESOLVED, that Local Law No. 5 of the Year 1996 shall be effective immediately upon its filing with the Secretary of State.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 7 Motion By Councilmember Wielinski, Seconded by Councilmember Rogowski

WHEREAS, bids were duly received by this Town Board at a bid opening held on April 17, 1996, for TOPSOIL for use by the Town of Cheektowaga, as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, AND

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

RESOLVED, that the bid for topsoil be awarded to Custom Topsoil Inc., 320 Crabapple Lane, Cheektowaga, New York 14227 being the lowest responsible bidder meeting specifications as per schedule attached and made a part hereof, AND

BE IT FURTHER RESOLVED, that payment of topsoil be charged to line item 0300-5110-4186.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 8 Motion By Councilmember Wielinski, Seconded by Councilmember 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 Town Clerk located at the Town Hall, Broadway and Union Road, Cheektowaga, New York 14227, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at 11:00 a.m. on August 28, 1996.



TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT

LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of Quantities of Motor Oils, Lubricants, Anti-Freeze, Unleaded Gasoline and Diesel Fuel for Use by Various Departments of the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on August 28, 1996 at 11:00 a.m. The contract for the purchase of these items shall be awarded for a term of one (1) year.

Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk of the Town of Cheektowaga at the Cheektowaga Town Hall, Cheektowaga, New York 14227. 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: August 5, 1996
PUBLISHED: August 8, 1996



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 9 Motion By Councilmember Wielinski, Seconded by Councilmember Rogowski

WHEREAS, on June 6, 1995, the Town Board of the Town of Cheektowaga adopted an ordinance now known as Chapter 65, Article II, of the Code of the Town of Cheektowaga, setting forth specifications for the construction of sidewalks in the Town, AND

WHEREAS, Section 200a 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 property owners, AND

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

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

ORDERED, that the owners of properties listed on the attached sheets be and hereby are directed to repair/replace the sidewalks abutting such properties on or before September 10th, 1996 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, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10a Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on north side of Daniel Avenue, east of Harlem Road, Sublots 78-83, Cheektowaga, New York, SBL #102.46-4-27 and according to the Assessors' Office is owned by Theodore Demblewski and Wife, as Trustees of the Demblewski Trust and Dorothy Bartell, c/o Edward H. Coughlin, 69 Delaware Avenue, Suite 1002, Buffalo, New York 14202-3887, 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 accumulated high weeds be cut and removed and the debris be removed by the Town and all costs incurred be assessed against hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10b Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on south side of Daniel Avenue, Sublots 84-89, Cheektowaga, New York, SBL #102.46-5-2 and according to the Assessors' Office is owned by Theodore Demblewski and Wife, as Trustees of the Demblewski Trust, c/o Edward H. Coughlin, 69 Delaware Avenue, Suite 1002, Buffalo, New York 14202-3887, 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 hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10c Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on Harlem Road, north corner of Daniel Avenue, Sublots 28, 29, 30, and 31, Cheektowaga, New York, SBL #102.46-4-28 and according to the Assessors' Office is owned by Theodore Demblewski and Wife, as Trustees of the Demblewski Trust, c/o Edward H. Coughlin, 69 Delaware Avenue, Suite 1002, Buffalo, New York 14202-3887, 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 hereinbefore described.

Item No. 10c cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10d Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on Harlem Road, south of Daniel Avenue, Sublots 25, 26, and 27, Cheektowaga, New York, SBL #102.46-5-1 and according to the Assessors' Office is owned by Theodore Demblewski and Wife, as Trustees of the Demblewski Trust, c/o Edward H. Coughlin, 69 Delaware Avenue, Suite 1002, Buffalo, New York 14202-3887, 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 hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10e Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on Harlem Road, south corner of McParlin Avenue, west of 13 McParlin Avenue, Sublots 32, 33, and 34, Cheektowaga, New York, SBL #102.46-4-1 and according to the Assessors' Office is owned by Theodore Demblewski and Wife, as Trustees of the Demblewski Trust and Dorothy Bartell, c/o Edward H. Coughlin, 69 Delaware Avenue, Suite 1002, Buffalo, New York 14202-3887, 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 hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10f Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located on Duke Road, (behind 2055 Walden Avenue, K-Mart Store, Cheektowaga, New York, SBL #102.02-1-29 and according to the Assessors' Office is owned by Demblewski Family Trust & Et al, c/o Edward H. Coughlin, 69 Delaware Avenue, Buffalo, New York 14202-3887, AND

Item No. 10f cont'd.

WHEREAS, these conditions require that some positive steps be taken to rectify same by cutting and removing the high weeds and accumulated 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 hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10g Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and accumulated debris on vacant property located at and known as 211 French Road, Cheektowaga, New York, SBL #125.09-18-1 and according to the Assessors' Office is owned by Laszlo Friedman, 124 Forshay Road, Monsey, New York 10952, 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 hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 10h Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds on vacant property located at 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 Street, 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 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 hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 11 Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, the Housing Standards of the Town of Cheektowaga, State of New York, requires that unsafe structures be repaired, demolished or safeguarded and all nuisances abated, AND

WHEREAS, records kept by the Office of the Assessor identify Anne M. Shank, 876 Cleveland Drive, Buffalo, New York, as the owner of premises located at 876 Cleveland Drive, Cheektowaga, New York, AND

WHEREAS, an inspection of such premises was conducted on July 22, 1996 by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the premises to be deteriorated, vacant, unsecured, open to unauthorized entry, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, such conditions require that the Housing and Neighborhood Preservation Office take immediate steps to board over and secure all openings in the two-family structure; cut and remove the weed overgrowth, remove collapsing awning; and remove garbage and debris at this premises to protect the health and safety of others, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the relative provisions of the Housing Standards of the Town of Cheektowaga; State of New York; that all openings be boarded over and secured; that all weed overgrowth be cut and removed; and garbage and debris be removed from the premises and all costs incurred be assessed against the property herein before described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 12 Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga believes that it is in the community's interest to promote more public participation in the decision making process for those actions which effect land use changes, AND

WHEREAS, such decisions must be made by the Town Board on Rezoning Requests or Special Permit Requests, AND

WHEREAS, in order to promote more public participation in the aforesaid decision making process this Town Board will require that the property which is subject to a Rezoning or Special Use Permit be posted with a sign and/or signs identifying to the public that a request is pending for a Rezoning or Special Use Permit, AND

WHEREAS, the Petitions Committee has reviewed and recommended approval of an on-site sign notification policy, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that an on-site sign notification policy is in the best interest of the community and will promote more public participation in decisions before the Town Board which effect land use changes and, BE IT FURTHER

RESOLVED, that the following on-site notification policy for property undergoing a Rezoning or Special Use Permit review is hereby adopted by this Town Board, effective immediately:

1. The owner of the property or his/her authorized representative must provide written permission to the Town of Cheektowaga authorizing the Town to place a notification sign and/or signs on the owner's property.

Item No. 12 cont'd.

2. A notification sign no smaller than (11) eleven inches by (17) seventeen inches be placed along the road frontage of an owner's property, at minimum (1) one such sign for every (200) two hundred lineal feet of frontage. Where, an owner's property has more than one road frontage, at least one sign shall be placed on each road frontage.
3. A subject property be posted by the Town Building Inspection Department within (5) five business days following an application accepted and filed with the Town Clerk's Office.
4. The Building Department remove the notification sign and or signs within (5) five business days following a public hearing held before the Town Board.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 13 Motion By Councilmember Jaworowicz, Seconded by Councilmember Johnson

WHEREAS, by resolution dated June 3, 1996, this Town Board issued a public improvement permit to Sonwil Distribution, Inc. for the extension of Sonwil Drive to service 350 Sonwil Drive, AND

WHEREAS, the construction of this extension of Sonwil Drive has been completed as per the plans and specifications, as certified to by Nussbaumer & Clarke Consulting Engineers, AND

WHEREAS, the Town Superintendent of Highways has recommended that the Town accept this extension of Sonwil Drive as a dedicated Town highway, AND

WHEREAS, the Town Engineer and Town Attorney have reviewed the proposed deeds and title insurance for such extension and have approved same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the extension of Sonwil Drive and dedicates same as a Town highway, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the deeds for the Sonwil Drive extension in the Erie County Clerk's Office.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 14 Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, the contract for the construction of sidewalks on Union Road was awarded by Town Board Resolution dated November 7, 1994 to M.P.J. Contracting, Inc., 68 Churchill Street, Buffalo, New York 14207 for the low bid price of \$141,887.26, AND

WHEREAS, the Town Engineer and C & S Engineers, Inc., Consulting Engineers, have advised that the project has been completed in accordance with the plans and specifications, and have further recommended the approval of Change Order No. 1 (final) which provides for final contract quantity adjustment to those items actually incorporated into the project as outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 in the amount of \$12,061.26 as a decrease to the contract of M.P.J. Contracting, Inc. be and hereby is approved and, BE IT FURTHER

Item No. 14 cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Change Order No. 1 and final acceptance documents with M. P. J. Contracting, Inc. on behalf of this Town Board.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 15 Motion By Councilmember Blachowski, Seconded by Councilmember Johnson

WHEREAS, developers are required to install water mains within the right-of-way of new developments, AND

WHEREAS, one (1) hydrant must be installed in the Sonwil Drive Road Extension prior to acceptance of the water main extension by the Erie County Water Authority as part of their water transmission system, NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to the developer of the Sonwil Drive Road Extension to install one (1) hydrant at the location approved by the Chief of Hy-View Fire District No. 8, at the location described as follows:

west side of Sonwil Drive at approximately Station 40+00

as detailed on design drawings prepared by Nussbaumer & Clarke, Inc. and, BE IT FURTHER

RESOLVED, that all costs associated with furnishing and installing the subject hydrant is to be borne by the developer and, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga is responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for the subject hydrant, with said charges being recovered by Town billing to the respective fire hydrant rental district.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 16a Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, AND

WHEREAS, the Federation of German-American Societies has made application to hold its German-American Festival in Cheektowaga Town Park, on August 31, 1996 and September 1, 1996, AND

WHEREAS, this Board has reviewed the application submitted by the Federation of German-American Societies, which application has been approved by the Police, Building, Facilities, Highway and Youth and Recreation Departments, and has no objection to same, AND

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Requirement that application be made at least 60 days prior to the date of the special event

Item No. 16a cont'd.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Federation of German-American Societies for their German-American Festival to be held from August 31, 1996 to September 1, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 16b Motion By Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, AND

WHEREAS, the Polish-American Arts Festival Committee has made application to hold the Polish-American Arts Festival from August 16-18, 1996 in Cheektowaga Town Park, AND

WHEREAS, this Board has reviewed the application submitted by the Polish-American Arts Festival Committee, which application has been approved by the Building, Highway, Facilities, Youth and Recreation and Police Departments, and has no objection to same, AND

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Requirement that application be made at least 60 days prior to the date of the special event.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Polish-American Arts Festival Committee for their festival to be held on August 16-18, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 17 Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Town Sewer Department recently purchased new bucket machines and the old bucket machines are surplus to the needs of the Town, AND

WHEREAS, the Village of Sloan has offered to purchase two of the old bucket machines (inventory numbers 3 and 6) from the Town for \$100.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the sale of Town Sewer Department bucket machines numbers 3 and 6 to the Village of Sloan for \$100.00 and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents in connection with this sale.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 18a Motion By Councilmember Rogowski, Seconded by Councilmember Johnson

WHEREAS, a notice of claim was served on the Town of Cheektowaga on account of personal injuries sustained by Irene Kmiotek, who tripped and fell in a hole or depression in the ground near the Amphitheater in Town Park on August 19, 1995, AND

WHEREAS, the aforesaid claim has been thoroughly investigated by Allied Claim Services, Inc., which company provides professional claim management services to the Town under our self-insured liability program, AND

WHEREAS, the said self-insured liability claim manager has recommended the settlement of the aforesaid claim by payment of the sum of \$8,500.00,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$8,500.00 be paid by the Town from its self-insured liability claim fund in full and final settlement of the aforesaid claim of Irene Kmiotek, subject to the approval, if required, of a Justice of the Supreme Court and, BE IT FURTHER

RESOLVED, that the Town Attorney, in conjunction with Allied Claim Services, Inc., be and he hereby is authorized to execute all papers necessary to effectuate this settlement and compromise.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 18b Motion By Councilmember Rogowski, Seconded by Councilmember Swiatek

WHEREAS, on June 2, 1993, Christopher Zak sustained certain personal injuries, including a fracture of the distal radius of his right wrist when, while roller blading on the hockey court at the Cedargrove Heights Playground, "he was caused to fall due to the presence of broken glass on the hockey court", AND

WHEREAS, Christopher Zak caused a notice of claim to be served on the Town on account of the aforesaid incident, AND

WHEREAS, on or about November 5, 1993, a summons and complaint on this claim of Christopher Zak was served on the Town, AND

WHEREAS, the aforesaid claim and lawsuit has been thoroughly investigated and vigorously defended by the claims administrator and attorneys for the Town under its self-insured liability claims program, AND

WHEREAS, pre-trial conferences have been held on this lawsuit before a Justice of the Supreme Court, whereat it was recommended that the payment of the sum of \$15,000.00 by the Town would constitute a fair and reasonable settlement of the aforesaid lawsuit, AND

WHEREAS, the defense attorneys for the Town have requested authority to settle the aforesaid lawsuit for the sum recommended at the pre-trial conferences,

NOW, THEREFORE, BE IT RESOLVED, that the sum of \$15,000.00 be paid by the Town from its self-insured liability claim fund, in full and final settlement of the aforesaid lawsuit of Christopher Zak, subject to the approval, if required of a Justice of the Supreme Court wherein such lawsuit is pending and, BE IT FURTHER

RESOLVED, that attorneys from the law firm of Grosse, Chelus, Herdzyk, & Speyer be and they hereby are authorized to execute and procure all papers necessary to effectuate such settlement and compromise.

Item No. 18b cont'd

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 19a Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has received \$10,000 from Erie County to increase its service to "at risk" youth as a result of savings in the PINS/JD Diversion Program, AND

WHEREAS, the Department of Youth and Recreational Services has determined that children from the single parent families which comprise almost seventeen percent of our total households are, oftentimes, considered to be "at risk", AND

WHEREAS, the Be-A-Friend Big Brother/Big Sister Program, with twenty-four years of experience in providing positive youth/adult mentoring relationships, can provide all required services necessary to provide eight such relationships for said amount, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement with Be-A-Friend, Inc. to provide said service.

BUDGET LINE ITEM: 7140.4489

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 19b Motion By Councilmember Wielinski, Seconded by Councilmember Johnson

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, 1996 and terminates December 31, 1996 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, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 19c Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

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 & 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 a subrecipient agreement with the Cheektowaga Economic Development Corporation for the purpose of allocating Community Development Block Grant funds to that agency for the 1996 Program Year in an amount of up to \$115,000, which includes \$40,000 from Program Year 1996, \$25,000 from Program Year 1995 and \$50,000 from Program Year 1994.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 19d Motion By Supervisor Gabryszak, Supervisor Gabryszak Councilmember Swiatek

WHEREAS, the Town of Cheektowaga, by resolution dated January 3, 1996, readopted an Investment Policy as the comprehensive policy of the Town of Cheektowaga, AND

WHEREAS, the Town deposits and invests some of its money with Fleet Bank, AND

WHEREAS, Fleet Bank has notified the Town that it has contracted with Bank of New York to be a third party custodian for all of its public deposits, AND

WHEREAS, Bank of New York has agreed to automatically pledge on a daily basis 102% market value of eligible collateral as permitted by New York State law, AND

WHEREAS, Fleet Bank has prepared a third Party Custodian Agreement relative to the contract with Bank of New York and has requested the Town to sign same, AND

WHEREAS, this Third Party Custodian Agreement conforms with the Town's Investment Policy, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Third Party Custodian Agreement with Fleet Bank and Bank of New York.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 20 Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

BE IT RESOLVED, that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

EFFECTIVE

SANITATION DEPARTMENT

Richard Bosiacki	7/12/96
Keith Hansen	7/15/96
Thomas Carney Jr.	7/01/96
Leroy Linker	7/19/96

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 21a Motion By Councilmember Swiatek, Seconded by Councilmember Rogowski
Councilmember Jaworowicz

WHEREAS, a permanent vacancy exists in the position of General Crew Chief in the Facilities Department, AND

WHEREAS, notice of said vacancy was posted pursuant to the agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit, AND

WHEREAS, Allan Blachowski, currently employed as a Principal Engineer Assistant applied for said position, was interviewed and meets all the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Allan Blachowski of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of General Crew Chief 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 Supervisory Unit, effective August 8, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0
ABSTAINED: Councilmember Blachowski

Item No. 21b Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Project Director in the Youth and Recreational Services/Cheektowaga Action Partnership, AND

WHEREAS, said position is underwritten by the Alcohol, Drug Abuse and Mental Health Administration of the U.S. Department of Health and Human Services Public Health Service under grant number 1H86SP04160-01A1, AND

WHEREAS, said position was advertised in the local newspaper, AND

WHEREAS, Roseanne McCarthy, applied for said vacancy, was interviewed and meets all the necessary qualifications, NOW, THEREFORE, BE IT

Item No. 21b cont'd.

RESOLVED, that Roseanne McCarthy of XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Project Director in the Youth and Recreational Services Department/Cheektowaga Action Partnership, on a provisional basis, pending the establishment of a valid Civil Service list for said position, at a salary as established by resolution of this Town Board dated July 1, 1996 and, BE IT FURTHER

RESOLVED, that said appointment is made effective August 12, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 21c Motion By Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Police Office in the Police Department, AND

WHEREAS, Timothy Szymanski, currently employed as a Public Safety Dispatcher with the Town, appears on the current Civil Service list for said position, was interviewed and is reachable for appointment, NOW, THEREFORE, BE IT

RESOLVED, that Timothy Szymanski be and hereby is appointed to the position of Police Officer in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club, Inc., effective August 6, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 21d Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

WHEREAS, a temporary vacancy exists in the position of Sewer Maintenance Worker in the Sewer Maintenance Department, AND

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

WHEREAS, Ronald Golas, currently employed as a Motor Equipment Operator 'B' in the Recycling Department, bid on said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

RESOLVED, that Ronald Golas, XXXXXXXXXXXXXXXXXXXX, Depew, New York XXXXX be and hereby is appointed to the position of temporary Sewer Maintenance Worker in the Sewer Maintenance Department, 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 12, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 21e Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

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

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

WHEREAS, Steven Dunkowski, currently employed as a Cleaner in the Facilities Department, bid on said vacancy and meets the necessary qualifications for said position, NOW, THEREFORE, BE IT

WHEREAS, Steven Dunkowski of XXXXXXXXXXXXXXXXXXXX, Sloan, New York XXXXX be and hereby is appointed to the position of General Mechanic in the Facilities Department, 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 6, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 22 Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, there is a vacancy on the Cheektowaga Conservation Advisory Council ("CCAC") created by the resignation of Gordon L. Allen, AND

WHEREAS, Michael J. Hanchak, principal consultant for Terra Environmental Management Group, Inc. has been assisting the CCAC for some time, AND

WHEREAS, Michael J. Hanchak has requested appointment to the CCAC, AND

WHEREAS, Michael J. Hanchak would be an asset to the CCAC, NOW, THEREFORE, BE IT

RESOLVED, that Michael J. Hanchak, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed as a member of the CCAC, effective immediately.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 23a Motion By Councilmember Swiatek, Seconded by Councilmember 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:

EFFECTIVE

SANITATION DEPARTMENT

Brooke Nagowski	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	Immediately
Jennifer Borkowski	XXXXXXXXXXXXXXXXXXXX	"
Dennis Szafranski	XXXXXXXX	"

Item No. 23a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 23b Motion By Councilmember Swiatek, Seconded by Councilmember Wielinski

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:

EFFECTIVE

RECYCLING DEPARTMENT - \$5.00 per hour

Scott Korczynski	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXX	Immediately
Edward Beleer	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	"
Ben Harsch	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	"
Jeffrey Szeffler	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	"
Jeffrey Uebelhoer	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	"

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 24 Motion By Councilmember Rogowski, Seconded by Councilmember Swiatek

BE IT RESOLVED, that Lois Friedrich, currently employed as a Program Coordinator for the Cheektowaga Action Partnership be and hereby is transferred to the position of Program Coordinator under the newly-established U.S. Department of Health and Human Services Center for Substance Abuse Prevention Suburban Wellness Coalition Grant ("SPO7663-01), effective August 6, 1996.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 25 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Youth and Recreation employees be transferred as indicated (Seasonal):

BE IT FURTHER RESOLVED, that those listed be paid a salary rate for the week of August 11th-17th (B) and revert to their hourly, Part-Time status in the Adapted Recreation program (C) (7310.1803), effective August 18th:

From (A) Camp JI-IK-DO-WAH-GAH (7310.1801 to (B) Camp Aloha (7310.1802), August 11th-17th to (C) Adapted Recreation (7310.1803), effective August 18th (Part-Time):

Dana Abendschein	(A)	\$ 4.75
	(B)	\$245.00
	(C)	\$ 4.75

Item No. 25 cont'd.

Steffanie Albano	(A)	\$ 4.75
	(B)	\$245.00
	(C)	\$ 4.75

Sandy Bentz	(A)	\$ 4.75
	(B)	\$245.00
	(C)	\$ 4.75

Amy Conner	(A)	\$ 5.00
	(B)	\$245.00
	(C)	\$ 5.00

From (A) Camp Crabapple (7310.1802) to (B) Camp Aloha (7310.1802), August 11th-17th to (C) Adapted Recreation (7310.1803), effective August 18th, (Part-Time):

Gayle Bosiacki	(A)	\$ 4.50
	(B)	\$245.00
	(C)	\$ 4.50

Sarah Miga	(A)	\$ 5.00
	(B)	\$245.00
	(C)	\$ 4.50

Dan Quigley	(A)	\$ 5.25
	(B)	\$245.00
	(C)	\$ 5.25

Transfer from (A) Camp Flamingo (7310.1810) to (B) Camp Aloha (7310.1802), August 11th-17th to (C) Adapted Recreation (7310.1803), effective August 18th (Part-Time):

Dan Shantier	(A)	\$ 4.25
	(B)	\$245.00
	(C)	\$ 4.25

Tim Isch	(A)	\$ 4.25
	(B)	\$245.00
	(C)	4.25

Mindy Kieser	(A)	\$ 4.25
	(B)	\$245.00

(C) \$ 4.25

From Camp JI-IK-DO-WAH-GAH (7310.1801) to Adapted Recreation (7310.1803), effective August 10th (Part-Time):

Samantha Schanne
Kim Popiela

From Camp Flamingo (7310.1810) to Adapted Recreation (7310.1803), effective August 10th (Part-Time)

Sara Sinclair

Transfer from (A) Camp Flamingo (7310.1810) to (B) Camp Aloha (7310.1802), August 11th-17th to (C) Camp Flamingo (7310.1810), effective August 18th Seasonal:

Ronn Whitehead (A) \$ 5.00
(B) \$245.00
(C) \$ 5.00

Item No. 25 cont'd.

Laurie Imiola (A) \$ 5.00
(B) \$245.00
(C) \$ 5.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES: 0
ABSENT: 0

Item No. 26 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, Christopher Dukat is presently employed as a Supervisor in the Cheektowaga Conservation Corps (7310.1811), AND

WHEREAS, he has been unable to perform his duties due to a non-work injury, AND

WHEREAS, this injury has prevented him from fulfilling his work duties since July 23, 1996, AND

WHEREAS, it was in the best interest of the Department to fill his supervisory position prior to the August 5th Town Board meeting, BE IT

RESOLVED, that Anthony Kalisz, XXXXXXXXXXXXXXXX, Cheektowaga, New York, be elevated to the position of Acting Crew Supervisor at the rate of \$8.10 per hour, retroactive to July 23rd, (7310.1811) and, BE IT

RESOLVED, that Dennis Regan, XXXXXXXXXXXXXXXX, Cheektowaga, New York be elevated to the position of Acting Youth Leader at the rate of \$5.60 per hour, retroactive to July 23rd, (7310.1811) and, BE IT FURTHER

RESOLVED, that Dawn Smith, XXXXXXXXXXXXXXXX, Cheektowaga, New York, be elevated to the position of Supervisor IV (Acting Site Director) to replace Shawn Ryan, who is leaving the area to take another position and, BE IT FURTHER

RESOLVED, that Dawn Smith be paid the rate of \$6.25, retroactive to August 1st (7310.1631).

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

- Item No. 27 Building Permits
Received and Filed.
- Item No. 28 Supervisor's Statement of Funds - June 1996
Received and Filed.
- Item No. 29 Office of Disaster Preparedness Quarterly Report - April/June 1996
Received and Filed.

III. GENERAL COMMUNICATIONS

- Item No. 30 Summons and Complaint: Michael J. Brunetto and Lynn Brunetto vs Fleming Co., Inc., d/b/a Jubilee Foods; Dennis P. Frugala; and Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Police Chief, and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 31a Notice of Claim: David E. Anticola vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Department, and Allied Claims Insurance Carrier.
Received and Filed.
- Item No. 31b Notice of Claim: Travelers Indemnity Company as Subrogee of Alfred A. Trafalski 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. 31c Notice of Claim: Mr. and Mrs. W.D. Tucker 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. 32a Notice of Petition: Buffalo Crushed Stone Inc. vs the Town of Cheektowaga
Copies were sent to: Town Assessor
Received and Filed.
- Item No. 32b Notice of Petition: May Department Stores Company, d/b/a/ Kaufmann's Department Store vs the Board of Assessors, the Board of Assessment Review of the Town of Cheektowaga, New York, and the School Board of the Cheektowaga Central School District
Copies were sent to: Town Assessor
Received and Filed.
- Item No. 32c Notice of Petition: May Department Stores Company, d/b/a Lord & Taylor vs the Board of Assessors, the Board of Assessment Review of the Town of Cheektowaga, New York, and the School Board of the Cheektowaga Central School District
Copies were sent to: Town Assessor
Received and Filed.

Item No. 33 Notice of Complaint: Paving of Penwood Drive
Received and Filed.

Item No. 34 Petition: Request for Traffic Control Survey (South Huxley Drive and Mapleview Road)
Received and Filed.

Item No. 35 Request to Speak: Permission to Place Dumpster on Town Property
Received and Filed.



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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0



IV. SUSPENSION OF RULES

Item No. 36 Motion By Councilmember Swiatek, Seconded by Councilmember Rogowski

WHEREAS, William Lawicki, a General Mechanic in the Facilities Department, has exhausted all of his accumulated paid leave time, AND

WHEREAS, William Lawicki is currently under doctor's care and, as per Section 8.02(e) of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, has requested an extension of sick leave payments for a period of fifteen (15) days, NOW, THEREFORE, BE IT

RESOLVED, that William Lawicki be and hereby is granted an additional fifteen (15) days of sick leave payments, effective immediately and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 37 Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, the Benderson Development Company, as part of the development of Phase I of the Galleria Plaza located at Walden Avenue and Galleria Drive, is required to construct highway improvements to Galleria Drive which are to consist of a fifth lane to accommodate left hand turn movements into this development, and which is also designed to regulate merging traffic exiting the I-90 off ramp onto Galleria Drive, and which provides for the relocation of Town owned street

lighting, which improvements have been designed and submitted to the Town by EMS Consulting on behalf of the developer, AND

WHEREAS, upon satisfactory completion, said improvements will be dedicated to the Town and will be maintained by the Town and are required to be installed under a Public Improvement Permit, AND

WHEREAS, the Benderson Development Company has submitted the required Public Improvement Permit Application, permit fee, and plans and specifications for the aforesaid modifications to Galleria Drive, which plans have been reviewed by the Town Superintendent of Highways, Town Engineer and representatives of the Town Traffic Safety Committees and have been found to be in conformance with Town specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the construction of the aforesaid modifications to Galleria Drive and, BE IT FURTHER
Item No. 37 cont'd.

RESOLVED, that the permit fee in the amount of \$7,423.00 be deposited in the Public Improvement Permit Account that was established for receipt and disbursement of such fees and, BE IT FURTHER

RESOLVED, that prior to the acceptance of the aforesaid improvements, a two-year Maintenance Bond acceptable to the Town Attorney shall be delivered to the Town together with an easement or right-of-way deed, 10' in width, acceptable of the Town Attorney, which is to parallel the western right-of-way of Galleria Drive fronting the project site.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 38 Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, P. Barnett Construction Limited ("Barnett") is the owner of property located in the Town of West Seneca (SBL #125.14-2-20) which property is situated south of properties on Marrano Parkway in the Town of Cheektowaga, AND

WHEREAS, these properties on Marrano Parkway in Cheektowaga experience rear yard flooding, AND

WHEREAS, in 1993, the Town of Cheektowaga erected a berm along the northern boundary of the aforementioned West Seneca property to reduce the incidents of rear yard flooding, AND

WHEREAS, a resident of Marrano Parkway whose property is located just east of the terminus of the existing berm requested the Town to extend this berm, and Barnett has agreed to allow the Town to extend this berm subject to the terms contained in the attached letter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby consents to the terms contained in the attached letter for the erection of a berm on the aforementioned West Seneca property and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached Indemnification/Hold Harmless Agreement on behalf of the Town.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 39 Motion By Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga is in need of a Tree Policy with respect to tree removals, tree replacements, lists of trees which should be recommended, AND

WHEREAS, the Cheektowaga Conservation Advisory Council has compiled certain information with respect to this matter, AND

WHEREAS, there is a need to have a professional landscape architect review this matter and made recommendations to this Town Board, AND

WHEREAS, Darryl L. Jones, R.L.A. of Wendel Engineers has submitted a proposal to perform this work for the Town and has agreed to volunteer some time to this project, NOW, THEREFORE, BE IT

RESOLVED, that Wendel Engineers/Darryl L. Jones be and hereby is retained to perform the work as stated in the attached letter at a cost not to exceed \$675.00 and, BE IT FURTHER

RESOLVED, that such fee shall be paid out of budget line item no. 5005-8560-0700.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 40 Motion By Councilmember Johnson, Seconded by Councilmember Rogowski to adjourn this meeting.
The meeting adjourned at 9:10 p.m.

Richard M. Moleski
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 17
August 19, 1996**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th day of August, 1996 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; David Kulik, Working Foreman-Sanitation Department; Sal LaGreca, Planning Board Chairman; Robert Kaczmarek, Supervising Accountant

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak , Seconded by Councilmember Johnson

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

GENERAL FUND

FROM:	0100-6250-4721	JTPA Revenue	\$ 7,920.00
	0100-1440-1406	Assistant Town Engineer	6,000.00
	0100-1420-4321	Computer Expense - Attorney	500.00
	0100-1420-4012	Printed Briefs - Attorney	500.00
	0100-3120-1541	Patrolman	14,000.00
	0100-3120-1531	Detective	6,000.00
TO:	0100-6250-1951	CETA Enrolees	\$ 7,920.00
	0100-1440-1492	Seasonal Labor	6,000.00
	0100-1420-4013	Law Books - Attorney	1,000.00
	0100-3020-4431	Equipment Repair	14,000.00
	0100-3120-4093	Training	6,000.00

SPECIAL DISTRICTS

FROM:	2500-8125-4543	Contracted Sewer Repairs	\$ 19,500.00
TO:	2500-8125-4506	Accounting and Auditing	\$ 19,500.00

PART TOWN FUND

FROM:	0800-3620-1750	Assistant Housing Inspector	\$ 34,396.00
TO:	0800-3620-1700	Housing Inspector	\$ 34,396.00

HIGHWAY FUND

FROM:	0300-9501-9211	Bond Interest	\$ 2,500.00
TO:	0300-5140-4071	Uniform Replacement	\$ 2,500.00

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

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

**TOWN OF CHEEKTOWAGA
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August 19, 1996**

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to August 16, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$2,534,951.81
HIGHWAY FUND	722,146.67
TRUST & AGENCY	24,801.88
PART TOWN FUND	52,684.41
RISK RETENTION FUND	88,224.71
DEBT SERVICE FUND	549,350.00
CDBG HUD FUND	145.56
HUD HOUSING REHABILITATION FUND	37,643.00
SPECIAL DISTRICTS FUND	2,757,574.74
CAPITAL FUND	<u>334,128.21</u>
	\$7,101,650.99

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
 NAYES: 0
 ABSENT: 0

Item No. 4 Motion by Councilmember Rogowski, Seconded by Councilmember Wielinski

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) - #5507-5132-0001	- \$158,025.64
CHIPS State Aid (Revenue) - #5507-5132-3089	- \$158,015.64

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
 NAYES: 0
 ABSENT: 0

Item No. 5 Notion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, since March of 1995, the Federal Communications Commission ("FCC") has auctioned off 1,900 megahertz of the radio spectrum to new license holders most of which are cellular phone and paging companies, and

WHEREAS, this action has created a large demand and increase in the number of applications for the construction of cellular towers, and

WHEREAS, as a result of the Telecommunications Reform Act of 1996, the Federal government has prevented municipalities from banning such towers outright, and

WHEREAS, concern over the increase of such towers and the effect they have on aesthetics, zoning and safety has prompted Erie County to establish County standards for placing these towers/antennas on County property and to recommend the establishment of guidelines throughout Erie County for locating these towers, and

Item No. 5 cont'd

**TOWN OF CHEEKTOWAGA
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WHEREAS, the Town of Cheektowaga still retains some zoning control over the placement of these towers and is currently researching its authority and discussing and investigating guidelines for the placement of these towers in the Town, and

WHEREAS, additional time is needed to investigate this matter and to establish guidelines for the placement of these towers/antennas in the Town and it is imperative that a temporary moratorium be placed on the erection of these towers until guidelines are established, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 19th day of August, 1996 at 6:30 p.m. on a proposed "Communications Tower Moratorium"; at which hearing all parties in interest and citizens were given an opportunity to be heard, and

WHEREAS, this Town Board feels it is in the best interests of the health, safety and welfare of the Town to enact the "Communications Tower Moratorium", NOW, THEREFORE, BE IT

RESOLVED that the "Communications Tower Moratorium", as attached hereto, be and the same is hereby adopted, and BE IT FURTHER

RESOLVED that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on August 19, 1996; 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 an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED that the "COMMUNICATIONS TOWER MORATORIUM" Ordinance shall take effect ten (10) days after such publication, but said changes 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 in the minutes.



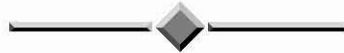
COMMUNICATIONS TOWER MORATORIUM

1. For a period of 90 days the following type of use is declared to be a Special Review Zoning District:

The erection or establishment of communication towers or antennas; or mobile services antennas; or personal wireless service facilities as defined in Section 704 of the Telecommunications Act of 1996) erected on the ground, or on top of buildings or structures in any zoning district within the Town of Cheektowaga

2. All departments, agencies and authorities of the Town shall withhold the issuance of any permits for the establishment of the above described towers/antennas declared to be a Special Review Zoning District within the Town of Cheektowaga.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 6 Motion by Councilmember Swiatek, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Legislature adopted, and the Governor signed into law, Chapter 30 of the Laws of 1996, which authorizes local municipalities to provide a retirement incentive for certain Town employees, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, Chapter 30 of the Laws of 1996 requires the Town of Cheektowaga to enact a local law to provide such early retirement incentive, and

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

RESOLVED that a public hearing be held on the 3rd day of September, 1996 at 7:00 P.M., at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 96-6 of the Year 1996, entitled a "A Local Law enacting a retirement incentive program as authorized by Chapter 30 of the Laws of 1996, for the eligible employees of the Town of Cheektowaga", and BE IT FURTHER

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



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 3rd day of September, 1996 at 7:00 P.M. at the Town Hall, corner of Broadway and Union Road, Cheektowaga, New York to consider and discuss and, if need be, act upon the following proposed Local Law:

Local Law Intro No. 96-6

A Local Law enacting a retirement incentive program as authorized by Chapter 30, Laws of 1996, for the eligible employees of the Town of Cheektowaga.

- Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 30, Laws of 1996.
- Section 2. The commencement date of the retirement incentive program shall be October 3, 1996.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be 90 days in length.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.
- Section 5. This act shall take effect immediately.

Item No. 6 cont'd

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

TOWN OF CHEEKTOWAGA
MEETING NO. 17
August 19, 1996

DATED: Cheektowaga, New York
August 19, 1996

RICHARD M. MOLESKI
Town Clerk



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek

NAYES: 0

ABSENT: 0

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AFFIDAVIT - NEXT PAGE

Item No. 7 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak
Councilmember Johnson

WHEREAS, the Town Recycling Department regularly collects yard waste (i.e., grass clippings, leaves) which is generated in the Town, and disposes of same, and

WHEREAS, due to the volume of yard waste collected and the costs involved in recycling same, there is a need to call for bids for such service, NOW, THEREFORE, BE IT

**TOWN OF CHEEKTOWAGA
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RESOLVED that the Town Clerk be directed to publish the attached Notice to Bidders for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga in the Cheektowaga Times, and BE IT FURTHER

RESOLVED that sealed bids will be received on the 28th day of August, 1996 at 11:00 A.M. by the Town Clerk 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 28, 1996 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Yard Waste Recycling Contract" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his bid within forty-five (45) days after the actual date of the opening thereof.

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: August 19, 1996



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8a Motion by Councilmember Johnson, Seconded by Councilmember 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 designed the Lead Agency in most instances, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee at the end of Scott Place, and

WHEREAS, the Town Board of the Town of Cheektowaga had reviewed an application for the creation of an outdoor firing range for the Police Department at the end of Scott Place, and

WHEREAS, a Negative Declaration had been adopted on May 6, 1996 for the project with a recommendation that additional study be conducted to ensure that no contamination exists on the site, and

WHEREAS, this study was conducted by Environmental Field services ("EFS") of Boston, New York, and

WHEREAS, EFS has concluded that contaminants have not impacted the site and that no evidence could be found that dumping of hazardous waste occurred, NOW, THEREFORE, BE IT

RESOLVED that this Town Board determines that the project will not have a significant effect on the environment and therefore reaffirms the "Negative Declaration" of May 6, 1996, issued for purposes of SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Supervisor Gabryszak, Seconded by Councilmember 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 Ciminelli Development Company, Incorporated to construct a 32,000 square foot, two-story office building at 2605 Harlem Road, St. Joseph Hospital, and

WHEREAS, as a result of reviews, meetings and written comments the applicant has revised the plans, and

WHEREAS, the drainage has been reviewed to provide for directing of the existing stormwaters along both the North and South side to the East through a system the applicant will construct/reconstruct, at his expense, to Scajaquada Creek, and

WHEREAS, the rear parking lot was reduced in size at the request of homeowners to provide additional landscaping/buffer to residential properties, and

Item No. 8b cont'd

WHEREAS, New York State Department of Transportation ("NYSDOT") reviewed the project and indicated there would be no impact to their highway system, and

WHEREAS, the applicant has further committed to maintaining the landscaping, drainage, proper snowplowing and lighting, including maintaining sidewalks/drives clear of snow, and

WHEREAS, the easternmost twelve (12) acres of the lands owned by St. Joseph Hospital are wooded and not part of the project, and

WHEREAS, the applicant has agreed to have the acreage remain in its natural state, and would allow access by the Town Engineering Department and CCAC when needed, and

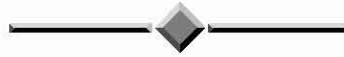
**TOWN OF CHEEKTOWAGA
MEETING NO. 17
August 19, 1996**

WHEREAS, the Advisory Committee, at its meeting held on August 7, 1996 discussed the project and found that the project concerns were or could be addressed with commitments or revised drawings, and

WHEREAS, the Advisory Committee members were contacted on August 14, 1996 and they recommended a Negative Declaration be issued based on previous meetings and recent submittals by the applicant, 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 the purposes of SEQRA



Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz to amend the above resolution and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0



Motion by Supervisor Gabryszak , Seconded by Councilmember 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 Ciminelli Development Company, Incorporated to construct a 32,000 square foot, two-story office building at 2605 Harlem Road, St. Joseph Hospital, and

WHEREAS, as a result of reviews, meetings and written comments the applicant has revised the plans, and

Item No. 8b cont'd

WHEREAS, the drainage has been reviewed to provide for directing of the existing stormwaters along both the North and South side to the East through a system the applicant will construct/reconstruct, at his expense, to Scajaquada Creek, and

WHEREAS, the rear parking lot was reduced in size at the request of homeowners to provide additional landscaping/buffer to residential properties, and

WHEREAS, New York State Department of Transportation ("NYSDOT") reviewed the project and indicated there would be no impact to their highway system, and

WHEREAS, the applicant has further committed to maintaining the landscaping, drainage, proper snowplowing and lighting, including maintaining sidewalks/drives clear of snow, and

**TOWN OF CHEEKTOWAGA
MEETING NO. 17
August 19, 1996**

WHEREAS, the easternmost twelve (12) acres of the lands owned by St. Joseph Hospital are wooded and not part of the project, and

WHEREAS, the applicant has agreed to have the acreage remain in its natural state, and would allow access by the Town Engineering Department and CCAC when needed, and

WHEREAS, the Advisory Committee, at its meeting held on August 7, 1996 discussed the project and found that the project concerns were or could be addressed with commitments or revised drawings, and

WHEREAS, further meetings with area residents have resulted in certain agreements including the protection of trees and green space along the boundaries of this project, said agreements hereto attached, and

WHEREAS, the Advisory Committee members were contacted on August 14, 1996 and they recommended a Negative Declaration be issued based on previous meetings and recent submittals by the applicant, 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 the purposes of SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 8c S.E.Q.R. - 2605 Harlem Road (E.D.I.D.A. Bonds)
This item was withdrawn.

Item No. 9 Motion by Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, Ciminelli Development Company, Inc. (the "Developer") has proposed the construction of a medical office building (the "Project") on St. Joseph Hospital property located at 2605 Harlem Road in the Town of Cheektowaga, and

WHEREAS, the Developer has indicated that it may apply for ECIDA funding/financing for the Project, and

WHEREAS, if such ECIDA financing is approved for the Project, the Project will be entitled to certain property tax exemptions, thereby causing a loss of tax revenues to the County, Town and School District, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, it is this Board's feeling that ECIDA financing is not appropriate for a project such as this (medical office building) since it is not industrial in nature and will not generate a significant number of new jobs in the area, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby expresses its opposition to the granting of any EDICT financing/funding for the Project or to any partial payment of taxes (i.e., PILOT payments) for such project, and BE IT FURTHER

RESOLVED that this Town Board hereby memorializes the ECIDA Board of Directors to disapprove any application for ECIDA financing for the Project unless full tax payments are made to the Town and School District based on full assessed valuation.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 10a Motion by Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Cheektowaga Clergy Association has made application to hold the Cheektowaga CROP Walk fundraiser on October 20, 1996 from Borden Road to Losson Road, to Union Road, to Bennett Road/Como Park Boulevard, to Borden Road, and

WHEREAS, this Board has reviewed the application submitted by the Cheektowaga Clergy Association, which application has been approved by the Police Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities
2. Submittal of site plan
3. Submittal of Security Plan
4. Submittal of Fire Prevention/Emergency Services Plan

NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the aforementioned application of the Cheektowaga Clergy Association for the Cheektowaga CROP Walk to be held on October 20, 1996, and BE IT FURTHER

Item No. 10a cont'd

RESOLVED that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such CROP Walk and to ensure compliance with Section 1660 (a) (6) of the Vehicle and Traffic Law.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Supervisor Gabryszak, Seconded by Councilmember Blachowski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

**TOWN OF CHEEKTOWAGA
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WHEREAS, the AFL-CIO and United Way have made application to hold its AFL-CIO United Way Parade on Monday, September 2, 1996 beginning on Harlem Road at Walden Avenue, then proceeding down Harlem Road to Cheektowaga Town Park, and

WHEREAS, this Board has reviewed the application submitted by the AFL-CIO and United Way, which application has been approved by the Police Department, the Facilities Department and the Youth & Recreational Services Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities
2. Submittal of site plan
3. Requirement that application be made at least 60 days prior to the date of the special event
4. Submittal of Security Plan
5. Submittal of Fire Prevention/Emergency Services Plan

NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the aforementioned application of the AFL-CIO and United Way for its parade to be held on September 2, 1996, and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 10c Motion by Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the United Way of Buffalo and Erie County and United Parcel Service have made application to hold a Baseball Tournament fundraiser for the United Way in Stiglmeier Park on August 24, 1996 and

WHEREAS, this Board has reviewed the application submitted by the United Way and United Parcel Service, which application has been approved by the Facilities Department and Youth & Recreational Services Department, and has no objection to same, and

Item No. 10c cont'd

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities
2. Submittal of site plan
3. Requirement that application be made at least 60 days prior to the date of the special event
4. Submittal of Security Plan
5. Submittal of Fire Prevention/Emergency Services Plan

NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the aforementioned application of the United Way of Buffalo and Erie County and United Parcel Service for a Baseball Tournament fundraiser to be held on August 24, 1996 in Stiglmeier Park.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek

**TOWN OF CHEEKTOWAGA
MEETING NO. 17
August 19, 1996**

NAYES: 0
ABSENT: 0

Item No. 10d Motion by Councilmember Johnson, Seconded by Councilmember Swiatek

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires anyone wishing to hold a special event in the Town to file an application and supporting documentation, fees, etc. to the Town Clerk prior to the special event, and

WHEREAS, the Greater Niagara Frontier Council-Onondaga District Boy Scouts of America has made application to hold its District Camporee in Cheektowaga Town Park from October 18-20, 1996 and

WHEREAS, this Board has reviewed the application submitted by the Greater Niagara Frontier Council - Onondaga District Boy Scouts of America, which application has been approved by the Police Department, Facilities Department and Youth & Recreational Services Department, and has no objection to same, and

WHEREAS, due to the nature of the event, this Town Board hereby waives the following requirements:

1. Submittal of plan for sanitary facilities
2. Submittal of site plan
3. Clean-up/Maintenance fee
4. Submittal of Security Plan
5. Submittal of Fire Prevention/Emergency Services Plan

NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby approves the aforementioned application of the Greater Niagara Frontier Council - Onondaga District Boy Scouts of America for its District Camporee to be held on October 18-20, 1996 in Cheektowaga Town Park.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek

NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Department of Housing and Urban Development has approved Community Development Block Grant funding for the Town of Cheektowaga for the 1996 Program Year, and

Item No. 11a cont'd

WHEREAS, one of the purposes of said Program is to improve the quality of housing for low and moderate income persons, and

WHEREAS, the Town has established a Housing Rehabilitation Loan Program which provides housing rehabilitation loans to eligible applicants to make necessary housing repairs, and

WHEREAS, the Town has received a request for housing rehabilitation loan assistance from Maryvale East Management Corp., which owns and operates a senior citizen apartment complex on Moorman Drive in the Town, to make needed repairs to correct a water infiltration problem which is adversely affecting housing units occupied by elderly residents, and

WHEREAS, the Town Community Development Director has advised the Town Board that federal regulations allow such a use of Community Development funds to rehabilitate housing units occupied by low-to-moderate income persons, and

WHEREAS, the loss of housing units reserved for elderly residents would have an adverse impact on the low-to-moderate income elderly population and the Town wishes to maintain the availability of affordable housing units within the Town for elderly residents, NOW, THEREFORE, BE IT

**TOWN OF CHEEKTOWAGA
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RESOLVED that the Town Supervisor be and is hereby authorized to enter into an agreement with Maryvale East Management Corp. to provide housing rehabilitation loan funds, in an amount not to exceed \$70,000.00 at an interest rate of 6.6% for rehabilitation work at the Maryvale East Phase II elderly housing units located at 120 Moorman Drive, Cheektowaga, NY, and BE IT FURTHER

RESOLVED that as a condition for receipt of said loan funds, Maryvale East Management Corp. will be required to take any additional corrective measures necessary to comply with Cheektowaga's Town Housing Standards and federal Housing Quality Standards.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has received a grant from the U.S. Department of Health and Human Services Center for Substance Abuse Prevention to fund the Suburban Wellness Community coalition program, and

WHEREAS, said grant has provided funds for the establishment of contracts for evaluation services and development of a workplace assistance center, and

WHEREAS, the grant identifies Nowak and Associates, 146 Park Forest Drive, Williamsville, New York as the Evaluation Consultant and the Cheektowaga Chamber of Commerce, 2875 Union Road as the Workplace Assistance Center Consultant, NOW, THEREFORE, BE IT

RESOLVED that under the terms and conditions of grant number SP07663, the Supervisor be authorized to execute agreements with the parties listed below, effective for the period of September 1, 1996 through September 30, 1997 with total costs covered by line item 0100-7321-4000:

Nowak and Associates	\$58,500.00
Cheektowaga Chamber of Commerce	\$19,500.00

and BE IT FURTHER

RESOLVED that prior to execution of the contract, the Town Attorney's Office will conduct a final review for conformance with this resolution and affix its stamp of approval on same.

Item No. 11b cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 11c Motion by Councilmember Rogowski, Seconded by Councilmember Swiatek

WHEREAS, the NYS Department of Parks, Recreation and Historic Preservation offers a grant program under Title 9 of the Environmental Protection Act of 1993 to develop and enhance recreational facilities, and

WHEREAS, the Town of Cheektowaga wishes to restore or replace playground equipment and recreation facilities at North Creek and South Creek Parks; and

WHEREAS, the Town may apply for a 50% matching grant in an amount not to exceed \$100,000, and

WHEREAS, members of the North Creek/South Creek community have begun efforts to raise matching monies toward the restoration of North Creek and South Creek Parks, NOW, THEREFORE, BE IT

RESOLVED that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New

**TOWN OF CHEEKTOWAGA
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York State Department of Parks, Recreation, and Historic Preservation for the purpose of securing this grant, and BE IT FURTHER

RESOLVED that Dennis H. Gabryszak, as Supervisor of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$40,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for the Enhancement of North Creek/South Creek Park, and BE IT FURTHER

RESOLVED that this Town Board hereby commits itself to adopt a bond resolution or appropriate monies in the Town's 1997 annual budget to be used for the Town's 50% matching funds, not to exceed \$40,000 should this grant be awarded.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town board regarding high weeds and accumulated debris on property located at 234 Burke Drive, Cheektowaga, New York, SBL # 79.20-3-15 and according to the Assessors' Office is owned by Charles F. Curry Company, 720 Main Street, P.O. Box 419888, Kansas City, Missouri 64141-6888, 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. 12 cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 13a Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be terminated, effective immediately (seasonal):

Kathryn Astran
Samantha Banks
Natalie Brucz
Stacy Buda
Emily Caya
Sara Caya
Rebecca Deuel
Chris Dukat
Melissa Gon
John Hartman
Jeffrey Hendel
Danielle Janiszewski
Karl Kurz
Joe LaBarbara
Richard Minotti
Andy Montroy

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Mikal Murray
Donna Nuskowski
Jay Paradowski
Nicole Pokorski
Kimberly Popiela
Donna Quigley
Kerrie Rich
Howard Schnauffer
Sara Sinclair
Amy Zakrzewski

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Councilmember Swiatek, Seconded by Councilmember Rogowski

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

<u>SANITATION DEPARTMENT</u>	<u>EFFECTIVE</u>
Mark Wodarczak	Immediately
Marc Stanley	"
Jeffrey Szeffler	"
Jeffrey Cwiklinski	7/13/96
Aaron Witherell	7/25/96
Larry Alessi	8/10/96
Scott Korczynski	Immediately
<u>POLICE DEPARTMENT</u>	
Stacy Czubaj	7/25/96

Item No. 13b cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation Employees be transferred as indicated:

ADAPTED RECREATION PROGRAM - 7310.1803
Effective October 12th (part-time)

From Supervisor III (Activity Director I) to Supervisor IV (Activity Director II) - \$6.25

Victor Nosal	XXXXXXXXXXXXXXXXXXXXXXXXXX
Trever Stowell	XXXXXXXXXXXXXXXXXXXXXXXXXX
Maggie Wnuk	XXXXXXXXXXXXXXXXXXXXXXXXXX

FROM CAMP FLAMINGO - 7310.1810 TO ADAPTED RECREATION PROGRAM -7310.1803
Effective August 19th (part-time)

Breanne Blachura	XXXXXXXXXXXXXXXXXXXXXXXXXX
Sara Broton	XXXXXXXXXXXXXXXXXXXXXXXXXX
Stacey Getz	XXXXXXXXXXXXXXXXXXXXXXXXXX
Jennifer Popiela	XXXXXXXXXXXXXXXXXXXXXXXXXX

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED that the following individual be hired in the Youth and Recreational Services Department, effective immediately (part-time):

Recreation Attendant I - \$4.75 - 7140.1664 - (Pre-K)

Joy Smith XXXXXXXXXXXXXXXXXXXX XXXXX

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 16a Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, the Office of Court Administration will be conducting a Seminar for Town Court Clerks on October 20, 21, 22 and 23, 1996, in Lake Placid, New York, and

WHEREAS, the Cheektowaga Town Justices have requested permission for two court clerks, Barbara Trietley and Florence Walentynowicz to attend this seminar, and

WHEREAS, said seminar would provide such court clerks with up-to-date information on recordkeeping, criminal disposition reporting, new legislation, small claims and civil matters, etc., NOW, THEREFORE, BE IT

RESOLVED that court clerks, Barbara Trietley and Florence Walentynowicz be and hereby are authorized to attend such seminar, and BE IT FURTHER

Item No. 16a cont'd

RESOLVED that the reasonable and necessary expenses for attending such seminar shall be reimbursed to said court clerks out of budget line number 0100-1110-4082, not to exceed Twelve Hundred Dollars.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 16b Motion by Councilmember Swiatek, Seconded by Councilmember Jaworowicz

WHEREAS, the New York State Office of Court Administration will be holding a continuing Judicial Education program in Lake Placid, New York on October 20, 21, 22 and 23, 1996, and

WHEREAS, Town Justices Thomas S. Kolbert and Ronald E. Kmiotek have requested permission to attend said Judicial Education program, and

WHEREAS, basic and advanced certification courses will be given at said program and will be used toward satisfying the judicial education requirements for Town Justices, NOW, THEREFORE, BE IT

RESOLVED that Town Justices Thomas E. Kolbert and Ronald E. Kmiotek be and hereby are authorized to attend the aforementioned continuing Judicial Education program, and BE IT FURTHER

RESOLVED that all necessary and reasonable expenses for attending such program be reimbursed to said Town Justices from budget line item number 0100-1110-4082, not to exceed Eight Hundred Dollars.

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

- Item No. 17 Supervisor's Statement of Funds
Received and Filed.
- Item No. 18a Minutes of Cheektowaga Planning Board - July 11, 1996
Received and Filed.
- Item No. 18b Cheektowaga Traffic Safety Commission - July 26, 1996
Received and Filed.

III. GENERAL COMMUNICATIONS

- Item No. 19a Notice of Claim - State Farm Ins., as subrogee of Mary Gloss vs Town of
Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Council Office; Allied Claims, Insurance Company, Sanitation Department
Received and Filed.
- Item No. 19b Notice of Claim - Patricia Reid vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Council Office; Allied Claims, Insurance Company, Police Department
Received and Filed.
- Item No. 19c Notice of Claim - Darryl Smith vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Council Office; Allied Claims, Insurance Company, Sanitation Department
Received and Filed.
- Item, No. 19d Notice of Claim - Deanna Filipski vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Council Office; Allied Claims, Insurance Company, Al Blachowski, Facilities
Director; N. Rutkowski, Facilities Department
Received and Filed.
- Item No. 20a Notice of Petition - TNT Red Star Express vs Town of Cheektowaga and Town
Assessor
Received and Filed.
- Item No. 20b Notice of Petition - Jerald Horowitz et al vs Town of Cheektowaga and Town
Assessor
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Supervisor Gabryszak , Seconded by Councilmember Blachowski
to suspend the rules to include the following item and the voting was as follows:

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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 21 Motion by Supervisor Gabryszak , Seconded by Councilmember Swiatek
Councilmember Johnson

WHEREAS, Liberty Park Senior, L.P., a redevelopment company formed under Article V of the New York Private Housing Finance Law, is developing an apartment complex at 2911 William Street in the Town of Cheektowaga, for rental to qualified low-income senior citizens, and

WHEREAS, by resolution dated December 18, 1995, this Board, recognizing the need to develop a sufficient supply of adequate, safe and sanitary accommodations for its senior citizens, determined that the acquisition of the real property located at 2911 William Street by Liberty Park Senior, L.P. was necessary or convenient to accomplish the public purposes as defined in said Article V, and

WHEREAS, the Supervisor of the Town of Cheektowaga and the Planning Board of the Town of Cheektowaga have both reviewed the plan of the project prepared by Liberty Park Senior, L.P., and have issued their respective certificates of approval recommending that this Town Board approve such project, in accordance with Section 114 of the Private Housing Finance Law, and

WHEREAS, Liberty Park Senior, L.P. has submitted to this Town Board a proposed Payment in Lieu of Taxes Agreement providing for the grant of a tax exemption accompanied by payments in lieu of taxes, and for the regulation of rents charged for apartment units in the project, all as contemplated by Sections 114 and 125 of the Private housing Finance Law, and

Item No. 21 cont'd

WHEREAS, this Town Board has reviewed the proposals of Liberty Park Senior, L.P. and finds that the project is in conformity with the provisions and purposes of Article V of the Private Housing Finance Law, and

RESOLVED, that this Town Board hereby approves the Liberty Park Senior Apartments project being developed by Liberty Park Senior, L.P., as to conformity with the provisions and purposes of Article V of the Private Housing Finance Law, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute and deliver on behalf of the Town of Cheektowaga the attached Payment in Lieu of Taxes Agreement with Liberty Park Senior, L.P.



Motion by Councilmember Johnson, Seconded by Councilmember Jaworowicz to amend the above resolution, and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0



WHEREAS, Liberty Park Senior, L.P., a redevelopment company formed under Article V of the New York Private Housing Finance Law, is developing an apartment complex at 2911 William Street in the Town of Cheektowaga, for rental to qualified low-income senior citizens, and

WHEREAS, by resolution dated December 18, 1995, this Board, recognizing the need to develop a sufficient supply of adequate, safe and sanitary accommodations for its senior citizens, determined that the acquisition of the real property located at 2911 William Street by Liberty Park Senior, L.P. was necessary or convenient to accomplish the public purposes as defined in said Article V, and

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WHEREAS, the Supervisor of the Town of Cheektowaga and the Planning Board of the Town of Cheektowaga have both reviewed the plan of the project prepared by Liberty Park Senior, L.P., and have issued their respective certificates of approval recommending that this Town Board approve such project, in accordance with Section 114 of the Private Housing Finance Law, and

WHEREAS, Liberty Park Senior, L.P. has submitted to this Town Board a proposed Payment in Lieu of Taxes Agreement providing for the grant of a tax exemption accompanied by payments in lieu of taxes, and for the regulation of rents charged for apartment units in the project, all as contemplated by Sections 114 and 125 of the Private housing Finance Law, and

WHEREAS, this Town Board has reviewed the proposals of Liberty Park Senior, L.P. and finds that the project is in conformity with the provisions and purposes of Article V of the Private Housing Finance Law, and

WHEREAS, Liberty Park Senior, L.P. has agreed to correct all deficiencies and address all concerns of the Town Engineer, as stated in his letter directed to Mr. David Manko of Liberty Park Senior, L.P. dated July 23, 1996, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Liberty Park Senior Apartments project being developed by Liberty Park Senior, L.P., as to conformity with the provisions and purposes of Article V of the Private Housing Finance Law, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute and deliver on behalf of the Town of Cheektowaga the attached Payment in Lieu of Taxes Agreement with Liberty Park Senior, L.P.

**See next page(s) for attachments

Item No. 21 cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Supervisor Gabryszak , Seconded by Councilmember Jaworowicz to adjourn the meeting in memory of Edward Szemray, 100 years old; Walter Marquart, member of Friends of Woods Organization.
Time meeting adjourned was 8:25 P.M.

RICHARD M. MOLESKI
Town Clerk

TOWN OF CHEEKTOWAGA
MEETING NO. 18
SEPTEMBER 3, 1996

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of September, 1996 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Leonard Szymanski, Foreman in Facilities Department; Sal LaGreca, Planning Board Chairman; Robert Kaczmarek, Supervising Accountant; John Schaller, Assistant Chief of Police; David Kulik, Director of Solid Waste; and Kenneth Kopacz, Director of Youth and Recreational Services.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 96-6 of the Year 1996 entitled "A Local Law Enacting a Retirement Incentive Program".

Local Law Intro No. 96-6

A Local Law enacting a retirement incentive program as authorized by Chapter 30, Laws of 1996, for the eligible employees of the Town of Cheektowaga.

- Section 1. The Town of Cheektowaga hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 30, Laws of 1996.
- Section 2. The commencement date of the retirement incentive program shall be October 3, 1996.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be 90 days in length.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Cheektowaga for each employee who receives the retirement benefits payable under this local law.
- Section 5. This act shall take effect immediately.

Item No. 2 cont'd.

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

II. RESOLUTIONS

Item No. 3 Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

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

GENERAL FUND

From:	0100-6250-4721	Job Training Program	\$10,000.00
	0100-7310-1161	Program Coordinator	8,000.00
	0100-7140-1622	Recreation Attendant, Playground	4,600.00
	0100-7140-1622	Recreation Attendant, Playground	400.00
	0100-7180-4612	Transportation	130.00
	0100-1110-1371	Clerk-Justice	193.00
	0100-1110-1374	Clerk Typist-Justice	1,031.00
	0100-1110-4501	Microfilming	2,500.00
To:	0100-6250-1951	CETA Enrollees-JTPA	\$10,000.00
	0100-7310-1804	Administrative Interns	8,000.00
	0100-7140-1614	Playground Attendants	4,600.00
	0100-7140-1633	Softball	400.00
	0100-7180-4191	Miscellaneous Supplies	130.00
	0100-1110-1351	Senior Clerk-Justice	1,224.00
	0100-1110-4001	Office Supplies	2,500.00

HIGHWAY FUND

From:	0300-5110-4173	Stone	\$ 5,000.00
To:	0300-5110-4185	Barricades	\$ 5,000.00

PART-TOWN FUND

From:	0800-3620-1500	Zoning Enforcement	\$ 2,300.00
	0800-3620-1431	Part-Time Plumbing Inspector	4,600.00
	0800-4010-4508	Outside Medical	200.00
	0800-4010-4508	Outside Medical	200.00
To:	0800-3620-1755	Part-Time Housing Inspector	\$ 7,000.00
	0800-3620-4088	Travel and Conferences	200.00

SPECIAL DISTRICT FUND

From:	2300-8123-4475	Root Control	\$ 2,500.00
	2500-8125-4475	Root Control	36,725.00
	2500-8125-9101	Bond Principal	6,500.00
	2500-8125-9201	Bond Interest	6,500.00
To:	2300-8123-4821	Contracted Sewer Repair	\$ 2,500.00
	2500-8125-4543	Contracted Sewer Repair	36,725.00
	2500-8125-8143	Retirees Medical Insurance	13,000.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 4 Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED that the following Vouchers & Warrants were submitted to the Town of Cheektowaga prior to August 30, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$232,835.22
HIGHWAY FUND	46,077.81
TRUST & AGENCY	14,913.18
PART TOWN FUND	4,297.14
RISK RETENTION FUND	35,470.63
CDBG HUD FUND	15,977.96
HUD HOUSING REHABILITATION FUND	14,143.36
SPECIAL DISTRICTS FUND	281,185.77
CAPITAL FUND	<u>47,952.93</u>
	\$692,854.00

Item No. 5a Motion By Councilmember Blachowski, Seconded by Councilmember Johnson

WHEREAS, Mobil Oil Corporation has petitioned for the rezoning from CM-General Commercial District to MS-Motor Services District of property owned by it and located at 1051 Harlem 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 15th day of July, 1996 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 recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED, that the application of Mobil Oil Corporation for the rezoning from CM-General Commercial 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 of the Town of Cheektowaga be amended in accordance with the above.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 5b Motion By Councilmember Johnson, Seconded by Councilmember Jaworowicz
Councilmember Blachowski,

WHEREAS, Bernard DiPizio (Dreamco Development Corporation) has petitioned for the rezoning from NS-Neighborhood Service District and R-Residence District to C-Retail Business District of property owned by it and located at the north side of William Street between Kennedy Road

and St. Felix Avenue, Cheektowaga, New York which property is more particularly described in the attached legal description, AND

WHEREAS, public hearing on such petition was held before this Town Board on the 21st day of August, 1996 at 6:30 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 applicant has petitioned the Town Board for this rezoning for the purposes of constructing a restaurant with banquet facilities and retail sales space on the 5.8± acre site, a majority of which is presently zoned for residential uses, AND

WHEREAS, the Town of Cheektowaga has received petitions from a large number of area homeowners opposing this rezoning for a variety of reasons including traffic generation, effects upon community character, tranquility, aesthetics/visual resources, trees and residential property values, all of which they contend would be affected in an adverse manner by this project, AND

WHEREAS, numerous correspondence and telephone messages have been received from residents opposing the rezoning for various reasons, including the effect upon community character, tranquility, loss of many mature trees, increases in traffic, air pollution and noise as well as adverse economic impacts, AND

WHEREAS, many of the writers of the correspondence have suggested that a more appropriate use for the site would be housing in the form of single family homes or senior citizens housing thereby retaining the residential character of the area, AND

WHEREAS, numerous meetings were held before Town reviewing groups which were attended by many residents of the neighborhood, most of whom expressed opposition to the rezoning, AND

WHEREAS, opinions were voiced by residents that the depth of rezoning was too great and an intrusion into the residential neighborhood thereby destroying the residential character, AND

WHEREAS, conflicting traffic data has been put forth for this project, by the applicants consultant, EMS Consulting, and a neighborhood resident who is a member of the American Institute of Certified Planners, AND

WHEREAS, the figures submitted by the resident would seem to show that the traffic generated by the project would adversely effect the William Street traffic volumes resulting in a drop in the levels of service for the general area at a rate greater than previously expected, AND

WHEREAS, the general character of the neighborhood consists of residences, offices, a public school and public library, AND

WHEREAS, residents have expressed a concern for increased truck traffic, despite existing restrictions, due to truck deliveries and pick-ups necessitated by the businesses that would be established, AND

WHEREAS, residents have indicated that a large number of pedestrians frequent the area, especially children attending schools and people of all ages visiting the library, all of whom would be placed in additional danger because of increased traffic movements, AND

WHEREAS, the proposal for rezoning would be in conflict with the Master Plan of the Town of Cheektowaga, AND

Item No. 5b cont'd.

WHEREAS, this Town Board has carefully and comprehensively reviewed the application submitted, comments received and recommendations made by advisory groups, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project will have a significant impact on the neighborhood and therefore the environment and, BE IT FURTHER

RESOLVED, that this town board hereby denies the aforementioned rezoning request based on the following reasons:

1. The rezoning of this property to C-Retail Business District is not in accordance with the Town's Comprehensive Master Plan, which states as one of its goals, the protection of residential areas from the adverse effects of more intensive land uses and commercial/industrial encroachment.
2. Adverse effects (i.e., traffic and pedestrian safety, traffic congestion) created by an unacceptable increase in traffic in a predominately residential area.
3. The depth of C-Retail Business District zoning proposed would intrude too deeply into a residential neighborhood, resulting in increased noise, traffic and air pollution onto residential properties.
4. The proposed C-Retail Business District zoning would be surrounded on three sides by R-Residential District zoning and residences (along Kennedy, St. Felix and Columbus) and would be contrary to planned zoning.
5. Uses allowed in a C-Retail Business District are not compatible to uses allowed in a R-Residence District, especially when such R-Residence District is immediately adjacent to the proposed C-Retail Business District uses.
6. The rezoning of this property to C-Retail Business District would be spot zoning.
7. Applicant can realize more than a reasonable return by developing this property for its current zonings of NS-Neighborhood Services and R-Residence Districts since this area can be easily marketed for such uses.
8. Rezoning of this property to C-Retail Business District would result in increased truck traffic in an area and along a street which is not on the Town's Truck Route System.
9. Rezoning of this property would benefit the applicant only at the expense of the surrounding area and the community as a whole and would otherwise not be in the interest of the health, safety or welfare of the community.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 6 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated August 19, 1996, this Town Board directed that a Notice to Bidders be published for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga, AND

WHEREAS, sealed bids for such project were publicly opened and read aloud on August 28, 1996 at 11:00 A.M., AND

WHEREAS, only two bids were received for such project, AND

WHEREAS, the Director of the Department of Sanitation and Recycling has reviewed such bid proposals and has recommended that Good Earth Organics Corporation be awarded the bid alternate wherein the Town will deliver its yard waste to the contractor's site, which is located 8-1/2± miles from Broadway and Union Road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga for the bid alternate wherein the Town will deliver its yard waste to the contractor's site, which is located within a radius of 15 miles from Broadway and Union Road, to Good Earth Organics Corporation, 5960 Broadway, Lancaster, New York 14086 at a bid price of \$5.00 per cubic yard for the remainder of 1996 and all of 1997 and, BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the offer from Good Earth Organics Corporation to utilize 40 Yard Roll Off Containers on Town property to be utilized at the Town's option when deemed necessary at no additional cost to the Town.



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY SUPERVISOR GABRYSZAK TO TABLE ITEM NO. 6 AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0



Item No. 7a Motion By Councilmember Jaworowicz, Seconded by Councilmember Blachowski Councilmember Johnson

WHEREAS, the Town's Building Inspections Department and the Zoning and Petitions Committee have identified a concern whether the zoning classifications along William Street, from Union Road to the Buffalo City line; and along Losson Road, from Union Road to Transit Road, are appropriate and are concerned about the proper planned development of such areas so that they are compatible with adjacent uses, AND

WHEREAS, concern about development along these highways has been heightened lately by proposals by developers to construct commercial establishments along these highways and the rapid developments taking place on Transit Road and in the Town of Lancaster, AND

WHEREAS, the Zoning and Petitions Committee has recommended that the Town take a hard look at the zoning classifications along these highways and to make any changes deemed necessary, AND

WHEREAS, it will take time for the Town to perform a comprehensive zoning review of these areas and, in order to stay improper development along these highways in the meantime, it is necessary for the Town to place a moratorium on all non-residential development along these highways, NOW, THEREFORE, BE IT

Item No. 7a cont'd.

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing be held on the 16th day of September, 1996 at 6:30 p.m. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the Town Board whether a "NON-RESIDENTIAL DEVELOPMENT MORATORIUM" should be enacted 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 10 days prior to the date of said hearing.



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, 3301 Broadway, on the 16th day of September, 1996 at 6:30 P.M. of said day for the purpose of considering the adoption of the following NON-RESIDENTIAL DEVELOPMENT MORATORIUM Ordinance:

NON-RESIDENTIAL DEVELOPMENT MORATORIUM

1. For a period of 90 days the following type of use is declared to be a Special Review Zoning District:

The expansion or construction (not including remodeling where no expansion is being done) of non-residential structures or uses on properties located along the following highways in the Town of Cheektowaga:

- a. William Street - from Union Road west to the Buffalo City line
- b. Losson Road - from Union Road to Transit Road

2. All departments, agencies and authorities of the Town shall withhold the issuance of any permits for the establishment of the above described uses declared to be a Special Review Zoning District within the Town of Cheektowaga.

3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.

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

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

Dated: September 3, 1996

Richard M. Moleski
Town Clerk



Item No. 7a cont'd.

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES;	0
ABSENT:	0

AFFIDAVIT - NEXT PAGE

Item No. 7b Motion By Councilmember Johnson, Seconded by Councilmember Blachowski

WHEREAS, Marini Industries has made application and requested the Rezoning from M1-Light Manufacturing District to RA-Apartment District for property located at 3700 Broadway, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Ordinance on September 16, 1996 at 6:30 o'clock P.M. at the Cheektowaga Town Hall, corner of Broadway and Union Roads.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8 Motion By Councilmember Blachowski, Seconded by Councilmember Johnson

WHEREAS, an application to rezone 1735-1753 Walden Avenue, was received by the Town Board of the Town of Cheektowaga in January, 1994, AND

WHEREAS, the proposal was to construct a Hampton Inn, Bob Evans and a future unnamed restaurant on the site, AND

WHEREAS, the Town Board issued a "Negative Declaration" for this project on April 4, 1994, AND

WHEREAS, the site plan was approved and the rezoning granted on June 6, 1994, AND

WHEREAS, there is a proposal to construct a project known as Phase II of the Walden Consumer Square, AND

WHEREAS, the traffic mitigation for the Walden Consumer Square requires that the driveways of the Hampton Inn/Bob Evans/future site be eliminated or realigned, AND

WHEREAS, the driveway changes constitute revisions to an accepted site plan, AND

WHEREAS, Article X, Section 82-71 of the Zoning Law requires that any additions to the development or site plan be resubmitted to the Town Board for review, AND

WHEREAS, the Town of Cheektowaga Planning Board had reviewed the overall plans and at their July 11, 1996 meeting recommended approval of the plan, including the modifications to the Hampton Inn/Bob Evans/future restaurant site, AND

WHEREAS, the Traffic Safety commission of the Town of Cheektowaga and the New York State Department of Transportation have reviewed the plans and are in agreement with the modifications, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the modifications to the site plan are substantially in agreement with the original plan and, BE IT FURTHER

RESOLVED, that the plan is now the accepted plan for the Hampton Inn/Bob Evans/future restaurant site.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 9 Motion By Councilmember Johnson, Seconded by Councilmember 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 to construct 131,000 square feet of retail buildings at 1722-1750 Walden Avenue to be known as Walden Consumer Square, AND

Item No. 9 cont'd.

WHEREAS, as part of the environmental review this project was referred to a number of agencies, including the New York State Department of Transportation ("NYSDOT"), Erie County Department of Environment and Planning ("ECDEP"), New York State Department of Environmental Conservation ("NYSDEC"), Cheektowaga Traffic Safety Commission and Planning Board, AND

WHEREAS, as a result of the reviews, a number of modifications were made to the site plan to improve the overall project, AND

WHEREAS, the applicant will be constructing road improvements to mitigate impacts to the highway system, AND

WHEREAS, the Town Engineer has reviewed the drainage plans and has found them acceptable, AND

WHEREAS, improved drainage, landscaping, sidewalks, on-site pedestrian marking and a traffic signal will be constructed as part of the project, AND

WHEREAS, the Advisory Committee, at its meeting held on August 7, 1996 rendered the determination shown on the attached memo dated August 8, 1996, AND

WHEREAS, the applicant has committed to installing/constructing/maintaining various items in association with the project as stated in a letter dated August 16, 1996, 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 the purpose of SEQRA.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10 Motion By Councilmember Johnson, Seconded by Councilmember Wielinski

WHEREAS, on March 2, 1992 the Town of Cheektowaga adopted a resolution for procurement policies and procedures, AND

WHEREAS, the Town Board wishes to further refine and improve the town's purchasing practices, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board does hereby direct all departments to adopt the following procedures for issuing and monitoring purchase orders:

Guideline 1. All purchase orders for supplies, equipment and public works projects that must be bid should include a copy of the resolution awarding the bid.

Guideline 2. All purchase orders for supplies or equipment:
A. less than \$10,000 and greater than \$3,000 must include a copy of the required request for proposal (RFP) and written/fax quotes from three (3) vendors attached to the purchase order.
B. less than \$3,000 and greater than \$1,000 that require oral/fax quotes from two (2) vendors must be documented and submitted with the purchase order.

Guideline 3. All purchase orders for public works contracts:

- A. less than \$20,000 and greater than \$10,000 must include a copy of the required RFP and fax/proposals from three (3) vendors.
- B. less than \$10,000 and greater than \$3,000 must include a copy of the required RFP and fax/proposals from two (2) vendors.

Guideline 4. An effort should be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the attempt must be documented and submitted with the purchase order.

Guideline 5. The Town Accounting Department shall audit and inspect purchase order documentation and report policy violations as follows:

- For the first departmental violation of Guideline 2B, the Town Accounting Department shall send notice to authorized departmental personnel along with a recommended action. Such notice shall be copied to the Town Board.
- For the first departmental violation of Guideline 1, 2A, 3A or 3B or second departmental violation of Guideline 2B, the Town Accounting Department will send notice to both the authorized departmental personnel and the Town Board. The Town Board will not make payment and the department will return such supplies and/or equipment until proper procurement procedures are conducted and documented,

and, BE IT FURTHER

RESOLVED, that these procedures are effective immediately and, BE IT FURTHER

RESOLVED, that the Town Clerk is directed to send copies of this resolution to all department heads.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 11 Motion By Councilmember Jaworowicz, Seconded by Councilmember Rogowski

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

Item No. 11 cont'd.

WHEREAS, Section 200a 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 property owners, AND

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

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

ORDERED, that the owners of properties listed on the attached sheets be and hereby are directed to repair/replace the sidewalks abutting such properties on or before October 4th, 1996 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, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 12 Motion By Councilmember Wielinski, Seconded by Councilmember Rogowski

WHEREAS, the Leach Company of Oshkosh, Wisconsin owns an automated garbage truck called a Curbtender, AND

WHEREAS, on or about August 9, 1996, an authorized representative of the Leach Company delivered a Curbtender to the Town's Sanitation/Recycling Department for use by the Town as a demonstrator, that is to demonstrate the performance or merits of one of their automated garbage trucks, without cost, AND

WHEREAS, in general, the best way to evaluate equipment is by using it to perform the tasks for which it was designed, AND

WHEREAS, the Town Board on behalf of the Town has the power to accept gifts for any public use,

NOW, THEREFORE, BE IT RESOLVED, that the Town accepts the gift from the Leach Company of the free use of the aforesaid Curbtender and, BE IT FURTHER

RESOLVED, that David J. Kulik, as the Working Crew Chief of the Town, evaluate the work performed by the aforesaid vehicle, and that he render a report of his findings to the chairman of the sanitation/recycling committee and, BE IT FURTHER

RESOLVED, that David J. Kulik notify the Town's risk manager, and/or insurance carrier, if appropriate, and/or inventory/accounting departments of the identity and all other details relating to the aforesaid vehicles and its use by town personnel.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 13a Motion By Supervisor Gabryszak, Seconded by Councilmember Rogowski

WHEREAS, the Cheektowaga Action Partnership has received an extension of grant #SPO4160 to complete activities under its Community Partnership Program, AND

WHEREAS, one uncompleted activity is the design and production of a directory and database of local prevention and intervention activities engaged in by local school districts and human service agencies, AND

WHEREAS, the extension identifies Central Referral Services, Inc., City Hall, 24th Floor as the resource and referral consultant, NOW, THEREFORE, BE IT

RESOLVED, that under the terms and conditions of said grant, the Supervisor be authorized to execute an agreement with CRS, Inc., effective September 5th, 1996 with total costs not to exceed \$15,000.00 and covered by line item 0100-7320-4000 and, BE IT FURTHER

RESOLVED, that prior to execution of the contract, the Town Attorney's Office will conduct a final review for conformance with this resolution and affix its stamp of approval on same.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 13b Motion By Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, a 25 foot wide drainage easement is located in the rear yard of premises owned by Janet L. Gurecki at 24 Kemp Avenue, Cheektowaga, New York, AND

Item No. 13b cont'd.

WHEREAS, the aforesaid owner has informed the Town that in 1962 her now deceased father constructed a concrete patio abutting the rear of the residential brick house on premises; and, according to a survey made by Charles E. Denver, Land Surveyor, first dated October 20, 1984, but re surveyed on June 4, 1996, such concrete patio encroaches no more than 2 feet into the southerly boundary of the aforesaid drainage easement, AND

WHEREAS, the owner of 24 Kemp Avenue has requested the Town to release a portion of said easement so that the property might be sold and normal mortgage financing might be obtained, AND

WHEREAS, the Town Engineer has reviewed this matter, and he has no objection to a release of a 2 foot strip along the south boundary of the easement shown on the copy of the annexed survey of Charles E. Denver, Land Surveyor, and as further described in the annexed description of premises to be released,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and he hereby is authorized and directed to sign a Partial Release of Easement, releasing a 2 foot strip along the south boundary of the drainage easement shown on the survey of Charles E. Denver, Land Surveyor, dated June 6, 1996 and, BE IT FURTHER

RESOLVED, that the Town Clerk publish a Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Times.



NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on September 3, 1996, adopted a resolution authorizing the partial discharge and release of a drainage easement located on 24 Kemp Avenue in the Town.

A copy of such Partial Discharge and Release of Easement 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



Upon roll call
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE

Item No. 14 Motion By Supervisor Gabryszak, Seconded by Councilmember Wielinski

WHEREAS, previously, this Town Board retained the services of Hiscock & Barclay to represent the Town's interests in the lawsuit entitled "Town of Cheektowaga v. Starlite Builders, et al.", AND

WHEREAS, such lawsuit is still ongoing and, in order for the interests of the Town to continue to be represented, it is necessary for this Town Board to appropriate additional moneys for the services of Hiscock & Barclay, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to appropriate the additional sum of \$30,000.00 to be used to pay the expenses of Hiscock & Barclay in the above entitled lawsuit and, BE IT FURTHER

RESOLVED, that such moneys shall be appropriated from budget line item number 5817-7140-1100.

Upon roll call
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 15 Motion By Councilmember Swiatek, Seconded by Councilmember Johnson

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and equipment no longer needed for Town use, AND

WHEREAS, sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York, AND

WHEREAS, Scherrer Auctions will sell such motor vehicles and equipment at a public auction in accordance with its letter dated August 14, 1996, a copy of which is attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby retains Scherrer Auctions, 808 Borden Road, Cheektowaga, New York as per the attached proposal, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at a public sale to the highest responsible bidder at an auction to be held on September 21, 1996 and, BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any and all documents that may be required to effectuate the sale and transfer of all said vehicles and equipment.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 16 Motion By Councilmember Swiatek, Seconded by Councilmember Rogowski

BE IT RESOLVED, that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

EFFECTIVE

FACILITIES DEPARTMENT

Randall Boersma	Immediately
James Bonito	"
David Michalski	"
Thomas Potempa	"

RECYCLING DEPARTMENT

Jeffrey Uebelhoer	Immediately
Andres Cianflone	9/06/96
Thomas Porto	8/17/96

MAIN PUMP STATION

Aaron Kuczmarski	8/16/96
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Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 17 Motion By Supervisor Gabryszak, Seconded by Councilmember Jaworowicz

WHEREAS, the term of Rudy Santa Maria as a member of the Board of Assessment Review of the Town of Cheektowaga will expire on September 30, 1996, AND

WHEREAS, Rudy Santa Maria 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 Rudy Santa Maria as a member of the Board of Assessment Review, NOW, THEREFORE, BE IT

RESOLVED, that Rudy Santa Maria of XXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is reappointed as a member of the Board of Assessment Review of the Town of Cheektowaga for a term ending September 30,2001.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 18 Motion By Councilmember Swiatek, Seconded by Councilmember Johnson
Councilmember Rogowski

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

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

Item No. 18 cont'd.

WHEREAS, Dennis O'Brien, 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 Dennis O'Brien of XXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the position of Cleaner in the Facilities Department, in accordance with the terms and conditions of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association, effective September 4, 1996, at an hourly salary of \$12.722.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER BLACHOWSKI TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 19, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0



Item No. 19 Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following Youth and Recreation employees be transferred as indicated (seasonal to part-time):

Laila Desjardins
Brian Miller
JamieLynn Hoffman
Daniel Zilbauer
Tammy Schumacher
Mike Smith
Rebecca Volk
Ian Wienclawski
Angela Wojcik
Dawn Zilbauer
Kim Kurdys

Teen Center Initiative - 7310.1813 - Recreation Attendant III - \$4.75

Gina Indelicato

Recreation Attendants - 7140.1614 - Recreation Attendant II - \$4.75

Christopher Maciok

Pre-K - 7140.1664 Recreation Supervisor III - \$6.00

Tammy Ozolins
Cheryl Ostempowski
Item No. 19 cont'd.

Recreation Instructor - IV - 7140.1642 - \$5.25

Alan Jachimiak

Hockey - 7140.1639

Recreation Leader V - \$6.25

Matthew Bean

Recreation Attendant IV - \$5.00

Eugene Pytlewski

Recreation Attendant IV - \$5.00

Lynn Butts

Rink Personnel - 7140.1611
Recreation Attendant IV - \$5.00

Wilmer Froman
Joe Marchewka
Cheryl Stucke
Jacques Desjardins

Recreation Leader VIII - \$7.00

Scott Fleetwood

Recreation Supervisors - 7140.1613

Recreation Leader II - \$5.25

Jill Matuszewski

Recreation Attendant IV - \$5.00

Stephanie King

Recreation Attendant III - \$4.75

April Rusch

Recreation Leader I - \$5.25

Valerie Wurst

From Sports Rotation - 7140.1645 to Recreation Supervisors - 7140.1613

Recreation Leader I - \$5.25

Lynn Kopra

From Cedargrove Camp - 7140.1631 to Recreation Supervisors - 7140.1613

Recreation Leader IV - \$6.00

Dawn Smith

From Dartwood Camp - 7140.1632 - Recreation Supervisors - 7140.1613

Recreation Attendant IV - \$5.00

Jennifer Garrison

Item No. 19 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 20a Motion By Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, the National Recreation and Parks Society is holding its annual conference, Tuesday, October 21st through Sunday, October 27th in Kansas City, Missouri, AND

WHEREAS, the Cheektowaga Youth and Recreational Services Department would find it to be beneficial to participate in workshops as one of seven test sites for NRPA's Active Living Healthy Lifestyles" campaign, BE IT

RESOLVED, that Kennedy J. Kopacz, be reimbursed for necessary transportation expenses not to exceed \$750 (estimate) (Line Item 01-7310-4681) lodging expenses at a cost not to exceed \$900 (estimate) Line Item 01-7310-4681), meals not to exceed \$150 (Line Item 01-7140-4191) and training fees of \$320 (Line Item 01-7310-4681); and that these fees cover necessary travel connections to attend said conference during the period October 21st through October 27th.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek

NAYES; 0

ABSENT: 0

Item No. 20b Motion By Councilmember Blachowski, Seconded by Councilmember Johnson

WHEREAS, the New York State Emergency Management Association (NYSEMA) will be holding a Disaster Preparedness Conference in Albany, New York from September 17-19, 1996, AND

WHEREAS, this conference provides a forum to bring together and discuss the many complex issues of emergency management that public safety personnel face, AND

WHEREAS, Earl Loder, the Town's Disaster Coordinator, has requested permission to attend this conference, AND

WHEREAS, the State Emergency Management Office will pay one-half the cost of this conference, NOW, THEREFORE, BE IT

RESOLVED, that Earl Loder be and hereby is authorized to attend the aforementioned conference and to utilize his Town vehicle to travel to and from such conference and, BE IT FURTHER

RESOLVED, that the Town shall pay the Town's share of the cost of this seminar, in an amount not to exceed \$200.00, out of budget line item number 0100-1220-4008.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 20c Motion By Supervisor Gabryszak, Supervisor Gabryszak Councilmember Jaworowicz

WHEREAS, the New York State Assessor's Association is conducting a seminar on Assessment Administration in Monticello, New York on September 24th through September 27, 1996, AND

WHEREAS, said seminar is administered by the New York State Board of Real Property Services for Assessors to obtain continuing education credits, AND

WHEREAS, expenses are not to exceed \$400.00 and reimbursement of part of the expenses will be made by the New York State Board of Real Property Services, NOW, THEREFORE, BE IT

RESOLVED, that William R. Conway, Assessor, be and hereby is authorized to attend said seminar on September 24th through September 27, 1996, and BE IT

FURTHER RESOLVED, that the registration fee and all other reasonable expenses, not to exceed \$400.00, incurred by William R. Conway be paid by the Town from budget line account #0100-1355-4082.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 20d Motion By Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, the New York State Office of Fire Prevention and Control will be conducting a "Fire Marshals and Inspectors Seminar" in Montour Falls, New York, on October 15-17, 1996, AND

WHEREAS, Matthew D. Kawczynski and Edward J. Saternus, Fire Inspectors for the Town of Cheektowaga, have requested permission to attend such seminar, AND

WHEREAS, such seminar will provide the Town's Fire Inspectors with up-to-date information and legislation on fire prevention and control and satisfies a State of New York requirement for "in service" training. NOW, THEREFORE, BE IT

RESOLVED, that Matthew D. Kawczynski and Edward J. Saternus be and hereby are authorized to attend the "Fire Marshals and Inspectors Seminar" on October 15-17, 1996, AND BE IT FURTHER

RESOLVED, that the Town pay Mr. Kawczynski's and Mr. Saternus' registration fee of \$20.00 each, lodging cost of \$70.00 each, and a combined travel cost not to exceed \$90.00 for attending such seminar, and such expenses be charged to account number 0800-3620-4088.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 20e Motion By Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, the Hornell Police Department is hosting a K-9 Training Seminar and Recertification from September 9-13, 1996 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 documentation.

Item No. 20e cont'd.

The Police Department will be responsible for registration, meals and gasoline amounting to approximately \$260.00. 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 time. The expense will be charged to 0100-3120-4095.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

Item No. 20f Motion By Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, the Ontario Provincial Police Tactic and Rescue Unit will be hosting "Operation Tri-Star" at Fort Drum, New York September 16-20, 1996.

WHEREAS, Chief Chamberlin is requesting permission to send the following members of the SWAT Team to this training: Sgt. James Speyer, Sgt. Gerald Jankowski, Officer Daniel Kean, Officer Daniel Smith, Officer Thomas Allen, Officer Lawrence Bauer, Officer Scott Grant and Officer Donald Strozyk. The Police Department will be responsible for tuition, lodging, meals and transportation. The approximate cost of this training is \$2,155.00. Cheektowaga Police vehicles will be used for transportation to and from this training.

WHEREAS, the objective of this training is to provide special weapons and tactic training to law enforcement personnel involved in counter drug operations and high risk felony warrants. This training will present the most current training techniques and recent tactical developments, along with presentation and instruction of the latest tactical equipment, NOW, THEREFORE, BE IT

RESOLVED, that Chief Chamberlin is authorized to send the above officers to this training, and that the time they spend there be authorized as normal duty time. The expense will be charged to lines 0100-3120-4093, 0100-3120-4007 and 0100-3120-4085.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 21 Building Permits
Received and Filed.

Item No. 22 Minutes of Cheektowaga Planning Board - August 8, 1996
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 23a Summons & Complaint: Beverly J. Kaczorowski and Ronald A. Kaczorowski vs the
Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Facilities Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23b Summons & Complaint: Raymond C. Heimbach, III, Individually and as Father and
Natural Guardian of Kristen Heimbach, an Infant vs the Town of Cheektowaga, the
Village of Depew, William H. Coles, III, John J. Bays and Calspan Corporation
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23c Summons & Complaint: Katherine J. Heimbach vs the Town of Cheektowaga, the
Village of Depew, William H. Coles, III, John J. Bays and Calspan Corporation
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 23d Summons & Complaint: Raymond C. Heimbach, III, Individually and as Father and
Natural Guardian of Ashley N. Heimbach, an Infant vs the Town of Cheektowaga, the
Village of Depew, William H. Coles, III, John J. Bays and Calspan Corporation
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24a Notice of Claim: Suzanne Z. Cervi 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. 24b Notice of Claim: Claire Kowalski vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town
Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24c Notice of Claim: Philomena Spada vs the Town of Cheektowaga

Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24d Notice of Claim: Cynthia Brooks vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Highway Department, Police Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24e Notice of Claim: Cynthia McAdams-for Aaron McAdams vs the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Facilities Department and Allied Claims Insurance Carrier.
Received and Filed.

Item No. 24f Notice of Claim: Jean A. Metzger 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. 25a Notice of Petition: Air Cargo-Buffalo vs the Town of Cheektowaga, Assessor, Board of Assessment Review and Cheektowaga-Maryvale Union Free School District Board of Education
Copies were sent to: Assessor
Received and Filed.

Item No. 25b Notice of Petition: F.N. Burt Co., Inc. vs the Assessor, Board of Assessment Review and Cheektowaga Central School District
Copies were sent to: Assessor
Received and Filed.

Item No. 25c Notice of Petition: Buffalo Inn Associates c/o Richfield Hospitality Services, Inc. vs the Assessor, Board of Assessment Review, Town of Cheektowaga and Cheektowaga Central School District
Copies were sent to: Assessor
Received and Filed.

Item No. 25d Notice of Petition: C & L Parts Corp. vs the Assessor; Board of Assessment Review and Maryvale Central School District.
Copies were sent to: Assessor
Received and Filed.

Item No. 25e Notice of Petition: Fred M. Calandra and Salvatore C. Calandra vs the Assessor and Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.

Item No. 25f Notice of Petition: Fred M. Calandra and Salvatore C. Calandra vs the Assessor and Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.

Item No. 25g Notice of Petition: Fred M. Calandra and Salvatore C. Calandra vs the Assessor and Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.

- Item No. 25h Notice of Petition: Captec Net Lease Realty Inc. vs the Board of Assessment Review, Assessor, Town of Cheektowaga and Depew Union Free School District Board of Education
Copies were sent to: Assessor
Received and Filed.
- Item No. 25i Notice of Petition: Chemical Bank vs the Assessor; Board of Assessment Review and Cheektowaga School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25j Notice of Petition: Frederick Chopin Singing Society of Buffalo vs the Assessor and Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.
- Item No. 25k Notice of Petition: Darling International, Inc. vs the Assessor and School Board of Cheektowaga Sloan School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25l Notice of Petition: 4646 Genesee Street Partnership vs the Board of Assessment Review, Assessor, Town of Cheektowaga and Lancaster Central School District Board of Education
Copies were sent to: Assessor
Received and Filed.
- Item No. 25m Notice of Petition: Garden Village Plaza, LP vs the Assessor and School Board of Lancaster School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25n Notice of Petition: William P. Hart vs the Board of Assessment Review, Assessor, Town of Cheektowaga and Cheektowaga-Sloan Union Free School District Board of Education
Copies were sent to: Assessor
Received and Filed.
- Item No. 25o Notice of Petition: Carlton Hasselback and Philip Hasselback vs the Assessor, Board of Assessment Review and Town of Cheektowaga
Copies were sent to: Assessor
Received and Filed.
- Item No. 25p Notice of Petition: IPFC Properties, Inc. vs the Assessor, Board of Assessment Review, Town of Cheektowaga and Maryvale School District.
Copies were sent to: Assessor
Received and Filed.
- Item No. 25q Notice of Petition: James A. Maguire, Jr. vs the Board of Assessment Review, Assessor and Town of Cheektowaga
Copies were sent to: Assessor
Received and Filed.

- Item No. 25r Notice of Petition: Richard A. Maussner vs the Assessor and School Board of Cheektowaga Central School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25s Notice of Petition: Miken Companies vs the Assessor, Board of Assessment Review, Town of Cheektowaga and West Seneca School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25t Notice of Petition: National Fuel Gas Distribution Corporation vs the Assessor; Board of Assessment Review, Town of Cheektowaga, Village of Depew; Cheektowaga-Sloan Union Free School Board and District; Cheektowaga Central School Board and District; Cheektowaga-Maryvale Union Free School Board and District; Depew Union Free School Board and District; Lancaster Central School Board and District; Cleveland Hill Union Free School Board and District; West Seneca Central School Board and District and Williamsville Central School Board and District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25u Notice of Petition: New York State Electric & Gas Corporation vs Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.
- Item No. 25v Notice of Petition: Prime Hospitality vs the Assessor; the Town of Cheektowaga and Lancaster Central School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25w Notice of Petition: Realstar Management Co. vs the Assessor, Board of Assessment Review and Lancaster Central School District #1
Copies were sent to: Assessor
Received and Filed.
- Item No. 25x Notice of Petition: Reichold Chemicals/Sun Chemical Corporation vs the Assessor, Board of Assessment Review, Town of Cheektowaga and Maryvale Union Free School District
Copies were sent to: Assessor
Received and Filed.
- Item No. 25y Notice of Petition: Rite Aid of New York Inc. vs the Board of Assessment Review, Assessor, Town of Cheektowaga and Lancaster Central School District Board of Education
Copies were sent to: Assessor
Received and Filed.
- Item No. 25z Notice of Petition: Romar Industrial Plaza, LLC vs the Assessor and the Board of Assessment Review
Copies were sent to: Assessor
Received and Filed.
- Item No. 25aa Notice of Petition: Sonwil Distribution Center, Inc. for itself and as lessee and agent-in-fact for the Erie County Industrial Development Agency vs Board of Assessment

Review, Assessor and Town of Cheektowaga
Copies were sent to: Assessor
Received and Filed.

Item No. 25bb Sovran Acquisition, L.P. vs the Assessor, Board of Assessment Review and Board of Education for Cheektowaga-Maryvale School District
Copies were sent to: Assessor
Received and Filed.

Item No. 25cc Sunpark Inc. vs the Board of Assessment Review, Assessor, Town of Cheektowaga and Cheektowaga-Maryvale Union Free School District Board of Education
Copies were sent to: Assessor
Received and Filed.

Item No. 25dd Notice of Petition: W.P.H. Airport Associates vs the Board of Assessment Review, Assessor, Town of Cheektowaga and Lancaster Central School District Board of Education
Copies were sent to: Assessor
Received and Filed.

Item No. 25ee Notice of Petition: W.P.H. Gateway Associates vs Board of Assessment Review, Assessor, Town of Cheektowaga and Cheektowaga-Sloan Union Free School District Board of Education
Copies were sent to: Assessor
Received and Filed.



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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski, and Swiatek
NAYES; 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 26 Adopt Local Law No. 96-6 of the Year 1996 entitled "Enacting a Retirement Incentive Program
This item was withdrawn.

Item No. 27 Motion By Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, it is the intent of this Town Board that a Notice to Bidders be sent by the Office of the Town Clerk to all prospective bidders identified by the involved Department Head in accordance with the resolution of July 3, 1995 regarding notices to bidders, NOW, THEREFORE, BE IT

RESOLVED, that said resolution be amended to read as follows:

"RESOLVED, that the Town Clerk be and hereby is directed to forward a copy of the Notice to Bidders for such items to all those prospective

bidders identified by such Department Head”.

Upon roll call

*AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski, and Swiatek*
NAYES: 0
ABSENT: 0

Item No. 28 Motion By Councilmember Johnson, Seconded by Councilmember Rogowski to adjourn this meeting. This meeting was adjourned at 8:20 P.M.

Richard M. Moleski
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 16th day of September, 1996 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Richard M. Moleski, Town Clerk; James J. Kirisits, Town Attorney; Robert McCarthy, Coordinator of Employee Relations; William Pugh, Town Engineer; Ronald Marten, Building and Plumbing Inspector; Andrew Kulyk, Planning Board Chairman; Sal LaGreca, Planning Board Chairman; Ken Kopacz, Executive Director of Youth and Recreational Services; Len Szymanski, Foreman in Facilities Department; Captain Town Rowan, Cheektowaga Police Department.

I. FROM THE TABLE

Item No. 2 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated August 19, 1996, this Town Board directed that a Notice to Bidders published for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga, and

WHEREAS, sealed bids for such project were publicly opened and read aloud on August 28, 1996 at 11:00 A.M., and

WHEREAS, only two bids were received for such project, and

WHEREAS, the Director of the Department of Sanitation and Recycling has reviewed such bid proposals and has recommended that Good Earth Organics Corporation be awarded the bid alternate wherein the Town will deliver its yard waste to the contractor's site, which is located 8½ ± miles from Broadway and Union Road, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the bid for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga for the bid alternate wherein the Town will deliver its yard waste to the contractor's site, which is located within a radius of 15 miles from Broadway and Union Road, to Good Earth Organics Corporation, 5960 Broadway, Lancaster, New York 14086 at a bid price of \$5.00 per cubic yard for the remainder of 1996 and all of 1997, and BE IT FURTHER

RESOLVED that this Town Board hereby accepts the offer from Good Earth Organics Corporation to utilize 40 Yard Roll Off Containers on Town property to be utilized at the Town's option when deemed necessary at no additional cost to the Town.



Motion by Councilmember Rogowski, Seconded by Councilmember Johnson to amend the above resolution and the voting was as follows;

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek

NAYES: 0

ABSENT: 0

Item No. 2 cont'd

Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

WHEREAS, by resolution dated August 19, 1996, this Town Board directed that a Notice to Bidders published for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga, and

WHEREAS, sealed bids for such project were publicly opened and read aloud on August 28, 1996 at 11:00 A.M., and

WHEREAS, only two bids were received for such project, and

WHEREAS, the Director of the Department of Sanitation and Recycling has reviewed such bid proposals and has recommended that Good Earth Organics Corporation be awarded the bid alternate wherein the Town will deliver its yard waste to the contractor's site, which is located 8½ ± miles from Broadway and Union Road, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the bid for the Acceptance for Recycling of Yard Waste Generated in and Collected by the Town of Cheektowaga for the bid alternate wherein the Town will deliver its yard waste to the contractor's site, which is located within a radius of 15 miles from Broadway and Union Road, to Good Earth Organics Corporation, 5960 Broadway, Lancaster, New York 14086 at a bid price of \$5.00 per cubic yard for the remainder of 1996 and all of 1997, and BE IT FURTHER

RESOLVED that after negotiation with Good Earth Organics Corporation, the lowest responsible bidder, the bid award and contract shall include a clause allowing the Town and Good Earth Organics Corporation to terminate this contract prior to December 31, 1997 upon giving the other party at least 120 days prior written notice via certified mail, and BE IT FURTHER

RESOLVED that this Town Board hereby accepts the offer from Good Earth Organics Corporation to utilize 40 Yard Roll Off Containers on Town property to be utilized at the Town's option when deemed necessary at no additional cost to the Town.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

II. RESOLUTIONS

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

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

GENERAL FUND

FROM:	0100-1355-4431	Maintenance Agreement	\$1,000.00
	0100-1220-4001	Office Supplies	1,500.00
	0100-1220-1391	Part-Time Clerical	2,138.00
	0100-7410-4451	Buildings & Grounds-Maintenance & Repair	1,148.00
TO:	0100-1355-4001	Office Supplies	\$1,000.00
	0100-1315-4001	Office Supplies	1,500.00
	0100-1315-1391	Part-time Clerical	2,138.00
	0100-7410-4439	Heating & Air Conditioning Contractual	1,148.00

PART TOWN FUND

FROM:	0800-3620-1753	Part-time Housing Aide	\$2,000.00
TO:	0800-3620-1391	Part-time Clerical	\$2,000.00

Item No. 3 cont'd

SPECIAL DISTRICTS FUND

FROM:	4000-8140-4476	Pest Control	\$13,000.00
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**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

	4000-8140-4431	Storm Sewer Maintenance	\$19,000.00
TO:	4000-8140-4543	Ditch, Creek & Tributary Maintenance	\$32,000.00
AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek		
NAYES:	0		
ABSENT:	0		

Item No. 4 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

BE IT RESOLVED that the following Vouchers & Warrants are submitted to the Town of Cheektowaga prior to September 13, 1996 are hereby approved and made a part hereof:

GENERAL FUND	\$2,256,199.35
HIGHWAY FUND	609,000.21
TRUST & AGENCY	30,770.69
PART TOWN FUND	47,639.14
RISK RETENTION FUND	144,321.76
DEBT SERVICE FUND	549,350.00
CDBG HUD FUND	38,940.49
HUD HOUSING REHABILITATION FUND	33,048.12
SPECIAL DISTRICTS FUND	1,787,826.88
CAPITAL FUND	<u>519,655.01</u>
	<u>\$6,016,751.65</u>

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES:	0
ABSENT:	0

Item No. 5 Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town's Building Inspections Department and the Zoning and Petitions Committee have identified a concern whether the zoning classifications along William Street, from Union Road to the Buffalo City line; and along Losson Road, from Union Road to Transit Road, are appropriate and are concerned about the proper planned development of such areas so that they are compatible with adjacent uses, and

WHEREAS, concerns about development along these highways has been heightened lately by proposals by developers to construct commercial establishments along these highways and the rapid developments taking place on Transit Road and in the Town of Lancaster, and

WHEREAS, the Zoning and Petitions Committee has recommended that the Town take a hard look at the zoning classifications along these highways and to make any changes deemed necessary, and

WHEREAS, it will take time for the Town to perform a comprehensive zoning review of these areas and, in order to stay improper development along these highways in the meantime, it is necessary for the Town to place a moratorium on all non-residential development along these highways, and

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 16th day of September, 1996 at 6:30 P.M., at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens had an opportunity to be heard on whether a "NON-RESIDENTIAL DEVELOPMENT MORATORIUM" should be enacted, and

Item No. 5 cont'd

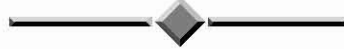
WHEREAS, this Town Board feels it is in the best interests of the health, safety and welfare of the Town to enact the "NON-RESIDENTIAL DEVELOPMENT MORATORIUM", NOW, THEREFORE, BE IT

RESOLVED that the "NON-RESIDENTIAL DEVELOPMENT MORATORIUM", as attached hereto be and the same is hereby adopted, and BE IT FURTHER

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

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 September 16, 1996; 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 an affidavit of such publication shall be filed with the Town Clerk, and BE IT FURTHER

RESOLVED that the "NON-RESIDENTIAL DEVELOPMENT MORATORIUM" ordinance shall take effect ten (10) days after such publication, but said changes 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 in the minutes.



NON-RESIDENTIAL DEVELOPMENT MORATORIUM

1. For a period of 90 days the following type of use is declared to be a Special Review Zoning District:

The expansion or construction (not including remodeling where no expansion is being done) of non-residential structures or uses on properties located along the following highways in the Town of Cheektowaga:

- a. William Street - from Union Road west to the Buffalo City Line
- b. Losson Road - from Union Road to Transit Road

2. All departments, agencies and authorities of the Town shall withhold the issuance of any permits for the establishment of the above described uses declared to be a Special Review Zoning District within the Town of Cheektowaga.
3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this Ordinance upon the Town Board's determination, in its absolute discretion, that such variance or modification is consistent with the Town's comprehensive master plan and with the health, safety, morals and general welfare of the Town.



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

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

WHEREAS, bids were duly received by the Town Board of Cheektowaga at a bid opening on August 28th, 1996 for MOTOR OILS, LUBRICANTS, ANTI-FREEZE, DIESEL FUEL, UNLEADED GASOLINE, ETC. for use by various departments of the Town of Cheektowaga, as a result of advertising thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and report, and

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

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

RESOLVED that the bid for items mentioned above be awarded to T.F. KURK, Inc., 2130 Clinton St., Buffalo, NY 14206 for DIESEL FUEL, KEROSENE AND UNLEADED GASOLINE and AMERICAN LUBRICANTS, INC., 619 Bailey Avenue, Buffalo, NY 14206, for MOTOR OILS, GEAR OILS, ANTI-FREEZE, ETC. being the lowest responsible bidders meeting specifications as per schedule attached and made a part of this resolution hereof, and BE IT FURTHER

RESOLVED that payment of these items be charged to the line item 0300-5110-4162.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 7 Motion by Councilmember Rogowski, Seconded by Councilmember Swiatek

WHEREAS, the Town is in need of replacement vans for use by the Department of Youth and Recreational Services, and

WHEREAS, money is available for the purchase of said vans, NOW, THEREFORE,
BE IT

RESOLVED that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders; said Notice to be published in the September 19th issue of the CHEEKTOWAGA TIMES, and BE IT FURTHER

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

RESOLVED that the Town Clerk be and hereby is designated as the official to open and read sealed bid proposals for such vans on October 2, 1996.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga for the purchase of one (1) to three (3) new and unused 1997 vans for use by the Department of Youth and Recreational Services.

Plans and specifications may be obtained from the Town Clerk's Office at Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York during regular business hours.

The envelope containing the bid must be sealed in an envelope plainly marked "BIDS FOR VANS FOR THE DEPARTMENT OF YOUTH AND RECREATIONAL SERVICES", and be delivered to the Town Clerk's Office no later than 11:00 a.m. on October 2, 1996.

Bid proposals will be publicly opened and read at a bid opening to be held in the Cheektowaga Town Hall Council Chambers on October 2, 1996 at 11:00 a.m.

The Town reserves the right to reject any and all bids and to waive informalities if it is deemed to be in the best interest of the Town.

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

Richard M. Moleski
Town Clerk

DATED: September 10, 1996



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

Item No. 8a Motion by Councilmember Johnson, Seconded by Councilmember 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

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

WHEREAS, an application was submitted by Lord of Life Lutheran Church at 1025 Borden Road proposing to construct a 10,000 square foot sanctuary with offices as well as 4,000 square foot of additions to the existing child/adult day care facilities, and

WHEREAS, additional parking will be established, additional landscaping planted, screening erected, and

WHEREAS, the Church is working with the property owner adjacent to the site along Borden Road to remove a deteriorating shed/garage structure to improve the aesthetics along Borden Road, and

WHEREAS, the Planning Board recommend approval at their meeting of August 8, 1996, and

WHEREAS, the Church has agreed to install a "gate" on the new driveway to Borden Road to prevent vehicle "through traffic", and

WHEREAS, the Advisory Committee reviewed the project at their meeting of August 21, 1996, and

WHEREAS, the Advisory Committee was of the opinion the project would not adversely affect the environment, and

WHEREAS, the project was referred to the Erie County Department of Environment and Planning ("ECDEP") for review, and

WHEREAS, the Church must comply with all permitting requirements of the Erie County Highway Department and Sewer Department, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee, and

RESOLVED that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for the purposes of SEQRA.



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

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES:	0
ABSENT:	0

Item No. 8a cont'd

Motion by Councilmember Johnson, Seconded by Councilmember 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

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WHEREAS, an application was submitted by Lord of Life Lutheran Church at 1025 Borden Road proposing to construct a 10,000 square foot sanctuary with offices as well as 4,000 square foot of additions to the existing child/adult day care facilities, and

WHEREAS, additional parking will be established, additional landscaping planted, screening erected, and

WHEREAS, the Church is working with the property owner adjacent to the site along Borden Road to remove a deteriorating shed/garage structure to improve the aesthetics along Borden Road, and

WHEREAS, the Planning Board recommend approval at their meeting of August 8, 1996, and

WHEREAS, the Church has agreed to install a "gate" on the new driveway to Borden Road to prevent vehicle "through traffic", and

WHEREAS, the Advisory Committee reviewed the project at their meeting of August 21, 1996, and

WHEREAS, the Advisory Committee was of the opinion the project would not adversely affect the environment, and

WHEREAS, the project was referred to the Erie County Department of Environment and Planning ("ECDEP") for review, and

WHEREAS, the Church must comply with all permitting requirements of the Erie County Highway Department and Sewer Department, and

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations made by the Environmental Advisory Committee, and

WHEREAS, the Church must comply with the attached list of stipulations, NOW, THEREFORE, BE IT

RESOLVED that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a "Negative Declaration" for the purposes of SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 8b Motion by Councilmember Johnson, Seconded by Councilmember Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for building permits, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, and

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

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, and

WHEREAS, an application was submitted by Doran Yarrington, Architects, proposing to erect a 3,400 square foot addition to the Idylwoods Apartment complex a Club House/Office facility on slate Creek Drive, and

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WHEREAS, this addition replaces part of a Club House facility destroyed by fire approximately sixteen (16) years ago, and

WHEREAS, the Advisory Committee at its meeting held on September 11, 1996 rendered the determination shown on the attached memo dated September 12, 1996, 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 the purposes of SEQRA.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 9a Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga and the Village of Depew desire to continue their cooperative efforts in consolidating governmental services where economically feasible and practical, and

WHEREAS, the Town employs, on a full-time basis, a dog control officer, who has the authority and performs the duties specified in the Agriculture and Markets Law, and

WHEREAS, an agreement between the Town and the Village for dog control officer services is authorized by section 114(2) of the Agriculture and Markets Law and by section 119-o of the General Municipal Law, and

WHEREAS, by resolution dated August 7, 1995, the Town Board approved an interim agreement with the Village, which agreement terminated without action by the Village, and

WHEREAS, a new interim agreement with the Village of Depew on this matter has been prepared and reviewed and approved by the Village Board of Trustees, NOW, THEREFORE, BE IT

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RESOLVED that the aforesaid interim agreement for the period from September 17, 1996 to March 17, 1997 is approved, and the Supervisor be and hereby is authorized to execute same on behalf of the Town.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Councilmember Rogowski, Seconded by Councilmember Johnson

WHEREAS, the Hoechst Marion Roussel Foundation offers a Healthier Communities Award in the amount of \$10,000 which is sponsored by The Healthcare Forum to Communities to initiate innovative approaches to improve the health status of the community, and

WHEREAS, the Town of Cheektowaga Department of Youth and Recreational Services, the Cheektowaga Action Partnership and the Suburban Wellness Coalition have initiated numerous programs to improve redefine Health care and health promotion in the spirit of collaborative problem solving; and

WHEREAS, the Town of Cheektowaga Action Partnership, and the Suburban Wellness Coalition can demonstrate improved health status as a result of its collaborative efforts; NOW, THEREFORE, BE IT

RESOLVED that Robert J. Miller and Associates, the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Hoechst Marion Roussel Foundation for the purpose of securing an award in an amount not to exceed \$10,000, and BE IT FURTHER

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, by resolution dated September 5, 1995, this Board requested the County of Erie grant permission to the Town for the use of certain land owned by it at the north end of Scott Place, Cheektowaga, NY (S.B.L. No. 81.04-1-20-2), for outdoor firearms qualification and training by the Town's Police Department, and
Item No. 10 cont'd

WHEREAS, by resolution dated October 19, 1995, the Legislature of the County of Erie passed a resolution submitted by Legislator Raymond Dusza, authorizing the conveyance of the aforesaid property to the Town "for use as an outside firearms qualifications and training range only, contingent on the approval of the Department of Environment and Planning, and

WHEREAS, upon information and belief the County Department of Environment and Planning has reviewed this matter and has approved the aforesaid conveyance, and

WHEREAS, upon information and belief the County Department of Environment and Planning has reviewed this matter and has approved the aforesaid conveyance, and

WHEREAS, the Environmental Advisory Committee recommended and this Town Board issued a Negative Declaration under SEQRA for this conveyance and use of property, NOW, THEREFORE, BE IT

RESOLVED that the Town of Cheektowaga hereby accepts the conveyance of the real property located at the north end of Scott Place, Cheektowaga, New York (which is further identified as S.B.L. No. 81-04-1-20.2), from the County of Erie, subject to approval of the form of such deed by the Town Attorney, and BE IT FURTHER

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RESOLVED that in accordance with the aforesaid resolution of the County of Erie, the use of such land is restricted to use by the Town's Police Department as outdoor firearms qualifications and training, and BE IT FURTHER

RESOLVED that after review and approval, the Town's Attorney be and he hereby is authorized to record the deed given by the County herein in the office of the Clerk of the County of Erie.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town by Town Board Resolution dated August 19, 1996 approved a housing rehabilitation loan with Maryvale East Management Corp. for the Maryvale East Phase II elderly housing units located at 120 Moorman Drive in the Town of Cheektowaga, and

WHEREAS, the correct legal name of the owners of said property is Maryvale East Associates Phase II, NOW, THEREFORE, BE IT

RESOLVED that the Resolution approved by the Town Board on August 19, 1996 be and hereby is amended to authorize said housing rehabilitation loan with Maryvale East Associates Phase II, having an office located at 1260 Delaware Avenue, Buffalo, New York, 14209.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga has received Community Development Block Grant funds from the Department of Housing and Urban Development for the 1994 and 1995 Program Years, and

WHEREAS, the Town wishes to amend its Final Statement on the Use of Community Development Block Grant Funds for the 1994 and 1995 Program Year in order to provide funding for a new project entitled Big Brother/Big Sister Program and to cancel the project entitled Youth and Family Counseling, and

Item No. 12 cont'd

WHEREAS, the Director of Community Development recommends approval of the proposed amendments, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby amends the Town of Cheektowaga's Final Statement on the Use of Community Development Block Grant Funds for the 1994 and 1995 Program Years as indicated on the attached Community Development Block Grant Final Statement Amendment Report, and authorizes the transfer of funds as indicated in said report.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

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Item No. 13 Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town Board has previously adopted guidelines governing the Town's Housing Rehabilitation Loan Program, and

WHEREAS, current rehabilitation guidelines do not provide for exterior rehabilitation of mixed-use properties occupied by low-moderate income owners, and

WHEREAS, in order to continue to provide for the effective administration and implementation of said program, and to assure the achievement program goals, the Director of Community Development has recommended the adoption of the attached amendments to said Guidelines which include provisions for rehabilitation of exterior mixed-use properties occupied for low-moderate income owners, NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby adopts the attached amendments to the Housing Rehabilitation Loan Program Guidelines, said amendments to be effective immediately.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

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Item No. 14 Motion by Councilmember Rogowski, Seconded by Councilmember Johnson

WHEREAS, due to the unanticipated delays in the construction of the athletic field at John F. Kennedy High School, the athletic department needs to use other facilities for its programs, and

WHEREAS, the John F. Kennedy High School tennis teams has requested permission to use five (5) tennis courts at Stiglmeier Park from 3:00 - 5:00 p.m., on the following referenced dates for their matches:

September 10, 12, 18, 23 and 30, 1996
October 4, 1996

and three (3) to four (4) tennis courts at Stiglmeier Park from 2:30 - 4:30 p.m. on the following referenced dates for their practices:

September 11, 13, 17, 19, 25 and 27, 1996
October 1 and 3, 1996

and

WHEREAS, the John F. Kennedy High School Athletic Department has also requested to use a softball diamond and a baseball diamond at Stiglmeier Park for practice and games from the beginning of April to the end of May, NOW, THEREFORE, BE IT

RESOLVED that the John F. Kennedy High School tennis team be and hereby is authorized to utilize tennis courts at Stiglmeier Park as specified above, and BE IT FURTHER

**TOWN OF CHEEKTOWAGA
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RESOLVED that the John F. Kennedy High School Athletic Department be and hereby is authorized to utilize a softball and a baseball diamond at Stiglmeier Park for the months of April and May, and BE IT FURTHER

RESOLVED that the Athletic Director of John F. Kennedy High School be directed to coordinate the use of the above referenced ball diamonds with the Executive Director of the Department of Youth and Recreational Services; and to coordinate the use of the tennis courts with the General Foreman of the Facilities Department.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, continuous complaints have been received by the Town Board regarding high weeds and shrubbery on property located at 1689 Kensington Avenue, Cheektowaga, New York, SBL #79.20-8-4 and according to the Assessors' Office is owned by Shamrock Enterprises Incorporated, 1689 Kensington Avenue, Buffalo, New York 14215-1412, and

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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak
Councilmember Johnson

WHEREAS, the residents of the Dartwood Park Area have formed a Neighborhood Watch Group, and

WHEREAS, additional lighting has been requested at the Dartwood Park, NOW, THEREFORE, BE IT

RESOLVED that the New York State Electric & Gas Corporation (NYSEG) be and hereby is authorized to furnish and install three (3) 250 watt, 24,700 lumen high pressure sodium floodlights at the Dartwood Park site at an annual cost of \$866.89 in accordance with the attached NYSEG lighting proposal dated September 9, 1996, and BE IT FURTHER

RESOLVED that funds are available in Acct. #0100.7110.4000.4211.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

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Item No. 17 Motion by Councilmember Johnson

WHEREAS, John Mallory is a member of the Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, Mr. Mallory has informed the CCAC that, due to conflicts, he is unable to attend the CCAC meetings, and

WHEREAS, Rachel Gorski, an attorney who graduated with a law degree with a concentration in environmental law, and also has a Master's degree in environmental science, has been attending CCAC meetings and has expressed an interest in being appointed to the CCAC, and

WHEREAS, the CCAC has recommended that Rachel Gorski be appointed as a member of the CCAC, NOW, THEREFORE, BE IT

RESOLVED that John Mallory be and hereby is terminated as a member of the CCAC, effective immediately, and BE IT FURTHER

RESOLVED that Rachel Gorski, XXXXXXXXXXXXXXXXXXXX, Cheektowaga, New York XXXXX be and hereby is appointed to the CCAC, effective immediately and terminating on October 15, 1996.



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

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

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Motion by Councilmember Rogowski, Seconded by Councilmember Wielinski to dispense with the reading of the names on Items 18A & B, 19, 20A & B, 21.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Youth and Recreation employees be terminated effective immediately:

Penny Armitage	Ginena Kazmierczak	Andrea Rolfe
Tony Astran	Adam Kehrer	Shawn Ryan
Chris Bandura	Scott Knaus	Lisa Santomaggio
Jonathan Blank	Jeff Kosicki	Christine Schwartz
Jessica Boersma	Sabrina Kotowski	Daniel Shantler
Ronald Borowski	Jennifer Kreavy	Norm Smith
Melissa Campbell	Kathleen Kriel	Heather Solecki
Michael Cercone	John Kulesz	Julie Stetter
Steve Ciemcioh	Tracy Liegl	David Stoklasa
Christine Cramer	Karen Magierski	Scott Syroczyński
Niel Czerniejewski	Craig Mahalic	Renee Szarzynski
Shannon DiSanto	Kimberly Mahoney	Kelly Szczublewski
James Domzalski	Michael Murphy	Kristy Szprygada
Teri-Ann Duszynski	Linda Noonan	Kevin Tomaka
Marisa Fallacaro	Paula Panasiewicz	Dominic Vaccaro

Item No. 18a cont'd

Luke Garcea	Danielle Pickhardt	Kyle Wagner
Jill Glijer	Joy Piwowarski	Ronn Whitehead
Donna Griese	Nick Poules	Erin Wisniewski
Laura Imiola	Paul Ray	Shawn Wnek
Anthony Kalisz	Dennis Regan	Amy Wojdyla
Beth Kawczynski	John Rivers	Michael Wyse

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 18b Motion by Councilmember Swiatek, Seconded by Councilmember Rogowski

BE IT RESOLVED that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

EFFECTIVE

FACILITIES DEPARTMENT

Justin Keating	Immediately
Jarrett Sinclar	"
Paul Ivanowski	"
Ann Marie Herb	"
Mark Wood	"

EMPLOYEE RELATIONS

Sandra Marzullo	Immediately
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RECYCLING DEPARTMENT

Ben Barsch Immediately

JUSTICE COURT

Kathleen Barry 9/03/96

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilmember Swiatek, Seconded by Councilmember 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 collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

<u>SEWER MAINTENANCE DEPARTMENT - \$5.50 per hour</u>	<u>EFFECTIVE</u>
Alan J. Ross XXXXXXXXXXXXXXXXXX, Cheek., XXXXX	9/17/96

<u>RECYCLING DEPARTMENT - \$5.00 per hour</u>	
Anthony Mazza XXXXXXXXXXXXXXXXXX, Sloan XXXXX	9/17/96
David Zablony XXXXXXXXXXXXXXXXXX, Cheek., XXXXX	9/17/96
Gary Szwajda XXXXXXXXXXXXXXXXXXXXXXXXXXXX	9/17/96

Item No. 19 cont'd

<u>MAIN PUMP STATION - \$5.50 per hour</u>	
Michael Adamczyk XXXXXXXXXXXXXXXXXX, Cheek., XXXXX	9/17/96

<u>FACILITIES DEPARTMENT - \$5.00 per hour (0100-7110-1491)</u>	
Kenneth Bollman XXXXXXXXXXXXXXXXXX, Depew, XXXXX	9/17/96

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 20a Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be hired as part-time employees in the Youth and Recreation Department, effective immediately:

THEATRE - 7140.1651

Recreation Specialist VI - \$6.00

Joanne Haas XXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXX

SWIM - 7180.1903

Lifeguard VI - \$6.00

Jeffrey Coia XXXXXXXXXXXXXXXXXXXXXXXXXXXX - XXXX X XXXXX

Lifeguard VIII - \$6.50

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Amy Owens XXXXXXXXXXXXXXXXXXXX XXXXX

ADAPTED RECREATION PROGRAM - 7310.1803

Recreation Attendant V (Senior Counselor I) \$5.25

Laura Zlotek XXXXXXXXXXXXXXXXXXXX XXXXX

RINK PERSONNEL 7140.1611

Recreation Attendant I - \$4.75

James Brydalski XXXXXXXXXXXXXXXXXXXX XXXXX
Joseph Deckop XXXXXXXXXXXXXXXXXXXX XXXXX
Michelle Diehl XXXXXXXXXXXXXXXXXXXX XXXXX
Brett Flynn XXXXXXXXXXXXXXXXXXXX XXXXX
Lynn Pettit XXXXXXXXXXX XXXXX
Au Glenn XXXXXXXXXXXXXXXXXXXX XXXXX
Kevin Martin XXXXXXXXXXX XXXXX
Mark Fleetwood XXXXXXXXXXX XXXXX
Eric Doktor XXXXXXXXXXX XXXXX
John P. Rivers, Jr. XXXXXXXXXXX XXXXX

Recreation Attendant II - \$5.00

Nick Logiudice XXXXXXXXXXX XXXXX

Recreation Attendant IV - \$5.50

Thomas Goff XXXXXXXXXXXXXXXXXXXX XXXXX
Thomas Wasielewski XXXXXXXXXXXXXXXXXXXX XXXXX

Item No. 20a cont'd

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Councilmember Swiatek, Seconded by Councilmember Blachowski

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

EFFECTIVE

BUILDING AND PLUMBING DEPARTMENT - \$5.50 per hour (Clerical)

Suzanne Sanscrainte XXXXXXXXXXXXXXXXXXXX, Cheek., XXXXX 9/17/96

JUSTICE COURT - \$6.00 per hour (Clerical)

Judith Szczesniak XXXXXXXXXXXXXXXXXXXX, Depew, XXXXX 9/17/96

and BE IT FURTHER

RESOLVED that Brooke Nagowski, currently employed as a part-time Laborer in the Sanitation Department, be and hereby is transferred as part-time Clerk in the Facilities Department at an hourly rate of \$5.50 (7110-1391), effective 9/17/96.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

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

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BE IT RESOLVED that the following individuals be transferred as indicated:

FROM SEASONAL TO PART-TIME

Swim - 7180.1902

Keith Stachura

Swim - 7180.1903

Greg Bean
Margaret Brezowski
Jacqueline Houser
Julie Isch
Sarah Kazukiewicz
Kimberly Kubiak
Jon Owens
Timothy Skrzydlewski
Rachel Williams

FROM LIFEGUARD II to LIFEGUARD IV - \$5.50
FROM RECREATION ATTENDANT IV (Counselor IV) to RECREATION ATTENDANT VI
(Senior Counselor II) - Effective October 13 - 7310.1803
NOT TO EXCEED A TOTAL OF 19 HOURS PER WEEK

Timothy Isch

Item No. 21 cont'd

Recreation Supervisors - 7140.1614

From Recreation Attendant I (Counselor I) to Recreation Attendant III - \$4.75

Brian Miller
Jamie Lynn Hoffman

From Recreation Attendant IV to Recreation Attendant VI - \$5.50

Mike Smith

Theatre - 7140.1651

From Recreation Attendant I to Recreation Specialist I - \$4.75

Ann Perdziak

From Recreation Attendant II to Recreation Specialist III - \$5.00

Joseph Bucheker
Adam Kowalyk
Timothy Hinkley

Theatre - 7140.1651
(part-time, effective November 1st)

From Recreation Attendant V to Recreation Specialist V - \$5.75

Camielle Kazmierczak

From Recreation Specialist IV to Recreation Specialist VI - \$6.00

Leanne Ventura

From Supervisor X to Program Coordinator VII - \$8.25

Thomas Kazmierczak

From Supervisor IX to Program Coordinator VII - \$8.00

Bonnie Nowicki

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Adapted Recreation Program - 7310.1803
(part-time, effective October 13th)

From Recreation Attendant I to Recreation Attendant I (Counselor 1) - \$4.75

Breanne Blachura
Mindy Kieser

From Recreation Attendant II (Counselor II) to Recreation Attendant IV (Counselor IV) - \$5.00

Gayle Bosiacki
Sarah Broton
Stacey Getz

From Recreation Attendant III (Counselor III) to Recreation Attendant V (Senior Counselor I) - \$5.25

Dana Abendschein
Stephanie Albano
Sandy Bentz
Jennifer Popiela

From Recreation Attendant IV (Counselor IV) to Recreation Attendant VI (Senior Counselor II) - \$5.50

Amy Conner
Sara Miga

Item No. 21 cont'd

From Recreation Attendant V (Senior Counselor I) to Recreation Attendant VII (Senior Counselor III) - \$5.75

Samantha Schanne

From Recreation Attendant VII (Senior Counselor IV) to Recreation Attendant X (Senior Counselor VI) - \$6.50

Kim Szucs
Amy Tomaka

From Supervisor III (Activity Director I) to Supervisor VI (Activity Director IV) - \$6.75

Victor Nosal
Trevor Stowell
Magdalena Wnuk

From Supervisor VI (Activity Director IV) to Supervisor VIII - \$7.25

Leanne Fischer

From Assistant Program Coordinator I to Assistant Program Coordinator II - \$9.00

Barbara Walters

From Program Coordinator I to Program Coordinator II - \$11.50

Deborah Fleetwood

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 22 Motion by Councilmember Swiatek, Seconded by Councilmember Rogowski

WHEREAS, by resolution dated September 3, 1996, this Town Board retained Scherrer Auctions to conduct an auction on September 21, 1996 of various surplus vehicles and equipment, and

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WHEREAS, the Facilities and Engineering Departments have now advised this Town Board that they have additional items to add to this auction, NOW, THEREFORE, BE IT

RESOLVED that Scherrer Auctions, 808 Borden Road, Cheektowaga, New York be and hereby is retained to include the items shown on the attached sheets to the aforementioned auction to be held on September 21, 1996, in accordance with its proposal dated August 14, 1996.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

**See next page(s) for attachments

Item No. 23a Motion by Councilmember Wielinski, Seconded by Councilmember Johnson

WHEREAS, the New York State Board of Real Property Services is conducting a Seminar on Fundamentals of Residential Data Collection in Orchard Park, New York on October 7th thru October 10, 1996, and

WHEREAS, said Seminar is mandated by the New York State Board of Real Property Services to obtain continuing education credits, and

WHEREAS, said Seminar is given at no cost to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that Real Property Appraiser, Kevin J. Gawel and Real Property Appraisal Technician, Dennis G. Krysztofowicz, be and hereby are authorized to attend said Seminar on October 7th thru October 10, 1996 and shall be provided the use of a Town vehicle.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 23b Motion by Councilmember Wielinski, Seconded by Supervisor Gabryszak

WHEREAS, the New York State Division of Criminal Justice is hosting the Fifth Annual Conference on Law Enforcement Professionalism on September 24-26, 1996 in Binghamton, New York, and

WHEREAS, Chief Chamberlin is requesting authorization to send Officer Thomas Dryja to this conference. Law enforcement experts will speak at three plenary sessions and 24 seminars on a wide range of important subjects covering Accreditation and Organizational Excellence, Management and Problems in Law Enforcement. The Police Department will be responsible for registration, transportation, lodging and meals amounting to approximately \$400.00, NOW, THEREFORE, BE IT

RESOLVED that Chief Chamberlin is authorized to send Officer Dryja to this conference, and the time be authorized as normal duty time. The expense will be charged to 0100-3120-4093 and 0100-3120-4085.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 23c Motion by Councilmember Rogowski, Seconded by Supervisor Gabryszak

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
September 16, 1996**

WHEREAS, the city of Stony Creek and Escom are conducting a Class user group meeting, located at Stony Creek's City Hall, Ontario Canada, and

WHEREAS, the user group is designed for people who are using the Class registration program designed by Escom and this user group meeting is a networking session designed for groups to see what new releases and share in the use of the Class program, NOW, THEREFORE, BE IT

RESOLVED that Paul Marchewka (programming) and Angela Krzemien (administrative) be permitted to attend the Class user group meeting, September 23, 1996, on behalf of the Department of Youth and Recreational Services, and BE IT FURTHER

RESOLVED that they be reimbursed for necessary travel expenses not to exceed \$50 (line item 1910.4083) and lunch not to exceed a cost of \$20 (line item 7140.4191); cost of the one day meeting is free for both participants.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 23d Motion by Councilmember Johnson, Seconded by Supervisor Gabryszak

WHEREAS, a four (4) hour safety and product training workshop is being conducted by Hanes Supply, Inc. and The Crosby Group at the Airport Radisson Hotel in Cheektowaga, New York, on September 19, 1996, which workshop would prove beneficial in reinforcing safe maintenance operations for Sewer Maintenance Department personnel, and

WHEREAS, the General Foreman of the Sewer Maintenance Department has requested that two (2) department employees be authorized to attend said workshop which is designed to reinforce the proper selection and utilization of hoisting equipment, cables, slings and related hardware typical to pump station maintenance operations, NOW, THEREFORE, BE IT

RESOLVED that Robert Skibniewski, Assistant Foreman, and Michael Ganje, Senior Sewage Maintenance Worker, be and hereby are authorized to send said safety training workshop to be held at the Airport Radisson Hotel, 4243 Genesee Street, Cheektowaga, New York 14225 on September 19, 1996 at no cost to the Town, and to utilize a Town vehicle to travel to and from said workshop.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

III. GENERAL COMMUNICATIONS

Item No. 24a Notice of Claim - Philomena Spada vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company, Highway Department
Received and Filed.

Item No. 24b Notice of Claim - Patricia Greiner vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Sanitation Department
Received and Filed.

Item No. 24c Notice of Claim - Patrick & Mary Szczygiel vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company, Chief of Police.
Received and Filed.

Item No. 24d Notice of Claim - Paulette Sionkiewicz vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department
Received and Filed.

**TOWN OF CHEEKTOWAGA
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- Item No. 24e Notice of Claim - Myrtle Green vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Highway Department
Received and Filed.
- Item No. 24f Notice of Claim - Barbara White for Alison White, a minor vs Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; James Kirisits, Town Attorney; Council Office; Allied Claims, Insurance Company; Al Blachowski, Facilities Director; N. Rutkowski, Parks Foreman-Facilities
Received and Filed.
- Item No. 25a Notice of Petition - Avis Rent-A Car System , Inc. vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25b Notice of Petition - Randall Benderson 1993-1 Trust vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25c Notice of Petition - Randall Benderson 1993-1 Trust vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25d Notice of Petition - Randall Benderson 1993-1 Trust vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25e Notice of Petition - Conax Buffalo Corp. vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25f Notice of Petition - D/Q Associates, LLC vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25g Notice of Petition - Raymond, Barbara & Shirley Kosnik vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25h Notice of Petition - Niagara Transformer vs Town of Cheektowaga and Town Assessor
Received and Filed.
- Item No. 25i Notice of Petition - Joseph J. Nicosia vs Town of Cheektowaga and Town Assessor
Received and Filed.

IV. SUSPENSION OF RULES

Motion by Councilmember Wielinski, Seconded by Supervisor Gabryszak to suspend the rules to include the following three (3) items, and the voting was as follows:

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0

**TOWN OF CHEEKTOWAGA
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ABSENT: 0

Item No. 26 Motion by Councilmember Blachowski, Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Lancaster is a municipality located east of and adjacent to the Town of Cheektowaga, and

WHEREAS, residential and commercial development is taking place at a fast pace in the Town of Lancaster, and

WHEREAS, a large amount of traffic resulting from such development in the town of Lancaster is travelling through the Town of Cheektowaga resulting in traffic congestion and traffic safety concerns in the Town of Cheektowaga, and

Item No. 26 cont'd

WHEREAS, continuing future development in the Town of Lancaster is expected to result in additional traffic congestion and will be placing an undue strain on the roadways in the Town of Cheektowaga, and

WHEREAS, there is need for future development in Lancaster to find alternate routes for the traffic its developments generate and to otherwise alleviate the already excessive traffic coming through arterials in the Town of Cheektowaga, and

WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), various issues, including traffic mitigation, are required to be included as part of the review of plans for development, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby memorializes the Planning Board and the Town Board of the Town of Lancaster, the Erie County Department of Environment and Planning ("DEP"), Division of Highways and the New York State Department of Transportation ("NYS DOT") to, prior to approving any future development in the Town of Lancaster, perform all necessary traffic studies and implement traffic improvements, including the construction or extension of alternate routes for traffic to go to and from Lancaster without creating additional traffic congestion in the Town of Cheektowaga; and to otherwise reduce the amount of traffic coming through Cheektowaga's arterial roadways, and BE IT FURTHER

RESOLVED that this Town Board hereby requests that the Town of Lancaster or other lead agency for SEQRA review of developments taking place in Lancaster, include the Town of Cheektowaga as an involved/interested agency, and notify the Town of Cheektowaga through the Office of Building Inspections, of proposed developments in the Town of Lancaster, and BE IT FURTHER

RESOLVED that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Planning Board and Town Board of the Town of Lancaster, the Erie County DEP, the Erie County DPW, Division of Highways and to the NYS DOT.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek

NAYES: 0

ABSENT: 0

Item No. 27 Motion by Councilmember Jaworowicz, Seconded by Councilmember 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 TIRES AND TUBES for use by various departments in the Town of Cheektowaga. Information for bidders and specifications may be obtained from the office of the Town Clerk located at the Town Hall, Broadway and Union Road, Cheektowaga, NY 14227, between the hours of 9:00 AM and 4:30 PM, Monday thru Friday, and BE IT FURTHER

RESOLVED that the Town Clerk is hereby designated as the officer to open bids on the aforesaid items at 11:00 AM on October 1st, 1996.

TOWN OF CHEEKTOWAGA
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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 bids for the purchase of TIRES and TUBES for use by various departments of the Town of Cheektowaga at a public opening to be held in the Council Chambers at the Cheektowaga Town Hall on October 1st, 1996 at 11:00 AM

Item No. 27 cont'd

Information for bidders and specifications may be obtained from the office of Richard M. Moleski, Town Clerk of the Town of Cheektowaga at the Cheektowaga Town Hall, Cheektowaga, NY 14227. Bids must be enclosed in an opaque envelope plainly marked "BIDS FOR TIRES AND TUBES."

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

RICHARD M. MOLESKI, Town Clerk

DATED: September 16, 1996

PUBLISHED: September 19, 1996



AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski, Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE

**TOWN OF CHEEKTOWAGA
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Item No. 28 Motion by Councilmember Jaworowicz, Seconded by Councilmember Blachowski

WHEREAS, the Town of Cheektowaga has previously provided assistance for housing rehabilitation under the Rental Rehabilitation Grant Program to Mr. Richard Burzynski for property located at 14 Springfield Drive, Cheektowaga, New York, and

WHEREAS, the Town has retained a programmatic liens on said properties in order to secure compliance with federal regulations and grant conditions, and

WHEREAS, Mr. Burzynski has requested the Town to subordinate its liens on said properties in favor of Marathon Capital, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute a subordination agreement with Marathon Capital, 5678 Main Street, Williamsville, NY 14221, relating to 14 Springfield Drive, Cheektowaga, NY.

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Blachowski,
 Johnson, Wielinski and Swiatek
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Supervisor Gabryszak, Seconded by Councilmember Swiatek
 to adjourn the meeting.
 Time meeting adjourned: 8:30 PM