

**TOWN OF CHEEKTOWAGA
MEETING NO. 9
APRIL 7, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th of April 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas J. Mazur

ABSENT: Councilmember Patricia A. Jaworowicz

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; and Jerry Gabryszak, Director of Community Development.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to April 7, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 372,935.11
RISK RETENTION FUND	108,325.45
HUD REHAB	21,144.86
SPECIAL DISTRICTS FUND	510,148.61
HIGHWAY FUND	243,476.00
TRUST & AGENCY	8,036.63
HUD CDBG FUND	9,124.72
PART TOWN FUND	9,959.32
CAPITAL FUND	<u>6,160.41</u>
	\$ 1,289,311.11

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 3a Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

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

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Item No. 3a cont'd.

2002

PART TOWN FUND

FROM:	800-3620-4191	Miscellaneous Expenses	\$ 2,000.00
	800-3620-2770	Permits & Inspections	4,722.48
TO:	800-3620-4321	Computer Expense	\$ 2,000.00
	800-9010-8141	Medical Insurance	4,722.48

HIGHWAY FUND

FROM:	300-5110-4177	Receiver and Pipe	\$ 1,600.00
	300-5110-4178	Blacktop, General Repair	1,200.00
	300-5110-4185	Barricades, Block, Misc	100.00
	300-9010-8101	Employee Retirement	1,000.00
	300-5130-4462	Parts and Supplies	3,500.00
TO:	300-5110-4432	Repairs and Maintenance	\$ 2,900.00
	300-9010-8975	Retirement Buyouts	1,000.00
	300-5130-4321	Computer Expense	3,500.00

HUD - CDBG

FROM:	700-1000-0602	Residential Security Imp.	\$ 967.70
	700-1096-2500	Pine Hill Neigh. Imp.	170.00
	700-1000-0601	Housing Rehab-Multi Family	23,808.00
	700-1098-0790	Senior Services Van Driver	757.26
TO:	700-1000-0662	Clover Evergreen Imp.	967.70
	700-1096-0703	Administration	170.00
	700-1000-0600	Housing Rehab-Single Family	23,808.00
	700-1098-0703	Administration	757.26

GENERAL FUND

FROM:	100-1010-1931	Vacation Sellback	\$ 888.00
	100-1110-1931	Vacation Sellback	2,137.00
	100-1110-1971	PT Regular	5,933.00
	100-1110-4001	Office Supplies	1,332.00
	100-1315-1901	Regular Payroll	34,399.00
	100-1315-4431	Maintenance Agreement	27,543.00
	100-1320-4506	Acctg & Auditing Services	5,636.00
	100-1330-1951	Seasonal Regular	7,243.00
	100-1355-1901	Regular Payroll	20,097.00
	100-1355-1911	Longevity	1,800.00
	100-1355-1931	Vacation Sellback	3,259.00
	100-1355-1971	PT Regular	5,365.00
	100-1355-4431	Maintenance Agreement	690.00
	100-1355-4575	Contracted Appraisals	3,154.00
	100-1410-1901	Regular Payroll	1,135.00
	100-1410-1931	Vacation Sellback	822.00
	100-1410-4111	Publishing Notices	2,351.00
	100-1410-4593	Contracted Steno	1,965.00
	100-1420-1971	PT Regular	1,868.00
	100-1430-1901	Regular Payroll	15,565.00
	100-1430-4011	Printing - Contracts	1,684.00
	100-1440-1901	Regular Payroll	34.00
	100-1625-1901	Regular Payroll	13,134.00
	100-1625-1971	PT Regular	13,775.00
	100-1640-1917	Clothing Allowance	1,281.00
	100-1685-1901	Regular Payroll	33.00
	100-1910-4081	Municipal Assn. Dues	200.00
	100-1910-4082	Gov't Business Travel	3,146.00
	100-1910-4706	Real Property Taxes	2,350.00
	100-1910-4709	Management Studies	2,569.00
	100-1972-4991	Economic Development	30,000.00
	100-3020-1908	Training	8,924.00
	100-3120-1908	Training	104,339.00

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Item No. 3a cont'd.

100-3120-1931	Vacation Sellback	6,065.00
100-3120-1932	Sick Sellback	15,819.00
100-3120-4093	Police – Patrol Training	65.00
100-3310-1971	PT Regular	4,569.00
100-3510-1901	Regular Payroll	3,816.00
100-5010-1901	Regular Payroll	100.00
100-5132-4211	Electric – Highway Garage	5,196.00
100-6250-1931	Vacation Sellback	630.00
100-7110-1901	Regular Payroll	2,793.00
100-7110-1971	PT Regular	111,165.00
100-7140-1902	Overtime Payroll	3,668.00
100-7140-1971-1613	PT Regular	4,942.00
100-7140-1971-1812	PT Regular	4,034.00
100-7140-4611	Rec Prgm – Transportation	743.00
100-7310-1902	Overtime Payroll	1,745.00
100-7620-1901	Regular Payroll	600.00
100-9010-8111	Police Retirement	582,723.00
100-1355-1971	Part Time Regular	270.00

TO:

100-1010-2201	Office Equipment	\$ 888.00
100-1110-1901	Regular Payroll	6,796.00
100-1110-1902	Overtime Payroll	1,274.00
100-1110-4591	Juror Fees	1,332.00
100-1315-1902	Overtime Payroll	1,556.00
100-1315-1931	Vacation Sellback	1,160.00
100-1315-4321	Computer Expense	5,219.00
100-1320-4145	Professional Services	5,636.00
100-1330-1952	Seasonal Overtime	7,243.00
100-1355-1902	Overtime Payroll	5,365.00
100-1410-1902	Overtime Payroll	1,135.00
100-1410-1932	Sick Sellback	822.00
100-1410-2201	Office Equipment	4,316.00
100-1420-1901	Regular Payroll	1,868.00
100-1430-4502	Legal, Personnel	17,249.00
100-1440-1911	Longevity	34.00
100-1625-1902	Overtime Payroll	19,365.00
100-1625-1937	Weekend Differential	1,583.00
100-1625-1951	Seasonal Regular	5,961.00
100-1640-1914	Shift Differential	1,189.00
100-1640-1971	PT Regular	92.00
100-1680-1902	Overtime Payroll	14,187.00
100-1680-1914	Shift Differential	571.00
100-1680-4321	Software/Licensing	39,249.00
100-1685-1902	Overtime Payroll	33.00
100-1910-2200	Property Purchases	2,350.00
100-1910-4083	Private Vehicle Reimbursement	3,146.00
100-1910-4101	Unallocated Insurance	200.00
100-1910-4261	Postage	32,569.00
100-1910-4322	Contracted Services HEAP	29,000.00
100-3020-1901	Regular Payroll	8,674.00
100-3020-1902	Overtime Payroll	57,292.00
100-3020-1917	Clothing Allowance	250.00
100-3120-1901	Regular Payroll	4,885.00
100-3120-1907	Court Time	42,162.00
100-3120-1917	Clothing Allowance	5,825.00
100-3120-1918	Education	240.00
100-3120-4095	K-9 Expense	65.00
100-3310-1902	Overtime Payroll	13,259.00
100-3310-1911	Longevity	2,600.00
100-3310-1914	Shift Differential	1,202.00
100-3310-1932	Sick Sellback	767.00
100-3510-1902	Overtime Payroll	2,606.00
100-3510-1917	Clothing Allowance	10.00
100-3510-1971	PT Regular	2,560.00

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Item No. 3a cont'd.

100-3510-1990	Other Pay	1,200.00
100-5010-1917	Clothing Allowance	100.00
100-6250-1932	Sick Sellback	630.00
100-6250-4004	Enrollee Misc.	5,196.00
100-7110-1902	Overtime Payroll	2,793.00
100-7110-1951	Seasonal Payroll	111,165.00
100-7140-1901	Regular Payroll	2,881.00
100-7140-1914	Shift Differential	513.00
100-7140-1937	Weekend Differential	274.00
100-7140-1971-1815	PT Regular	4,034.00
100-7140-1971-1611	PT Regular	4,942.00
100-7140-4999	Credit Card Expense	743.00
100-7310-1901	Regular Payroll	1,345.00
100-7310-1911	Longevity	400.00
100-7620-1931	Vacation Sellback	600.00
100-9010-8141	Medical Insurance	337,517.00
100-9010-8143	Retiree's Medical Ins	136,918.00
100-9010-8975	Retirement Buyout	108,288.00
100-13555-1902	Overtime	270.00

RISK RETENTION

FROM:	101-1936-4703	Judgements and Claims	\$125,000.00
	101-1710-4525	Claims Administration	66,507.00
	101-1937-4703	Judgement & Claims	20,860.00
	101-1710-4526	Dental/Vision Administration	5,294.00
TO:	101-1710-4527	Admin Claims – Liability	\$ 5,294.00
	101-1930-4703	Judgements & Claim-Work Com	82,338.00
	101-1932-4703	Judgements & Claim-Gen Liab	130,029.00

SPECIAL DISTRICTS

FROM:	255-1910-2120	Contract Users	\$200,204.00
	255-8125-9101	Bond Principal Payment	60,000.00
	255-8125-9201	Bond Interest Payment	60,000.00
	255-8125-4217	Utilities	37,265.00
	255-8135-2512	Building Improvements	34,695.00
	255-8135-1902	Overtime Payroll	10,460.00
	255-8135-8101	Employee Retirement	4,660.00
	255-8135-4021	Maintenance Supplies	1,762.00
	255-8125-1914	Shift Differential	1,330.00
	255-8125-4351	RR Property Rentals	435.00
	225-8135-4217	Utilities	435.00
	255-8125-8143	Retiree Medical	19.00
TO:	255-8125-8141	Medical Insurance	\$ 19.00
	255-8125-1902	Overtime Payroll	63.00
	255-8125-1937	Weekend Differential	67.00
	255-8125-4321	Computer Expenditures	435.00
	255-8135-4321	Computer Expenditures	435.00
	255-8125-1990	Other Pay	1,200.00
	255-8135-1914	Shift Differential	2,075.00
	255-8135-1937	Weekend Differential	2,749.00
	255-8135-8143	Retirees Medical	4,660.00
	255-8135-1901	Regular Payroll	5,636.00
	255-8135-4357	BSA Alloc For Pfohl Costs	78,805.00
	255-8135-4356	Buffalo Sewer Authority	315,121.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

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Item No. 3b Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

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

2003

GENERAL FUND

FROM:	100-7620-2037	Computer Training	\$ 3,600.00
	100-1110-2770	Miscellaneous Revenue	24,787.50
	100-1110-2770	Miscellaneous Revenue	3,128.00
	100-1110-2205	Copier Equipment	825.00
	100-1110-4591	Jurors	2,075.62

TO:	100-7620-4642	Computer Training	\$ 3,600.00
	100-1110-4592	Contracted Clerical	15,887.50
	100-1110-4082	Business Travel	8,900.00
	100-1110-2105	Equipment	3,128.00
	100-1110-4431	Equipment Maintenance	825.00
	100-1110-4321	Data Processing	2,075.62

PART TOWN FUND

FROM:	800-3620-1971	Part Time Regular	\$ 2,850.00
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TO:	800-3620-1902	Overtime Payroll	\$ 2,850.00
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HUD – CDBG

FROM:	700-1097-3000	Commercial Rehabilitation	\$ 3,925.94
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TO:	700-1097-0701	Planning	\$ 3,925.94
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Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 4a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, bids were received for the furnishing of work uniforms to Town of Cheektowaga employees. 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 April 1, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of work uniforms to Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to:

McKay's Clothing
851 Abbott Road
Buffalo, New York 14220

CONTRACT A

ITEM IA	Work Pants (sizes to 44)	\$16.00
ITEM IB	Work Pants (sizes 46-50)	19.00
ITEM IC	Work Pants (sizes 52-60)	22.00
ITEM IIA	Shirts (long sleeve, sizes up to 17-1/2)	15.00
ITEM IIB	Shirts (long sleeve, sizes 18 and up)	17.00

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Item No. 4a cont'd.

ITEM IIIA	Chambray Shirts (long sleeve, sizes up to 17-1/2)	14.00
ITEM IIIB	Chambray Shirts (long sleeve, sizes 18 and up)	16.00
ITEM IVA	Shirts (short sleeve, sizes up to 17-1/2)	14.00
ITEM IVB	Shirts (short sleeve, sizes 18 and up)	16.00
ITEM VA	Chambray Shirts (short sleeve, sizes up to 17-1/2)	13.00
ITEM VB	Chambray Shirts (short sleeve, sizes 18 and up)	15.00
ITEM VIA	Coveralls (long sleeve, sizes 36-46, short - X long)	27.00
ITEM VIB	Coveralls (long sleeve, sizes 48-50, short - X long)	29.00
ITEM VIC	Coveralls (long sleeve, sizes 52-60, regular - tall)	31.00
ITEM VIIA	Denim Jeans (sizes to 42)	15.00
ITEM VIIB	Denim Jeans (sizes 44-50)	17.00
ITEM VIIC	Denim Jeans (sizes 52-56)	21.00
ITEM VIIIA	Bib Overalls (sizes to 44)	21.00
ITEM VIIIB	Bib Overalls (sizes 46-50)	23.00
ITEM VIIIC	Bib Overalls (sizes 52-60)	25.00
ITEM IXA	Womens Work Pants (sizes 4-20)	17.00
ITEM IXB	Womens Work Pants (sizes 22-28)	20.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 9
APRIL 7, 2003**

Item No. 4b Motion by Councilmember Mazur , Seconded by Supervisor Gabryszak

WHEREAS, bids were received and opened at the March 19, 2003 public bid opening as the result of advertisement, therefore, for the furnishing of work uniforms to Town of Cheektowaga employees. 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 April 3, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of work uniforms to Town of Cheektowaga employees, as recommended by the Town Engineer, be and the same is hereby awarded to:

Get Noticed Promotions
741 Main Street
Buffalo, New York 14203

CONTRACT B

ITEM I - HOODED PULLOVER SWEATSHIRT

1 Dozen	Size S-XL	\$15.50
2-4 Dozen	Size S-XL	15.25
5-12 Dozen	Size S-XL	15.00
13 + Dozen	Size S-XL	14.75
1 Dozen	Size XXL	\$17.00
2-4 Dozen	Size XXL	16.75
5-12 Dozen	Size XXL	16.50
13 + Dozen	Size XXL	16.25
1 Dozen	Size XXXL	\$19.50
2-4 Dozen	Size XXXL	19.00
5-12 Dozen	Size XXXL	18.50
13 + Dozen	Size XXXL	18.00
1 Dozen	Size XXXXL	\$20.50
2-4 Dozen	Size XXXXL	20.00
5-12 Dozen	Size XXXXL	19.50
13 + Dozen	Size XXXXL	19.00
1 Dozen	Size XXXXXL	\$21.50
2-4 Dozen	Size XXXXXL	21.00
5-12 Dozen	Size XXXXXL	20.50
13 + Dozen	Size XXXXXL	20.00

ITEM II - HOODED ZIPPER SWEATSHIRT

1 Dozen	Size M-XL	\$18.50
2-4 Dozen	Size M-XL	18.25
5-12 Dozen	Size M-XL	18.00
13 + Dozen	Size M-XL	17.75
1 Dozen	Size XXL	\$20.50
2-4 Dozen	Size XXL	20.25
5-12 Dozen	Size XXL	20.00
13 + Dozen	Size XXL	19.75
1 Dozen	Size XXXL	\$21.50
2-4 Dozen	Size XXXL	21.25
5-12 Dozen	Size XXXL	21.00
13 + Dozen	Size XXXL	20.75
1 Dozen	Size XXXXL	\$23.50
2-4 Dozen	Size XXXXL	23.25
5-12 Dozen	Size XXXXL	23.00
13 + Dozen	Size XXXXL	22.75
1 Dozen	Size XXXXXL	\$25.50
2-4 Dozen	Size XXXXXL	25.25

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Item No. 4b cont'd.

5-12 Dozen	Size XXXXXL	25.00
13 + Dozen	Size XXXXXL	24.75

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 9
APRIL 7, 2003

Item No. 4c Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, bids, were duly received and opened by the Town Clerk at a public bid opening held on April 2, 2003 for Topsoil for use by the Town of Cheektowaga as a result of advertisement thereof, and such bids were referred to the Superintendent of Highway for analysis, tabulation and reports AND,

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

RESOLVED, that the Topsoil be awarded to Leo Brenon Topsoil, 5530 Killian Road, North Tonawanda, New York 14120, for regular screened and shredded as per specifications and picked up by the Town of Cheektowaga vehicles, or to be delivered, AND

BE IT FURTHER RESOLVED, that payment of topsoil for Highway Department is charged to the line item #300-5100-4186.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

Item No. 5 Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 21, 2003 at 7:00 P.M. at the Alexander Community Center, 275 Alexander Avenue, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 10th day of April, 2003, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Alexander Community Center, 275 Alexander Avenue in said Town of Cheektowaga on April 21, 2003 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

§235-49. SCHEDULE X: PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

CLOVERLEAF DRIVE – South side; from the west curb line of Transit Road to the westerly terminus.\

CLOVERLEAF DRIVE – North side; from the west curb line of Transit Road to appooint 278± feet east.

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

Dated: April 7, 2003

MARY F. HOLTZ
Town Clerk



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Item No. 5 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

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MEETING NO. 9
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Item No. 6a Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Parks Youth and Recreation Department, Parks Division, annually requires Pool Maintenance Chemicals for 2003, NOW BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the furnishing of Pool Maintenance Chemicals, AND BE IT FURTHER

RESOLVED, that Specifications for said Pool Maintenance Chemicals may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 16th day of April, 2003 at 11:00 AM at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on April 16, 2003 at 11:00 AM at the Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2003.

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

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

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

Mary F. Holtz,
Town Clerk

Dated: April 7, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

AFFIDAVIT NEXT PAGE

MEETING NO. 9
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Item No. 6b Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Parks, Recreation and Youth Services, Parks Division requires Athletic White Stripe for the purpose of lining athletic fields, NOW BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the purchase of Athletic White Stripe, AND BE IT FURTHER

RESOLVED, that specifications for said Athletic White Stripe may be obtained from the Town Clerk's Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 16th day of April, 2003 at 11:00 AM at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on April 16, 2003 at 11:00 A.M. at the Town Hall, 3301 Broadway, for the furnishing of Athletic White Stripe for the Year 2003.

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

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

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

MARY F. HOLTZ,
Town Clerk

Dated: April 7, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

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MEETING NO. 9
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Item No. 6c Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, it is in order that bids be advertised to cover the purchase of Police Vehicles for the Police Department, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the purchase of the following Police Vehicles,

1. Five marked 2003 Police Interceptor Vehicles
2. One unmarked 2003 Police Interceptor Vehicle
3. One unmarked Mid-Size Vehicle

Said notice to be published in the Cheektowaga Times, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 16th day of April 2003 at 10:00 A.M. Eastern Daylight Savings Time at a public bid opening to be held in the Cheektowaga Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 16, 2003 at 10:00 AM Eastern Daylight Savings Time at Town Hall, corner of Broadway and Union Roads, for the purchase of police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at this office in said Town. One bid is to be submitted for all five (5) vehicles listed in the bid specifications.

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

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

MARY F. HOLTZ,
TOWN CLERK

DATED : APRIL 8, 2003



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 16, 2003 at 10:00 AM Eastern Daylight Savings Time at Town Hall, corner of Broadway and Union Roads, for the purchase of police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at this office in said Town. One bid is to be submitted for one (1) vehicle listed in the bid specifications.

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

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

MEETING NO. 9
APRIL 7, 2003

Item No. 6c cont'd.

MARY F. HOLTZ
TOWN CLERK

DATED APRIL 8, 2003



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 16, 2003 at 10:00 AM Eastern Daylight Savings Time at Town Hall, corner of Broadway and Union Roads, for the purchase of police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at this office in said Town. One bid is to be submitted for ONE (1) vehicle listed in the bid specifications.

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

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

MARY F. HOLTZ
TOWN CLERK

DATED APRIL 8, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

AFFIDAVITS NEXT PAGE

MEETING NO. 9
APRIL 7, 2003

Item No. 6d Motion by Councilmember Jankowiak; Seconded by Councilmember Rogowski

WHEREAS, the Town's Highway and Sanitation Department regularly collects yard waste (i.e., grass, clippings, leaves, etc.), which is generated by the Town, and disposes of same; AND

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

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

RESOLVED, that the sealed bids will be received on the 16th day of April, 2003 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 April 16, 2003 at 11:00 AM Daylight Savings Time at the Town Hall, 3301 Broadway, corner of Broadway and Union Roads, Cheektowaga, New York for the Acceptance for Disposal 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 her office in said Town.

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Yard Waste Disposal 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

MARY F. HOLTZ
TOWN CLERK

DATED APRIL 7, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

AFFIDAVIT – NEXT PAGE

MEETING NO. 9
APRIL 7, 2003

Item No. 7 Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

WHEREAS, the Town Board of the Town of Cheektowaga is required to submit a list of designated polling places for 2003 to the Erie County Board of Elections, AND

WHEREAS, each polling place shall have one entrance that provides access, by ramp or otherwise, to physically handicapped or elderly Voters, provided, however, that this requirement may be waived in writing by the Erie County Board of Elections upon a petition to said Board by the Town Board showing good and sufficient cause, AND

WHEREAS, there are 111 Election Districts in the Town of Cheektowaga located in 38 polling places , all of which provide proper accessibility, NOW, THEREFORE, BE IT

RESOLVED, that the attached list of the Town of Cheektowaga polling places for 2003 be approved for submittal to the Erie County Board of Elections.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: Councilmember Jaworowicz

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 9
APRIL 7, 2003**

Item No. 8a Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, temporary repairs to the snow damaged roof section at the Julia Boyer Reinstein Library were previously undertaken, AND

WHEREAS, there is a need to proceed with the permanent roof repair and reconstruction of damaged components, AND

WHEREAS, Fireman's Fund Insurance, the Town's insurance provider, has agreed to retain the services of the architectural firm of Kidney Architects to furnish a complete set of plans and bid documents for removal, repair and reconstruction of the damaged roof area at the Julia Boyer Reinstein Library, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Kidney Architects, 200 John James Audubon Parkway, Suite 303, Buffalo, New York 14228-1120 be and hereby is retained to provide professional services associated with roof repair and remedial work at the Julia Boyer Reinstein Library, including preparation of contract drawings and specifications for public bidding and services during construction in accordance with the proposal submitted to the Town of Cheektowaga Engineering Department dated March 25, 2003, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to execute said professional services agreement for the aforementioned project on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for professional services associated with the aforementioned project in the amount of \$27,650.00, including reimbursable expenses as outlined in the stated proposal, are to be reimbursed in their entirety by Firemen's Fund Insurance and shall be chargeable to Account No. 500-1910-2520-5122.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 8b Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, monies are available from the New York State Department of Health for the Intermunicipal Agreement Youth Tobacco Enforcement and Prevention Program, AND

WHEREAS, the Town of Cheektowaga Police Department seeks to renew this annual agreement, NOW, THEREFORE, BE IT

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 8c Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town's Housing Rehabilitation Loan Program Guidelines require Town Board approval of rehabilitation loans of more than \$25,000, AND

WHEREAS, the Community Development Office has requested the Town Board to authorize housing rehabilitation loans to the owners of the properties listed below in the indicated amounts, NOW THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute housing rehabilitation loan agreements with the owners of the following properties in the amounts indicated:

MEETING NO. 9
APRIL 7, 2003

Item No. 8c cont'd.

37 Willowlawn Parkway	\$36,000.00
55 Pinehurst Avenue	\$27,500.00
2238 William Street	\$30,000.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 8d Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga seeks a van to transport senior citizens to and from the Town's Senior Citizens Center, AND,

WHEREAS, the Western New York Ford Dealers Advertising Fund, Inc. is offering an opportunity for organizations to apply to receive the donation of a van; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Western New York Ford Dealers Advertising Fund, Inc. for the purpose of securing this van, 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 van.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 9 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is the owner of property known as Cedargrove Park in the middle of the Cedargrove Heights neighborhood, AND

WHEREAS, in Cedargrove Park, the Town previously constructed tennis courts, and

WHEREAS, there is a need to acquire additional lands adjacent to such tennis courts at the end of Idlebrook Drive for access and maintenance purposes, AND

WHEREAS, by resolution dated October 7, 2002, the Town retained a surveyor and appraiser with respect to this property, AND

WHEREAS, said survey and appraisal have been received and reviewed by this Town Board, AND

WHEREAS, by resolution dated March 3, 2003, this Town Board directed the Town Attorney's Office to negotiate with the owners of 2-4 Idlebrook Drive to acquire the land needed by the Town at the end of Idlebrook Drive, AND

WHEREAS, the owners of 2-4 Idlebrook Drive have suggested that the Town acquire additional lands from them, AND

WHEREAS, there is a public need for this property, NOW, THEREFORE, BE IT

RESOLVED, that, based on the appraised value of the vacant land at 2-4 Idlebrook Drive, this Town Board hereby directs the Town Attorney's Office to take any and all steps necessary for the Town of Cheektowaga to acquire this property for its appraised value, and to negotiate with the owners of 2-4 Idlebrook Drive for such land, AND BE IT FURTHER

MEETING NO. 9
APRIL 7, 2003

Item No. 9 cont'd.

RESOLVED, that all expenses involved for such land acquisition shall be appropriated from budget line item number 100-7110-4460.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 10 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, Garden Village Drive is a Town of Cheektowaga highway maintained by the Town Highway Department, AND

WHEREAS, pavement for Garden Village Drive runs from French Road south to a point which is 6± feet north of the West Seneca town line, AND

WHEREAS, a private developer is in the process of constructing an 82-lot patio home subdivision in the Town of West Seneca adjacent to the Town of Cheektowaga town line, AND

WHEREAS, such developer is proposing to connect to Garden Village Drive and to have its construction vehicles and equipment access its development exclusively through Garden Village Drive, AND

WHEREAS, no approval was ever given by this Town Board or the Cheektowaga Superintendent of Highways to extend Garden Village Drive to the town line or to use such roadway for ingress/egress to its subdivision, AND

WHEREAS, Garden Village Drive is a residential street adjacent to a large apartment complex, where a significant number of families, elderly and children reside, AND

WHEREAS, Garden Village Drive is not designed to accommodate construction vehicles, and the passage of construction vehicles along Garden Village Drive, a heavily populated residential street poses a safety and health hazard to residents along such street, AND

WHEREAS, Garden Village Drive is not on the Town's truck route system, and therefore trucks in excess of five (5) tons should not be using such roadway to access the West Seneca subdivision, AND

WHEREAS, the Cheektowaga Traffic Safety Commission has reviewed this matter and has stated that additional traffic, especially construction vehicles, utilizing Garden Village Drive will create a traffic safety hazard to the residents, including many elderly and children, who reside in the apartment buildings along Garden Village Drive, AND

WHEREAS, residents along Garden Village Drive have expressed opposition to the use of Garden Village Drive for construction vehicles and have health and safety concerns about this truck traffic, AND

WHEREAS, the developer of this subdivision has other suitable means of ingress/egress to its property, AND

WHEREAS, the Town of Cheektowaga was excluded from involvement in the environmental review process for this subdivision and should have been listed as an involved agency under SEQRA and should have been given the opportunity to comment on same; as such, the SEQRA process was not complied with for this project, NOW, THEREFORE, BE IT

RESOLVED, that, in the interest of the public health, safety and general welfare of residents of the Town of Cheektowaga, this Town Board hereby directs the Town Superintendent of Highways to erect a barricade or barricades at the south end of the improved/paved portion of Garden Village Drive, which point is 6± feet north of the West Seneca town line, and erect the necessary signs in conformance with the Vehicle and Traffic Law of the State of New York to indicate such roadway is dead-ended and not a thoroughfare, AND BE IT FURTHER

MEETING NO. 9
APRIL 7, 2003

Item No. 10 cont'd.

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the developer (Marrano/Marc Equity Corporation, 2370 Transit Road, West Seneca, New York 14224), the developer's attorney (Ralph C. Lorigo, 101 Slade Avenue, West Seneca, New York 14224), and to the Town Clerk of the Town of West Seneca.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 11a Motion by Councilmember Mazur; Seconded by Councilmember Johnson

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 has made application to hold its Independence Day Celebration in Cheektowaga Town Park from July 3-4, 2003; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Building Department, Highway Department, Parks Division of and the Department of Parks, Recreation & Youth Services, and has no objection to same; AND

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

- Submittal of plan for sanitary facilities;
- Submittal of site plan;
- Submittal of Security Plan;
- Submittal of Fire Prevention/Emergency Services Plan;
- Certificate of Insurance from Cheektowaga Patriotic Commission; NOW,

THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Patriotic Commission for the aforementioned Independence Day celebration to be held on July 3-4, 2003, AND BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 11b Motion by Councilmember Swiatek; Seconded by Councilmember Jankowiak;

WHEREAS, by resolution dated January 6, 2003, this Town Board approved an agreement with Allied Claim Services, Inc. for the administration of the Town's Self-Insured Liability Program for 2003, 2004 and 2005, AND

WHEREAS, Allied Claim Services, Inc. has notified this Town Board that it merged with Warren-Hoffman & Associates, Inc. to become First Niagara Risk Management, Inc., AND

WHEREAS, assignment of this agreement must be approved by this Town Board, AND

WHEREAS, this Board is satisfied with the services previously performed by Allied Claim Services, Inc., and has been assured that the Town will continue to receive the same services and claims experts as in the past, NOW, THEREFORE, BE IT

MEETING NO. 9
APRIL 7, 2003

Item No. 11b cont'd.

RESOLVED, that this Town Board hereby consents to the assignment of the above referenced agreement from Allied Claim Services, Inc. to First Niagara Risk Management, Inc.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 12 Motion by Councilmember Mazur; Seconded by Councilmember Rogowski

BE IT RESOLVED, the Town Board hereby creates the position of Plumbing Inspector (part-time) pursuant to Civil Service Laws and Rules effective March 17, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 13 Motion by Councilmember Mazur; Seconded by Councilmember Rogowski

BE IT RESOLVED, that the following individual be and hereby are hired as PART-TIME EMPLOYEES in the 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:

		<u>EFFECTIVE</u>
<u>PARKS DIVISION – Laborer - \$6.50 per hour</u>		
Donald Handley	Cheektowaga, NY 14227	4/08/03
James Tucholski	Cheektowaga, NY 14227	"
<u>JUSTICE COURT – Laborer - \$7.50 per hour</u>		
John Kozak	Cheektowaga, NY 14225	4/08/03

BE IT RESOLVED, that the following part-time employees' salaries be adjusted accordingly effective April 8, 2003:

<u>PARKS DIVISION – Laborer - \$6.50 per hour</u>	
Brian Wielinski	Cheektowaga, NY 14225
Karol Szymczuk	Cheektowaga, NY 14227
James Eller	Cheektowaga, NY 14225

<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	
Michael Dececco	Cheektowaga, NY 14227
Robert Trembowicz	Cheektowaga, NY 14206
Patricia Kantor	Cheektowaga, NY 14225

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months 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>EFFECTIVE</u>
<u>PARKS DIVISION – Laborer - \$6.00 per hour</u>		
Joseph Bentkowski	Cheektowaga, NY 14227	4/08/03
John Mazgaj	Cheektowaga, NY 14225	"
<u>PARKS DIVISION – Laborer - \$6.50 per hour</u>		
Kenneth Kelly	Cheektowaga, NY 14225	4/08/03
Craig Fredette	Cheektowaga, NY 14225	"
Michael Slawek	Cheektowaga, NY 14225	"
James McManus	Cheektowaga, NY 14225	"

**MEETING NO. 9
APRIL 7, 2003**

Item No. 13 cont'd.

PARKS DIVISION – Laborer - \$7.00 per hour

Jeff Smietana	Cheektowaga, NY 14227	4/08/03
Jason Winkelman	Cheektowaga, NY 14227	"
Adam Mez	Cheektowaga, NY 14227	"
Travis Conrad	Cheektowaga, NY 14227	"
James T. Smith	Sloan, NY 14212	"
Donald Staszczuk	Cheektowaga, NY 14227	"
Richard Gramza	Cheektowaga, NY 14225	"
Daniel Wagner	Cheektowaga, NY 14225	"
Tom Gorski	Depew, NY 14043	"
Patrick Mudd	Cheektowaga, NY 14227	"

PARKS DIVISION – Laborer - \$8.00 per hour

Christopher Meszaros	Cheektowaga, NY 14227	4/08/03
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PARKS DIVISION – Laborer - \$9.00 per hour

Thomas Somogye	Cheektowaga, NY 14225
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PARKS DIVISION – Laborer - \$8.50 per hour

Michael Papero	Cheektowaga, NY 14227	4/08/03
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PARKS DIVISION – Laborer - \$10.50 per hour

Walter Gardon	Cheektowaga, NY 14206	4/08/03
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SANITATION DEPARTMENT – Laborer - \$7.50 per hour

Paul Fenske	Depew, NY 14043	immediately
Steven Krystniak	Cheektowaga, NY 14225	"
Jeffrey Speaker	Cheektowaga, NY 14225	"
Brian Kazmierczak	Cheektowaga, NY 14225	"

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

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT</u>	
Rachel Piscitello	2/15/03
Pamela Palermo	4/08/03
John Schuler III	4/08/03
Michael Petruniak	4/08/03

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES:	0
ABSENT:	Councilmember Jaworowicz

Item No. 14 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as seasonal employees in the Department of Parks, Recreation & Youth Services, effective as indicated:

Cheektowaga Conservation Corps

Effective immediately

YCC Supervisors - 7310.1811

Recreation Supervisor (Education Coordinator)

\$11.05

Paul Parinello

Lancaster, New York 14086

Effective 5/5/03

Laborers (Participants) 7310.1816

Level I - \$5.15

MEETING NO. 9
APRIL 7, 2003

Item No. 14 cont'd.

Rachel Gabryszak
Depew, New York 14043

Stephen Rozak
Sloan, New York 14212

Michael Orłowski
Depew, New York 14043

Eric Scheele
Cheektowaga, New York 14206

Jordan Jenkins
Cheektowaga, New York 14215

Shaunace Jenkins
Cheektowaga, New York 14215

John Kruse
Cheektowaga, New York 14206

Gary Golab, II
Cheektowaga, New York 14206

Level II - \$5.40
John Szczepanski
Cheektowaga, New York 14225

Mark Puto
Depew, New York 14043

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 15a Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

WHEREAS, there is a vacancy on the Cheektowaga Traffic Safety Commission, AND

WHEREAS, Mark E. Nacke, former Cheektowaga Police Department liaison for a number of years, has expressed an interest in serving on such commission, AND

WHEREAS, the Traffic Safety Commission has recommended that Mark E. Nacke be appointed as a member of the Cheektowaga Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that Mark E. Nacke, Cheektowaga, New York 14227-2409 be and hereby is appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2004.

Item No. 15a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 15b Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

MEETING NO. 9
APRIL 7, 2003

WHEREAS, a vacancy exists in the position of Pump Operator in the Main Pump Station; AND

WHEREAS, notice of 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, no full-time employee bid on said vacancy; AND

WHEREAS, said job title is in the competitive class of Civil Service; AND

WHEREAS, the existing Civil Service list was canvassed; AND

WHEREAS, Innocenzo G. Bellavia appears on said Civil Service list and meets all the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Innocenzo G. Bellavia Cheektowaga, New York 14225 be and hereby is appointed to the position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 8, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 15c Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

WHEREAS, two (2) permanent vacancies exist in the position of Police Sergeant in the Police Department; AND

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Police Officer Scott C. Grant and Police Officer Laurie A. Ucasz be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Scott C. Grant of Depew, New York, Cheektowaga, New York 14043 and Laurie A. Ucasz of Depew, New York 14043 be and hereby are appointed to the position of Police Sergeant in the Police Department effective April 8, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 15d Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

WHEREAS, two (2) permanent vacancies exist in the position of Police Lieutenant in the Police Department; AND

Item No. 15d cont'd.

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Sergeant David J. Przepiora and Sergeant Michael J. Isbrandt be promoted to the position of Police Lieutenant; NOW, THEREFORE, BE IT

**MEETING NO. 9
APRIL 7, 2003**

RESOLVED, that David J. Przepiora of East Aurora, New York 14052 and Michael J. Isbrandt of Cheektowaga, New York 14227 be and hereby are appointed to the position of Police Lieutenant in the Police Department effective April 8, 2003; AND BE IT FURTHER,

RESOLVED, that in compliance with the bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Captains and Lieutenants Association, Section 23.04, that David J. Przepiora be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 15e Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

WHEREAS, two (2) permanent vacancies exist in the position of Police Captain in the Police Department; AND

WHEREAS, candidates from the existing Civil Service list were interviewed and work performance reviews were studied; AND

WHEREAS, the Chief of Police recommends that Lieutenant John A. Glascott and Lieutenant James P. Morath be promoted to the position of Police Captain; NOW, THEREFORE, BE IT

RESOLVED, that John A. Glascott of Cheektowaga, New York 14227 and James Morath of Cheektowaga, New York 14227 be and hereby are appointed to the position of Police Captain in the Police Department effective April 8, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 16 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, SUNY, Delhi Veterinary Technology Department is offering a 2003 Animal Control Officers and Shelter Personnel Training Academy on May 27-30, 2003 at SUNY Delhi, Delhi, NY.

WHEREAS, Chief Ziembra is requesting authorization to send Dog Control Officer Tom Marten to this specialized training. This request was approved at the April 2nd, 2003 work session. The Police Department will be responsible for transportation, lodging, meals and registration amounting to approximately \$330.00 NOW, THEREFORE, BE IT

RESOLVED, that Tom Marten is authorized to attend this training and time spent there be authorized as normal duty time. The expenses will be charged to 100-3510-4093.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz

II. DEPARTMENTAL COMMUNICATIONS

Item No. 17 Records and Information Management Year End Report 2002
Received and Filed.

Item No. 18 Building Permits – March 2003
Received and Filed.

**MEETING NO. 9
APRIL 7, 2003**

- Item No. 19a Minutes of Board of Ethics Committee – 3/11/03
Received and Filed.
- Item No. 19b Minutes of Town Environmental Advisory Committee 3/12/03
Received and Filed.
- Item No. 19c Minutes of Public Library Board – 2/19/03
Received and Filed.
- Item No. 19d Minutes of Cheektowaga Planning Board – 3/13/03
Received and Filed.
- Item No. 19e Minutes of Cheektowaga Conservation Advisory Council 3/15/03
Received and Filed.
- Item No. 20 Cheektowaga Public Library – Annual Report 2002
Received and Filed.
- Item No. 21 Town of Cheektowaga Emergency Services Quarterly Report – January –March 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

- Item No. 22 Summons: First Union National Bank vs. Robert/Rose Fera & Town of Cheektowaga
Received and Filed.
- Item No. 23 Summons and Complaint: N.F.T.A. vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 24a Notice of Claim: Geraldine Ambellan vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 24b Notice of Claim: Geraldine Fialkowski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 24c Notice of Claim: Carol Ann Lesniowski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 24d Notice of Claim: Lawrence/Oliada Nowicki vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and First Niagara Risk Management.
Received and Filed.
- Item No. 24e Notice of Claim: Tim Horton's Restaurant vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.

MEETING NO. 9
APRIL 7, 2003

Item No. 24f Notice of Claim: Timothy Wojcinski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.

Item No. 24g Notice of Claim: Matthew Zyla vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR SECONDED BY COUNCILMEMBER ROGOWSKI TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION AND THE VOTING WENT AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Jaworowicz



IV. SUSPENSION OF RULES

Item No. 25 Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

WHEREAS, Anthony Osswald has served as Executive Secretary of the Cheektowaga Traffic Safety Commission for a number of years, AND

WHEREAS, in connection with his retirement from his position with the New York State Department of Transportation, the New York State Retirement System regulations mandated that Mr. Osswald resign/retire from his Traffic Safety Commission position for at least one full day; therefore, Mr. Osswald retired from his position of Executive Secretary to the Traffic Safety Commission Chairman, effective March 28, 2003, AND

WHEREAS, Mr. Osswald desires to be reappointed to the Executive Secretary to the Traffic Safety Commission position, AND

WHEREAS, Anthony Osswald has satisfactorily served as Executive Secretary of the Traffic Safety Commission, and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that the resignation of Anthony Osswald from his position of Executive Secretary of the Cheektowaga Traffic Safety Commission, effective March 28, 2003, be and hereby is accepted by this Town Board, AND BE IT FURTHER

Item No. 25 cont'd.

RESOLVED, that Anthony Osswald be and hereby is reappointed to the position of Executive Secretary of the Cheektowaga Traffic Safety Commission, effective April 1, 2003 and terminating on December 31, 2005.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Rogowski, Johnson, Swiatek, Jankowiak and Mazur

MEETING NO. 9
APRIL 7, 2003

NAYES: 0
ABSENT: Councilmember Jaworowicz

Item No. 26 A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO ADJOURN THIS MEETING IN MEMORY OF MARINE LANCE CORPORAL ERIC ORLOWSKI, WHO WAS KILLED IN THE LINE OF DUTY IN THE WAR OF IRAQ.. TIME OF ADJOURNMENT WAS 7:55 P.M.

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
MEETING 10
APRIL 21, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Alexander Community Center, in said Town on the 21st day of April, 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William R. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember Thomas J. Mazur
Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Jerome Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services; Christine Ziemba, Chief of Police and Kenneth Kopacz, Director of Parks, Recreation and Youth Services.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss amending Chapter 235 of the Code of the said Town of Cheektowaga (Vehicle and Traffic) hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted; and upon the order of the Supervisor such proof was duly filed. Said amendments being as follows:



§235-49. SCHEDULE X: PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

CLOVERLEAF DRIVE – South side, from the west curb line of Transit Road to the westerly terminus.

CLOVERLEAF DRIVE – North side; from the west curb line of Transit Road to a point 278± feet east.



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. 3a Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

2002

RISK RETENTION FUND

From:	101-1932-4703	General Liability	\$14,408.00
To:	101-1930-4703	Workers Comp.	\$14,408.00

MEETING NO. 10
APRIL 21, 2003

Item No. 3a cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 3b Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

2003

GENERAL FUND

From:	100-9501-9211	Bond Interest	\$ 4,400.00
To:	100-7110-4460	Land Acquisition Parks	\$ 4,400.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to April 17, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,996,724.40
RISK RETENTION FUND	75,411.47
SPECIAL DISTRICTS FUND	2,004,033.29
HIGHWAY FUND	308,520.20
TRUST & AGENCY	30,264.33
HUD HOUSING REHABILITATION FUND	20,133.23
HUD CDBG FUND	2,496.25
PART TOWN FUND	64,704.99
CAPITAL FUND	<u>63,569.60</u>
	\$ 4,565,857.76

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 5a Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 the Town of Cheektowaga Engineering Department for the construction of (3) three building additions totaling 4,117 square feet to the Town Senior Citizen Center at 3349 Broadway, AND

MEETING NO. 10
APRIL 21, 2003

Item No. 5a cont'd.

WHEREAS, the Environmental Advisory Committee at its meeting held on April 9, 2003 recommended a determination of non significance, as shown on the attached memorandum dated April 14, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on April 10, 2003 , AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THERFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA .

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 5b Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 David E. Wright of Cash Register Sales & Service Co., Inc. for the rezoning of 2501 Union Road from NS-Neighborhood Services to C-Retail Business for the conversion of an existing dental office to a cash register sales and service store, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on March 12, 2003 recommended a determination of non significance as shown in the attached memorandum dated March 14, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on March 13, 2003 as shown on the attached recommendation dated March 25, 2003, AND

WHEREAS, the applicant modified his site plan to include a public sidewalk along Groell Avenue, eliminated the existing driveway along Union Road and has provided a written agreement to modify the location of the proposed fence along the easterly property line at the request of the neighboring residential user; and has agreed not to seek a variance for a reduction in the number of required parking spaces for as long as he owns the premises (as shown on the attached correspondence dated April 9, 2003), AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA and finds the site plan prepared by Robert J. Gill, R.A. dated March 6, 2003 acceptable, subject to the aforementioned fence revision and the Town Engineer approving a grading/drainage plan.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 5c Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 Lodging Enterprises, Inc. for the construction of a three (3) story 53 room hotel at 3475 Union Road (formerly part of 2280-2300 Walden Avenue), AND

WHEREAS, the Environmental Advisory Committee at its meeting held on April 9, 2003 recommended a determination of non significance as shown in the attached memorandum dated April 14, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on February 13, 2003 as shown on the attached recommendation, AND

WHEREAS, the US Army Corps of Engineers reviewed the applicant's wetland delineation which identified a total of 6.07 ± acres of freshwater wetlands, and which, the US Army Corps of Engineers has determined to be isolated, non-navigable, intrastate waters that are not subject to regulation under Section 404 of the Clean Water Act, and therefore, not requiring Department of the Army Authorization prior to disturbance as shown on the attached correspondence dated December 18, 2002, AND

WHEREAS, the applicant's proposed hotel and driveway relocation will disturb less than 0.25 ± acres of freshwater wetlands, AND

WHEREAS, the applicant performed sanitary sewer metering at the request of the Town Engineer to determine if adequate capacity exists in the Town's sanitary sewer, AND

WHEREAS, the Town Engineer has reviewed the sanitary sewer meter data and has determined that there is adequate capacity as shown in the attached memorandum April 11, 2003, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals at their meeting of April 16, 2003 has approved a variance from the maximum building height and a variance from the parking setback requirements, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Wm. Schutt & Associates, P.C. dated April 2, 2003 acceptable.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 5d Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 the Town of Cheektowaga Parks, Recreation and Youth Services for construction of recreation and drainage improvements to the Nokomis Park/Playground, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on April 9, 2003 recommended a determination of non significance, as shown on the attached memorandum dated April 14, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on April 10, 2003, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the park enhancement project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA and recognizes that the site design and drainage improvements still must be finalized by the Town of Cheektowaga Engineering Department and the Town Parks, Recreation and Youth Services Department.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 5e Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 the Town of Cheektowaga Parks, Recreation and Youth Services for construction of a soccer field, drainage and parking lot improvements to the Raymond Avenue Park, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on April 9, 2003 recommended a determination of non significance, as shown on the attached memorandum dated April 14, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on April 10, 2003 , AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and, therefore, issues a Negative Declaration for purposes of SEQRA and finds the site plan acceptable subject to the installation of screening adjacent rear of the residences along Raymond Avenue and a consensus with the affected residents regarding the location of the proposed soccer field.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 6 Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, SADO Gas Sales has made application and requested the Rezoning of property located at part of 5 French Road from CM-General Commercial District to MS-Motor Services District, with permission of the owner of the property, Buffalo Lube Realty LLC, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 5, 2003 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway, at the corner of Union Road.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 10
APRIL 21, 2003

Item No. 7a Motion by Councilmember Swiatek, seconded by Councilmember Johnson

WHEREAS, Cash Register Sales & Service Co., Inc. petitioned for a rezoning from NS-Neighborhood Services District to C-Retail Business District for a cash register sales and service business for property owned by it and located at 2501 Union Road, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 17th day of March, 2003 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, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of Cash Register Sales & Service Co., Inc. for the rezoning from NS-Neighborhood Services District to C-Retail Business District of the property described in the attached legal description for a cash register sales and service business be and the same is hereby approved and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

AFFIDAVIT - NEXT PAGE(S)

Item No. 7b Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on April 21, 2003 to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearing being held in accordance with Notice thereof which was duly published as required by law, at which hearing an opportunity to be heard was afforded all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1.

That this Town Board determines it is in the public interest to adopt the following amendments to Chapter 235 of the Code of the Town of Cheektowaga, County of Erie and State of New York, and said amendments are herewith adopted and enacted:

ARTICLE V
Schedules

§235-49. SCHEDULE X: PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

CLOVERLEAF DRIVE – South side; from the west curb line of Transit Road to the westerly terminus.

§235-55, SCHEDULE XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

CLOVERLEAF DRIVE – North side; from the west curb line of Transit Road to a point 278± feet east – Mondays through Fridays, 4:00 P.M. to 6:00 P.M.

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be published in the CHEEKTOWAGA TIMES, a newspaper published in this Town, and affidavits of such publication shall be filed with the Town Clerk and the Town Clerk shall likewise enter in the Ordinance Book a copy of said amendments specifying the date of adoption thereof.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 10
APRIL 21, 2003

Item No. 8a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, it is in order that bids be advertised for Park Improvements at Dartwood Park in the Town of Cheektowaga, AND

WHEREAS, the Cheektowaga Engineering Department is hereby requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Park Improvements at Dartwood Park, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 7th day of May, 2003 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 7th day of May, 2003 at 11:00 A.M., Local Time, in the Town Hall, Town of Cheektowaga, New York, for furnishing all labor, tools, equipment, materials, and incidentals required for Park Improvements at Dartwood Park, complete, in place, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by the Town of Cheektowaga Engineering Department for said project, and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Union Road @ Broadway, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk in the Town Hall, upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit shall be made payable to the Town of Cheektowaga.

Any bidder returning such plans and specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the plans and specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one set of plans and specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Cheektowaga, New York 14227, and marked as "Park Improvements at Dartwood Park".

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Cheektowaga, New York, or bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the contract award. The successful bidder will also be required to furnish a payment bond acceptable to the Owner in an amount equal to the contract award.

MEETING NO. 10
APRIL 21, 2003

Item No. 8a cont'd.

Attention of the bidders is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such Certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes in the State of New York and cities and counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 60 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

BY ORDER OF
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: April 21, 2003

PUBLISHED: April 24, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 10
APRIL 21, 2003

Item No. 8b Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Sanitation Department is in need of two (2) Trucks with 33 Cubic Yard Refuse Packer Bodies, AND

WHEREAS, the Engineering Department has been requested to prepare specifications, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of said vehicles for the Sanitation Department, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 7th day of May, 2003 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 7, 2003 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the purchase of two (2) new 2003 Trucks with Refuse Packer Bodies for the Sanitation Department.

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

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

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

Mary F. Holtz
Town Clerk

DATED: April 21, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 10
APRIL 21, 2003

Item No. 8c Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill for a three (3) year contract covering 2003, 2004 and 2005, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 7th day of May, 2003 at 11:00 A.M., at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 7, 2003 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill in the Town of Cheektowaga for a three (3) year contract covering 2003, 2004 and 2005.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Mowing" 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 or all bids.

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

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

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

Mary F. Holtz
Town Clerk

Dated: April 21, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 10
APRIL 21, 2003

Item No. 9 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of five (5) marked Ford Crown Victoria police vehicles, one (1) unmarked Ford Crown Victoria police vehicle, and one (1) unmarked intermediate size vehicle for the Police Department and, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bid was referred to the Police Department for analysis and tabulation, NOW, THEREFORE BE IT

RESOLVED, that the contract for the furnishing of five (5) 2003 Ford Crown Victoria marked police vehicles and one (1) 2003 Ford Crown Victoria unmarked vehicle be awarded to Delacy Ford, 3061 Transit Road, Elma, New York 14059; said vendor being the lowest bidder meeting the requirements of the specifications and, BE IT FURTHER

RESOLVED, that the contract for furnishing one (1) 2003 Ford Taurus LX unmarked vehicle be awarded to McCarthy Ford, 900 Maple Road, Elma, New York 14059 and, BE IT FURTHER

RESOLVED, that funds are available in Account 100-3120-2303.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, currently, the New York State Returnable Container Act of 1982, a/k/a the Bottle Bill (Title 10, Article 27 of the Environmental Conservation Law of the State of New York), provides that soft-drink, beer and ale containers sold or offered for sale in New York must have a refund value of at least five cents, and requires dealers to accept empties of the type they sell, AND

WHEREAS, since the Bottle Bill was enacted, many things have changed; today, the largest growing sector of the convenience beverage industry consists of bottled water, tea and sports drinks, AND

WHEREAS, containers for these new beverages do not carry the New York five cent deposit, AND

WHEREAS, also, presently in New York State, unclaimed deposits for these bottles stay in the hands of the bottlers and distributors; the NYS DEC has estimated that unclaimed deposits range from \$85 to \$137 million, AND

WHEREAS, legislation is being proposed in the State Assembly (Bill No. A03922) and Senate (S1696) to expand the Bottle Bill to cover all beverages except for liquor, wine and milk; and to provide for the return of unclaimed deposits on beverage containers to the State for deposit into the Solid Waste Account of the Environmental Protection Fund to provide additional moneys for municipal recycling, AND

WHEREAS, enactment of this legislation would help the environment, provide financial assistance to municipalities for local recycling programs, and increase the volume and variety of beverage container returns, while providing additional moneys to the State to offset future budget deficits, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its support for Bill No. A03922/S1696, and memorializes the State Senate, Assembly and Governor to approve such legislation, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby directed to forward certified copies of this resolution to Assemblyman Paul A. Tokasz, Senator William Stachowski, Sheldon Silver, Speaker of the Assembly, Joseph Bruno, Senate Majority Leader; and Governor George E. Pataki.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0

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ABSENT: 0

Item No. 11 Motion by Councilmember Mazur, seconded by Councilmember Johnson

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 North Cheektowaga Amateur Athletic Association has made application to hold a parade on Saturday, June 7, 2003 (rain date June 8, 2003) beginning at 12:00 P.M. as follows:

Parade will assemble at 1 Nagel Drive, then proceed south on Nagel Drive to George Urban Boulevard, then proceed west on George Urban Boulevard to the TOPS market parking lot

,AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga 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. 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 North Cheektowaga Amateur Athletic Association for the aforementioned parade to be held on June 7, 2003 (rain date June 8, 2003) 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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga has received Community Development Block Grant funds from the Department of Housing & Urban Development, AND

WHEREAS, the Town wishes to amend its Annual Plan / Final Statements on the Use of Community Development Block Grant and HOME Investment Partnership Funds pertaining to activities in the Village of Depew pursuant to the attached Community Development Block Grant Amendment Report, AND

WHEREAS, citizens and interested parties were provided the opportunity to comment on the proposed amendment pursuant to the Citizen Participation Plan previously adopted by the Town Board, AND

WHEREAS, the Director of Community Development recommends approval of the proposed amendment, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's Annual Plan/Final Statement on the Use of Community Development Block Grant Funds for the affected

MEETING NO. 10
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program years pursuant to the attached Community Development Block Grant Annual Plan/Final Statement Amendment Report.

Item No. 12 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 13a Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Town, in its 2003 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town, AND

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

WHEREAS, the organization(s) listed below have completed and returned signed agreement(s) and their accounting report(s) from the 2003 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreement(s) in the form(s) attached to this resolution, with the cultural and not-for-profit organization(s) listed below for the amount(s) listed, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement(s) with the following referenced cultural and not-for-profit organization(s) for the following respective amount(s):

<u>Cultural/Not-For-Profit Organization</u>	<u>Funding Approved</u>
Cheektowaga Garden Club	\$500.00

and, BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2003 Town budget, subject to audit and approval of a properly signed Town voucher.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 13b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation Loan to the owner of the property located at 50 Randolph Street, Cheektowaga, NY, 14211, AND

WHEREAS, the owner of said property has applied for a mortgage loan from HSBC Mortgage Corporation (USA), and HSBC Mortgage has conditioned its mortgage approval on the subordination of the Town's mortgage to its mortgage, AND

WHEREAS, the Community Development Director has recommended approval of the subordination request, which is consistent with the Town's policies governing such requests, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with HSBC Mortgage Corporation (USA), P.O. Box 4592, Buffalo, NY, 14240, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 50 Randolph Street, Cheektowaga, NY, 14211.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, grant monies are available from the New York State Unified Court System, Justice Court Assistance Program to assist with the operation of municipal Justice Courts, AND

WHEREAS, the Town of Cheektowaga Justice Court seeks grant monies to purchase various equipment necessary to improve the operation of the Court; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following individual be and hereby are hired as PART-TIME EMPLOYEES in the 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:

	<u>EFFECTIVE</u>
<u>JUSTICE COURT - Court Officer - \$12.50 per hour</u>	
Joseph Sacilowski Cheektowaga, NY 14227	4/21/03
<u>PARKS DIVISION - Laborer - \$6.50 per hour</u>	
Jason Rydzynski Cheektowaga, NY 14227	4/22/03

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BE IT RESOLVED, that the following PART-TIME employees' salaries be adjusted accordingly effective April 8, 2003:

Item No. 15 cont'd.

PARKS DIVISION - Laborer - \$7.00 per hour

Brian Wielinski	Cheektowaga, NY 14225
Karol Szymczuk	Cheektowaga, NY 14227
James Eller	Cheektowaga, NY 14225

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months 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>EFFECTIVE</u>
<u>SEWER MAINTENANCE - Laborer - \$7.00 per hour</u>	
James D. Wojciechowski Cheektowaga, NY 14227	6/26/03
<u>PARKS DIVISION - Laborer - \$6.00 per hour</u>	
Al Kane Cheektowaga, NY 14225	4/28/03
<u>PARKS DIVISION - Laborer - \$6.50 per hour</u>	
Jason Maslowski Cheektowaga, NY 14225	4/22/03
Dustin Weiss Cheektowaga, NY 14227	"
Ronald Pocobella Cheektowaga, NY 14225	"
<u>PARKS DIVISION - Laborer - \$7.00 per hour</u>	
Todd Stucke Cheektowaga, NY 14225	4/22/03
<u>PARKS DIVISION - Laborer - \$7.50 per hour</u>	
Ed Pozdyn, Jr. Cheektowaga, NY 14225	4/22/03
<u>SANITATION DEPARTMENT - Laborer - \$7.50 per hour</u>	
Michael Full Cheektowaga, NY 14227	4/22/03
Adam Wastchak Cheektowaga, NY 14227	"
Darren Kazmierczak Cheektowaga, NY 14206	"
Kevin Maszczak Cheektowaga, NY 14215	"
Kenneth Kelly Cheektowaga, NY 14225	"
Mohamed Almorabi Cheektowaga, NY 14227	"
Francis Kasprzyk Cheektowaga, NY 14227	"
Daniel Krystyniac Cheektowaga, NY 14225	"
Kenneth Piatek Cheektowaga, NY 14212	"
Mark Scheirsing Cheektowaga, NY 14227	"
Richard Matthew Cheektowaga, NY 14225	"

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

	<u>EFFECTIVE</u>
<u>BUILDING AND PLUMBING DEPARTMENT</u>	
Richard Coburn	4/30/03
<u>JUSTICE COURT</u>	
John Bohan	4/21/03
<u>PARKS DIVISION</u>	
Joseph Bentkowski	4/21/03

Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES:	0
ABSENT:	0

MEETING NO. 10
APRIL 21, 2003

Item No. 16a Appointment to Fill Vacancy in Position of Clerk-Typist in Personnel Department
This item was withdrawn.

Item No. 16b *This item was acted upon after Item 22.*

Item No. 16c Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, a temporary vacancy exists in the position of Clerk Typist in the Police 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, no full-time employee bid on said vacancy, AND

WHEREAS, said vacancy is for more than thirty (30) days, AND

WHEREAS, pursuant to civil service law any job title temporarily vacated for more than thirty (30) days must be canvassed, AND

WHEREAS, Laurie Vail, currently employed as a part-time Clerk in the Police Department, appears on said list and meets all the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Laurie Vail of Cheektowaga, New York 14227 be and hereby is appointed to the temporary position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 17, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 16d Motion by Councilmember Mazur, seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Housing Inspector in the Economic and Community Development 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, said title falls under the competitive class of Erie County Civil Service, AND

WHEREAS, a current Erie County Civil Service list is in existence for said title, AND

WHEREAS, Dale M. Parks appears on said civil service list and meets all the necessary qualifications for appointment, NOW, THEREFORE BE IT

RESOLVED, that Dale M. Parks of Cheektowaga, New York 14225, be and hereby is appointed to the position of Housing Inspector in the Economic and Community Development Department and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 5, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 16e Motion by Councilmember Mazur, seconded by Councilmember Johnson

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WHEREAS, a vacancy exists in the title of Housing Inspector in the Building and Plumbing Department, AND

Item No. 16e cont'd.

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, said title falls under the competitive class of Erie County Civil Service, AND

WHEREAS, a current Erie County Civil Service list is in existence for said title, AND

WHEREAS, Richard Coburn appears on said civil service list and meets all the necessary qualifications for appointment, NOW, THEREFORE BE IT

RESOLVED, that Richard Coburn of Depew, New York 14043, be and hereby is appointed to the position of Housing Inspector in the Building and Plumbing Department and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 28, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 17a Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, Class Software Solutions by Escom will be conducting a seminar that will instruct attendees on the latest updates of its software and providing a review of current systems in existence on May 1, 2003 through May 3, 2003 at the White Oaks Conference Center in Niagara Falls, Canada, AND

WHEREAS, Recreation Supervisor Paul Marchewka, Administrative Clerk Phyllis Dennis, and Clerk Typist Kathleen Miesowicz of the Parks, Recreation and Youth Services Department expressed an interest in attending this seminar for System Administration AND

WHEREAS, the Parks, Recreation and Youth Services Department submitted a request for travel authorization along with the proper paperwork in a timely manner, AND

WHEREAS, cost of said seminar including transportation shall not exceed \$1,305, NOW, THEREFORE, BE IT

WHEREAS, money has been budgeted to the Parks, Recreation and Youth Services Department to cover these expenses, NOW, THEREFORE BE IT

RESOLVED, that Recreation Supervisor Paul Marchewka, Administrative Clerk Phyllis Dennis, and Clerk Typist Kathleen Miesowicz of the Parks, Recreation and Youth Services Department be and hereby are authorized to attend the Class Software Solutions by Escom courses to be held May 1, 2003 through May 3, 2003 at the White Oaks Conference Center in Niagara Falls, Canada.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 17b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, SUNY Delhi Veterinary Technology Department is offering a Certified Animal Euthanasia Technician Training program on May 19-20, 2003 at SUNY Delhi, Delhi, New York, AND

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WHEREAS, Chief Ziembra is requesting authorization to send Dog Control Officer Tom Marten to this specialized training. This request was approved at the April 16, 2003 work session. The Police Department will be responsible for transportation, lodging, meals and registration amounting to approximately \$545.00, NOW, THEREFORE BE IT

Item No. 17b cont'd.

RESOLVED, that Tom Marten is authorized to attend this training and time spent there be authorized as normal duty time. The expenses will be charged to 100-3510-4093 and 100-3120-4085.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 18 Supervisor's Statement of Funds – February 2003
Received and Filed.

Item No. 19a Minutes of Traffic Safety Commission – March 18, 2003
Received and Filed.

Item No. 19b Minutes of Cheektowaga Public Library Board – March 19, 2003
Received and Filed.

Item No. 19c Minutes of Cheektowaga Conservation Advisory Council – April 3, 2003
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 20 Summons and Complaint: Lee Regent vs. the Town of Cheektowaga, Town of Cheektowaga Police Department, Ronald Ziembra and Michael Dorobiala
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and First Niagara Risk Management.
Received and Filed.

Item No. 21a Notice of Claim: Gary L. Neri vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department and First Niagara Risk Management.
Received and Filed.

Item No. 21b Notice of Claim: Linda Rachaw vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department and First Niagara Risk Management.
Received and Filed.



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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0
ABSENT: 0

◆

V. SUSPENSION OF RULES

Item No. 22 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

WHEREAS, there is a need in the Personnel Department for an employee to perform specialized personnel work, AND

WHEREAS, a job description for the position of Intern Personnel Specialist has been prepared and reviewed by this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby creates the position of Intern Personnel Specialist in the Personnel Department and, BE IT FURTHER

RESOLVED, that the Personnel Department be and hereby is directed to forward the necessary personnel forms to the Erie County Department of Personnel for the creation of this position.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

**The following resolution, Item 16b, was acted upon out of numerical order, following Item 22.*

Item No. 16b Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Intern Personnel Specialist (PJC*) in the Personnel Department, AND

WHEREAS, such job title is in the competitive class of Civil Service, AND

WHEREAS, a current Civil Service list for said title is not in existence, AND

WHEREAS, Michelle A. Gaj, currently employed as a Part-Time Clerk in the Personnel Department, meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michelle A. Gaj of Cheektowaga, New York 14227 be and hereby is appointed provisionally to the position of Intern Personnel Specialist (PJC) in the Personnel Department effective April 23, 2003 at the annual salary of \$32,000.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 23 Award of Bid: Disposal of Yard Waste
This item was withdrawn.

Item No. 24 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, by resolution dated May 16, 1986, the Town Board of the Town of Cheektowaga adopted Local Law No. 2 of the Year 1986 entitled "A Local Law relating to "Vehicles, Removal and Storage" (now known as Chapter 241 of the Code of the Town of Cheektowaga), to regulate the removal and towing of disabled vehicles from the streets in the Town, AND

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WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to include a new section addressing removal of vehicles during an emergency and increasing the fee schedule, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 5th day of May, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga and, BE IT FURTHER

Item No. 24 cont'd.

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



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 5th day of May, 2003 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed local law entitled "A Local Law to Amend A Local Law relating to Vehicles, Removal and Storage". An abstract of this local law is as follows:

LOCAL LAW INTRO NO. 2003-2
A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO
VEHICLES, REMOVAL AND STORAGE

Local Law No. 2 of the Year 1986, entitled "A Local law relating to Vehicles, Removal and Storage" is proposed to be amended as follows:

1. A new section, Section 241-3.1, entitled "Emergency Services" shall be added to provide for the use of authorized town towers to provide emergency automotive services to restore vehicles to the public highway pavement that have left the pavement due to poor traction, etc. or are otherwise blocking the roadways due to conditions caused by adverse weather of other emergency conditions; and to establish separate fees for such services;

2. Section 241-15 of the Town Code, entitled "Fee Schedule" shall be amended to increase various fees to be charged by authorized town towers to bring them into equity with local and national recommendations.

A copy of the entire text of the proposed Local law Intro No. 2003-2 of the Town of Cheektowaga will be available in the Town Clerk's Office for public inspection during regular business hours.

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

Dated: April 21, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

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Item No. 25 Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated April 7, 2003, this Town Board awarded a contract (Contract B) to GetNoticed Promotions for various clothing items, AND

WHEREAS, by letter dated April 14, 2003, GetNoticed Promotions notified the Department of Parks, Recreation and Youth Services that it wanted to assign the contract to Great Idea Promotions, AND

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services has no objection to the proposed assignment of contract, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves of the assignment of the aforementioned assignment of Contract B to Great Idea Promotions, 9980 Main Street, Clarence, New York 14031.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 26 Grant Leave of Absence to Clerk-Typist in Personnel Department
This item was withdrawn,

Item No. 27a Motion by Councilmember Mazur, 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.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 27b Motion by Councilmember Mazur, 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.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 10
APRIL 21, 2003

Item No. 27c Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

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

RESOLVED, that the Town Board, pursuant to Section 52-5 of the Code of the Town of Cheektowaga accept the recommendations of the Emergency Medical Services Board, and approve the following list of vehicles and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 28 Motion by Councilmember Jankowiak, seconded by Councilmember Rogowski

WHEREAS, by resolution dated April 7, 2003, this Town Board directed that a Notice to Bidders be issued for the Acceptance for Disposal of Yard Waste Generated in and Collected by the Town of Cheektowaga, AND

WHEREAS, bids were opened on the 16th day of April, 2003 for the Acceptance for Disposal of Yard Waste for the Town of Cheektowaga, AND

WHEREAS, it has been recommended that such bids be rejected and a new Notice to Bidders be issued, NOW, THEREFORE, BE IT

RESOLVED, that bids for the Acceptance for Disposal of Yard Waste Generated in and Collected by the Town of Cheektowaga which were authorized by the aforementioned April 7, 2003 resolution be and hereby are rejected and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice to Bidders for the Acceptance for Disposal of Yard Waste Generated in and Collected by the Town of Cheektowaga in the Cheektowaga Times, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is designated as the officer to open bids for the Acceptance for Disposal of Yard Waste Generated in and Collected by the Town of Cheektowaga on the 1st day of May, 2003 at 11:00 A.M. in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York 14227.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 1, 2003 at 11:00 A.M., at the Town Hall, 3301 Broadway, corner of Broadway and Union Roads, Cheektowaga, New York for the Acceptance for Disposal 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 her office in said Town.

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

No bidder shall 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.

Dated: April 21, 2003

MARY F. HOLTZ
Town Clerk

MEETING NO. 10
APRIL 21, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 29 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur to adjourn this meeting. This meeting was adjourned at 8:00 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 11
APRIL 29, 2003**

Item No. 1 At an executive session of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Maryvale Drive Presbyterian Church, 425 Maryvale Drive, in said Town on the 29th day of April, 2003 at 6:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember Jankowiak
Councilmember Thomas Mazur

Also present were: Mary F. Holtz, Town Clerk; Michael J. Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; and John Glascott, Police Captain.



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 6:20 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



I. RESOLUTIONS

Item No. 2 Appointment of Hearing Officer
(Sealed – refer to Town Attorney)

Item No. 3 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

BE IT RESOLVED, that with regard to the matter of Marrano/Marc Equity Corporation and the Town of Cheektowaga, et al, the Town Attorney is hereby authorized and directed to file a Notice of Appeal with the Appellate Division, Fourth Department, from an Order of the Hon. Patrick H. NeMoyer, granted April 30, 2003 and entered in the Erie County Clerk's Office on April 30, 2003, and to perfect same.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Executive Work Session
Meeting No. 11
April 29, 2003



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO EXIT EXECUTIVE SESSION AT 7:00 P.M. AND RECONVENE THE WORK SESSION. THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



Item No. 4 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur to adjourn this work session at 7:20 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 12
MAY 5, 2003**

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 of May 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney, Brian Krause, Director of Finance; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; William Pugh, Town Engineer; Salvatore LaGreca, Planning Board Chairman and Patricia Wojcik, Director of Senior Services

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss Local Law Intro 2003-2, "A Local Law to Amend A Local Law relating to Vehicles, Removal and Storage". The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said notice was as follows:



Local Law No. 2 of the Year 1986, entitled "A Local law relating to Vehicles, Removal and Storage" is proposed to be amended as follows:

1. A new section, Section 241-3.1, entitled "Emergency Services" shall be added to provide for the use of authorized town towers to provide emergency automotive services to restore vehicles to the public highway pavement that have left the pavement due to poor traction, etc. or are otherwise blocking the roadways due to conditions caused by adverse weather of other emergency conditions; and to establish separate fees for such services;

2. Section 241-15 of the Town Code, entitled "Fee Schedule" shall be amended to increase various fees to be charged by authorized town towers to bring them into equity with local and national recommendations.

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. No comments were heard after which the Supervisor declared the hearing was closed, decision was reserved.



II. RESOLUTIONS

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

BE IT RESOLVED, that the following Vouchers and Warrants, Submitted to the Town of Cheektowaga prior to May 2, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 592,333.19
RISK RETENTION FUND	61,900.47
HUD HOUSING REHABILITATION	11,472.00
SPECIAL DISTRICTS FUND	412,566.40

**MEETING NO. 12
MAY 5, 2003**

Item No. 3cont'd.

HIGHWAY FUND	848,696.45
TRUST & AGENCY	7,501.35
HUD CDBG FUND	19,058.76
PART TOWN FUND	4,874.21
CAPITAL FUND	<u>300,123.58</u>
	\$2,258,526.41

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 Robert G. Conway, R.A. representing LoVullo Associates, Inc. for the rezoning of part of 24 Cloverleaf Drive from R- Residence to C- Retail Business for the construction of a (24) twenty four foot wide two way access commercial drive way, accessory to 6450 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on April 30, 2003 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on March 13, 2003 as shown on the attached recommendation dated March 24, 2003, AND

WHEREAS, the New York State Department of Transportation has reviewed the applicant's proposed project and has recommended that the existing southerly driveway at 6450 Transit Road be removed to eliminate conflict points for motorists and to provide for further traffic safety improvements, AND

WHEREAS, LoVullo Associates has provided a written commitment agreeing to the closure of the existing southerly driveway at 6450 Transit Road as shown on the attached correspondence dated April 14, 2003, AND

WHEREAS, The applicant agrees to prohibit right hand turns out of his proposed driveway by installing signage directing motorist of such prohibition, AND

WHEREAS, the Town of Cheektowaga reserves its right to re-evaluate the necessity of the proposed driveway on Cloverleaf Drive in the future by requiring the owner or any future owner to obtain Town Board site plan approval if any future user of 6450 Transit Road seeks permission to re-open the southerly transit road driveway at 6450 Transit Road, or the land uses intensify beyond the current land use of administrative offices, AND

WHEREAS, The Cheektowaga Traffic Safety Commission has conducted a further review and has requested that the Lovullo Associates , Inc. and the New York State Department of Transportation address the safety aspects of additional traffic and potential conflicts at the signalized

MEETING NO. 12
MAY 5, 2003

Item No. 4 cont'd.

intersection of Clover Leaf Drive and Transit Road, as offset from Pleasantview Drive in the Town of Lancaster, AND,

WHEREAS, The Cheektowaga Traffic Safety Commission has forwarded the attached correspondence dated April 23, 2003 to the New York State Department of Transportation, and Lovullo Associates, Inc. has indicated through its representative at the April 14, 2003 public hearing, that meetings with the NYSDOT will be undertaken to address the Traffic Safety Commissions concerns, AND

WHEREAS, the applicant must amend his site plan to include a solid fence along the proposed westerly property line of the subject property, remove a (5) five foot wide section of the existing residential driveway at 24 Cloverleaf Drive or obtain a variance for both items from Town of Cheektowaga Zoning Board of Appeals, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Conway and Company Architects dated March 14, 2003 acceptable, subject to the aforementioned revisions and the Town Engineer approving a grading/drainage plan.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 12
MAY 5, 2003

Item No. 5 Motion by Councilmember Swiatek; Seconded by Councilmember Johnson

WHEREAS, Marauder Ent., LLC petitioned for a rezoning from R-Residence District to C-Retail Business District for a one-way "out only" driveway from the existing LoVullo building parking lot at 6450 Transit Road for property owned by Mr. & Mrs. William D. Lorenz and located at 24 Cloverleaf Drive, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 7th day of April, 2003 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, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of Marauder Ent., LLC for the rezoning from R-Residence District to C-Retail Business District of the property described in the attached legal description for a driveway be and the same is hereby approved, subject to the condition that such driveway be and remain a one-way out only driveway onto Cloverleaf Drive, and BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT NEXT PAGE

MEETING NO. 12
MAY 5, 2003

Item No. 6 Motion by Councilmember Swiatek Seconded by Councilmember Johnson

WHEREAS, by resolution dated October 7, 2002, this Town Board rezoned property located at 5050 Genesee Street from M1-Light Manufacturing District to MS-Motor Service District, AND

WHEREAS, the legal description of the property to be rezoned was attached to such resolution, and such resolution and attachment were published in the Cheektowaga Times, AND

WHEREAS, the legal description contained in the attachment to such resolution was inaccurate and needs to be amended and replaced with the legal description attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned October 7, 2002 resolution be and hereby is amended by replacing the attached legal description with the legal description attached to such resolution, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish this resolution and attached amended legal description in the Cheektowaga Times.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT NEXT PAGE

MEETING NO. 12
MAY 5, 2003

Item No. 7 *This item was acted upon after the Executive Session*

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

WHEREAS, by resolution dated May 16, 1986, the Town Board of the Town of Cheektowaga adopted Local Law No. 2 of the Year 1986 entitled "A Local Law relating to "Vehicles, Removal and Storage" (now known as Chapter 241 of the Code of the Town of Cheektowaga), to regulate the removal and towing of disabled vehicles from the streets in the Town, AND

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to include a new section addressing removal of vehicles during an emergency and increasing the fee schedule, AND

WHEREAS, a public hearing was held on the 5th day of May, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga, AND

WHEREAS, at such public hearing, the public was given an opportunity to comment on such proposed local law, AND

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

RESOLVED, that the Local Law No. 2 of the Year 2003, entitled "A Local Law to Amend a Local Law Relating To Vehicles, Removal and Storage", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in his office and one (1) certified copy with the Secretary of State, and BE IT FURTHER

RESOLVED, that Local Law No. 2 of the Year 2003 shall take effect immediately upon filing with the Secretary of State.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
 Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 12
MAY 5, 2003

Item No. 9 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, this Town Board has authorized the preparation of plans and specifications for the installation of a gravity sanitary trunk sewer which will enable the elimination of the Alpine Pump Station facility, AND

WHEREAS, the Town Engineer advises that plans and specifications prepared by Nussbaumer & Clarke, Inc. have been completed and the project is ready for bidding, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the construction of the Alpine Place Sanitary Improvements Project in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 27th day of May, 2003 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Notice is hereby given that sealed proposals will be received and opened by the Town Clerk of the Town of Cheektowaga, County of Erie, State of New York on the 27th day of May 2003, at 11:00 a.m. Local Time, in the Town Hall, 3301 Broadway, Cheektowaga, New York 14227, for furnishing all labor, materials, tools, equipment and incidentals required to construct the proposed 30" trunk sewer project, including appurtenances and related work, complete in place, tested and ready for use, in accordance with Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc. Consulting Engineers for the said project.

Plans are on file in the office of the Town Engineer of Cheektowaga, at 275 Alexander Avenue, Cheektowaga, New York 14211

Copies of the Drawings and Specifications and Contract Documents may be examined at the above office and at the office of Nussbaumer & Clarke, Inc. Consulting Engineers, at Suite 500, 3556 Lake Shore Road, Buffalo, New York 14219; copies may be purchased from the Engineer and can be obtained upon payment of \$50.00 in the form of two \$25.00 checks made payable to the Town of Cheektowaga, New York for each copy requested. For copies of the plans and specifications requested that are not picked up at the Engineer's Office, an additional non-refundable check in the amount of \$15.00 payable to Nussbaumer & Clarke, Inc. is required for handling and ground shipping costs. Neither the Owner nor the Engineer will be responsible for pull or partial sets of Contract Documents, including any Addenda, obtained from any other source.

Any bidder returning Drawings and Specifications in good condition within 10 days following the bid opening, will be refunded the full amount of the deposit. Non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classified as non-bidders. Any bidders requesting more than one (1) set of Drawings and Specifications may purchase the excess, but it is understood that these are non-refundable.

All bids must be enclosed in a separate sealed envelope and shall be addressed to the Town of Cheektowaga, 3301 Broadway, and must be designated as "Proposal for 30" Trunk Sewer Project".

Any bid not delivered in person shall be mailed to the office of the Town Clerk Town of Cheektowaga, Town Hall, 3301 Broadway, Cheektowaga, New York 14227.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with law, are herewith reserved.

MEETING NO. 12
MAY 5, 2003

Item No. 9 cont'd.

Each proposal must be accompanied by a certified check for a sum equal to five-percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if the proposal be accepted, the Contractor will enter into a contract for the same, and will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw a bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish both performance and labor and materials payment bonds acceptable to the Owner, each in an amount equal to the contract award amount.

The attention of the bidders is further called to Section 2604 of the Public Authorities Law which required a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form, and unless complied with, such bid will not be accepted.

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and counties of the state on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid.

The work shall be completed within 120 consecutive calendar days to begin five (5) days after the date of the "Notice to Proceed."

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE
COUNTY, NEW YORK
MARY F. HOLTZ, TOWN CLERK

DATED: May 5, 2003

Published: May 8, 2003



Upon roll call

AYES:	Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES:	0
ABSENT:	0

AFFIDAVIT NEXT PAGE

MEETING NO. 12
MAY 5, 2003

Item No. 10a Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is presently involved in litigation with Buffalo Crushed Stone, Inc. ("BCS") over BCS's claim that it has the right to continue and expand its mining operations at 500 Como Park Boulevard in the Town of Cheektowaga, AND

WHEREAS, the New York State Department of Environmental Conservation ("DEC") has authority under State law to issue mining permits, AND

WHEREAS, the DEC mining permit for BCS plant at 500 Como Park Boulevard was renewed in 1998 and expires on May 9, 2003, AND

WHEREAS, in early-April, 2003, the Town contacted the DEC to inquire about procedures for supplying comments to the DEC before it renewed the BCS mining permit, AND

WHEREAS, the DEC informed the Town of Cheektowaga that, by letter dated February 21, 2003, it had renewed BCS's mining permit for the 500 Como Park Boulevard facility for another five (5) years (until May 9, 2008), AND

WHEREAS, the Town of Cheektowaga was never given an opportunity to comment on this permit renewal despite the fact that the DEC knew that the Town of Cheektowaga was involved in litigation with BCS and that we were otherwise interested in providing the DEC with our comments and those of our residents, AND

WHEREAS, the Town of Cheektowaga is very concerned about the progression of blasting towards homes, the intensity of house vibration complaints, the hydrogen sulfide odors, the volume of traffic on Como Park Boulevard and many other issues, NOW, THEREFORE, BE IT

RESOLVED, that, with respect to the DEC's mining permit renewal for BCS's facility at 500 Como Park Boulevard, this Town Board hereby memorializes the DEC to:

1. Hold the mining permit renewal in abeyance;
2. Conduct a public hearing on the permit renewal;
3. Otherwise permit the Town of Cheektowaga and its residents the opportunity to provide information to the DEC concerning the effects of BCS's mining operations on nearby residents;
4. Consider either placing restrictions on the mining operations at 500 Como Park Boulevard or canceling the mining permit altogether

and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DEC's State and Regional Offices, Assemblyman Paul A. Tokasz and Senator William Stachowski.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 10b Motion by Supervisor Gabryszak, Seconded by Councilmember Jankowiak

WHEREAS, in 2002, estimates of revenues generated by the State Wireless Surcharge projected approximately \$60 million, AND

WHEREAS, in 2002-03, New York State will distribute \$20 million from the State Wireless Surcharge which is 33% of the total surcharge collected annually, AND

WHEREAS, that amount will be reduced to \$10 million for state fiscal years 2003-04 and 2004-05, AND

WHEREAS, the current legislation only authorizes distribution of these funds through 2005, AND

**MEETING NO. 12
MAY 5, 2003**

Item No. 10b cont'd.

WHEREAS, in 2002, New York State raised the wireless surcharge to \$1.20 on all wireless telephones with the intent of improving public safety communications throughout New York State, AND

WHEREAS, this increase will result in a 70% increase in wireless surcharge revenues amounting to over \$100 million annually, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga, Erie County, New York calls upon New York State and our representatives to support maintaining the 2002 distribution percentage of 33% of the total surcharge collected, and BE IT FURTHER

RESOLVED, that this Town Board also calls upon New York State and our representatives to make permanent the 33% of the wireless surcharge received being returned to local governments to offset costs associated with upgrading, operating and maintaining wireless public safety answering points and dispatching of public safety providers in response to wireless 911 calls, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor George Pataki, State Assemblyman Paul A. Tokasz, State Senator William Stachowski and Janet L. Vogtli, of the Erie County Department of Emergency Services.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 11 Construction of Pedestrian Bridge over Union Road (Route 277)
This item was withdrawn.

Item No. 12 Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements between the Town of Cheektowaga and performers and vendors for the 25th Annual Polish American Arts Festival, to be held on July 17th, 18th, 19th and 20th, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

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, Cleve-Hill Baseball, Inc., has made application to hold its Opening Day Baseball Parade on Saturday, May 17, 2003, commencing at 10:00 A.M.; said parade route to start at the Cleveland Hill School parking lot to Gilmore, then to Mapleview, then to Cleveland Drive, then south on Harlem Road, east on Huth Road, and then back into school grounds by way of the tennis courts;

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Department of Parks, Recreation & Youth Services and 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;

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Item No. 13 cont'd.

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 Cleve-Hill Baseball, Inc., for the aforementioned Parade to be held on May 17, 2003, 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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the below listed individuals be and hereby are terminated, effective immediately:

Stephanie Gerace
Jeremy Hoffman

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

◆

MOTION BY COUNCILMEMBER JANKOWIAK SECONDED BY COUNCILMEMBER SWIATEK TO DISPENSE WITH READING OF NAMES FOR ITEMS #15 AND #16 AND THE VOTING WAS AS FOLLOWS:

Item No. 15 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as seasonal employees in the Department of Parks, Recreation & Youth Services, effective immediately:

Effective Immediately

Arts & Crafts Rotation – 7140.1648

Recreation Attendant II

Kristina Aquilino
Cheektowaga, New York 14227

Sports & Games Rotation – 7140.1645

Recreation Attendant II

Jeffrey Gmerek
Cheektowaga, New York 14225

Item No. 15 cont'd.

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Cheektowaga Conservation Corps (CCC) – 7310.1811

CCC Youth Leaders

Level I - \$7.25

Nicholas Carter
Sloan, New York 14212

Steven Saskowski
Cheektowaga, New York 14225

Adam Czerniejewski
Cheektowaga, New York 14227

Laborers (Participants) – 7310.1816

Level I - \$5.15

Andrew Hall
Cheektowaga, New York 14225

David Smietana
Cheektowaga, New York 14227

Jason Elphick
Cheektowaga, New York 14225

Paul Ziolo
Cheektowaga, New York 14225

Karen Kalwicki
Sloan, New York 14212

Steven Deuser
Cheektowaga, New York 14227

Level II - \$5.40

Matthew Weaver
Cheektowaga, New York 14225

Brandon Kowal
Sloan, New York 14212

Derek Wiech
Cheektowaga, New York 14227

Level III - \$5.65

William Swiat
Cheektowaga, New York 14227

Item No. 15 cont'd.

Laborers (Participants/Alternates)

Eric Rejman
Cheektowaga, New York 14227

Daniel Lysiak
Cheektowaga, New York 14227

Nathan Pyzikiewicz
Cheektowaga, New York 14206

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Jillian Mertz
Cheektowaga, New York 14227

Timothy Zielinski
Cheektowaga, New York 14227

Patrick Bess
Cheektowaga, New York 14227

BE IT RESOLVED that the following individuals be and hereby are hired as Laborers in the Parks Division, (7110.1971) at a rate of \$7.00 per hour and, effective June 30th, they be elevated to the position of Laborer (Crew Supervisor) – 7310.1811 in the Department of Parks, Recreation & Youth Services, as indicated below:

Cheektowaga Conservation Corps – 7310.1811

Level I - \$10.00

Adam Nowicki
Cheektowaga, New York 14227

Level II - \$10.25

Andrew Saskowski
Cheektowaga, New York 14225

Level III - \$10.50

William Vanelli
Depew, New York 14043

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 16 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following Parks, Recreation & Youth Services employees be and hereby are transferred and/or upgraded, effective as indicated:

From Part-time to Seasonal

Recreation Attendant (VII) - \$6.65

(all lines)

Effective 4/22/03

Andrea Deuser

Item No. 16 cont'd.

From Part-Time to Seasonal

Effective 5/5/03

From 7140.1614 to 7140.1648 Arts & Crafts Rotation

Recreation Attendant II - \$5.40

Darlene Bigos

Recreation Attendant VIII - \$6.90

Andrea Ketterl

Recreation Supervisor IV - \$7.15

Joelle Pantling

From Part-Time to Seasonal

Effective 5/5/03

From 7140.1614 to 7140.1645 Sports & Games Rotation

Recreation Attendant V - \$6.15

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Brad Walters

Recreation Attendant X - \$7.40

Craig Mahalic

From 7140.1611 & 7140.1614 to 7140.1645 & 7140.1640

Recreation Attendant IV - \$5.90

Greg Fischer

From 7310.1804 to 7140.1613

Recreation Supervisor XIII - \$9.40

Amy Pruski

Arts & Crafts – 7140.1613

Recreation Attendant II - \$5.40

Amanda Wyzykowski

Recreation Attendant VII - \$6.65

Kim Godzich

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 17 Motion by Councilmember Mazur; Seconded by Councilmember Johnson

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months 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

PARKS DIVISION – Laborer - \$6.50 per hour

Michael Donlon Cheektowaga, NY 14227

5/06/03

PARKS DIVISION – Laborer - \$7.00 per hour

Nicholas Schanne Cheektowaga, NY 14227

5/06/03

Item No. 17 cont'd.

SANITATION DEPARTMENT – Laborer - \$7.50 per hour

Jamie Smith Cheektowaga, NY 14225

5/06/03

SEWER MAINTENANCE – Laborer - \$7.00 per hour

Jon Kukavica Cheektowaga, NY 14225

6/02/03

MAIN PUMP STATION – Laborer - \$7.00 per hour

Richard Thrun Sloan, NY 14043

5/06/03

MAIN PUMP STATION – Laborer - \$7.50 per hour

Christopher Wszalek Depew, NY 14043

5/06/03

RESOLVED, that the following employee who was erroneously hired on April 22, 2003 as a part-time employee be transferred to seasonal status as follows:

PARKS DIVISION – Laborer - \$6.50 per hour

Ronald Pocobella Cheektowaga, NY 14225

4/22/03

AND, BE IT FURTHER

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RESOLVED, that James T. Smith of Sloan, New York 14212 currently employed as a seasonal laborer in the Parks Division receive a salary adjustment to \$8.00 per hour effective April 14, 2003; AND, BE IT FURTHER

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

	<u>EFFECTIVE</u>
<u>PARKS DIVISION</u>	
Patrick Mudd	5/05/03
Kenneth Kelly	"
<u>SANITATION DEPARTMENT</u>	
Mohammed Almorabi	5/05/03
Francis Kasprzyk	"

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 18a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a temporary vacancy exists in the position of Motor Equipment Operator - B in the Sanitation 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, Gerald Sprada, currently employed as a Motor Equipment Operator - B in the Highway Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Gerald Sprada, of Cheektowaga, New York 14206, be and hereby is appointed to the temporary position of Motor Equipment Operator – B in the Sanitation Department, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective May 6, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 18b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Automotive Mechanic 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, Daniel E. Pawlowski, Sr., currently employed as a Mechanic in the Highway Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Daniel E. Pawlowski, Sr., Cheektowaga, New York 14206, be and hereby is appointed to the position of Automotive Mechanic in the Central Garage, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective May 12, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0

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ABSENT: 0

Item No. 19a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a seminar entitled, "The Key Elements for Effective School Policing" is scheduled to be held in Rochester, New York from June 8 through 13, 2003; AND

WHEREAS, Lieutenant Gary Grieco has requested permission to attend said seminar; AND

WHEREAS, the Police Department submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, cost of said seminar including transportation shall not exceed \$155; NOW, THEREFORE, BE IT

WHEREAS, money has been budgeted to the Police Department to cover these expenses; THEREFORE, BE IT

RESOLVED, that Lieutenant Gary Grieco be and hereby is authorized to attend "The Key Elements for Effective School Policing" Seminar to be held in Rochester, New York from June 8 through 13, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 19b Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak

WHEREAS, the National Association of Drug Courts Annual Conference is being held from May 14 through 18, 2003 in Reno, Nevada; AND

WHEREAS, Town Justices Ronald Kmiotek and Thomas Kolbert are requesting authorization to attend said conference; AND

WHEREAS, Cheektowaga Town Justices shall be attending said conference along with the Town of Amherst Justice personnel; AND

WHEREAS, all expenses shall be reimbursed to the Town of Cheektowaga through the Byrne Grant received for 2002 - 2003; AND

Item No. 19b cont'd.

WHEREAS, the Justice Court submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, cost of said seminar including transportation for aforementioned individuals shall not exceed \$8,900; AND

WHEREAS, money has been budgeted to the Justice Court to cover these expenses and shall be fully be reimbursed to the Town through the Byrne Grant 2002 - 2003; THEREFORE, BE IT

RESOLVED, that Town Justices Ronald Kmiotek and Thomas Kolbert be and hereby are authorized to attend the National Association of Drug Courts Annual Conference in Reno, Nevada to be held May 14, 2003 through May 18, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

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Item No. 20a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, A National Memorial Service will be held as part of National Police Week from May 13-15, 2003 in Washington, D.C., AND

WHEREAS, the late Det. Wasyl Potienko will be honored along with other officers killed in the line of duty in 2002 during various ceremonies throughout the three days. Det. Potienko's name will be engraved onto the wall of the National Law Enforcement Officers Monument, AND

WHEREAS, Chief Christine Ziemba is requested authorization for Lt. James Speyer, Jr. and Officer Daniel Whitehead to represent the Cheektowaga Police Honor Guard by attending these services. The Police will be responsible for transportation, lodging and meals amounting to approximately \$501.00 AND, THEREFORE BE IT

RESOLVED, THAT Lt. James Speyer, Jr. and Officer Daniel Whitehead will be attending these services and time spent there be authorized as normal duty time. The expenses will be charged to 100-3120-4085.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 20b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, Chief Christine Ziemba has been nominated by the Buffalo office of the Secret Service to attend the National Threat Assessment Seminar in Washington, D.C. from May 12-16, 2003.

WHEREAS, Christine Ziemba, is requesting authorization to attend the National Threat Assessment at the request of the US Secret Service from May 12-16, 2003 AND THEREFORE BE IT

RESOLVED, Christine Ziemba, will be attending this training session and the time spent there be authorized as normal duty time. There is no expense to the Town for this training.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 20c Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Division of Criminal Justice Services will be hosting a "Remembrance Ceremony" as part of New York State's recognition of National Police Memorial Week. The New York States Memorial Service will be held at Empire State Plaza in Albany on Tuesday, May 20, 2003.

WHEREAS, Chief Christine Ziemba is requesting authorization to send the Cheektowaga Police Honor Guard and herself to represent the Town at the New York State Memorial Service in Albany, New York. The Police Department will be responsible for travel, lodging and meals amounting to approximately \$708.00 AND, BE IT FURTHER

RESOLVED, that Chief Christine Ziemba, Lt. James Speyer, Jr; Lt. Gary Grieco, Det. Joseph Crean and Officers Dan Whitehead and Jim Reeb is authorized ito attend this service and time spent there be authorized as normal duty time. The expenses will be charged to 100-3120-4085.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

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III. DEPARTMENTAL COMMUNICATIONS

- Item No. 21 Supervisor's Statement of Funds – March 2003
Received and Filed.
- Item No. 22a Town Environmental Advisory Committee Minutes – April 9, 2003
Received and Filed.
- Item No. 22b Cheektowaga Conservation Advisory Committee Minutes – April 19, 2003
Received and Filed.
- Item No. 23 Building Permits – 2003
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 24 Order to Show Cause: Marrano/Marc Equity vs. Town of Cheektowaga
Received and Filed.
- Item No. 25a Notice of Claim: Ann Carpenter-Hardy vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 25b Notice of Claim: Barbara Hastings vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and First Niagara Risk Management.
Received and Filed.
- Item No. 25c Notice of Claim: Cynthia Kwiatkowski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Dog Warden, Police and First Niagara Risk Management.
Received and Filed.
- Item No. 25d Notice of Claim: Edwin Pilat vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway, Sewer and First Niagara Risk Management.
Received and Filed.
- Item No. 26 Town of Cheektowaga Annual Financial Report for the Year Ended December 31, 2002
Received and Filed.



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTION AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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MAY 5, 2003

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 27 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak AND
Councilmember Jankowiak

WHEREAS, a vacancy exists in the title of Computer Support Technician in the MIS
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, said title falls under the competitive class of Erie County Civil Service;
AND

WHEREAS, a current Erie County Civil Service list is not in existence for said title;
AND

WHEREAS, Thomas Przybylak has applied for said position and meets all the
necessary qualifications for provisional appointment; NOW, THEREFORE BE IT

RESOLVED, that Thomas Przybylak of Cheektowaga, New York 14227, be and
hereby is appointed provisionally to the position of Computer Support Technician in the MIS
Department, pending the results of the civil service examination, and in accordance with the terms and
conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees
Association effective May 19, 2003 at the negotiated rate of \$41,400.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER MAZUR TO
MOVE INTO EXECUTIVE SESSION AT 7:20 P.M. TO DISCUSS ITEM 7 AND THE VOTING WAS AS
FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



MOTION BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER MAZUR TO
RECONVENE THIS MEETING AT 7:30 P.M. AND THE VOTING WAS AS FOLLOWS:

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Upon roll call

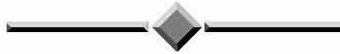
AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0



**The following resolution, Item No. 7 was acted upon after the executive session*



Item No. 7 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was published for the receipt of bids for the disposal of yard waste generated in and collected by the Town, which bids were duly received and opened on May 1, 2003 by the Town Clerk AND

WHEREAS, said bids were referred to the Town Highway Superintendent and the Highway and Sanitation Committee for analysis, tabulation and report; AND

WHEREAS, the Highway Superintendent and the Chairman of the Highway and Sanitation Committee recommend that the contract for the acceptance for disposal of yard waste generated in and collected by the Town of Cheektowaga be awarded to Greiner Industries, 160 Chapin Parkway, Buffalo, New York 14209, for their submission of the lowest responsible bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Acceptance of Disposal of Yard Waste Generated in and collected by the Town of Cheektowaga be and hereby is awarded to Greiner Industries, 160 Chapin Parkway, Buffalo, New York 14209, for the bid price of \$21.00 per U.S. ton, being the lowest responsible bid meeting the requirements of the specifications for said bid item, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute a contract with Greiner Industries for the aforesaid service.



MOTION BY COUNCILMEMBER JANKOWIAK SECONDED BY COUNCILMEMBER SWIA TEK TO AMEND THE ABOVE RESOLUTION ITEM NO. 7 AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0



Amended

WHEREAS, a Notice to Bidders was published for the receipt of bids for the disposal of yard waste generated in and collected by the Town, which bids were duly received and opened on May 1, 2003 by the Town Clerk; AND

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WHEREAS, said bids were referred to the Town Highway Superintendent and the Highway and Sanitation Committee for analysis, tabulation and report; AND

Committee recommend that the contract for the acceptance for disposal of yard waste generated in and collected by the Town of Cheektowaga be awarded to Greiner Industries, 160 Chapin Parkway, Buffalo, New York, 14209, for their submission of the lowest responsible bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Acceptance for Disposal of Yard Waste Generated in and collected by the Town of Cheektowaga be and hereby is awarded to Greiner Industries, 160 Chapin Parkway, Buffalo, New York, 14209, for the bid price of \$19.00 per ton if the Town delivers waste materials to the site of Greiner Industries, or \$21.00 per ton if Greiner Industries supplies containers at the Town's site, which Greiner will transport to its site; said bid being the lowest responsible bid meeting the requirements of the specifications for said bid item; and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute a contract with Greiner Industries for the aforesaid service, subject to prior approval of the contract by the Town Attorney's Office.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilmember Jankowiak Seconded by Councilmember Mazur to adjourn this meeting. The meeting was adjourned at 8:15 p.m.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 13
MAY 19, 2003**

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 Roads, in said Town on the 19th day of May, 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William R. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember Thomas J. Mazur
Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Jerome Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; William Pugh, Town Engineer and Richard Chamberlin, Police Captain.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

GENERAL FUND

FROM:	100-1110-4592	Contracted Clerical	\$5,390.00
TO:	100-1110-4001	Office Supplies	\$1,900.00
	100-1110-2501	Equipment	3,490.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 3 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to May 16, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$2,611,905.54
RISK RETENTION FUND	\$ 121,190.46
DEBT SERVICE FUND	538,043.75
HUD HOUSING REHABILITATION	726.06
SPECIAL DISTRICTS FUND	926,594.73
HIGHWAY FUND	399,744.29
TRUST & AGENCY	28,061.26
HUD CDBG FUND	2,208.12
PART TOWN FUND	70,746.12
CAPITAL FUND	<u>161,901.98</u>
	\$4,861,122.31

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

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MAY 19, 2003

Item No. 4a Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, the Town has received a Disaster Response Grant with regard to the recent water damage to the Town Court building in the amount of \$18,605.00,

NOW, THEREFORE, BE IT

RESOLVED, that the budget be revised for \$18,605.00 as follows:

Increase Revenue Line 100-1415-3500
Increase Expenditure Line 100-1415-4008

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 4b Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

WHEREAS, the Town has received the sum of \$49,145.00 for a continuation of the Points of Entry Narcotics Interdiction Program to reduce the number of drug related violent crimes in Cheektowaga through an inter-agency program designed to suppress drug trafficking,

NOW, THEREFORE BE IT RESOLVED, that the budget be revised for \$49,145.00 as follows:

Increase Revenues Line 100-3120-4820
Increase Expenditures Line 100-3120-2205

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 5a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, sealed bids were received for Athletic White Stripe on April 16, 2003 at a meeting held for said purpose, AND

WHEREAS, said bids have been reviewed for compliance under the terms of the specifications, NOW, THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board hereby award said Bid for Athletic White Stripe to:

Keystone Builders Supply, Inc.
4388 Broadway
Depew, New York 14043

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 5b Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on April 16, 2003 at a meeting held for said purpose, AND

WHEREAS, said bids have been reviewed for compliance under the terms of the specifications, NOW, THEREFORE BE IT

MEETING NO. 13
MAY 19, 2003

Item No. 5b cont'd.

RESOLVED, that the Cheektowaga Town Board hereby awards said Bid for Pool Maintenance Chemicals to:

Leslie's Pool Mart
3925 E Broadway Road #100
Phoenix, AZ 85040-2925

Category I	-	Bromine	-	\$2.35 per lb.
Category II	-	Diatomaceous Earth	-	\$.17 per lb.
Category III	-	Sodium Bicarbonate	-	\$.20 per lb.
Category IV	-	Soda Ash	-	\$.21 per lb.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 5c Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of two (2) trucks with 32 cubic yard refuse packers for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, AND

WHEREAS, said Town Engineer has submitted the same, which is hereto attached and made part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of two (2) trucks with 32 cubic yard refuse packer bodies be awarded to:

Buffalo Truck Center, Inc.
271 Dingens Street
Buffalo, New York 14206

for their total bid, including options, in the amount of \$248,726.00 for two (2) 2003 Autocar Trucks with Heil 5000, 32 Refuse Packer Bodies; said bid being the lowest evaluated bid meeting the requirements of the specifications AND, BE IT FURTHER

RESOLVED, that funds are available in Account #500-8160-9364-5221 for this purpose.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 13
MAY 19, 2003

Item No. 5d Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, as a result of advertisement, bids were received on May 7, 2003 for the furnishing of equipment and operators for mowing three (3) Galleria detention basins and the Pfohl Brothers landfill site for 2003, 2004 and 2005 in the Town of Cheektowaga, 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 from Allan Blachowski, Principal Engineer Assistant, to the Town Board dated May 14, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for mowing three (3) Galleria detention basins and the Pfohl Brothers landfill site be awarded to:

Niagara Grass
2601 Niagara Falls Boulevard
Niagara Falls, New York 14304

for submission of the lowest bid meeting the requirements of the specifications in the amounts of: Contract "A" - \$5,320.00 and Contract "B" - \$2,380.00 AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for maintenance of Galleria detention basins in Account Numbers 06-0834-0000, 06-0831-0000 and 06-0833-0000 and for the Pfohl Brothers site in Account #150-1910-5901.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 13
MAY 19, 2003

Item No. 5e Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, in accordance with the policies and procedures adopted by the Cheektowaga Town Board for the procurement of goods and services, the Department of Parks, Recreation & Youth Services solicited proposals for transportation for its 2003 summer camp programs, AND

WHEREAS, proposals were received for the provision of said bus transportation services, AND

WHEREAS, TNT Bus Service, Inc. has submitted the lowest responsible quotation for the provision of bus transportation services, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby award the contract for the provision of bus transportation at a cost of \$5,879.00 for the Department of Parks, Recreation & Youth Services' day camp programs to:

TNT Bus Service, Inc.
655 Walck Road
N. Tonawanda, New York 14120

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 6a Call for Public Hearing: Rezoning of Property Located at 2911 William Street
This item was withdrawn.

Item No. 6b Motion by Councilmember Rogowski, seconded by Supervisor Gabryszak

WHEREAS, in an effort to streamline Town government and reduce costs to Town taxpayers, this Town Board desires to eliminate the Office of the Receiver of Taxes and Assessments and to transfer such functions to the Town Clerk, AND

WHEREAS, the Town Attorney's Office has drafted a local law to eliminate the Office of Receiver of Taxes and Assessments and to transfer the functions to the Town Clerk, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 2nd day of June, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting a local law to eliminate the Office of Receiver of Taxes and Assessments and to transfer the powers and duties of such office to the Town Clerk in the Town of Cheektowaga AND, BE IT FURTHER

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



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 2nd day of June, 2003 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed local law entitled "A Local Law to Abolish the Office of Receiver of Taxes and Assessments in the Town of Cheektowaga". The text of this local law is as follows:

LOCAL LAW INTRO NO. 2003-3
A LOCAL LAW TO ABOLISH THE OFFICE OF RECEIVER OF
TAXES AND ASSESSMENTS IN THE TOWN OF CHEEKTOWAGA

Item No. 6b cont'd.

Section 1. Purpose.

The purpose of this chapter is to abolish the office of Receiver of Taxes and Assessments in the Town of Cheektowaga.

Section 2. Abolition; transfer of powers and duties.

The office of Receiver of Taxes and Assessments in the Town of Cheektowaga, New York, is hereby abolished. The powers and duties of that office shall be transferred to the office of the Town Clerk of the Town of Cheektowaga, New York.

Section 3. Mandatory referendum.

This chapter shall be subject to mandatory referendum by general election.

Section 4. When effective.

This chapter shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at said general election and the filing with the office of the Secretary of State in accordance with the applicable provisions of law, at the end of the term of the current tax receiver.

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

Dated: May 19, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 13
MAY 19, 2003

Item No. 7a Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, by resolution dated February 3, 2003 this Town Board engaged the firm of Kideney Architects to prepare plans and specifications for the construction of additions to the Banquet Room, Exercise Room, Entrance Vestibule, Ceramic Mold Storage Room and other related modification to the Senior Citizen Center facility, which plans and specifications have been completed, enabling the solicitation of competitive bids for said project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Construction of Additions and Other Related Modifications to the Town Senior Citizens Center Facility, said notice to be published in THE CHEEKTOWAGA TIMES AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 6th day of June 2003 at 11:00 AM, local time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 6th day of June 2003, at 11:00 AM, local time, in the Town Hall at Broadway and Union Road, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for construction of additions and other related modifications within the existing Cheektowaga Senior Center at 3349 Broadway.

On and after the date of this notice, plans, specifications, and other Contract Documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York and the office of Kideney Architects, 200 John James Audubon Parkway, Amherst, New York. Copies of the Contract Documents, Plans, Specifications and Instructions to Bidders may be obtained at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two (2) checks, \$25.00 each, made payable to the Town of Cheektowaga, New York.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of contract or rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as a non-bidder. No refund will be made for documents received after this thirty (30) day period.

The Town of Cheektowaga reserves the right to reject any and all bids, to waive any informalities therein, or to make an award to other than the low bidder should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with the law.

Each proposal must be accompanied by a certified check or bank draft for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York or a bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in the sum equal to five percent (5%) of the amount of the bid, conditioned that, if the proposal be accepted, the contractor will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

Attention of the bidders is further called to Section 103-d of the General Municipal Law, which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

A Pre-Bid Conference will be held on Wednesday, May 28, 2003 at 9:00 AM at the Cheektowaga Senior Center, 3349 Broadway, Cheektowaga, New York.

By Order Of: Town Board
Town of Cheektowaga
Mary Holtz, Town Clerk

MEETING NO. 13
MAY 19, 2003

Item No. 7a cont'd.

Dated: May 19, 2003

Published: May 22, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 7b Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Parks Division is in need of one (1) Rotadairon (soil renovator), AND

WHEREAS, the Engineering Department has been requested to prepare specifications, NOW, THEREFORE BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of said Rotadairon for the Parks Division, said notice to be published in the CHEEKTOWAGA TIMES AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 4th day of June, 2003 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on June 4, 2003 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) Rotadairon (soil renovator) for the Parks Division.

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

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

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

Mary F. Holtz
Town Clerk

DATED: May 19, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 13
MAY 19, 2003

Item No. 8a Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

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 Southline Athletic Association has made application to hold its annual Memorial Day Parade on Monday, May 26, 2003, commencing at 9:30 A.M.; said parade route to start at the Garden Village Plaza, then down French Road to Towers , AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Department of Parks, Recreation & Youth Services and 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 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 application of Southline Athletic Association for the aforementioned Parade, to be held on Monday, May 26, 2003 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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 8b Motion by Councilmember Mazur, seconded by Councilmember Johnson

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, Beverly Hills Athletic Association. has made application to hold a parade on Sunday, June 1, 2003 beginning at 2:00 P.M. as follows:

- Parade will assemble at the Anna Reinstein Library on Harlem Road, then proceed down McNaughton Avenue to the Beverly Hills Athletic Association baseball fields on George Urban Boulevard, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga 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. 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.

MEETING NO. 13
MAY 19, 2003

NOW, THERFORE, BE IT

Item No. 8b cont'd.

RESOLVED, that this Town Board hereby approves the aforementioned application of Beverly Hills Athletic Association. for the aforementioned parade to be held on June 1, 2003 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, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 8c Motion by Councilmember Johnson, seconded by Councilmember Mazur

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 War of 1812 Cemetery Board of Trustees has made application to hold a parade and commemoration ceremony on Sunday, June 8, 2003 beginning at 11:30 A.M. as follows:

- Parade will assemble at the corner of Aero Drive and Wehrle Drive, and proceed down Aero Drive to the War of 1812 Cemetery, where the ceremonies will be held, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, and the Department of Parks, Recreation and Youth Services 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, THERFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the War of 1812 Cemetery Board of Trustees for the aforementioned parade and commemoration ceremony to be held on June 8, 2003 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, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 9 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, funds have been received by the County of Erie from the New York State Emergency Management Office through the Federal Government to write an All Hazard Mitigation Plan for each of the 44 communities of Erie County, AND

MEETING NO. 13
MAY 19, 2003

Item No. 9 cont'd.

WHEREAS, these funds received by Erie County will be used to assist in preparing a County-Wide All Hazard Mitigation Plan, AND

WHEREAS, this plan must be completed by November, 2004 by all 44 municipalities in order to comply with the Federal Mandate, in order to eligible for FEMA funding after a federal disaster declaration, AND

WHEREAS, the County of Erie Department of Emergency Services has offered to prepare an All Hazard Mitigation Plan on behalf of the Town of Cheektowaga at no cost to the Town, AND

WHEREAS, Earl Loder, the Emergency Services Coordinator for the Town of Cheektowaga, serves of the Board which is drafting the All Hazard Mitigation Plan and has input on such plan on behalf of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby authorizes the Erie County Department of Emergency Services to complete the All-Hazard Mitigation Plan on behalf of the Town of Cheektowaga AND, BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Erie County Department of Emergency Services to submit the All Hazard Mitigation Plan on the Town's behalf to meet the Federal Mandate of submission by November 1, 2004 AND, BE IT FURTHER

RESOLVED, that Earl Loder be and hereby is directed to forward copies of this resolution to the Erie County Department of Emergency Services to be included in their All Hazard Mitigation Plan which will be submitted to the New York State Emergency Management Office for approval.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 10a Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, moneys are available from the State of New York Division of Criminal Justice Services ("DCJS") to assist the Town Police Department with its anti-drug abuse efforts through its Points of Entry Interdiction Program with the Buffalo Police Department, the NFTA Police Department, the Erie County Central Police Services Crime Lab and the Erie County District Attorney's Office, AND

WHEREAS, the Town applied for and was awarded a grant of \$49,145 by the DCJS under this program, AND

WHEREAS, the Town wishes to avail itself of this funding, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this grant award agreement with the State of New York and all other documents necessary to effectuate this grant AND, BE IT FURTHER

RESOLVED, that the Town is matching funds for this grant, \$16,382, shall be appropriated from budget line item number 100-3120-2205.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 13
MAY 19, 2003

Item No. 10b Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, Belmont Shelter Corp. has been awarded a grant of Low Income Housing Tax Credits from the New York State Department of Housing & Community Renewal for the development of 100 units of senior citizen housing at 5074 Transit Road in the Town of Cheektowaga, AND

WHEREAS, said project, which has been designated as Southwind Landing Apartments, will provide safe and decent rental housing to senior citizens at affordable rents, AND

WHEREAS, the Town of Cheektowaga has budgeted \$250,000 in Community Development Block Grant funds to be provided as a loan in support of the development of said project, NOW, THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a loan agreement with Belmont Shelter Corp., located at 1195 Main Street, Buffalo, New York 14209, to provide a loan of up to \$250,000 for the development of the Southwind Landing Apartments senior citizen housing project, said loan subject to the release of funds from the Department of Housing & Urban Development.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 11 Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, the Town has been requested by the Erie County Department of Personnel to designate an "Appointing Officer" for the Town to perform various functions, including the completion and execution of various personnel forms, personnel changes and reports, AND

WHEREAS, the Department of Personnel has been performing these functions and is the proper office in the Town's departmental structure for these functions, AND

WHEREAS, the Coordinator of Employee Relations position is currently vacant, AND

WHEREAS, Councilmember James J. Jankowiak is the current Personnel Committee Chairperson, NOW, THEREFORE BE IT

RESOLVED, that Councilmember James J. Jankowiak, Personnel Committee Chairperson, be designated as "Appointing Officer" to perform such functions, and that a copy of this resolution be forwarded to the Commissioner of the Erie County Personnel Department effective May 19, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

BE IT RESOLVED, the Town Board hereby creates the position of Senior Housing Inspector pursuant to Civil Service Laws and Rules effective May 20, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 13
MAY 19, 2003

Item No. 13a Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, by resolution, this Town Board appointed John R. Ciesielski to the position of Recreation Leader in the Department of Parks, Recreation, and Youth Services on a provisional basis, pending the establishment of a valid civil service list for said position, AND

WHEREAS, said civil service list has been established by the Erie County Department of Personnel, AND

WHEREAS, John R. Ciesielski is eligible for permanent appointment from said civil service list, NOW, THEREFORE BE IT

RESOLVED, that John R. Ciesielski of Cheektowaga, New York 14225 be and hereby is permanently appointed to the position of Recreation Leader in the Department of Parks, Recreation, and Youth Services effective immediately.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 13b Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Town Board of the Town of Cheektowaga previously created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, AND

WHEREAS, By Resolution dated February 7, 1983, this Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation, AND

WHEREAS, the aforesaid By-Laws provide that the Directors of the Cheektowaga Economic Development Corporation will be appointed by resolution of the Cheektowaga Town Board, AND

WHEREAS, the Cheektowaga Economic Development Corporation has recommended the appointment of the individuals listed below to the Board of Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE BE IT

RESOLVED, that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation, effective immediately for a term of three years, said term expiring at the time of reappointment to said Board of Directors positions but no later than May 31, 2006.

Richard Cielinski
Joseph Funk

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, a vacancy will exist in the position of Secretary to the Supervisor, AND

WHEREAS, said title is in the exempt class of Erie County Civil Service, AND

WHEREAS, Nancy Vasquez has applied for and meets all the qualifications for said position, NOW, THEREFORE BE IT

MEETING NO. 13
MAY 19, 2003

RESOLVED, that Nancy Vasquez of Corfu, New York, 14036 be and hereby is appointed to the position of Secretary to the Supervisor at the annual salary of \$32,000 effective June 2, 2003 AND, BE IT FURTHER

Item No. 14a cont'd.

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Nancy Vasquez be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14b Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Clerk Typist in the Justice Court, AND

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

WHEREAS, no full-time employee bid on said vacancies, AND

WHEREAS, such job title is in the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service list was canvassed, AND

WHEREAS, Dawn Burgio appears on said Civil Service list and meets all the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Dawn Burgio of Cheektowaga, New York 14216 be and hereby is appointed to the position of Clerk-Typist in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective May 20, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14c Motion by Councilmember Mazur, seconded by Councilmember Johnson

WHEREAS, by resolution dated January 6, 2003, this Town Board reappointed members to the Veterans Affairs Committee, AND

WHEREAS, a vacancy exists on such Veterans Affairs Committee, AND

WHEREAS, J. Donald Griffin has volunteered to serve on such Committee, NOW, THEREFORE BE IT

RESOLVED, that J. Donald Griffin, Cheektowaga, New York 14225 be and hereby is appointed as a member of the Veterans Affairs Committee, effective immediately and terminating on December 31, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 13
MAY 19, 2003

Item No. 15 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that the following individual be and hereby is hired as PART-TIME EMPLOYEE in the department 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:

<u>ACCOUNTING DEPARTMENT – Clerk - \$6.00 per hour</u>	<u>EFFECTIVE</u>
Stephanie Gretch Cheektowaga, NY 14212	Immediately

BE IT RESOLVED, that the following individual be and hereby is hired as SEASONAL EMPLOYEE, not to exceed five months in a calendar year, in the department 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>PARKS DIVISION – Laborer - \$7.00 per hour</u>	<u>EFFECTIVE</u>
Justin Tricoli Cheektowaga, NY 14227	Immediately

<u>POLICE DEPARTMENT – Traffic Sign Maintenance – Laborer \$7.10 per hour</u>	
Michael A. Urbanski Cheektowaga, NY 14227	5/20/03

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

<u>PARKS DIVISION</u>	<u>EFFECTIVE</u>
Dustin Weiss	Immediately

and, BE IT FURTHER

RESOLVED, that Jason Rydzynski of Cheektowaga, New York 14227 and Robert Haas of Cheektowaga, New York 14227 both currently employed as Part-Time laborers in the Parks Division, receive a salary adjustment to \$7.00 per hour effective May 20, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER SWIATEK TO DISPENSE WITH READING OF THE NAMES FOR THE FOLLOWING RESOLUTIONS, ITEMS 16 AND 17 AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



Item No. 16 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following employees in the Department of Parks, Recreation & Youth Services be and hereby are transferred and/or upgraded, effective as indicated:

Item No. 16 cont'd.

Seasonal

Arts & Crafts Rotation – 7310.1648

Recreation Attendant II - \$5.40
Kristina Aquilino

Sports & Games Rotation – 7140.1645

Recreation Attendant II - \$5.40
Jeffrey Gmerek

Part-Time

Administrative Interns – 7310.1804

Clerk - \$6.75
Cathy Thomasik

From Part-Time to Seasonal

Jocelyn Kiszewski
Brian Koscielniak

Administrative Interns – 7310.1804

Clerk - \$6.25
Jillian Tefft (effective 6/30)

From Part-time to Seasonal

Transfer from Adapted Recreation – 7310.1803:

To: Camp Flamingo – 7310.1810

Recreation Supervisor – (Program Coordinator) - \$14.65
Deborah Ann Fleetwood

Recreation Supervisor (Activity Director III - \$7.40
Pamela Szeffler

To: Camp Crabapple – 7310.1802

Recreation Supervisor (Assistant Program Coordinator/Nurse) - \$11.40
Barbara Walters

Recreation Supervisor (Activity Director III) - \$7.40
Jennifer Odrobina

Recreation Supervisor (Activity Director II) - \$7.15
Kristin Mills

To: Camp JI-IK-DO-WAH-GAH – 7310.1801

Recreation Supervisor (Activity Director IX) - \$9.15
Victor Nosal

Recreation Supervisor (Activity Director IV) - \$7.65
Amy McMahon

Recreation Supervisor (Activity Director II) - \$7.15
Barbara Czaplicki

From Part-Time to Seasonal

Gymnastics – (7140.1630)

Item No. 16 cont'd.

Effective 6/2/03

Recreation Attendant II - \$5.40

Krista Lesinski

Recreation Attendant III - \$5.65

Darlene Adamusik

Susan Mayle

Melisa Petre

Recreation Attendant XI - \$7.90

Amy Hawrysiak

From Part-Time to Seasonal

(effective 6/7/03)

Recreation Attendant III - \$5.65

Kristie Gammack

Part-Time

Recreation Attendant IV - \$5.90

Laura Brown

Jessica Porter

From Part-Time To Seasonal

Effective 6/2/03

Recreation Attendant IV - \$5.90(7140.1611 & 7140.1651)

Erica Au

From 7140.1614 to 7140.1645 Sports & Games Rotation

Recreation Attendant II - \$5.40

Dwayne Gaczewski

Matthew Gaczewski

Thomas Mahoney

Shawn McCadams (also 7140.1648)

Recreation Attendant V - \$6.15

Justin Lelonek

Lisa Wnuk

Recreation Attendant VII - \$6.65

Robert Halter

From 7140.1614 to 7140.1648 Arts & Crafts Rotation & 7140.1651 Theater

Recreation Attendant II - \$5.40

Samantha Cycon

Recreation Attendant VI - \$6.40

Debbie Garrison

From 7140.1614 to 7140.1648, 7140.1645 & 7310.1814

Recreation Attendant V - \$6.15

Robert Swiatkowski

Recreation Attendant X - \$7.40

Scott Gretch

From 7140.1614 and 7310.1814 to 7140.1642 and 7140.1651

Item No. 16 cont'd.

Recreation Attendant I - \$5.15
Amanda Kostran

Recreation Attendant VI - \$6.40
Nicole Neyerlin (also 7140.1648)

From 7140.1614 & 7140.1611 to 7140.1642, 7140.1651 & 7140.1648

Recreation Attendant VI - \$6.40
Jenelle Kostran

From 7140.1614 to 7140.1645

Recreation Attendant II - \$5.40
Michael Collins

Arts & Crafts – 7140.1613 –

Seasonal
(effective 6/6/03)

Recreation Attendant III - \$5.65
Jim Neyerlin (also 7140.1651)

Recreation Attendant IV - \$5.90
Lindsay Gabryszak

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as Seasonal employees in the Department of Parks, Recreation & Youth Services, effective May 20, 2002:

Gymnastics – 7140.1630

Recreation Attendant (IV) - \$6.15
Sarah Stortz
Depew, N.Y. 14043

Tennis- 7140.1642

Recreation Attendant (V) - \$6.40
Lisa Wittman
Cheektowaga, N.Y. 14227

Louis Bystrak
Cheektowaga, N.Y. 14227

Recreation Attendant (V) - \$6.15
Nick Wierzbicki
Cheektowaga, N.Y. 14211

Recreation Attendant (IX) - \$7.15
Eric Burns
Cheektowaga, N.Y. 14225

Item No. 17 cont'd.

Recreation Supervisor VI) -\$8.65

Brion McGhee
Cheektowaga, N.Y. 14225

Basketball – 7140.1654

Recreation Attendant (V) -\$6.15

Melissa King
Cheektowaga, New York 14225

Recreation Attendant (II) - \$5.40

Adam Grupka
Depew, New York 14043

Ryan Mohr
Cheektowaga, New York 14225

Camp Flamingo – 7310.1810

Recreation Supervisor (Activity Director III) \$7.40

Kenneth Wakefield
Cheektowaga, New York 14225

Camp Dartwood 7140.1632

Recreation Supervisor (Site Director III) - \$7.65

John Petrocy
Depew, New York 14043

Seasonal

(effective immediately)

Arts & Crafts Rotation – 7140.1648

Recreation Attendant II - \$5.40

Edward Kasprzak
Cheektowaga, New York 14227

Recreation Attendant I - \$5.15

Tiffany Tafelski
Depew, New York 14043

Sports & Games Rotation – 7140.1645

Recreation Attendant I - \$5.15

Jennifer Dunkleman
Cheektowaga, New York 14206

Jinette Nowaczewski
Cheektowaga, New York 14225

Angela Orlikowski
Cheektowaga, New York 14206

Item No. 17 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

**MEETING NO. 13
MAY 19, 2003**

WHEREAS, the New York State Department of Criminal Justice Services is conducting the annual K-9 Recertification School in Binghamton, New York June 2-5, 2003, AND

WHEREAS, Chief Ziembra is requesting authorization to send K-9 Officer Daniel Smith to this training. Officer Smith has once again been requested to instruct this specialized training, therefore the NYS DCJS will be covering his lodging and tuition expenses. The Police Department will be responsible for travel to and from this training amounting to approximately \$50.00. A Cheektowaga Police vehicle will be used for transportation to and from this training, NOW, THEREFORE BE IT

RESOLVED, that Officer Smith is authorized to attend this training and that the time spent there be authorized as normal duty time. Expenses will be charged to 0100-3120-4085.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 19 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, the Town is in need of professional services to perform condition surveys of the existing pools and associated buildings at the Maryvale Drive Pool, Dingens Street Pool and Town Park Pool, AND

WHEREAS, Bergmann Associates has submitted a proposal to perform the necessary condition surveys at a cost of \$9,800.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Bergmann Associates, as per the attached proposal, to perform the necessary condition surveys of the pools and associated buildings at the Maryvale Drive Pool, Dingens Street Pool and Town Park Pool and, BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 500-1440-9701-5123.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 20a Minutes of Board of Ethics Committee - March 8, 2003
Received and Filed.

Item No. 20b Minutes of Cheektowaga Traffic Safety Commission – April 15, 2003
Received and Filed.

Item No. 20c Minutes of Cheektowaga Public Library Board – April 16, 2003
Received and Filed.

Item No. 20d Minutes of Town Environmental Advisory Committee – April 30, 2003
Received and Filed.

Item No. 20e Minutes of Cheektowaga Conservation Advisory Council – May 1, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

MEETING NO. 13
MAY 19, 2003

Item No. 21 Summons and Complaint: Allstate Insurance Company/Lisa Spina vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police Department and First Niagara Risk Management.
Received and Filed.

Item No. 22a Notice of Claim: Jonathan Broecker vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation Department and First Niagara Risk Management.
Received and Filed.

Item No. 22b Notice of Claim: Wendy Schuster vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department and First Niagara Risk Management.
Received and Filed.

Item No. 22c Notice of Claim: Judi Urbanek vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation Department and First Niagara Risk Management.
Received and Filed.



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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



IV. SUSPENSION OF RULES

Item No. 23a Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

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

RESOLVED, that the Town Board, pursuant to Section 52-5 of the Code of the Town of Cheektowaga accept the recommendations of the Emergency Medical Services Board, and approve the following attached list of vehicles and, BE IT FURTHER

Item No. 23a cont'd.

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

<u>VEHICLE MAKE & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
Ford 1993	16718ET	542
Ford 1997	16738ET	568

MEETING NO. 13
MAY 19, 2003

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 23b Motion by Councilmember Mazur, 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.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 24 Motion by Councilmember Johnson, seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga is the owner of property (S.B.L. No. 92.04-1-5) located on the south side of Genesee Street between properties owned by National Car Rental (4499 Genesee Street) and Veridian (4455 Genesee Street), AND

WHEREAS, New York State Electric & Gas Corporation ("NYSEG") has requested an easement over a portion of this property for the installation of underground electric and telephone facilities, AND

MEETING NO. 13
MAY 19, 2003

WHEREAS, the Town Engineer has reviewed this request and has no objection to the granting of the easement providing NYSEG's installation does not conflict with existing utilities on the property, AND

WHEREAS, this Board is in agreement with the granting of this easement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this easement and, BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law and, BE IT FURTHER

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



NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on May 19, 2003, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to New York State Electric & Gas Corporation for the installation of underground electric and telephone facilities on Town-owned property located on the south side of Genesee Street (Tax Acct. No. 92.04-1-5) between 4455 Genesee Street and 4499 Genesee Street.

A copy of such easement is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

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

Dated: May 19, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 25 Motion by Councilmember Johnson, seconded by Councilmember Mazur to adjourn this meeting. The meeting was adjourned at 7:15 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 14
MAY 28, 2003**

Item No. 1 At a special meeting of the Town Board of the Town of Cheektowaga, Erie County, New York, held at the Town Hall, corner of Broadway and Union Road, in said town on the 28th day of May, 2003, 6:00 o'clock P.M. there were

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Thomas J. Mazur
Councilmember James J. Jankowiak

ABSENT: Councilmember Swiatek

Also present were Michael J. Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; and Attorney Vincent J. Sorrentino.



DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD, A MOTION WAS MADE BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 6:20 P.M. AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Swiatek



I. RESOLUTIONS

Item No. 2 Motion by Councilmember Johnson, Seconded by Councilmember Mazur

WHEREAS, an action was commenced by Mary Thomson, as Parent and Natural Guardian of John Anthony Thomson, an infant, against the Town for injuries alleged to have been sustained by him on or about July 15, 1997, AND

WHEREAS, the law firm of Cole, Sorrentino, Hurley, Hewner & Gambino, P.C. was retained to represent the Town with regard to this claim; Vincent J. Sorrentino, Esq., has negotiated a settlement with the claimants' attorney, Robert E. Scott, Esq.; Mr. Sorrentino and the Town Attorney believe that the proposed settlement is a fair and equitable resolution of this matter under all the circumstances, and all strongly recommend that a settlement be approved, NOW, THEREFORE BE IT

RESOLVED, that the Town Board approves of the above settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Swiatek

EXECUTIVE MEETING NO. 14
MAY 28, 2003



MOTION BY UNANIMOUS, SECONDED BY UNANIMOUS TO EXIT THE EXECUTIVE SESSION AT 6:25 P.M. AND RECONVENE THE WORK SESSION AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Jankowiak and Mazur
NAYES: 0
ABSENT: Councilmember Swiatek



Item No. 3 Motion by Unanimous, Seconded by Unanimous to adjourn this work session at 8:00 P.M.

Respectfully submitted by,

MICHAEL J. STACHOWSKI
Town Attorney

**TOWN OF CHEEKTOWAGA
MEETING NO. 15
JUNE 2, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 2nd of June 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney, Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; William Pugh, Town Engineer; Thomas Adamczak, and Supervising Building and Plumbing Inspector

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss Local Law Intro 2003-3, "A Local Law to Abolish the Office of Receiver of Taxes and Assessments in the Town of Cheektowaga". The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said notice was as follows:



LOCAL LAW INTRO NO. 2003-3
A LOCAL LAW TO ABOLISH THE OFFICE OF RECEIVER OF
TAXES AND ASSESSMENTS IN THE TOWN OF CHEEKTOWAGA

Section 1. Purpose.

The purpose of this chapter is to abolish the office of Receiver of Taxes and Assessments in the Town of Cheektowaga.

Section 2. Abolition; transfer of powers and duties.

The office of Receiver of Taxes and Assessments in the Town of Cheektowaga, New York, is hereby abolished. The powers and duties of that office shall be transferred to the office of the Town Clerk of the Town of Cheektowaga, New York.

Section 3. Mandatory referendum.

This chapter shall be subject to mandatory referendum by general election.

Section 4. When effective.

This chapter shall take effect upon the affirmative vote of a majority of the qualified electors voting therein at said general election and the filing with the Office of the Secretary of State in accordance with the applicable provisions of law, at the end of the term of the current tax receiver.

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

Dated: May 19, 2003

Mary F. Holtz
Town Clerk

The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. No comments were heard after which the Supervisor declared the hearing was closed, decision was reserved.

**MEETING NO. 15
JUNE 2, 2003**



II. RESOLUTIONS

Item No. 3 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants, Submitted to the Town of Cheektowaga prior to June 2, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 343,650.60
RISK RETENTION FUND	51,139.16
HUD REHAB	11,091.15
SPECIAL DISTRICTS FUND	124,727.43
HIGHWAY FUND	47,656.16
TRUST & AGENCY	14,335.48
HUD CDBG FUND	1,722.80
PART TOWN FUND	8,263.56
CAPITAL FUND	<u>68,265.00</u>
	\$ 670,851.34

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
 Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 4 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

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

FROM:	700-5099-2200	Property Acquisition	\$ 7,495.26
	700-5095-0770	Senior Citizen Center	6,804.61
	700-5096-0675	Handicap Curb & Sidewalk Rpl	38,469.00
	700-5000-0800	Sidewalk Replacement Program	17,750.00
	700-5001-0676	Public Safety – Foot Patrols	19,639.65
	700-5001-0800	Sidewalk Replacement	17,500.00
	700-1001-0600	Housing Rehabilitation	186,795.00
	700-1002-0600	Housing Rehabilitation	63,205.00
TO:	700-5099-0663	Road & Drainage Improvement	\$ 7,495.26
	700-5095-0663	Road & Drainage Improvement	6,804.61
	700-5096-0663	Road & Drainage Improvement	38,469.00
	700-5000-0663	Road & Drainage Improvement	17,750.00
	700-5001-0663	Road & Drainage Improvement	19,639.65
	700-5001-0663	Road & Drainage Improvement	17,500.00
	700-1001-0605	Senior Citizen Housing	186,795.00
	700-1002-0605	Senior Citizen Housing	63,205.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
 Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 15
JUNE 2, 2003

Item No. 5 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, a Notice to Bidders was published for the receipt of bids for the construction of the Alpine Place Sanitary Sewer Improvements Project, which bids were duly received and opened on May 27, 2003 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is hereto attached and contained in a letter from the Town Engineer dated May 29, 2003, AND

WHEREAS, said letter recommends the contract for the Alpine Place Sanitary Sewer Improvements Project be awarded to Yarussi Construction Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304 for their low bid submission of \$538,357.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the agreement with Yarussi Construction, Inc. for the referenced project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #500-1440-4544-5222.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 15
JUNE 2, 2003

Item No. 6 Motion by Supervisor Gabryszak; Seconded by Councilmember Jankowiak

WHEREAS, by resolution dated May 19, 2003, a Notice to Bidders was issued for the Additions and Alterations at the Cheektowaga Senior Center, with a June 6, 2003 bid opening date, AND

WHEREAS, the newly adopted New York State "International" Code now requires the introduction of a sprinkler system in the new banquet room addition, the existing banquet room and adjacent areas, thereby requiring revisions to the existing contract documents, AND

WHEREAS, the firm of Kideney Architects is providing an addendum to the existing contract drawings and specifications detailing the location of the necessary sprinkler system and all associated components, AND

WHEREAS, due to the specialized field of sprinkler system installation, an additional contract will be added to the existing four (4) contracts for the Senior Center Additions and Alterations Project, and the bid opening for all five (5) contracts for this project needs to be postponed, NOW, THEREFORE, BE IT

RESOLVED, that the date for the opening of bids for the existing four (4) contracts and the new fifth contract for the Additions and Alterations Project at the Cheektowaga Senior Center be and hereby is postponed and rescheduled for June 25, 2003 at 11:00 A.M., to be held by the Town Clerk in the Council Chambers in Cheektowaga Town Hall to accommodate plan revisions associated with the sprinkler system, AND BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Revised Notice to Bidders in the Cheektowaga Times on June 5, 2003.



REVISED NOTICE TO BIDDERS
FOR THE ADDITIONS AND ALTERATIONS PROJECT
AT THE CHEEKTOWAGA SENIOR CENTER

NOTICE IS HEREBY GIVEN, that the opening date for sealed proposals for the furnishing of all labor, materials, tools, equipment and incidentals required for construction of additions and other related modifications within the existing Cheektowaga Senior Center at 3349 Broadway, be and hereby is POSTPONED from June 6, 2003 at 11:00 A.M. to June 25, 2003 at 11:00 A.M. In addition to the four (4) contracts which were part of the original bid package, there will be an additional contract/addendum for the installation of a sprinkler system and associated components in the Cheektowaga Senior Center.

Bid specifications with the addendum may be obtained at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York upon payment of \$50.00 for each set of documents.

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

MARY F. HOLTZ
Town Clerk

DATED: June 2, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Affidavit Next Page

MEETING NO. 15
JUNE 2, 2003

Item No. 7 Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 Kevin Saxon, representing SADO Gas Sales for the rezoning of part of 5 French Road from CM-General Commercial to MS-Motor Services for the construction of a full service gasoline station, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on May 14, 2003 recommended a determination of non significance as shown on the attached memorandum dated May 15, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on April 10, 2003 as shown on the attached recommendation dated April 24, 2003, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission reviewed e the site plan at their meeting of March 18, 2003 and is recommending the closure of the existing westerly driveway along French Road, AND

WHEREAS, the applicant and current owner are in agreement to the closure of the westerly French Road driveway and have agreed to prepare a reciprocal easement for shared vehicular access across the subject property and the existing "Valvoline Oil Change" property, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared Frank T. Brezezinski, R.L.A. dated March 3, 2003 acceptable, subject to the following revisions/ additional information:

1. Removal of the existing westerly French Road driveway.
2. Maintaining a minimum parking setback along Union Road of (25) twenty-five feet.
3. Placement of the propane dispensing tank below ground, unless the Town of Cheektowaga Zoning Board of Appeals grants a variance for its placement above ground.
4. Replacement of the existing guardrail .
5. Submission of a drainage plan for approval by the Town Engineer.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 15
JUNE 2, 2003

Item No. 8a Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

WHEREAS, SADO Gas Sales petitioned for a rezoning from CM-General Commercial District to MS-Motor Services District for gasoline sales, propane sales and a retail sales building for property owned by Buffalo Lube Realty, LLC and located at part of 5 French Road, Cheektowaga, New York, which property is described in the attached legal description, AND

WHEREAS, a public hearing on such petition was held before this Town Board on the 5th day of May, 2003 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, subject to the condition that the west driveway on French Road be closed, and further subject to a variance being obtained for the sale of propane, AND

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA and the Town Environmental Impact Review Ordinance for this rezoning, NOW, THEREFORE, BE IT

RESOLVED, that the application of SADO Gas Sales. for the rezoning from CM-General Commercial District to MS-Motor Services District of the property described in the attached legal description for a gasoline and propane sales and a retail sales building, be and the same is hereby approved, subject to the following conditions:

1. The west driveway on French Road be closed;
2. Applicant obtain the necessary variance from the Zoning Board for a propane tank.

AND, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT NEXT PAGE

MEETING NO. 15
JUNE 2, 2003

Item No. 8b Motion by Councilmember Rogowski; Seconded by Supervisor Gabryszak

WHEREAS, in an effort to streamline Town government and reduce costs to Town taxpayers, this Town Board desires to eliminate the Office of the Receiver of Taxes and Assessments and to transfer such functions to the Town Clerk, AND

WHEREAS, the Town Attorney's Office has drafted a local law to eliminate the Office of Receiver of Taxes and Assessments and to transfer the functions to the Town Clerk, AND

WHEREAS, a public hearing was held on the 2nd day of June, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting a local law to eliminate the Office of Receiver of Taxes and Assessments and to transfer the powers and duties of such office to the Town Clerk in the Town of Cheektowaga, AND

WHEREAS, at such public hearing, the public was given an opportunity to comment on such proposed local law, AND

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

RESOLVED, that the Local Law Intro No. 2003-3 of the Year 2003, entitled "A Local Law to Abolish the Office of Receiver of Taxes and Assessments in the Town of Cheektowaga" which is attached hereto and made a part hereof, be and the same is hereby enacted, AND BE IT FURTHER

RESOLVED, that Local Law Intro No. 2003-3 of the Year 2003 shall take effect upon the affirmative vote of a majority of the qualified electors voting thereon at a general election and the filing with the office of the Secretary of State in accordance with the applicable provisions of law, at the end of the term of the current tax receiver, AND BE IT FURTHER

RESOLVED, that, if this law is approved at a general election, the Town Clerk shall file one (1) certified copy of this local law in his office and one (1) certified copy with the Secretary of State.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT NEXT PAGE

MEETING NO. 15
JUNE 2, 2003

Item No. 9 Motion by Councilmember Jaworowicz; Seconded by Supervisor Gabryszak

WHEREAS, temporary repairs to the snow damaged roof section at the Julia Boyer Reinstein Library were previously undertaken, AND

WHEREAS, by resolution dated April 7, 2003 this Town Board engaged the firm of Kideney Architects to provide professional services associated with the permanent roof repair and reconstruction of damaged components at the Julia Boyer Reinstein Library, which plans and specifications have been completed, enabling the solicitation of competitive bids for said project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Julia Boyer Reinstein Library Roof Repair/Replacement Project, said Notice to be published in THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 25th day of June, 2003 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 25th day of June 2003, at 11:00 A.M., in the Town Hall at Broadway and Union Roads, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required for the Roof Repair/Replacement Project at the Julia Boyer Reinstein Library, 1030 Losson Road.

On and after the date of this notice, plans and specifications and other Contract Documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York, and the office of Kideney Architects, 200 John James Audubon Parkway, Amherst, New York. Copies of the Contract Documents, Plans, Specifications and Instructions to Bidders may be obtained at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two (2) checks, \$25.00 each, made payable to the Town of Cheektowaga, New York.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as a non-bidder. No refund will be made for documents received after this thirty (30) day period.

The Town of Cheektowaga reserves the right to reject any and all bids, to waive any informalities therein, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with the law.

Each proposal must be accompanied by a certified check or bank draft for a sum equal to five percent (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or a bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in the sum equal to five percent (5%) of the amount of the bid, conditioned that, if the proposal be accepted, the contractor will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

A pre-bid conference will be held on Wednesday, June 11, 2003 at 9:00 A.M. at the Julia Boyer Reinstein Library, 1030 Losson Road.

By Order Of:Town Board
Town of Cheektowaga

MEETING NO. 15
JUNE 2, 2003

Mary Holtz, Town Clerk

Item No. 9 cont'd.

DATED: June 2, 2003



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT NEXT PAGE

**MEETING NO. 15
JUNE 2, 2003**

Item No. 10 Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, Cub Scout Pack 618 has requested permission to conduct an overnight campout on Saturday, June 21, 2003 to Sunday, June 22, 2003 in John C. Stiglmeier Park, AND

WHEREAS, Section 174-14 of the Code of the Town Of Cheektowaga states that "[a]ll parks shall be closed between the hours of sunset and sunrise the following morning and no person shall remain inside any parks during the hours when so closed...", NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby permits a waiver of Section 174-14 of the Code of the Town Of Cheektowaga and that said waiver shall be extended to Cub Scout Pack 618 for the use of John C. Stiglmeier Park on June 21 – 22, 2003, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Chief of Police and to the Executive Director of the Department of Parks, Recreation and Youth Services.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

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

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 Southside Little League has made application to hold its annual Opening Day Parade on Saturday, June 7, 2003, commencing at 1:00 P.M.; said parade route to start at the Doyle 1 Fire Company parking lot on William and Alaska Streets; thence east on William Street to Standard Parkway; thence north on Standard Parkway, ending at Standard Park; AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Department of Parks, Recreation & Youth Services and 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. 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 application of Cheektowaga Southside Little League for the aforementioned Parade, to be held on Saturday, June 7, 2003 at 1:00 P.M.; 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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 15
JUNE 2, 2003

Item No. 11b Motion by Councilmember Jankowiak; ' Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Recreation Center located in Cheektowaga Town Park, AND

WHEREAS, the Greater Niagara Frontier Council of the Boy Scouts of America ("Boy Scouts") have requested permission to utilize the Cheektowaga Recreation Center for its Annual Leaders Program Launch on Wednesday, June 11, 2003 from 2:00 P.M. to 9:00 P.M., AND

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services has reviewed such request and has recommended that this Board approve same, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby grants a license to the Boy Scouts to use the Cheektowaga Recreation Center on Wednesday, June 11, 2003 from 2:00 P.M. to 9:00 P.M. for its Annual Leaders Program Lunch, AND BE IT FURTHER

RESOLVED, that the fee for the use of the Recreation Center shall be \$250.00.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12a Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga seeks grant monies to renovate Dingens Park; AND

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation Park Development Program offers grant monies to pay 50% of the costs associated with specific park improvements; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Office 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 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$350,000, 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 Dingens Park Improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, AND BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, the Town of Cheektowaga seeks grant monies to supplement the costs associated with police overtime necessary to provide homeland security; AND

MEETING NO. 15
JUNE 2, 2003

WHEREAS, the U.S. Department of Justice Homeland Security Overtime Program offers grant monies to pay 75% of the costs associated with non-budgeted police overtime for homeland security efforts; NOW, THEREFORE BE IT

Item No. 12b cont'd.

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the U.S. Department of Justice for the purpose of securing this grant, AND BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12c Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga has previously provided a Housing Rehabilitation Loan to the owner of the property located at 276 Ellen Drive, Cheektowaga, New York, AND

WHEREAS, the owner of said property has applied for a mortgage loan from JP Morgan Chase Bank, which has conditioned its mortgage approval on the subordination of the Town's mortgage to its mortgage, AND

WHEREAS, the Community Development Director has recommended approval of the subordination request, which is consistent with the Town's policies governing such requests, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subordination Agreement with JP Morgan Chase Bank, P.O. Box 47020, Doraville, GA 30362, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 276 Ellen Drive, Cheektowaga, New York.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12d Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, in conjunction with the award of bid for the Alpine Place Sanitary Sewer Improvements Project, which will eliminate the need for the Alpine Pump Station, the Town Engineer has recommended that Nussbaumer & Clarke, Inc., the project design consultant, be retained to perform construction phase administrative and inspection services as outlined in the proposal dated May 16, 2003, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 as submitted to the Town Engineer for professional services during construction is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. for the provision of professional services during construction, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services, in an amount not to exceed \$59,600.00, shall be chargeable to Account #500-1440-4544-5222.

Upon roll call

MEETING NO. 15
JUNE 2, 2003

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz and
Councilmember Johnson

WHEREAS, it is apparent, and it has come to the attention of the Town Board and the residents of the Town of Cheektowaga, that utility rates, and particularly the rates charged by National Fuel Gas have risen sharply in the recent past; AND

WHEREAS, it is equally apparent and has come to the attention of the Board and the residents of this Town that while such rates have risen, benefits to the officers and executives of such utility companies have similarly risen; AND

WHEREAS, such utility companies own and maintain real property and facilities throughout the state, and in the Town of Cheektowaga; AND

WHEREAS, in the recent past, assessments and consequent tax payments have either been reduced, or have not kept pace with the rate increases charged by such utilities, or with the compensation paid by such utilities to their officers and executives;
NOW THEREFORE, BE IT

RESOLVED, that this Town Board urges the Office of Real Property Services and each and every department, agency and/or division of state government responsible for the assessment of the real property and facilities of such utilities owned and/or maintained in the State of New York generally, and in the Town of Cheektowaga particularly, to review, and it is suggested raise, the assessments placed upon such real property and facilities, which generate such income for their utilities and their officers and executives, as only seems manifestly and patently fair in the circumstances.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, this Town Board has determined that the implementation of a comprehensive energy management program would enable the Town to realize maximum utility savings to the energy consuming systems in Town facilities and other energy consuming equipment and systems, which in turn would be economically beneficial to the Town, AND

WHEREAS, the Town is seeking a performance based energy efficient contract with an interested and qualified energy service company for this project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish the attached request for Proposals for Performance Based Self Funded Efficiency Improvements in the Town of Cheektowaga in the Cheektowaga Times, and AND, BE IT FURTHER

RESOLVED, that the sealed proposals will be received on the 16th day of June 2003 at 11:00 am by the Town Clerk, at a public opening to be held in the Council Chambers in the Cheektowaga Town Hall



REQUEST FOR PROPOSALS

The Town of Cheektowaga, NY

MEETING NO. 15
JUNE 2, 2003

The Town of Cheektowaga, NY gives public notice that it is requesting submittal of proposals from interested and qualified energy service companies (ESCO's) for the following project:

Implementation of Energy Conservation Measures on a Performance Contracting Basis in Town owned facilities

Item No. 14 Cont'd

The Town of Cheektowaga, NY plans to select the most qualified ESCO for the purpose of obtaining the maximum amount of Energy Savings and/or Energy related improvements allowable by Law.

Copies of the Request for Proposals (RFP) are available from the office of:

Ms. Mary F. Holtz
Town Clerk
Town of Cheektowaga
Town Hall
3301 Broadway
Cheektowaga, NY 14227

NOTE: Throughout this RFP the term "Owner" shall refer to The Town of Cheektowaga, NY .

Responses must be received by June 16, 2003, no later than 11:00 A.M., after which time and date they will no longer be accepted. Responses must be hand delivered to:

Town Clerk
Town of Cheektowaga, New York
Town Hall
3301 Broadway
Cheektowaga, NY 14227

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

MARY F. HOLTZ, Town Clerk



Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT NEXT PAGE

**MEETING NO. 15
JUNE 2, 2003**

Item No. 15 Refunding Bond Resolution for Outstanding Serial Bonds
*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 15
JUNE 2, 2003

Item No. 16 Motion by Councilmember Jankowiak; Seconded by Councilmember Rogowski

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME EMPLOYEES in the 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:

		<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT – Dog Control – Laborer - \$7.00 per hour</u>		
Joan D'Aurelio	Cheektowaga, NY 14211	6/03/03
<u>PERSONNEL DEPARTMENT – Clerk - \$10.00 per hour</u>		
Barbara Daugherty	Cheektowaga, NY 14227	7/01/03

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the 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>EFFECTIVE</u>
<u>MAIN PUMP STATION – Laborer - \$7.00 per hour</u>		
Gregory Sansone	Cheektowaga, NY 14206	6/12/03
<u>SEWER MAINTENANCE – Laborer - \$7.00 per hour</u>		
Tim Olewniczak	Cheektowaga, NY 14225	6/03/03
Brandon Hill	Cheektowaga, NY 14225	"
Eric Kujawa	Cheektowaga, NY 14225	"
David Profic	Cheektowaga, NY 14225	6/16/03
<u>SANITATION DEPARTMENT – Laborer - \$7.50 per hour</u>		
Brian Bzibziak	Cheektowaga, NY 14227	5/21/03
Jay Morosey, Jr.	Cheektowaga, NY 14227	6/03/03

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

		<u>EFFECTIVE</u>
<u>PARKS, RECREATION AND YOUTH SERVICES</u>		
Stephanie Gretch		5/18/03
<u>STATE ARCHIVES AND RECORDS ADMINISTRATIONS' (SARA) GRANT</u>		
Barbara Daugherty		6/27/03

AND,

WHEREAS, Parks Division Laborer Ronald Pocobella of Cheektowaga, New York 14225 was erroneously hired as a seasonal employee; NOW, THEREFORE, BE IT

RESOLVED, that Ronald Pocobella be and hereby is hired as part-time Laborer in the Parks Division effective April 22, 2003 at the rate of \$6.50 per hour; AND,

WHEREAS, Jamie Smith was hired on May 6, 2003 in the Sanitation Department erroneously as a Laborer; AND,

WHEREAS, Ms. Smith should have been classified as a seasonal Clerk; NOW, THEREFORE, BE IT

RESOLVED, that Jamie Smith of Cheektowaga, New York 14225 be and hereby is hired as a seasonal Clerk in the Sanitation Department effective May 6, 2003 at the rate of \$7.50 per hour.

Upon roll call

MEETING NO. 15
JUNE 2, 2003

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 17 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individuals be and hereby are terminated from the Department of Parks, Recreation and Youth Services effective immediately:

Jeffrey Brych
Stephanie Gerace
Jeremy Hoffmann
Amy Monkelbaan
Jill Zarazinski

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



A MOTION WAS MADE BY COUNCILMEMBER MAZUR; SECONDED BY COUNCILMEMBER JANKOWIAK TO WAIVE THE READING OF NAMES FOR ITEMS 18 AND 19 AND THE VOTING WENT AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



Item No. 18 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are hired as seasonal employees in the Department of Parks, Recreation & Youth Services, effective immediately:

Pools

Beach and Pool Supervisors - 7180.1902

Pool Supervisor - (Level 3 - Town Park - 1st) - \$9.99
Mark Przybysz 14211

Pool Supervisor - (Level I - Town Park - 2nd) - \$9.60
Aaron Grupka 14043

Pool Supervisor -(Level 4 - Dingens) - \$9.87
Beth Kawczynski 14225

Head Lifeguard (Level 1) - (Town Park) - \$8.60
Laura Mayle 14215

Head Lifeguard (Level 4) - (Dingens Pool) - \$9.05
Elizabeth Sinski 14206

Lifeguards - 7180.1903

Level 6 + WSI - \$8.10

MEETING NO. 15
JUNE 2, 2003

Adam Connor 14225

Level 6 - \$7.85

Eric Burns 14211

Item No. 18 cont'd.

Level 5 - \$7.70

Evan Zynda 14043

Level 4 - WSI - \$7.70

Patrick Dalton 14227

Jonathan Miller 14227

Level 3 - \$7.15

Zach Porterfield 14225

Jonathan Sinski 14206

Lori Garcea 14225

Sally Lipinoga 14211

Level 2 - \$6.75

Nicholas Nowicki 14043

Jonathan Messina 14225

Lindsay Ritzenthaler 14206

Corey Miller 14225

Diana Geiger 14086

Sarah Geiger 14086

Michelle Hauser 14224

Sheila Glaub 14086

Daniel Mucyn

Level 2 - +WSI - \$7.00

Paul Gorczyca 14218

Level 1 - \$6.50

Sean Kunkel 14225

Jeffery Kunkel 14225

Nicholas Gorzynski 14043

Melissa Litwin 14225

Sarah Nolder 14225

Kelsey Zamoyski 14225

Leah Zamoyski 14225

Brian Gearhart 14225

Lifeguard (Level 1) Alternates)*

Jillian Majka 14227

Dominique Celotto 14225

Jill Karp 14043

Bridget Bauza 14043

Brittany Bauza 14224

Valerie Glaub

Level 3 (Alternate) - \$7.15

James Wojciechowski 14227

Level 4 (Alternate) - \$7.45

Carrie DiBiasio 14075

*If called – Level 1 alternate rate at \$6.50

Bathhouse 7180-1901

MEETING NO. 15
JUNE 2, 2003

Level 2 - \$5.40

Lauren Pfaff	14043
Andrew Kaun	14225
Tom Wasielewski	14225
Kimberly Alberti	14211

Item No. 18 cont'd.

Level 1 - \$5.15

Lindsay Lehman	14227
Matthew Hanley	14227
Kevin Fischer	14225
James Wozniak	14206
Catelyn Burzynski	14227
Jamie Messina	14225
Glenn Au	14225
Jacob Emmanuele	14225
Meghan Eckle	14043
Justin Mrozek	14043
Shannon Rogowski	14206
Christopher Dunshie	14227
Zachary Smith	14206
Peter Kreavy	14225
Gwen Graser	14225
Nathan Pyzikiewicz	14206
Christopher Hergott	14225
Michelle Hora	14225
Heather Jakubowski	14225

Bathroom (Alternates)**

Laura Butts	14211
Ryan Gagliardo	14225
Natalie Mudd	14227
Ashley Miller	14212
Michael Ziolkowski	14206
Jacqueline Balance	14211
Mary Zelasko	14227
Aimee Jagord	14225
Lori Schwarzberg	14211
Reuben Borowski	14225
Crystal Clement	14225
Lindsay Szymanski	14227
Kari Nedopak	14227
Falecia Rodolph	14225
Carmen Pacisi	14227
Scott Hoak	14225
April Thompson	14225
Lakeesha Adair	14215
Jason McManus	14225

**If called – Bathroom alternate rate at \$5.15

Summer Teen Club – 7310.1814

Recreation Attendant VII - \$7.15

Scott Syroczyński	14206
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Recreation Attendant V - \$6.15

Jessica Stiglmeier	14212
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Recreation Attendant II - \$5.40

Janelle Rinaldo	14227
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Tennis – 7140-1642

MEETING NO. 15
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Recreation Attendant I - \$5.15

Melissa Hale 14227

Arts & Craft Rotation – 7140-1648 & 7140-1614

Recreation Attendant I - \$5.15

Vicki Maslowski 14225

Sherry Lesser 14225

Item No. 18 cont'd.

Camp JI-IK-DO-WAH-GAH - 7310.1801

Recreation Attendant II \$5.40

Sara Kaczmarek 14227

Jeffrey McCulloch 14225

Jeremy Schnauffer 14225

Camp Crabapple - 7310.1802

Recreation Attendant I \$5.15

Jill Gordon 14211

Recreation Attendant III \$5.65

Beth Chojecki 14215

CAMP DARTWOOD - 7140.1632

Recreation Attendant I \$5.15

Kelly Brydalski 14043

Katie Kozlowski 14043

Lauren Rzeszutek 14227

Recreation Attendant II \$5.40

Jennifer Sowinski 14227

Predolino Zelasko 14227

Recreation Attendant III \$5.65

Heather Hussar 14227

Cheektowaga Conservation Corps (CCC)

Participants (Laborers) \$5.15 - 7310.1816

Level I

Timothy Zielinski 14227

David Yates 14225

Justin Klein 14227

Allison Ernst 14225

Participants (Laborers) (Alternates) - \$5.15 - 7310.1816

Laura Jason 14227

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 19 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are transferred and/or upgraded in the Department of Parks, Recreation & Youth Services, effective immediately (seasonal):

Camp Crabapple – 7310-1802

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Recreation Attendant II \$5.40
Amy Wroblewski

Recreation Attendant V \$6.15
Krystyna Szymczuk

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

Item No. 19 cont'd.

Recreation Attendant III \$5.65
Joseph Bender

Recreation Attendant IV \$5.90
Nicholas Czaplicki
Krystle Fiend
Rachael Gorlewski

Cheektowaga Conservation Corps (CCC)

Program Coordinator - \$14.05
Roger Newhouse

Administrative Interns – 7310.1804

Recreation Attendant (V) - \$7.65
Chris Mahalic

Beach and Pool Supervisors – 7180-1902

Pool Director - \$15.70
Brian Hansen

Aquatic Director - \$13.73
Cathy Giles

Special Programs Director - \$12.16
Kurt Hansen

Pool Supervisor - (Maryvale) - \$9.30
David Schnettler
Lifeguards – 7180-1903

Level 4 - \$7.45
Nicole Kunkel (effective 6/9)

Level 3 - \$7.15
Joshua Rutski
Bandon Lehman

Level 2 - \$6.75
Amy Burger
Lisa Chenu
Jeffrey Duke
Stephanie Green
Holly Rutkowski
Colleen Williams

Level 1 - \$6.50
Katherine Grzedzicki

Playgrounds/Sports

Summer Teen Club – 7310.1814

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Recreation Attendant IV - \$5.90
Courtney Fox (also Theater Workshop 7140-1651)

Sports & Games Rotation – 7140-1645

Recreation Attendant II - \$5.40
Jennifer Dunkleman

Item No. 19 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 20a Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak
WHEREAS vacancies currently exist on the Cheektowaga Youth Board; AND
WHEREAS the following individuals:

Lee M. Mallory

Jim Pritchard, District Executive
Greater Niagara Frontier Council
Boy Scouts of America

Deborah A. Ruh

Robert A. Duke

Charlene Demont

have expressed an interest in serving on the voluntary board; NOW, THEREFORE, BE IT

RESOLVED that the above named individuals be and, hereby, are appointed to the Cheektowaga Youth Board, for a three year term, effective this date, and expiring on June 1, 2006.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 20b Appointment to fill vacancy of Police Officer in the Police Department
This item was withdrawn.

Item No. 20c Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga Personnel Department has been awarded a State Archives and Records Administrations' (S.A.R.A.) Local Government Records Management Improvement Fund grant; AND

WHEREAS, said grant provides for a part-time Clerk to be hired on a temporary basis;
AND

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WHEREAS, said grant stipulates an hourly salary of \$10 per hour; AND

WHEREAS, Kevin Daugherty applied for said position and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Kevin Daugherty of Cheektowaga, New York, 14227, be and hereby is appointed to the position of part-time Clerk to be funded through the State Archives and Records Administrations' (S.A.R.A.) Local Government Records Management Improvement Fund grant at the hourly salary of \$10 effective June 3, 2003 through June 26, 2003.

Item No. 20c cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 20d Motion by Councilmember Jankowiak; Seconded by Councilmember Rogowski

WHEREAS, a temporary vacancy exists in the position of Motor Equipment Operator - B in the Sanitation 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, Joseph Dietl, currently employed as a Motor Equipment Operator - B in the Highway Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Joseph Dietl of Cheektowaga, New York 14225 be and hereby is appointed to the temporary position of Motor Equipment Operator – B in the Sanitation Department, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective June 3, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 21a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Federal Bureau of Investigation has invited Chief Christine Ziemba to participate in 47th Session of the Law Enforcement Executive Development Seminar (LEEDS) at the FBI Academy, Quantico, Virginia. The program will be held from June 15th thru June 27th, 2003.

WHEREAS, Chief Ziemba is requesting authorization to attend this program. Some of the topics that will be covered are: Role of the Executive, Effective Executive Communications, Labor Relations and Mass Media, Risk Management and Problem Solving, AND

WHEREAS, the Police Department is responsible for the registration fee amounting to \$110.00, AND THEREFORE BE IT

RESOLVED, that Chief Ziemba is authorized to attend this program. Expense will be charged to 100-3120-4093.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 15
JUNE 2, 2003

Item No. 21b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Office of Juvenile Justice and Delinquency Prevention and the National Center for Missing and Exploited Children is presenting a seminar, "Crime Prevention Through Environmental Design in Schools", in Rochester, New York from July 9th thru 11th, 2003.

WHEREAS, this program is designed to familiarize school liaison officers with the concepts of crime prevention through environmental design in the actual school environment. Officers

Item No. 21b cont'd.

and other school personnel will receive instructions on design concepts, definitions, and strategies, as well as how to conduct a security audit in the school setting. When completed, participants will be able to perform their own assessments of proposed plans, renovations and existing school facilities, AND

WHEREAS, Chief Ziemba is requesting authorization to send School Liaison Officers Joseph Bauman and Gerald Grabowski to this seminar. The Police Department will be responsible for transportation and meals amounting to approximately \$156.00. The Police Department vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that the above Officers are authorized to attend this training, and that the time spent there be authorized as normal duty time. The expenses incurred will be charged to 100-3120-4085.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 21c Motion by Councilmember Jankowiak; Seconded by Councilmember Rogowski

WHEREAS, the 2003 Aging Concerns Unite Us Conference shall take place in Syracuse, New York from June 2 through June 3, 2003; AND

WHEREAS, Senior Services Director Patricia Wojcik has expressed an interest in attending said conference; AND

WHEREAS the Senior Services Department has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the registration fees and costs incurred by Ms. Wojcik to attend said conference shall not exceed \$500; AND

WHEREAS, monies have been budgeted to cover the expenses incurred; NOW, THEREFORE, BE IT

RESOLVED, that Patricia Wojcik be and hereby is authorized to attend the 2003 Aging Concerns Unite Us Conference to be held in Syracuse, New York on June 2 through 3, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



III. DEPARTMENTAL COMMUNICATIONS

Item No. 22a Minutes – Town Environmental Advisory Committee – May 14, 2003

MEETING NO. 15
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Received and Filed.

Item No. 22b Minutes – Cheektowaga Planning Board – May 8, 2003
Received and Filed.

Item No. 23 Building Permits – May 2003
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 24 Summons, Verified Complaint and Notice of Dependency: Citimortgage Inc. f/k/a Citicorp Mortgage Inc. vs. Town of Cheektowaga & Eta
Received and Filed.

Item No. 25 Summons & Complaint – Lori Becker vs. Town of Cheektowaga
Received and Filed.

Item No. 26a Notice of Claim: Mario Marrazzo vs. Town of Cheektowaga
Received and Filed.

Item No. 26b Notice of Claim: Joseph Szafranski vs. Town of Cheektowaga
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR; SECONDED BY COUNCILMEMBER JANKOWIAK TO SUSPEND THE RULES TO INCLUDE THE FOLLOWING RESOLUTIONS. AND THE VOTING WENT AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



IV. SUSPENSION OF RULES

Item No. 27 Motion by Councilmember Rogowski; Seconded by Councilmember Mazur

WHEREAS, Daniel J. Marinaro has made application and requested the Rezoning from NS-Neighborhood Services District to RSC – Senior Citizen Housing District for property located at 2911 William Street, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing to be held regarding said request under the provisions of the Zoning Law on June 16, 2003 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Rd.



LEGAL NOTICE

MEETING NO. 15
JUNE 2, 2003

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 corner of Union Road on the 16th day of June 2003 at 6:30 P.M. of said day for the purpose of considering the application of:

Daniel J. Marinaro

To Rezone from NS – Neighborhood Service District
To
RSC – Residential Senior Citizen District

Item No. 27 cont'd.

For Property known as 2911 William Street

And amend the Zoning Map and Ordinance accordingly, pursuant to Article X and Section 260-83 of the Zoning Law of the Town of Cheektowaga, New York

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

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

By: Mary F. Holtz
Town Clerk

Suggested Legal Description
2.910± Acres
William Street
Town of Cheektowaga
Dated 2/10/97

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot 66, Township 10, Range 7 of the Buffalo Creek Reservation, described as follows:

Beginning at a point in the center of William Street, said centerline also being the north line of Lot 66 at a distance of 75.0 feet west of the intersection of the north line of Lot 66 with the east line of Lot 66; thence southerly turning an interior angle of 90°-33'-13" and parallel to the east line of Lot 66 a distance of 260.0 feet to a point; thence westerly turning an interior angle of 89°-26'-47" a distance of 230.20 feet to a point; thence southerly turning an interior angle of 269°-05'-27" a distance of 75.01 feet to a point; thence westerly turning an interior angle of 90°-54'-28" a distance of 198.09 feet to a point; thence northerly turning an interior angle of 90°-33'-18" a distance of 335.0 feet to a point in the center of William Street; thence easterly turning an interior angle of 89°-26'-47" and along the center of William Street a distance of 430.20 feet to the point or place of beginning, containing 2.910± Acres more or less. As shown on a survey prepared by E & M Engineers and Surveyors, P.C. dated 2/10/97 and Map No. COL-97-66-358-C-X.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT – NEXT PAGE

MEETING NO. 15
JUNE 2, 2003

Item No. 28a Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, the City of Buffalo and the Buffalo Police Department desires to utilize the services of the Town's firearms instructors and the firearms range, respectively employed and maintained by the Town for shotgun training, AND

WHEREAS, the Town has the available manpower and range facilities to provide said training to the City of Buffalo and the Buffalo Police Department, AND

WHEREAS, an Intermunicipal Agreement has been prepared by the Town Attorney's Office, wherein the Town will be reimbursed the sum of \$41.83 per hour for the use of the Town Firearms Range and the services of Town Firearms Instructions, NOW, THEREFORE, BE IT

RESOLVED, that the Intermunicipal Agreement for use of the Town's firearms instructors by the City of Buffalo and the Buffalo Police Department is hereby approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Intermunicipal Agreement.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 28b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town has submitted a Consolidated Plan and Annual Action Plan to the Department of Housing & Urban Development for Community Development Block Grant funding totaling \$ 1,114,000 for the 2003 Program Year, AND

Whereas, it is necessary to execute a Grant Agreement with the Department of Housing and Urban Development for Fiscal Year 2003 Community Development Block Grant funding, 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 for the 2003 Community Development Block Grant Program Year.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 29 Motion by Councilmember Johnson; Seconded by Councilmember Rogowski

WHEREAS, the Erie County Environmental Management Council ("ECEMC") is Comprised of representatives from the County of Erie and municipalities within Erie County which have local Conversation Advisory Councils, AND

WHEREAS, the Town of Cheektowaga has been represented on the ECEMC by John Marriott, Chairman of the Cheektowaga Conservation Advisory Council, AND

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JUNE 2, 2003

WHEREAS, the term of John Marriott as a member of the ECEMC expired on May 31, 2003, AND

WHEREAS, this Board is interested in reappointing John Marriott to the ECEMC for another term, NOW, THEREFORE, BE IT

RESOLVED, that John Marriott be and hereby is reappointed to the ECEMC for a term commencing on June 1, 2003 and expiring on May 31, 2005.

Item No. 29 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 30 Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, Affordable Hospitality, Inc., is the owner of the Day's Inn located at 4345 Genesee Street, Cheektowaga, New York; AND

WHEREAS, said corporation is in the process of sold; AND

WHEREAS, pursuant to the contracts of sale, there are insufficient funds to complete the transaction; AND

WHEREAS, pursuant to Lease Agreements entered into between the Erie County Industrial Development Agency and Dynamic Enterprises, Inc., and Affordable Hospitality, Inc., Dynamic and Affordable Hospitality agreed to make certain payments in lieu of taxes (PILOT's) to the County of Erie, the Town, and others, certain of which are in arrears and currently due and owing; AND

WHEREAS, the Town and County of Erie negotiated a further Deferral Agreement on June 3, 1996 for the payment of sums due and owing under the PILOT agreement, and said agreement contained a provision that in the event such PILOT agreement repayments not be concluded, it appeared unlikely that such PILOT's due and owing could be recovered; AND

WHEREAS, Affordable Hospitality is in arrears in special district, county, town and school taxes in the amount of \$1,116,367.00; AND

WHEREAS, the Town has been reimbursed all past special district taxes by the County of Erie; AND

WHEREAS, the original Lease Agreement between the ECIDA and Affordable Hospitality contained a provision stating there would be no penalty or interest payments on PILOT's in default; the County Attorney has therefore opined that the original amount of PILOT payments alone are the only obligations of Affordable Housing; and based upon the County Attorney's opinion, the Town Attorney concurs and recommends acceptance of the sum of \$178,385.27, which represents the full amount of back PILOT payments due the Town; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby agrees to accept the sum of \$178,385.27, which sum represents the full amount of outstanding PILOT payments due from Affordable Hospitality; and be it further

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute and deliver any and all documents or instruments as may be necessary to effectuate same, all of the foregoing said documents to be in such form as the Town Attorney may approve.



AMENDED

WHEREAS, Affordable Hospitality, Inc., is the owner of the Day's Inn located at 4345

MEETING NO. 15
JUNE 2, 2003

Genesee Street, Cheektowaga, New York; AND

WHEREAS, said corporation is in the process of being sold; AND

WHEREAS, pursuant to the contracts of sale, there are insufficient funds to complete the transaction; AND

WHEREAS, pursuant to Lease Agreements entered into between the Erie County Industrial Development Agency and Affordable Hospitality, Inc., Affordable Hospitality agreed to make certain payments in lieu of taxes (PILOT's) to the County of Erie, the Town, and others, certain of which

Item No. 30 cont'd.

are in arrears and currently due and owing; AND

WHEREAS, the Town and County of Erie negotiated a further Deferral Agreement on June 3, 1996 for the payment of sums due and owing under the PILOT agreement, and said agreement contained a provision that in the event such PILOT agreement repayments not be concluded, it appeared unlikely that such PILOT's due and owing could be recovered; AND

WHEREAS, the Town has been reimbursed all past special district taxes by the County of Erie; AND

WHEREAS, the original Lease Agreement between the ECIDA and Affordable Hospitality contained a provision stating there would be no penalty or interest payments on PILOT's in default; the County Attorney has therefore opined that the original amount of PILOT payments alone are the only obligations of Affordable Housing; and based upon the County Attorney's opinion, the Town Attorney concurs and recommends acceptance of the full amount of back PILOT payments due the Town; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby agrees to accept the full amount of outstanding PILOT payments due from Affordable Hospitality; AND BE IT FURTHER

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute and deliver any and all documents or instruments as may be necessary to effectuate same, all of the foregoing said documents to be in such form as the Town Attorney may approve.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 31 Motion by Councilmember Mazur; Seconded by Councilmember Jankowiak to adjourn this meeting. Meeting was adjourned at 8:10 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 16
JUNE 11, 2003**

Item No. 1 At a "Executive Session" 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 11th of June 2003 at 6:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William P. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember James J. Jankowiak
Councilmember Thomas J. Mazur

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney and Brian Krause, Chief Financial Officer.



*DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD A MOTION BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR TO ENTER INTO EXECUTIVE SESSION AT 6:00 P.M. AND THE VOTING WAS AS FOLLOWS:

UPON ROLL CALL

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



I. RESOLUTIONS

Item No. 2. Motion by Unanimous; Seconded by Unanimous

WHEREAS, by resolution dated March 18, 2002, this Town Board authorized the Supervisor to execute a Lease with Garrett, LLC on behalf of the Town for developing and operating a golf course on Town-owned lands, AND

WHEREAS, due to the increase in the size of wetlands on such property and the mandate from the Army Corps of Engineers to not disturb such wetland area, there is a need to lease additional lands to Garrett, LLC to properly develop a golf course on this property, AND

WHEREAS, the Town of Cheektowaga owns additional lands adjacent to the golf course property, which is part of Rehm Road Park, AND

WHEREAS, there is a need to obtain legislative approval from the State Legislature to lease these additional parklands to Garrett, LLC, AND

WHEREAS, bills have been introduced in the State Assembly (A.8829) and Senate (S.5421) to authorize the Town to lease these additional parklands to Garrett, LLC for the development and operation of a golf course, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill A.8829 and Senate Bill S.5421, AND BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to execute the Home Rule Request forms for the aforementioned Assembly and Senate bills, and to forward same to the Home Rule Counsels for the Assembly and Senate, with copies to Assemblyman Paul A. Tokasz and Senator William T. Stachowski.



AMENDED

WHEREAS, by resolution dated March 18, 2002, this Town Board authorized the Supervisor to execute a Lease with Garrett, LLC on behalf of the Town for developing and operating a golf course on Town-owned lands, AND

WHEREAS, due to the increase in the size of wetlands on such property and the mandate from the Army Corps of Engineers to not disturb such wetland area, there is a need to lease additional lands to Garrett, LLC to properly develop a golf course on this property, AND

WHEREAS, the Town of Cheektowaga owns additional lands adjacent to the golf course property, which is part of Rehm Road Park, AND

WHEREAS, there is a need to obtain legislative approval from the State Legislature to lease these additional parklands to Garrett, LLC, AND

WHEREAS, bills have been introduced in the State Assembly (A.8829) and Senate (S.5421) to authorize the Town to lease these additional parklands to Garrett, LLC for the development and operation of a golf course, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill A.8829 and Senate Bill S.5421, AND BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to execute the Home Rule Request forms (attached thereof) for the aforementioned Assembly and Senate bills, and to forward same to the Home Rule Counsels for the Assembly and Senate, with copies to Assemblyman Paul A. Tokasz and Senator William T. Stachowski.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 3 Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

WHEREAS,, Petitions and Notices to Review the Assessment for taxation for the years 2002 through 2003, as well as an Article 78 proceeding, covering the real property commonly known as the Williamstowne Apartments on William Street, Cheektowaga, New York and Garden Village Apartments on French Road, Cheektowaga, New York were duly filed by Clover Properties Fund I, the Town Attorney has answered the petitions and defended the Town throughout this litigation, AND

WHEREAS, the Town Attorney has negotiated a compromise and settlement of all pending proceedings with the attorney for the petitioners; the Town Attorney believes that it is a fair, equitable, and fiscally prudent settlement, and recommends that the Town enter into a stipulation to compromise and settle the proceedings without further litigation or attendant expense; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above compromise and settlement and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate said settlement, compromise and discontinuance of the said proceedings.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0



Executive session No. 16
June 11, 2003

MOTION BY UNANIMOUS, SECONDED BY UNANIMOUS TO EXIT THE EXECUTIVE SESSION AT 7:15 P.M. AND RECONVENE THE WORK SESSION. THE VOTING WAS AS FOLLOWS

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
MEETING 17
JUNE 16, 2003**

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 Roads, in said Town on the 16th day of June, 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
Councilmember William R. Rogowski
Councilmember Thomas M. Johnson, Jr.
Councilmember Jeff Swiatek
Councilmember Thomas J. Mazur
Councilmember James J. Jankowiak

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Patricia Wojcik, Director of Senior Services; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; William Pugh, Town Engineer and John Glascott, Police Lieutenant.

I. RESOLUTIONS

Item No. 2 Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

PART TOWN FUND

FROM:	800-3620-1971	Part Time Regular	\$971.00
TO:	800-3620-1902	Overtime	\$971.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 3 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to June 13, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$2,476,444.73
RISK RETENTION FUND	17,510.26
DEBT SERVICE FUND	345,212.50
HUD HOUSING REHABILITATION	28,332.00
SPECIAL DISTRICTS FUND	2,736,343.91
HIGHWAY FUND	377,626.54
TRUST & AGENCY	13,592.82
HUD CDBG FUND	252,947.36
PART TOWN FUND	85,325.56
CAPITAL FUND	<u>254,011.43</u>
	\$6,587,347.11

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

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Item No. 4 Motion by Councilmember Johnson, seconded by Councilmember Rogowski

WHEREAS, an application was submitted by Robert G. Conway, R.A. representing LoVullo Associates, Inc. for the rezoning of part of 24 Cloverleaf Drive from R-Residence to C-Retail Business for the construction of a (24) twenty four foot wide two way access commercial driveway, accessory to 6450 Transit Road, AND

WHEREAS, by resolution dated May 5, 2003, this Town Board approved the rezoning of this property "subject to the condition that such driveway remain a one-way out only driveway onto Cloverleaf Drive", AND

WHEREAS, the Cheektowaga Traffic Safety Commission re-evaluated this rezoning request for a two-way driveway, and based on new information submitted by the developer, reversed its original recommendation for a one-way out only driveway, AND

WHEREAS, LoVullo Associates has provided a written commitment agreeing to the closure of the existing southerly driveway at 6450 Transit Road as shown on the attached correspondence dated April 14, 2003, AND

WHEREAS, the applicant agrees to prohibit right hand turns out of his proposed driveway by installing signage directing motorist of such prohibition, NOW, THERFORE, BE IT

RESOLVED, that the first "RESOLVED" paragraph of the aforementioned Town Board resolution be and hereby is amended to read as follows:

"RESOLVED, that the application of Marauder Ent., LLC for the rezoning from R-Residence District to C-Retail Business District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. the existing southerly driveway at 6450 Transit Road be closed;
2. applicant install signage prohibiting right-hand turns out of the new proposed driveway onto Cloverleaf.

and, BE IT FURTHER

RESOLVED, that the Town Clerk publish this resolution in the CHEEKTOWAGA TIMES.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

*SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 5 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, by resolution dated May 19, 2003, this Town Board invited sealed bids for the purchase of one (1) 2003 Rotadairon (soil renovator) for use by the Parks Division, AND

WHEREAS, bids were received and opened at a public bid opening held on June 4, 2003 at 11:00 A.M. and said bid proposals were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that after said analysis, tabulation and report, it has been recommended that the bid for the rotadairon be and hereby is awarded to E & M Golf Supply, 950 Sathers Drive, Pittston, PA 18640 for their submission of the lowest bid in the amount of \$15,599.00, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #0100-7110-2304 and Account #0100-7110-4451.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 6 Motion by Councilmember Johnson, seconded by Councilmember Mazur

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on July 7, 2003 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 19th day of June, 2003, said amendments being set forth in the Notice of Hearing.



NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on July 7, 2003 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

§235-49. SCHEDULE X: PARKING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

SOUTHERN PARKWAY – South side: from the east curb line of Harlem Road to a point 75± feet easterly.

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

Dated: June 16, 2003

MARY F. HOLTZ
Town Clerk



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Item No. 6 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

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Item No. 7 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, the firm of Kideney Architects has prepared contract drawings and specifications detailing the location of a sprinkler system and all associated components, which plans and specifications have been completed, enabling the solicitation of competitive bids for said project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the addition of a sprinkler system and associated components to the Additions and Alterations to the Cheektowaga Senior Center, said notice to be published in the CHEEKTOWAGA TIMES and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 25th day of June, 2003 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town of Cheektowaga on the 25th day of June, 2003 at 11:00 A.M., in the Town Hall at Broadway and Union Road, in the Town of Cheektowaga, New York, for furnishing all labor, materials, tools, equipment and incidentals required to the Cheektowaga Senior Center at 3349 Broadway for the addition of a sprinkler system and related components.

On and after the date of this notice, plans and specifications and other Contract Documents will be on file and may be examined at the office of the Town Engineer at 275 Alexander Avenue, Cheektowaga, New York and the office of Kideney Architects, 200 John James Audubon Parkway, Amherst, New York. Copies of the Contract Documents, Plans, Specifications and Instructions to Bidders may be obtained at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, New York, upon payment of \$50.00 for each set of documents. Deposits should be made in the form of two (2) checks, \$25.00 each, made payable to the Town of Cheektowaga, New York.

Any bidder returning Plans and Specifications in good condition within thirty (30) days following the award of contract or rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will be classed as a non-bidder. No refund will be made for documents received after this thirty (30) day period.

The Town of Cheektowaga reserves the right to reject any and all bids, to waive any informalities therein, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga and in accordance with the law.

Each proposal must be accompanied by a certified check or bank draft for a sum equal to five (5%) of the amount of the bid, payable to the order of the Town of Cheektowaga, New York, or a bid bond with sufficient sureties to be approved by the Attorney for the Town of Cheektowaga, New York, in the sum equal to five percent (5%) of the amount of the bid, conditioned that, if the proposal be accepted, the contractor will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

Attention of the bidders is further called to Section 103-d of the General Municipal Law, which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

By Order Of:

Mary F. Holtz
Town Clerk

DATED: June 16, 2003



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Item No. 7 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

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Item No. 8 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, in 1989, based on a report prepared by The Saratoga Associates, this Town Board adopted a Parks Needs Assessment for the development of all town parks and recreational facilities owned and operated by the Town, AND

WHEREAS, such Parks Needs Assessment was subsequently amended by resolutions dated February 14, 1995 and August 16, 2000, AND

WHEREAS, since the last amendment, the Department of Parks, Recreation and Youth Services has identified the need for additional program requirements at Dingens Park, NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the Town of Cheektowaga Parks Needs Assessment be and hereby are adopted by this Town Board.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 9 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the New York State Department of Transportation proposes the reconstruction of NY Route 277, Union Road SH 1965 and SH 1626 in the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga has requested the inclusion of a pedestrian bridge over Union Road in the above mentioned project, AND

WHEREAS, the State will include as a part of the reconstruction project for the above mentioned State highway, the construction of a pedestrian/bicycle bridge at the location of the former Lehigh Valley Railroad Bridge and connection to the bridge from the multi-use path along the east side of Union Road, pursuant to Section 10, Subdivision 22, Section 140, Subdivision 18 of the Highway Law, as shown on the contract plans relating to the project, AND

WHEREAS, the State will provide for the construction and reconstruction of the above mentioned work, as shown on the contract plans relating to the project, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga approves the above mentioned work and that the Town of Cheektowaga agrees that it will maintain, or cause to be maintained, the pedestrian/bicycle bridge and its approaches, otherwise closed during winter months, and constructed as stated above and as shown on the contract plans and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit two (2) sealed and certified originals of the foregoing to the:

New York State Department of Transportation
General William Donovan State Office Building
125 Main Street
Buffalo, New York 14203-3088

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 10 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, 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 the Town of Cheektowaga Parks, Recreation and Youth Services for the construction of a soccer field and the re-construction of existing recreation improvements to the Dingens Park/Playground, AND

WHEREAS, the Environmental Advisory Committee recommended a determination of non significance, AND

WHEREAS, this Town Board has reviewed the application submitted, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that the park enhancement project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and recognizes that the site design and re-construction improvements still must be finalized by the Town of Cheektowaga Engineering Department and the Town Parks, Recreation and Youth Services Department.

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Item No. 10 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 11a Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

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, the Town of Cheektowaga has received notification of a vacant property located at 25 Hoerner Avenue, Cheektowaga, New York SBL #101.60-5-29 with a swimming pool containing stagnant water and is a danger to the safety of others, and records kept by the Assessors Office, identify Edward & Gloria Walsh, 25 Hoerner Avenue, Cheektowaga, New York 14211, AND

WHEREAS, an inspection of such premises was conducted on 25 Hoerner Avenue by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the property to be vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State on New York, and the owner failed to take actions to safeguard the vacant property, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the vacant property to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga, and the Town Law of the State of New York, that the vacant property with a swimming pool be properly safeguarded; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 11b Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

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, the Town of Cheektowaga has received notification of a vacant property located at 35 Olcott Place Cheektowaga, New York SBL #101.28-10-23 with a swimming pool containing stagnant water and is a danger to the safety of others, and records kept by the Assessors Office, identify Stephen & Rosemarie McCarthy, 35 Olcott Place, Cheektowaga, New York 14225, AND

WHEREAS, an inspection of such premises was conducted on 35 Olcott Place by the Housing and Neighborhood Preservation Office, AND

WHEREAS, such inspection found the property to be vacant, a hazard, and a danger to the safety and well being of others, AND

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State on New York, and the owner failed to take actions to safeguard the vacant property, AND

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Item No. 11b cont'd.

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the vacant property to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town Law of the State of New York, that the vacant property with a swimming pool be properly safeguarded; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 11c Motion by Councilmember Mazur, seconded by Councilmember Jankowiak

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, the Town of Cheektowaga has received notification of an unsafe structure located at 155 Wellworth Place, Cheektowaga, New York SBL #91.20-11-27 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office, identify Lynn M. Ernest, 155 Wellworth Place, Cheektowaga, New York 14225, AND

WHEREAS, an inspection of such premises was conducted on 155 Wellworth Place, 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, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State on New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town law of the State of New York, that all openings in the vacant structure be safeguarded and secured; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 12a Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

WHEREAS, grant monies are available from the Erie County Legislature Public Benefit Fund via Legislator Raymond Dusza to purchase replacement lighting for the Senior Citizens Center, AND

WHEREAS, the Town of Cheektowaga Senior Citizens Center seeks grant monies to improve lighting conditions at the Center, thereby enhancing the Center's environment to assist senior citizens, NOW, THEREFORE BE IT

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Item No. 12a cont'd.

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Erie County Legislature Public Benefit Funding program for the purpose of securing this grant and, BE IT FURTHER

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

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 12b Motion by Councilmember Johnson, seconded by Supervisor Gabryszak

WHEREAS, by resolution dated August 5, 2002, this Town Board authorized the submission of a Grants Application under the Hazard Mitigation Grant Program funded through the Federal Emergency Management Agency (FEMA) and administered through the New York State Emergency Management Office for drainage improvements to the outlet of Scajaquada Creek Tributary T-1, AND

WHEREAS, FEMA requires that the Town perform a Phase I archeological survey pursuant to the requirements of the New York State Department of Parks, Recreation and Historic Preservation prior to making a final project determination for grants funding, NOW, THEREFORE BE IT

RESOLVED, that the proposal of the State University of New York at Buffalo Archaeological Survey, Department of Anthropology, MFAC Room 380, Ellicott Complex, Box 610005, Buffalo, New York 14261-0005 as submitted to the Town Engineer dated June 6, 2003 for professional services associated with the Phase I Cultural Resources Survey within the project work area at Scajaquada Creek is accepted and approved and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized and directed to sign said agreement with Archaeological Survey for the provision of said archaeological services and, BE IT FURTHER

RESOLVED, that the cost of said professional services at a cost not to exceed \$3,230.00 shall be chargeable to Account #4000-8140-4581.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 13 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

BE IT RESOLVED, that the Town Board hereby creates the position of Junior Civil Engineer pursuant to Civil Service Laws and Rules, effective June 17, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 14 Motion by Councilmember Jankowiak, seconded by Councilmember Swiatek

BE IT RESOLVED, 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 June 30, 2003:

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Town Engineer	\$73,322
Director of Administration & Finance	\$71,573
Accountant	\$50,705
Supervising Building & Plumbing Inspector	\$59,594
Executive Director of Parks, Youth & Recreation	\$75,224
Program Coordinator – I	\$41,373
Town Attorney	\$62,081
Deputy Town Attorney (1)	\$41,882
Deputy Town Attorney (1)	\$32,588
Clerk of Justice Court	\$41,974
Clerk to Town Justice	\$33,129
Director of Community Development	\$63,352
Council Office Clerk Steno	\$37,931
Administrative Assistant (Town Board)	\$37,931
Municipal Administrative Assistant Legal	\$37,102
Assistant to the Supervisor	\$35,994
Deputy Tax Receiver	\$39,622
Supervisor of Sanitation	\$12,917
Recreation Supervisor – Senior Citizens	\$63,632
Employee Relations Administrative Clerk	\$41,522
Secretary to the Supervisor	\$32,640
Intern Personnel Specialist	\$32,640

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 15 Motion by Councilmember Jankowiak, seconded by Councilmember Swiatek

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 2003 to December 31, 2003:

Katherine Ferdinand, Cheektowaga, New York 14227
Ruth A Cassacci, Cheektowaga, New York 14225
John Abraham, Depew, New York 14043
Dennis Smith, Cheektowaga, New York 14225
Thaddeus I. Marciniak, Cheektowaga, New York 14227

and, BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed as Bingo Inspector Chairman, effective January 1, 2003 for a term of one year:

Kenneth J. Jeffords, Depew, New York 14043

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 16 Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, pursuant to New York State Department of Transportation regulations the Town must designate a "Drug Enforcement Representative" along with an alternate, AND

WHEREAS, the Department of Personnel is the proper office in the Town's departmental structure to perform this function, NOW, THEREFORE BE IT

RESOLVED, that Beth A. Lipczynski, Administrative Clerk in the Personnel Department, be and hereby is designated the Town's "Drug Enforcement Representative" effective immediately and, BE IT FURTHER

Item No. 16 cont'd.

RESOLVED, that Michelle A. Gaj, Intern Personnel Specialist in the Personnel Department, be and hereby is designated the Town's alternate "Drug Enforcement Representative" in the event of Ms. Lipczynski's absence, effective immediately.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



MOTION BY SUPERVISOR GABRYSZAK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 17, 18A AND 18B AND 18C AND THE VOTING WAS AS FOLLOWS:

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0



Item No. 17 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following employees in the Department of Parks, Recreation & Youth Services be and hereby are transferred and/or upgraded, effective immediately:

From Part-Time to Seasonal

Laura Brown
Jay Paradowski

From Part-Time to Seasonal

From Recreation Attendant (VIII) to Recreation Attendant IX - \$7.15
Andrea Ketterl

Seasonal

Transfer from Recreation Attendant (II) to Recreation Attendant (IV) - \$5.90
Sara Kaczmarek

Transfer from Recreation Attendant (II) to Recreation Attendant III - \$5.65
Jeremy Schnauffer

Transfer from 7310.1816 to Bathhouse Attendants - 7180.1901
Level (IV) - \$5.90
Daniel Lysiak

Transfer from Adapted Recreation – (7310.1803) to Camp Flamingo (7310.1810)

Recreation Attendant (II) - \$5.40
Laura Gabryszak
Heather LaGraves
DeYonca Porter

Recreation Attendant (IV) - \$5.90
Neal Esford

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Recreation Attendant (V) - \$6.15
Amber Tracy

Recreation Attendant (VI) - \$6.40
Linda Farinacci

RINK

General Rink - 7140.1611

Recreation Leader (XII) - \$8.90
Glen Au (Part-Time)

Soccer – 7140.1636

Recreation Leader - \$9.10
Tony Pierino (Seasonal)

Recreation Attendant (XI) - \$7.65
Lynne Butts (Part-Time)

Recreation Attendant III - \$5.65
Nick Conti (Seasonal)

Recreation Attendant II - \$5.40
Jon Deveny (Seasonal)

Hockey – 7140.1639

Recreation Leader (VIII) - \$7.90
Matt Bean (Part-Time)

Recreation Leader (VII) - \$7.65
Cher Stucke (Seasonal)

Recreation Attendant (X) - \$7.40
Tom Goff (Part-Time)

In-Line Hockey – 7140.1640

Recreation Attendant X - \$7.40
Ken Swain (Seasonal)

Recreation Attendant (IV) - \$5.65
Ryan Kelly (Seasonal)

Recreation Attendant (II) - \$5.40
Eric Farinacci (Seasonal)

Recreation Attendant (VIII) - \$7.40
Eric Godzich (Seasonal)

Pools

Beach and Pool Supervisors - 7180.1902

Head Lifeguard – (Maryvale) - \$8.30
John Miller

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

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JUNE 16, 2003

Item No. 18a Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, that the following individuals be and hereby are hired as PART-TIME EMPLOYEES in the 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:

	<u>EFFECTIVE</u>
<u>RECORDS CENTER – Clerk - \$7.50 per hour</u>	
Deanna Schugardt Cheektowaga, NY 14225	7/01/03
<u>POLICE DEPARTMENT – Clerk - \$7.00 per hour</u>	
Meagan Zack Depew, NY 14043	6/17/03
Crystal Stachowski Depew, NY 14043	6/17/03
<u>SENIOR SERVICES – Van Driver - \$7.50 per hour</u>	
Robert Benzinger Depew, NY 14043	6/17/03
Joseph Granat Cheektowaga, NY 14227	6/17/03

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the 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>EFFECTIVE</u>
<u>SANITATION DEPARTMENT - Laborer - \$7.50 per hour</u>	
Thomas Buil Depew, NY 14043	6/10/03
<u>SEWER MAINTENANCE DEPARTMENT - Laborer - \$7.00 per hour</u>	
Jeremy Buczek Cheektowaga, NY 14206	6/30/03

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 18b Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby hired as Seasonal employees in the Department of Parks, Recreation & Youth Services, effective immediately:

POOLS

Lifeguards - 7180.1903

Level (5) - \$7.70

Chris Garcea
XXXXXXXXXXXXX
Cheektowaga, New York XXXXX

Level (I) - \$6.50

Joelle Brunetto
Depew, New York 14225

Kristin Brunetto
Depew, New York 14043

Elizabeth Stachwicz
Depew, New York 14043

Item No. 18b cont'd.

BASKETBALL

Basketball - 7140.1654

Recreation Instructor (III) - \$5.90

Craig Reiman
Cheektowaga, New York 14227

CAMPS

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

Recreation Attendant (III) - \$5.65

Jessica Krzyzanowski
Depew, New York 14043

CAMP FLAMINGO - (7310.1810)

Recreation Attendant - \$5.15

Jasmine Adams
Cheektowaga, New York 14211

Michelle Bane
Cheektowaga, New York 14227

Jessica Bochmann
Cheektowaga, New York 14225

Brandon Burns
Cheektowaga, New York 14211

Jackie Poblocki
Cheektowaga, New York 14211

Meagan Schnauffer
Cheektowaga, New York 14225

Kristen Stadelmeyer
Cheektowaga, New York 14225

Lauren Szydowski
Cheektowaga, New York 14227

Katie Torgerson
Cheektowaga, New York 14225

Jamie Wallace
Cheektowaga, New York 14227

Kelly Walters
Cheektowaga, New York 14227

Item No. 18b cont'd.

Kacey Wodowski
Cheektowaga, New York 14225

Recreation Attendant (II) - \$5.40

Mark Hannon
Cheektowaga, New York 14225

Maribeth Stadelmeyer
Cheektowaga, New York 14225

Lauren Filipink
Cheektowaga, New York 14227

Heather Giczkowski
Cheektowaga, New York 14227

Shaun Tyszka
Cheektowaga, New York 14227

Sean Dalton
Cheektowaga, New York 14227

Victoria Velardo
Cheektowaga, New York 14225

Recreation Attendant (III) - \$5.65

Jillian Franz
Cheektowaga, New York 14211

Robert Gladwell
Cheektowaga, New York 14227

Patrick Hughes
Depew, New York 14043

Hillary Szydlowski
Cheektowaga, New York 14227

Recreation Attendant V - \$6.15

Kevin Daugherty
Cheektowaga, New York 14227

Mary Zwolinski
Cheektowaga, New York 14225

Item No. 18b cont'd.

TENNIS – 7140.1642

Recreation Attendant (I) - \$5.15
Michael Flierl
Cheektowaga, New York 14225

CHEEKTOWAGA CONSERVATION CORPS

Laborer (Crew Supervisor) – 7310.1811

Level I - \$10.00
Robert Dominiak
Cheektowaga, New York 14225

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 18c Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

MEETING NO. 17
JUNE 16, 2003

WHEREAS, funds are presently available under the Buffalo, Erie County, Workforce Development Consortium, Summer Youth Program, AND

WHEREAS, the Summer Youth Program starts on July 7th, 2003, participants work a minimum of 24 hours per week, \$5.15 per hour, with a termination date not to exceed August 15th, 2003, NOW, THEREFORE BE IT

RESOLVED, that the following persons will be hired based on availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor.

Adams, Stacey	14227
Alexander, Tiana	14215
Anderson, Richard	14225
Asimenios, James	14227
Barleston, DeChante'	14225
Barnes, Nathaniel	14225
Bell, Lindsey	14225
Bernard, Kelly	14211
Bess, Patrick	14225
Bethge, William	14211
Blackwell, Daniel	14211
Block, Kayla	14225
Bradley, Brandyn	14225
Branka, Angie	14227
Buie, Angelica	14225
Buie, Brittany	14225
Buie, Tiffany	14225
Bullaro, Robert	14043
Bzibziak, Jason	14227
Carney, James	14227
Carr, Christal	14225
Carr, Ryan	14225
Christian, Eric	14215
Cieslinski, Michael	14225
Clemons, Destiny	14225
Coffey, Robin	14215
Ciesielski, Joseph Jr.	14225
Collins, Justin	14225
Cotton, Marcus	14225
Daughtry, Jason	14215

Item No. 18c cont'd.

Dembowski, Shane	14227
Dulak, Eric	14043
Dulak, Jonathan	14043
Dulniak, Justin	14211
El-Amin, Robert	14225
Fellinger, Jonathan	14206
Fix, Michael	14227
Forant, Steven	14225
Frazer, Heather	14225
Fyda, Leah	14225
Glenn, Keon Jr.	14225
Gordon, Andre	14211
Griffith, Elisa	14225
Grillo, Maria	14211
Gullo, Renae	14227
Gagliardo, Ryan	14225
Haurik, Joseph	14043
Hodge, Miranda	14225
Hoelzl, Julie	14206
Horvatits, Matthew	14225
Hudson, Donnell Damone	14215
Ison, Doshia Miranda	14225
Jabbar, Lamiyah	14225
Jabbar, Rahiem	14225

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Janicki, David	14225
Jaskier, Jesse	14206
Kardas, Christopher	14225
Kozak, Erik	14225
Kruczynski, Matthew	14206
Kryst, Stephan	14225
Kugler, Jason	14225
Kupczyk, Christopher	14206
Kurek, Eric	14043
Laurent, Pamela	14212
Laurent, Sarah	14212
Law, Latonia	14225
McAdams, Lisa	14225
McArthur, Donald	14212
McCabe, Brittany	14227
McCabe, Shawn	14227
McDuffie, Timeka	14225
Metzer, Rosalee	14225
Minns, Renial	14225
Murray, Stephanie	14227
Nader, Richard	14227
Nemorowicz, Jessica	14225
Nero, Derek	14227
Nikel, Maris	14225
Nosbisch, Amber	14211
O'Hara, Sarah	14212
Orlowski, Matthew	14043
Paradowski, Jennifer	14227
Pereira, Crystal	14225
Pham, Sy	14211
Piesczynski, Michael	14212
Pizarro, Michael	14225
Price, Alan	14225
Price, Nathaniel	14225
Pulley, Breanna	14225-
Puszert, Brian	14043
Puszert, Frank	14043
Puszert, Scott	14225
Rathbun, Michael	14225
Rathburn, William	14225
Reeve, Nicholas	14212
Riley, Megan	14225

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Roesler, Angle	14212
Root, Krystina	14227
Santiago, Vanessa	14225
Schalck, Brandi	14225
Schwarzberg, Lori	14225
Speaks, Ja Ki	14211
Stachowskiak, Jeremy	14225
Stack, Daniell	14227
Staszczyk, Shawn	14227
Statler, James	14225
Steinwandel, Daniel	14225
Steinwandel, Scott	14225
Story, Latasha	14211
Suba, Jonathan	14225
Szczesniak, Amanda	14043
Szpara, Mark	14225
Tabb, Daiwan	14225
Thauer, David	14225
Thauer, Jessica	14225
Thompson, Marcus	14225
Thrash, Angel	14215
Toomer, Christine	14225
Transue, Jennifer	14227

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Turner, Kristen	14215
Velazquez, Adrianna	14211
Vesneske, Christopher	14227
Watkins, DeVal	14211
Wawrowicz, Andrew	14225
Wawrowicz, Matthew	14225
Weiser, Ashley	14225
White, Raymond	14225
Williams, Maria	14211
Wilson, James	14211
Wisniewski, Alicia	14206
Wozniak, Jonathan	14225
Wozniak, Justin	14225
Zamoyski, Lucas	14225

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Supervisor's Statement of Funds - April 2003
Received and Filed.

Item No. 20a Minutes of Cheektowaga Conservation Advisory Council – May 17, 2003
Received and Filed.

Item No. 20b Minutes of Board of Ethics Committee – May 19, 2003
Received and Filed.

Item No. 20c Minutes of Cheektowaga Traffic Safety Commission – May 20, 2003
Received and Filed.

Item No. 20d Minutes of Cheektowaga Environmental Advisory Committee – May 28, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 21a Notice of Claim: Paul Bradley vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department and First Niagara Risk Management.
Received and Filed.

Item No. 21b Notice of Claim: David Lewandowski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Building and Plumbing Department; Sewer Department; and First Niagara Risk Management.
Received and Filed.



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

Upon roll call

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JUNE 16, 2003

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0



IV. SUSPENSION OF RULES

Item No. 22 Issue Negative Declaration Regarding 2911 William Street
This item was withdrawn.

Item No. 23 Decision on Rezoning of Property Located at 2911 William Street
This item was withdrawn.

Item No. 24 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, Hart Hotels has submitted a Public Improvement Permit Application, plans and specifications and permit fee for the proposed installation of a twin 42" storm sewer system on property located on Buell Avenue to enclose an open drainage system as detailed on design drawings prepared by Schenne & Associates, AND

WHEREAS, the aforesaid drainage system conveys storm water runoff from public highways and the Buffalo Niagara International Airport and the Town Engineer finds the design of the proposed improvements acceptable, AND

WHEREAS, Hart Hotels will be required to grant a permanent drainage easement to the Town to provide for the perpetual operation and maintenance of said drainage system, NOW, THEREFORE, BE IT

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

RESOLVED, that the permit fee in the amount of \$1,170.00 be deposited in the Public Improvement Permit Account established for receipt and disbursement of such fees.

Item No. 24 cont'd.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 25 Motion by Councilmember Johnson, seconded by Councilmember Swiatek

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by Angelo Costanzo of Costanzo's Bakery for an amendment to a previously approved site plan to increase the proposed building additions at 30 Innsbruck Drive by an additional 2,460 square feet, AND

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WHEREAS, on January 21, 2003 the Town Board of the Town of Cheektowaga previously approved a site plan and issued a negative SEQR declaration for building additions totaling 19,200 square foot, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 12, 2003 recommended its approval of the amended site plan as shown on the attached agenda, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the revision to the project site plan is acceptable.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 26 Motion by Councilmember Swiatek, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is committed to maintaining a safe, healthful and drug-free workplace, AND

WHEREAS, a testing program applicable to Town personnel holding a commercial driver's license has been directed by the Omnibus Transportation Employee Testing Act of 1991 and Section 49 of the Code of Federal Regulations, Part 40, as adopted by the Department of Transportation in 2003, NOW, THEREFORE BE IT

RESOLVED, that the attached Drug and Alcohol Testing Policy Procedures be and hereby is adopted by the Town of Cheektowaga, effective immediately.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek, Jankowiak and Mazur

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

Item No. 27 Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Police Officer in the Town of Cheektowaga, AND

WHEREAS, the Civil Service eligible list for Police Officer has been canvassed and candidates have been interviewed, NOW, THEREFORE BE IT

RESOLVED, that Michael Scapillato of Cheektowaga, New York 14043 be and hereby is appointed to the position of Police Officer to a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club effective June 17, 2003.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur
NAYES: 0
ABSENT: 0

Item No. 28 Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

BE IT RESOLVED that the following individuals be transferred and/or upgraded in the Department of Parks, Recreation & Youth Services, effective immediately:

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From Part-Time to Seasonal
From 7140.1614 to 7310.1814 (Teen Center)
Laura Brown

Seasonal
From Lifeguard (Level I) 7180.1902 to Tennis - 7310.1642
Recreation Attendant II - \$5.40
Joelle Brunetto
Kristen Brunetto

From Recreation Attendant IX to Recreation Supervisor (I) - \$7.90 to Tennis - 7310.1642
Eric Burns

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Rogowski, Johnson, Swiatek,
Jankowiak and Mazur

NAYES: 0

ABSENT: 0

Item No. 29 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak to adjourn this meeting in memory of Edward Schultz, a past Deputy Mayor of the Village of Sloan, member of the Cheektowaga Veterans Affairs Committee and a member of the Cheektowaga Patriotic Commission. This meeting was adjourned at 8:20 P.M.

Mary F. Holtz
Town Clerk