

**TOWN OF CHEEKTOWAGA
SPECIAL MEETING NO. 18
JULY 2, 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 2nd day of July, 2003, 6:00 o'clock P.M. there were

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

ABSENT: Councilmember Patricia A. Jaworowicz
Councilmember Swiatek

Also present were: Michael J. Stachowski, Town Attorney

I. RESOLUTIONS

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

BE IT RESOLVED, that pursuant to the provisions of Section 62 of the New York State Town Law, the July 7, 2003 meeting of this Town Board be, and hereby is, rescheduled to July 10, 2003 at 6:45 P.M.

Upon roll call

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

Item No. 3 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak to adjourn this meeting at 6:10 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 19
JULY 10, 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 10th of July 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; Captain John Glascott; Brian Krause, Director of Administration and Finance; Thomas Adamczyk, Supervising Building and Plumbing Inspector; and Jerry Gabryszak, Director of Community Development

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 Town of Cheektowaga Vehicle & Traffic – Schedules – Southern Parkway. 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:



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 Town Hall, 3301 Broadway in said Town of Cheektowaga on July 10, 2003 at 7:00 PM to consider the advisability of adopting amendments to Chapter 235 (formerly 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

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.



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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 July 04, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,139,645.16
RISK RETENTION FUND	145,748.69
DEBT SERVICE FUND	998,137.50
HUD HOUSING REHABILITATION	9,020.00
SPECIAL DISTRICTS FUND	1,019,050.82
HIGHWAY FUND	401,549.78
TRUST & AGENCY	30,148.68
HUD CDBG FUND	91,977.35
PART TOWN FUND	70,252.84
CAPITAL FUND	<u>105,086.25</u>
	\$ 5,010,617.07

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 Jaworowicz

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

GENERAL FUND:			
FROM:	100-1460-4088	Travel and Training	\$750.00
TO:	100-1430-2501	Office Equipment	\$750.00

Upon roll call

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

Item No. 5a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

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 Funds pertaining to activities in the Village of Sloan 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

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Item No. 5a cont'd.

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

RESOLVED, that the Town Board hereby amends the Town of Cheektowaga's Annual Plan / Final Statement on the Use of Community Development Block Grant Funds for the affected program year pursuant to the attached Community Development Block Grant Annual Plan / Final Statement Amendment Report.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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Item No. 5b Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the Cheektowaga Youth Engaged in Service (YES) program established and maintained a checking account for the receipt of revenue realized through fund raising, donations, member item grants, etc. when it was operated under contract by the Youth Department of the Diocese of Buffalo; and

WHEREAS, the Cheektowaga YES program is now provided as a joint effort of Catholic Charities and the Department of Parks, Recreation and Youth Services the balance of the account and estimated additional monies received throughout the year will be deposited in the revenue account for said program, NOW, THEREFORE, BE IT

RESOLVED that the following account lines of the 2003 budget be amended to reflect the additional revenue

Revenue Account Line # 01-7310 - 2070 \$3,700
Expense Account Line # 01-7310 - 4685 \$3,700

Upon roll call

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

Item No. 6 Issue Negative Declaration for Property Located at 2911 William Street
This item was withdrawn by Councilmember Johnson and placed under the waiver.
After Item No. 28.

Item No. 7 Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

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

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

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

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

CHIPS State Aid (Expense)- #5714-5132-0002 - \$225,505.67
CHIPS State Aid (Revenue) #5714-5132-3089 - \$225,505.67

Upon roll call

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

Item No. 8a 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 Buick Club of America, Niagara Frontier Chapter, has made application to hold its Antique and Classic Car Show in Cheektowaga Town Park on August 17, 2003 from 9:00 a.m. to 5:00 p.m., AND

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

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Item No. 8a cont'd.

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Buick Club of America, Niagara Frontier Chapter, for the aforementioned Antique and Classic Car Show.

Upon roll call

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

Item No. 8b Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

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

WHEREAS, the Boy Scouts of America, Greater Niagara Frontier Council, have requested permission to conduct a Cub Scout Day Camp from July 14, 2003 to July 18, 2003, 8:00 A.M. to 5:00 P.M. each day, in John C. Stiglmeier Park, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by 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:

1. Submittal of site plan;
2. Submittal of plan for sanitary facilities;
3. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Boy Scouts of America, Greater Niagara Frontier Council, for the aforementioned Cub Scout Day Camp; 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

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Item No. 8c Motion by Councilmember Mazur; Seconded by Councilmember Jaworowicz

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Co-Ed Softball Tournament in Stiglmeier Park on August 16, 2003 from 8:00 a.m. to 6:00 p.m., AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department 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:

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 HSBC Sports and Social Club for the aforementioned Co-Ed Softball Tourney to be held in Stiglmeier Park on August 16, 2003

Upon roll call

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

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

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

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from July 18-20, 2003, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Building Inspections Department, 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

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Item No. 8d cont'd.

RESOLVED, that this Town Board hereby approves the aforementioned application of the Polish-American Arts Festival Committee for the aforementioned Polish-American Arts Festival to held in Cheektowaga Town Park from July 18-20, 2003.

Upon roll call

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

Item No. 8e Motion by Supervisor Gabryszak; Seconded by Councilmember Rogowski

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

WHEREAS, the General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 20, 2003 at 1:30 p.m. beginning at the Thruway Plaza; then proceeding west on Walden Avenue; then north on Harlem Road to George Urban Boulevard, AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by 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 aforementioned application of the General Pulaski Association of the Niagara Frontier for the aforementioned parade to be held on July 20, 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. 9a Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

WHEREAS, the County of Erie, through Legislator Raymond K. Dusza, has made funds available to the Town of Cheektowaga for the 2003 year to fund "Wednesdays in the Park", AND

WHEREAS, Wednesdays in the Park is a program operated by the Police Department Crime Resistance Unit in conjunction with the Department of Parks, Recreation and Youth Services wherein area youth are provided with lunch and recreational activities; AND

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Item No. 9a cont'd.

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding, and has been notified that the Town has been awarded the sum of \$5,000.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; 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. 9b Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

WHEREAS, grant monies are available from New York State Assemblyman Paul Tokasz to reconstruct the intersection of Corey Court and Mapleview Road to improve safety, including drainage and sidewalk replacement and street lighting relocations, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to improve the intersection, thereby enhancing the safety of pedestrians, 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 Assembly 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. 9c Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town Board is committed to pursuing economic development activities in order to preserve existing jobs, create new employment opportunities for Town residents and increase the Town's property tax base, AND

WHEREAS, in accordance with these goals, the Town created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging new industrial development and growth in the Town, AND

WHEREAS, use of Community Development Block Grant funds has been approved by the Department of Housing & Urban Development for economic development activities in the Town, NOW THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a subrecipient agreement with the Cheektowaga Economic Development Corporation pertaining to the use and expenditure of Community Development Block Grant funds for the 2003 Program Year.

Upon roll call

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

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Item No. 9d Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga receives Community Development Block Grant funds from the Department of Housing and Community Development, AND

WHEREAS, federal regulations require the Town to execute subrecipient agreements with those entities receiving community development block grant funds through the town, AND

WHEREAS, activities utilizing Community Development funds have been programmed for the Villages of Depew and Sloan for the 2003 Program Year, NOW THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute Subrecipient Agreements for Community Development Block Grant funding with the Villages of Depew and Sloan for the 2003 Program Year.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 9e Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, the NYS Office of Children and Family Services has approved the 2003 Safe Places Grant Award, in the amount of \$50,000, to the Erie County Department of Youth Services, as the lead agency, working in conjunction with the municipal youth bureaus in the Town's of Amherst, Cheektowaga, Lancaster and Tonawanda; AND

WHEREAS, the Erie County Youth Bureau will utilize 13% for administration, leaving \$43,500 (\$10,875 each) for the municipal youth bureaus; AND

WHEREAS, the Safe Places grant application addresses the collective mission of the NYS Office of Children and Family Services and the County and municipal youth bureaus to enable the positive development of children, youth and families, especially in creating youth development opportunities during the non-school hours; AND

WHEREAS, the TOWN has entered into an agreement with the Boys and Girls Club of Buffalo to provide the services specified in the grant application; NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is hereby authorized and directed to sign the necessary agreement between the TOWN and the COUNTY to advance said funds.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 9f Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, grant monies are available from Erie County Legislator Raymond Dusza to assist with costs associated with the Town's annual July 4th celebrations; AND

WHEREAS, the Town of Cheektowaga seeks grant monies to assist the Patriotic Commission to enhance festivities associated with the July 4th holiday; 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 Erie County Public Benefit Fund for the purpose of securing this grant; AND BE IT FURTHER

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Item No. 9f cont'd.

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. 10 Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, it is in order that bids be advertised for the Community Drive Storm/Sanitary Sewer Installation and Awood Place Storm Sewer Installation/Ditch Elimination Project in the Town of Cheektowaga, AND

WHEREAS, the Cheektowaga Engineering Department has prepared plans and specifications for the aforesaid projects, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Community Drive Storm/Sanitary Sewer Installation and Awood Place Storm Sewer Installation/Ditch Elimination Project, said notice to be published in the BUFFALO NEWS and the BUFFALO CRITERION, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 30th day of July, 2003 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 30th day of July, 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 Community Drive Storm/Sanitary Sewer Installation and Awood Place Storm Sewer Installation/Ditch Elimination, 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 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, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk 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, Broadway & Union Roads, Cheektowaga, New York 14227 and marked HUD Projects 2003.

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Item No. 10 cont'd.

The right to reject any and all bids, to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Cheektowaga, and in accordance with the 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 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 and Labor and Material Payment Bond acceptable to the Owner, in an amount equal to the contract award.

Project activities are Federally funded under Title I Community Development Act of 1974, as amended. The minimum wage rates to be paid to laborers and mechanics engaged in the construction of this project shall be the latest wage rates established by the Secretary of Labor and State Industrial Commissioner, whichever is greater. All bidders must comply with Section 3 Requirements for the Provision of Training Employment and Business Opportunities, the President's Executive Order 11246, as amended, and Non-Discrimination and Equal Employment Opportunity requirements as set forth in the Contract Documents.

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 90 consecutive calendar days, to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: July 10, 2003

PUBLISHED:



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT NEXT PAGE

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tem No. 11 Motion by Councilmember Rogowski; Seconded by Councilmember Mazur

WHEREAS, the Town Clerk of the Town of Cheektowaga is designated as the Records Management Officer for the Town, AND

WHEREAS, the Town of Cheektowaga also employs a Municipal Records Manager to operate the Town's Records Center and manage disposition and storage of Town records, AND

WHEREAS, the Town of Cheektowaga also has a Records Advisory Board whose purpose is to advise and make recommendations to the Records Management Officer on improvements to be made to the Cheektowaga Records Management Program, AND

WHEREAS, the Municipal Records Manager, in concert with the Records Management Officer and the Records Advisory Board, has drafted a Records Management Procedures manual to inform and advises Town departments and the public as to how the Cheektowaga Records Management Program operates in the Town, AND

WHEREAS, a copy of the Records Management Procedures Manual is attached hereto, AND

WHEREAS, this Board has reviewed this Records Management Procedures Manual and concurs with the contents of same, NOW, THEREFORE, BE IT

RESOLVED, that the attached Records Management Procedures Manual shall be utilized by all Town departments in connection with the storage and disposition of Town records, and BE IT FURTHER

RESOLVED, that future revisions to such manual, when deemed necessary, shall be made by the Records Advisory Board and approved by the Records Management Officer; thereafter the revisions shall be filed in the Town Clerk's Office.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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

WHEREAS, this Town Board feels that implementation of a comprehensive energy management program for Town facilities and other Town energy-consuming equipment and systems would enable the Town to realize maximum utility savings, AND

WHEREAS, by resolution dated June 2, 2003, this Town Board issued a Request for Proposals for Performance Based Self Funded Efficiency Improvements in the Town of Cheektowaga, AND

WHEREAS, proposals were received on the 16th day of June, 2003, AND

WHEREAS, the Town Engineer, Town Director of Administration and Finance and the Chairman of the Building Maintenance and Energy Conservation Committee reviewed the proposals, and have recommended that this Town Board enter into a Performance Contracting Project Development Agreement with Johnson Controls, Inc., AND

WHEREAS, Johnson Controls, Inc. has drafted a Performance Contracting Project Development Agreement wherein it would undertake a detailed evaluation study of the Town's facilities and equipment to identify performance improvement measures in order to reduce the Town's energy consumption and operating costs, and to submit a written report on same to the Town, AND

WHEREAS, pursuant to such agreement, the Town of Cheektowaga would remit payment to Johnson Controls, Inc. for said services under one of the two following scenarios:

1. Remit payment to Johnson Controls, Inc. for \$65,250 for services rendered without any further remedial work being performed by Johnson Controls, Inc.; or
2. Within 90 days after Johnson Controls, Inc. completes the services called for under the Performance Contracting Project Development Agreement, the Town would enter into a Performance Contracting Project Agreement/Energy Performance Agreement to implement the suggested performance improvement measures identified in the report.

AND

WHEREAS, this Town Board wishes to contract with Johnson Controls, Inc. to have Johnson Controls, Inc. proceed with the aforementioned detailed evaluation study of Town facilities, as detailed in the proposal submitted by Johnson Controls, Inc., and

WHEREAS, this Town Board will determine at a later time under which of the aforementioned two scenarios it will proceed to pay Johnson Controls, Inc., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute the attached Performance Contracting Project Development Agreement with Johnson Controls, Inc. to authorize Johnson Controls, Inc. to proceed with preparation of its detailed evaluation study of Town facilities and equipment, and BE IT FURTHER

RESOLVED, that said agreement shall be subject to final approval as to form and content by the Town Attorney, Director of Administration and Finance and the Town Engineer, and BE IT FURTHER

RESOLVED, that moneys are set aside under budget line item number 100-1910-4711 in the amount of \$65,250 to remit payment to Johnson Controls, Inc. for the energy and facility assessment/comprehensive energy audit in the event the Town does not proceed with the energy savings work to be recommended by Johnson Controls, Inc.

Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 19
JULY 10, 2003

Item No. 13a Motion by Councilmember Jaworowicz' Seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the permanent roof repair and reconstruction of damaged components at the Julia Boyer Reinstein Library, which bids were duly received and opened on June 25, 2003, AND

WHEREAS, said bids were referred to the Town Engineer and to Kidney Architects, P.C., Project Architect, for analysis, tabulation and report, which report dated July 2, 2003 is attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the permanent roof repair and reconstruction of damaged components at the Julia Boyer Reinstein Library be awarded to Lemur Construction Corporation, P.O. Box 852, East Aurora, New York 14052 at the bid price of \$173,300.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute contracts with said firm and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from budget line item #500-7410-2520-5320, all of which will be fully reimbursed by Fireman's Fund Insurance, the Town's insurance carrier, upon contract completion.

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. 19
JULY 10, 2003

Item No. 13b Motion by Councilmember Jaworowicz; Seconded by Supervisor Gabryszak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for Additions and Alterations to the Cheektowaga Senior Citizen Facility, which bids were duly received and opened on June 25, 2003, AND

WHEREAS, said bids were referred to the Town Engineer and to Kidney Architects, P.C., Project Architects, for analysis, tabulation and report and they have recommended in the attached letters dated June 30, 2003 that the following bidders named below be awarded the respective contracts for this project, AND

WHEREAS, said reports recommend that the contract for General Construction Work be awarded to Lemur Construction Corporation, the contract for Heating, Ventilating and Air Conditioning Work be awarded to Tri-R Mechanical Services, Inc., the contract for Plumbing Work be awarded to C & L Plumbing, Inc., the contract for Electrical Work be awarded to O'Connell Electric Company, and the contract for Fire Protection Work be awarded to Davis Fire Protection & Services, LLC, NOW, THEREFORE, BE IT

RESOLVED, that the contract for General Construction Work be and hereby is awarded to Lemur Construction Corporation, P.O. Box 852, East Aurora, New York 14052 at the bid price of \$652,700.00, including the acceptance of Alternate #1, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for Heating, Ventilating and Air Conditioning Work be and hereby is awarded to Tri-R Mechanical Services, 2481 Seneca Street, West Seneca, New York 13210 at the bid price of \$270,350.00, including the acceptance of Alternate #1, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for Plumbing Work be and hereby is awarded to C & L Plumbing, Inc., 79 Sheldon Avenue, Depew, New York 14043, at the bid price of \$59,000.00, including the acceptance of Alternates #1 and #3, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for Electrical Work be and hereby is awarded to O'Connell Electric Company, 830 Phillips Road, Victor, New York 14564, at the bid price of \$224,200.00, including the acceptance of Alternates #1, #2 and #3, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for Fire Protection Work be and hereby is awarded to Davis Fire Protection and Services LLC, 120 West Tupper Street, Buffalo, New York 14201, at the bid price of \$42,915.00, said being the lowest bid meeting the requirements of the Specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute contracts with said firms and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said projects shall be appropriated from budget line item #500-7620-2520-5122.

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. 19
JULY 10, 2003

Item No. 14 Motion by Councilmember Jankowiak; Seconded by Councilmember Swiatek

WHEREAS, a resolution was passed on June 16, 2003 to establish salaries for Town officials and employees who are not covered by any bargaining unit, AND

WHEREAS, two salaries need to be corrected, therefore

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be an hereby are established and set forth as follows, effective June 30, 2003:

Director of Administration & Finance	\$70,170
Deputy Tax Receiver	\$35,327

Upon roll call

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

NAYES: 0

ABSENT: 0



A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING OF THE NAMES FOR ITEM NO. 15. 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. 15 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

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:

EFFECTIVE

BUILDING AND PLUMBING DEPARTMENT – Clerk - \$7.25 per hour

Janet T. Parks Cheektowaga, NY 14225 7/11/03

POLICE DEPARTMENT – Detention Officers - \$14.00 per hour

Paul Lorefice Cheektowaga, NY 14227 7/11/03

Christopher Suszek Cheektowaga, NY 14206 7/11/03

PARKS DIVISION – Laborer - \$6.50 per hour

Rudy Pikuzinski III Depew, NY 14043 7/08/03

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:

EFFECTIVE

SEWER MAINTENANCE – Laborer - \$7.00 per hour

Sean Ross Cheektowaga, NY 14211 7/14/03

**MEETING NO. 19
JULY 10, 2003**

Item No. 15 cont'd.

SANITATION DEPARTMENT – Laborer - \$7.50 per hour

Corey Wroblewski	Cheektowaga, NY 14225	6/16/03
Michael Piwowar	Cheektowaga, NY 14227	6/18/03

MAIN PUMP STATION – Laborer - \$7.25 per hour

Ron Strong	Cheektowaga, NY 14227	8/04/03
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POLICE DEPARTMENT – Sign Maintenance – Laborer - \$7.10 per hour

Brian Clifford	Cheektowaga, NY 14225	7/11/03
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POLICE DEPARTMENT – Clerk - \$6.00 per hour

Julie Bojarski	Cheektowaga, NY 14227	7/14/03
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PARKS DIVISION – Laborer - \$6.50 per hour

Adam Pieczynski	Cheektowaga, NY 14206	7/08/03
Timothy Stevenson	Cheektowaga, NY 14227	"

AND

WHEREAS, the following Clerks were erroneously hired at the June 16, 2003 Town Board meeting as part-time employees for \$7 per hour in the Police Department; BE IT

RESOLVED, the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in compliance with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

POLICE DEPARTMENT – Clerk - \$6.00 per hour

Meagan Zack	XXXXXXXXXXXXXXXXXXXXX, Depew, NY XXXXX	6/17/03
Crystal Stachowski	XXXXXXXXXXXXXXXXXXXXX, Depew, NY XXXXX	6/17/03

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

EFFECTIVE

POLICE DEPARTMENT – School Crossing Guard

Dolores Kujawa	6/20/03
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ACCOUNTING DEPARTMENT

Stephanie Gretch	7/03/03
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PERSONNEL DEPARTMENT

Erik Reinheimer	6/30/03
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POLICE DEPARTMENT – Sign Maintenance

Michael Urbanski	6/30/03
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PARKS DIVISION

Travis Conrad	7/07/03
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Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 19
JULY 10, 2003

Item No. 16 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 and Youth Services effective immediately:

Lifeguards – 7180.1903 effective 6/19/03

Level (I) - \$6.50
(Town Park)
Maria Owens
Cheektowaga, New York 14225

Level (II) - \$6.75
(Town Park)
Ashley Reformat
Depew, New York 14043

Tennis – 7140.1642
Recreation Attendant (I) - \$5.15
Jennifer Pye
Depew, New York 14043

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 employee listed below be transferred as indicated in the Department of Parks, Recreation and Youth Services, be made retro to June 16th (Seasonal):

In-Line Hockey – 7140.1640
From Recreation Attendant (IV) to
Recreation Attendant (V) - \$6.15
Ryan Kelly

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

WHEREAS, the Buffalo Bisons/Blue Cross Blue Shield of Western New York has submitted a request to hold their annual Pitch, Hit and Run competition in Stiglmeier Park, AND

WHEREAS, the competition will allow boys and girls ages 7-12 to learn the fundamentals of baseball, BE IT

RESOLVED, that the Buffalo Bisons be authorized the use of Stiglmeier Park, Diamond 1, to hold said competition on Monday, July 14, 2003 between the hours of 9:00-1:00 p.m.

Upon roll call

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

MEETING NO. 19
JULY 10, 2003

Item No. 19 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

WHEREAS, Cheryl Witt is employed by the Town of Cheektowaga as an Clerk Typist in the Police Department; AND

WHEREAS, Cheryl Witt has requested a leave of absence from her Town job for a period of six (6) months; AND

WHEREAS, the collective bargaining agreement between the Town and the Town of Cheektowaga Employee's Association states that a union employee may be granted a leave of absence for no more than one (1) year for reasonable purpose; NOW, THEREFORE, BE IT

RESOLVED, that Cheryl Witt be and hereby is granted a leave of absence for a period of six (6) months, commencing August 1, 2003 through February 1, 2004 from her position of Clerk Typist in the Police Department.

Upon roll call

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

Item No. 20 Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, there is a need to perform a Phase I Environmental Site Assessment (ESA) for the proposed Town Municipal Golf Course property to update a prior study performed in 1993 and to also include the 21.41 acre supplemental parcel, east of the park entrance road, NOW, THEREFORE, BE IT

RESOLVED, that the firm of Clough, Harbour and Associates LLP, 295 Main Street, Suite 900, Buffalo, New York 14203-2509 be and hereby is retained to provide professional services associated with preparation of a Phase I Environmental Site Assessment Report in accordance with the attached proposal submitted to the Town Engineer dated June 26, 2003 at a fee not to exceed \$1,990.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said agreement with Clough, Harbour & Associates LLP, AND, BE IT FURTHER

RESOLVED, that funds for said professional services shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call

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



A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO MOVE ITEM NO. 21 A-C TO THE END OF THE MEETING AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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



MEETING NO. 19
JULY 10, 2003

III. DEPARTMENTAL COMMUNICATIONS

- Item No. 22 Supervisor's Statement of Funds – May 2003
Received and Filed.
- Item No. 23 Building Permits – June 2003
Received and Filed.
- Item No. 24a Minutes – Town Environmental Advisory Committee – June 18, 2003
Received and Filed.
- Item No. 24b Minutes – Cheektowaga Planning Board – June 12, 2003
Received and Filed.
- Item No. 24c Minutes – Cheektowaga Conservation Advisory Council – June 5, 2003
Received and Filed.
- Item No. 24d Minutes – Cheektowaga Conservation Advisory Council – June 12, 2003
Received and Filed.
- Item No. 24e Minutes – Board of Ethics Committee Meeting – June 23, 2003
Received and Filed.
- Item No. 24f Cheektowaga Traffic Safety Commission – June 17, 2003
Received and Filed.

IV. GENERAL COMMUNICATIONS

- Item No. 25a Notice of Claim: Tammy Anna 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: Michael Argentieri vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Dog Warden and First Niagara Risk Management.
Received and Filed.
- Item No. 25c Notice of Claim: Ernest & Agnes Bliemeister 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. 25d Notice of Claim: Cimato Brothers Construction vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; and First Niagara Risk Management.
Received and Filed.
- Item No. 25e Notice of Claim: Victor Dudek vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.

MEETING NO. 19
JULY 10, 2003

- Item No. 25f Notice of Claim: John J. Harte 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. 25g Notice of Claim: Richard Hawley vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Police and First Niagara Risk Management.
Received and Filed.
- Item No. 25h Notice of Claim: Marcia A. Kazmierczak 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. 25i Notice of Claim: David Kilmer 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. 25j Notice of Claim: Jerry R. Siller 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. 25k Notice of Claim: Raymond Tedmann 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. 25l Notice of Claim: Jerome Weber 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. 26 Two (2) Letters from Gary S. Howell
Received and Filed.
- Item No. 27 Letter from Depew/Cheektowaga Taxpayers Association Inc. regarding Buffalo Crushed Stone
Received and Filed.



A MOTION BY COUNCILMEMBER JOHNSON AND SECONDED BY COUNCILMEMBER MAZUR 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



V. SUSPENSION OF RULES

MEETING NO. 19
JULY 10, 2003

Item No. 28 Motion by Supervisor Gabryszak Seconded by Councilmember Rogowski

WHEREAS, the Town of Cheektowaga has invested a significant amount of federal funds in the Walden Avenue neighborhood during the past 25 years in an effort to maintain and improve the economic and social viability of the area; AND

WHEREAS, demolition of blighted properties, drainage, sewer and road improvements, housing and commercial rehabilitation and promotion of homeownership are some of the activities the Town has engaged in to achieve this goal; AND

WHEREAS, the Town remains committed to the revitalization of the Walden Avenue neighborhood; AND

WHEREAS, one of the most important ways to ensure the future viability of the area is through responsible home ownership; AND

WHEREAS, to assist in achieving that end, the Cheektowaga Economic Development Corporation has agreed to acquire a parcel of land in the Walden Avenue area located at 72 Randolph Street, demolish the existing structure on the site and convey title to said property to the Town to be utilized as a site for the construction of new single-family homes that will be sold to qualified income-eligible home buyers; AND

WHEREAS, the Cheektowaga Economic Development Corporation, which is presently conducting studies of the site to ensure that it is an environmentally clean site suitable for residential development, will not purchase said property until its environmental condition has been determined, NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby agrees to accept title to the property located at 72 Randolph Street in the Town of Cheektowaga from the Cheektowaga Economic Development Corporation, subject to the following conditions:

1. Proof that the property is environmentally clean;
2. Proof that the existing structure(s) on the site are demolished; and
3. Approval of title by the Town Attorney.

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 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 Daniel J. Marinaro, Architect for Seneca Creek Development Corporation for the rezoning of 2911 William Street from NS-Neighborhood Services to RSC- Senior Citizen Housing District for the construction of a 42 unit senior apartment building, AND

MEETING NO. 19
JULY 10, 2003

Item No. 6 cont'd.

WHEREAS, the Environmental Advisory Committee at its meeting held on April 30, 2003, recommended a determination of non significance as shown on the attached memorandum dated May 1, 2003, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at its meeting held on May 8, 2003, AND

WHEREAS, The Town of Cheektowaga Traffic Safety Commission recommended approval of the subject project at its meeting of March 18, 2003, AND

WHEREAS, the Town's consultant, URS Corporation was engaged to provide consistency reviews for the William -Losson Corridor Study has reviewed the application for potential traffic impacts and did not consider the project to be in conflict with the intent of the corridor study as shown in the attached memorandum dated April 10, 2003, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has a variance application pending for relief from section 260-26C(2)(b) of the zoning law for relief from a perimeter emergency access road way, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, the Traffic Safety Commission and the Town's Consultant for the William – Losson Corridor, 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, with the following conditions:

- 1.The Town Engineer must approve the final drainage /grading plan.
- 2.The Zoning Board of Appeals approves a variance for the lack of a perimeter emergency access roadway.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 29 Motion by Councilmember Johnson; Seconded by Councilmember Swiatek

**MEETING NO. 19
JULY 10, 2003**

WHEREAS, Daniel J. Marinaro petitioned for a rezoning from NS-Neighborhood Services District to RSC-Residential Senior Citizen Housing District for property owned by Seneca Creek Development Corporation and located at 2911 William Street, 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 16th day of June, 2003 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, AND

WHEREAS, the 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 Daniel J. Marinaro for the rezoning from NS-Neighborhood Services District to RSC-Residential Senior Citizen Housing District of the property described in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 19
JULY 10, 2003

WHEREAS, the NYS American Legion Association will be honoring Police Officer Joseph Bashaw on July 17, 2003 by awarding him the Law and Order Award for performing an act of outstanding bravery and placing the safety and welfare of the people of New York State above all other considerations. Officer Bashaw responded to an armed robbery call on November 14, 2002 at the Wilson Farms Store.

WHEREAS, Chief Ziemba is requesting authorization to attend this awards ceremony along with Officer Bashaw in Syracuse, New York. The Police Department will be responsible for lodging transportation and meals amounting to approximately \$225.00 NOW, THEREFORE, BE IT

RESOLVED, that Chief Ziemba and Officer Bashaw are authorized to attend this ceremony and that the time spent will be authorized as normal duty time. All 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. 21a Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

WHEREAS, five (5) vacancies exist 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 the following individuals be and hereby are 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:

Timothy A. Turnbull Cheektowaga, NY 14227
Eric C. Broska Cheektowaga, NY 14225
Lenore A. Kukoleca Sloan, NY 14212
James T. Patterson Cheektowaga, NY 14227
Keith C. Wanderlich Cheektowaga, NY 14206

AND BE IT FURTHER

RESOLVED, that said appointments shall become effective July 18, 2003, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

Upon roll call

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

Item No. 21b 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

Item No. 21b cont'd.

MEETING NO. 19
JULY 10, 2003

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:

Timothy S. Popielski
Jon Gallinger
John M. Redman, III

Upon roll call

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

Item No. 21c Motion by Unanimous; Seconded by Unanimous

WHEREAS, by letter dated May 14, 2003, Joan E. Dudek, notified the Town Clerk and this Town Board of her resignation from the position of Receiver of Taxes and Assessments, effective June 4, 2003, AND

WHEREAS, a vacancy exists which, pursuant to the Town Law of the State of New York, is required to be filled by the Town Board, NOW, THEREFORE, BE IT

RESOLVED, that William P. Rogowski, residing at Depew, New York, be and hereby is appointed to the vacancy existing in the position of Receiver of Taxes and Assessments, effective immediately, at a salary established for such position.

Upon roll call

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



THE TOWN BOARD RECEIVED A LETTER FROM WILLIAM P. ROGOWSKI, RESIGNING AS COUNCILMEMBER



A MOTION BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER JOHNSON TO ADJOURN THE MEETING. THE TIME OF ADJOURNMENT WAS 8:25 P.M.

MARY F. HOLTZ
TOWN CLERK

MEETING NO. 19
JULY 10, 2003

**TOWN OF CHEEKTOWAGA
MEETING 20
JULY 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 Town Hall, corner of Broadway and Union Roads, in said Town on the 21st day of July, 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
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 and William Pugh, Town Engineer.

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:	100-1430-4088	Travel & Training	\$250.00
To:	100-1430-2501	Office Equipment	\$250.00

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, 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 July 18, 2003 are hereby approved and made a part hereof:

GENERAL FUND	\$264,485.89
RISK RETENTION FUND	113,950.75
HUD HOUSING REHABILITATION	25,735.00
SPECIAL DISTRICTS FUND	270,428.74
HIGHWAY FUND	147,383.25
TRUST & AGENCY	15,246.31
PART TOWN FUND	6,049.01
CAPITAL FUND	<u>86,123.19</u>
	\$930,402.14

Upon roll call

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

MEETING NO. 20
JULY 21, 2003

Item No. 4 Motion by Councilmember Johnson, seconded by Councilmember Jaworowicz

WHEREAS, this Town Board held a public hearing on July 10, 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:

SOUTHERN PARKWAY - South side: from the east curb line of Harlem Road to a point 75± feet easterly.

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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 20
JULY 21, 2003

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for Park Improvements at Dartwood Park, which bids were duly received and opened on May 7, 2003 by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report and have been reviewed by the Director of Parks, Recreation and Youth Services, AND

WHEREAS, budgetary considerations have required us to reduce the scope of the project, NOW, THEREFORE, BE IT

RESOLVED, that Items 3A and 3B of the Dartwood Park Improvements be and hereby are awarded to Gleason's Nursery, Inc., 4780 Sheridan Drive, Williamsville, New York 14221 for the combined bid price of \$48,144.00, being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Gleason's Nursery, Inc. for the aforesaid project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #7110-2304, Account #7310.4688 and Account #7140-4601.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6a Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated July 2, 1990, the Town Board of the Town of Cheektowaga adopted Local Law No. 3 of the Year 1990, entitled "A Local Law to Create the Cheektowaga Conservation Advisory Council", AND

WHEREAS, the Supervisor's Development Review Revision Committee has reviewed such law, and is recommending that amendments be made to such law to reduce duplicity in the missions of Town committees/boards, NOW, THEREFORE BE IT

RESOLVED, that a public hearing be held on the 4th day of August, 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 amend "A Local Law to Create the Cheektowaga Conservation Advisory Council" (a/k/a Chapter 9 of the Code of the Town of Cheektowaga), and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of 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 4th day of August, 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 to Create the Cheektowaga Conservation Advisory Council". A brief summary of this local law is as follows:

LOCAL LAW INTRO NO. 2003-4
A LOCAL LAW TO AMEND A LOCAL LAW TO CREATE
THE CHEEKTOWAGA CONSERVATION ADVISORY COUNCIL

MEETING NO. 20
JULY 21, 2003

Item No. 6a cont'd.

1. Section 9-1 of Chapter 9 of the Code of the Town of Cheektowaga shall be amended by deleting from the first sentence the words "and man-made"

2. Section 9-5.A. of Chapter 9 of the Code of the Town of Cheektowaga shall be amended by deleting from the first sentence the words "and man-made."

A copy of the complete text of this local law with amendments noted is available in the Town Clerk's Office where the same may be examined during regular business hours.

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

Dated: July 21, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 20
JULY 21, 2003

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

WHEREAS, the Town of Cheektowaga presently has a Planning Board and a Zoning Board of Appeals to review various matters relating to zoning and development in Town of Cheektowaga, AND

WHEREAS, Sections 267 and 271 of the Town Law of the State of New York authorize town boards to enact local laws to require planning and zoning board members to attend training/continuing education courses and to require minimum meeting attendance, AND

WHEREAS, the Supervisor's Development Review Revision Committee has recommended that this Town Board enact a local law to provide minimum requirements for meeting attendance and training for members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 4th day of August, 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 Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals" and, BE IT FURTHER

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



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 4th day of August, 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 Provide Minimum Requirements for Meeting Attendance and Training of Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals". A brief summary of this local law is as follows:

LOCAL LAW INTRO NO. 2003-5
A LOCAL LAW TO PROVIDE MINIMUM REQUIREMENTS
FOR MEETING ATTENDANCE AND TRAINING OF MEMBERS OF THE TOWN OF
CHEEKTOWAGA PLANNING BOARD AND ZONING BOARD OF APPEALS

This law would require all Town of Cheektowaga Planning Board and Zoning Board of Appeals Members to attend a minimum of 75% of their Board meetings within a calendar year.

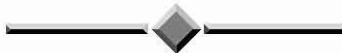
This law would also require Town of Cheektowaga Planning Board and Zoning Board of Appeals members to attend a minimum of two hours in relevant training courses each year.

A copy of the complete text of such local law shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

Dated: July 21, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 20
JULY 21, 2003

Item No. 7a 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 for revisions to a previously approved Municipal Golf Course, AND

WHEREAS, due to the growth of an existing Federal/State regulated freshwater wetland, the Town was required to add an additional 21.41± acres of town owned recreation land to the previously approved golf course site to avoid disturbance to the water body, AND

WHEREAS, the Town obtained parkland alienation permission from the New York State Legislature for use of the additional recreation land and is awaiting the Governor's signature, AND

WHEREAS, the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers have indicated a pending approval of the Town's application for disturbing approximately 0.7± acres of jurisdictional wetlands as shown on the attached correspondence dated June 30, 2003 and July 8, 2003, AND

WHEREAS, the Town will be mitigating the disturbance to the wetlands by creating 1.47± acres of man-made wetlands, AND

WHEREAS, the Town of Cheektowaga previously prepared a cultural resource survey for the original golf course design, which revealed no significant impacts to cultural resources. Furthermore, the additional acreage being added to the revised golf course design was previously disturbed by the Town, AND

WHEREAS, additional trees which will be lost for the revised golf design will be mitigated with trees being preserved within the acreage being avoided due to the expanded freshwater wetland. Furthermore, the Niagara Frontier Transportation Authority has indicated that some of the impacted trees will have to be removed due to air flight obstructions discovered within NFTA's current runway expansion project, AND

WHEREAS, the Town has engaged the services of Clough Harbor Associates to perform a Phase One environmental audit on the additional 21.41± acres of recreational land to be added to the golf course project, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 16, 2003 recommended a determination of non-significance, AND

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

RESOLVED, that this Town Board, determines that the revisions to the previously approved project will not have a significant effect on the environment and therefore reaffirms for purposes of SEQRA the Negative Declaration approved for this project on July 5, 1993 and reaffirmed on August 18, 1998.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 20
JULY 21, 2003

Item No. 7b 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 J. Weylier, Architect for Dual Printing Inc. for the construction of a 39,360 square foot warehouse/office expansion at 340-350 Nagel Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on July 16, 2003 recommended a determination of non significance with the recommendation that any proposed HVAC equipment and or venting openings be placed nearest to the southerly side of the proposed building addition, AND

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

WHEREAS, The Town of Cheektowaga Traffic Safety Commission recommended approval of the subject project at its meeting of June 17, 2003, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has a variance application pending for relief from the parking and building setbacks of the zoning law, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Traffic Safety Commission, 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 with the following conditions:

1. The Town Engineer must approve the final drainage/grading plan.
2. The Zoning Board of Appeals approves the variance petition, which is pending.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga is the owner of Town Water Districts Nos. 8, 9 and 10 which are located entirely within the Town of Cheektowaga, AND

WHEREAS, such districts are currently operated by the Erie County Water Authority ("ECWA") under a lease-management agreement, AND

WHEREAS, the ECWA is an agency whose expertise is in the area of provision of water supply to residents of Erie County, AND

WHEREAS, it would be in the Town's best interest to transfer responsibility for the operation and maintenance of the water lines and systems in Water Districts Nos. 8, 9 and 10 to the Erie County Water Authority, and subsequently to dissolve Water Districts 8, 9 and 10, AND

MEETING NO. 20
JULY 21, 2003

WHEREAS, prior to acceptance of the transfer of these water districts to the ECWA, the ECWA has notified the Town that this Town Board must authorize the ECWA to charge the Town direct service fees for all existing hydrants in Water Districts 8, 9 and 10, AND

Item No. 8 cont'd.

WHEREAS, this Town Board feels that it is advantageous to the Town and its residents to transfer Water Districts 8, 9 and 10 to the ECWA, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, upon conveyance by the Town of Water Districts 8, 9 and 10 to the ECWA, hereby authorizes the ECWA to charge the Town increased hydrant rental fees for all existing hydrants in Water Districts 8, 9 and 10.

Upon roll call

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

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

WHEREAS, the Town of Cheektowaga is the owner of Town Water Districts Nos. 8, 9 and 10, which are located entirely within the Town of Cheektowaga, AND

WHEREAS, such districts are currently operated by the Erie County Water Authority ("ECWA") under a lease-management agreement, AND

WHEREAS, the ECWA is an agency which has expertise is in the area of provision of water supply to residents of Erie County, AND

WHEREAS, it would be in the Town's best interest to transfer responsibility and ownership for the operation and maintenance of the water lines and systems in Water Districts Nos. 8, 9 and 10 to the Erie County Water Authority, and to subsequently dissolve Water Districts 8, 9 and 10, AND

WHEREAS, this Town Board feels that it is advantageous to the Town and its residents to transfer Water Districts 8, 9 and 10 to the ECWA, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the ECWA to accept the conveyance/transfer by the Town of Town Water Districts 8, 9 and 10 and, BE IT FURTHER

RESOLVED, that this Town Board authorizes and directs the Supervisor to execute any and all documents (i.e., bill of sale, deed) and assignments of easements that may be necessary to effectuate the transfer/conveyance of these water districts to the ECWA.

Upon roll call

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

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

WHEREAS, Walden Avenue is a heavily traveled State highway maintained by the New York State Department of Transportation ("DOT"), AND

WHEREAS, Nagel Drive, a town highway which serves a large subdivision and connects George Urban Boulevard to Walden Avenue, is maintained by the Town of Cheektowaga Highway Department, AND

WHEREAS, the DOT dictates whether traffic signals are necessary or warranted at intersections of state highways and town/county highways, AND

WHEREAS, in 1999, a traffic signal improvement assessment study was performed for the Town of Cheektowaga by E.M.S. Consulting, the results of which recommended that high priority be given to signalizing the intersection of Walden Avenue and Nagel Drive, AND

MEETING NO. 20
JULY 21, 2003

WHEREAS, in 2001, the DOT notified the Town of Cheektowaga that it did not feel that a traffic signal was needed at such time, AND

Item No. 10 cont'd.

WHEREAS, in the intervening time since 2001, there has been an increase in truck and other vehicular traffic associated with businesses along Nagel Drive near Walden Avenue, AND

WHEREAS, presently, there is a proposal before Town agencies for Dual Printing to expand its operation at 340 & 350 Nagel Drive, thereby potentially resulting in a further increase in truck and other traffic at the intersection of Walden Avenue and Nagel Drive, AND

WHEREAS, the Cheektowaga Traffic Safety Committee has identified a continuing need for a traffic signal at the intersection of Walden Avenue and Nagel Drive in the Town of Cheektowaga, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby memorializes the DOT to install a traffic signal at the intersection of Walden Avenue and Nagel Drive in the Town of Cheektowaga and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution, together with copies of the 1999 Traffic Study and February 7, 2000 Town Board resolution, to the Alan Taylor, Acting Regional Director, NYSDOT, Buffalo Region, 125 Main Street, 7th Floor, Buffalo, New York 14203 and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward a certified copy of this resolution, together with copies of the 1999 Traffic Study and Town Board resolution dated February 7, 2000, to State Assemblyman Paul A. Tokasz and State Senator William T. Stachowski.

Upon roll call

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

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

BE IT RESOLVED, that the New York State Electric & Gas Corporation (NYSEG) be and hereby is authorized to remove three (3) 100 watt high pressure sodium luminaries located on a previously abandoned portion of Duke Road in accordance with the attached proposal dated July 16, 2003 at a total annual decrease of \$368.76 to the General Lighting District and, BE IT FURTHER

RESOLVED, that a one time charge of \$653.00 for removal and unrecovered costs associated with said lighting facilities pursuant to PSC Tariff #118 shall be chargeable to the General Lighting District and, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to send a certified copy of this resolution to:

Mr. Jim Latello
NYSEG
150 Erie Street
Lancaster, New York 14086

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 20
JULY 21, 2003

Item No. 12a Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby terminated in the Department of Parks, Recreation & Youth Services, effective immediately:

Christopher Dunshie
Brian Gearhart
Adam Grupka
Heather Jakubowski
Jill Karp
Melissa King
Brion McGhee
Angela Orlikowski
Elizabeth Stachewicz
Tiffany Tafelski
Nicholas Wierzbicki
Evan Zynda

Upon roll call

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

Item No. 12b Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

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

EFFECTIVE

PARKS DIVISION

John Mazgaj Immediately
Cam Viverto "

Upon roll call

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

Item No. 13 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

BE IT RESOLVED, that the following individual be and hereby is transferred in the Department of Parks, Recreation & Youth Services, effective as indicated (Seasonal):

Lifeguards – 7180.1903
From Bathhouse Attendant (1) to Lifeguard (Level I) - \$6.50
(retro to 7/14)
Justin Mrozek

Upon roll call

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

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

WHEREAS, funds are presently available under the Buffalo, Erie County Workforce Development Consortium, Summer Youth Program, AND

MEETING NO. 20
JULY 21, 2003

Item No. 14 cont'd.

WHEREAS, the following Summer Youth Employees are being paid minimum wage, \$5.15 per hour, with a minimum of 24 hours per week, and a starting date of July 11, 2003 and a termination date not to exceed August 15th, 2003, NOW, THEREFORE BE IT

RESOLVED, that the following persons are currently working under the Workforce Development Summer Youth Program:

Loucks, Andre, Jr. 14225
Woelfle, Amber 14225

Upon roll call

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

Item No. 15 Motion by Councilmember Jaworowicz, seconded by Councilmember Johnson

WHEREAS, Waltraud (Vi) Piffel, a seasonal day shift employee in the Tax Receiver's Office, retired October 1, 2002, AND

WHEREAS, Eleanor Kantowski, a seasonal night shift employee, was transferred to the day shift to replace Ms. Piffel effective October 7, 2002, however, her wage rate was not adjusted to the rate for a seasonal day shift employee, NOW, THEREFORE BE IT

RESOLVED, that Eleanor Kantowski's rate of pay be adjusted retroactively as of October 7, 2002, to the rate presently paid to a seasonal day shift employee and, BE IT FURTHER

RESOLVED, that said retroactive wage payment be made to Ms. Kantowski immediately from budget line number 100-1330-1951.

Upon roll call

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

Item No. 16a Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, a vacancy exists in the position of Junior Civil Engineer in the Engineering 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, such job title is in the competitive class of Civil Service, AND

WHEREAS, the existing Civil Service list was canvassed, AND

WHEREAS, Allan Blachowski appears on said Civil Service list and meets all the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Allan Blachowski of Cheektowaga, New York 14225 be and hereby is appointed to the position of Junior Civil Engineer in the Engineering Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective July 22, 2003.

Upon roll call

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

MEETING NO. 20
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NAYES: 0
ABSENT: 0

Item No. 16b 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:

Nancy Gara
Daniel J. Tillman

Upon roll call

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

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATIONS

Item No. 17 Town of Cheektowaga Emergency Services Quarterly Reports (April-June 2003)
Received and Filed.

Item No. 18a Minutes of Town Environmental Advisory Committee – July 2, 2003
Received and Filed.

Item No. 18b Minutes of Cheektowaga Conservation Advisory Council – July 3, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 19 Summons: First Bank National Association, acting solely in the capacity as Trustee for EQCC Home Trust 1996-2 vs. Florence Grochowiak, Town of Cheektowaga, etal
Copies were sent to: Community Development.
Received and Filed.

Item No. 20 Summons and Complaint: Frank N. Ruffner, Sr. vs. the Town of Cheektowaga, Police Officer Robert C. Sloier and Officers Doe.
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: Arlene Walkowiak vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer Department, Highway Department and First Niagara Risk Management.

Received and Filed.

Item No. 21b Notice of Claim: Gerry Hutchings 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. 21c Notice of Claim: Aris Campbell 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. 21d Notice of Claim: Mark Vogel 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. 21e Notice of Claim: James E. Hatem vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Department of Parks, Recreation and Youth Services and First Niagara Risk Management.
Received and Filed.



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

Upon roll call

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



IV. SUSPENSION OF RULES

Item No. 22 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak, Councilmember Swiatek

BE IT RESOLVED, that the attached Town of Cheektowaga Policy on Substance Abuse for Drivers of Commercial Motor Vehicles, dated December 1, 1995 and revised July 11, 2003 be and hereby is adopted, effective immediately.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 20
JULY 21, 2003

Item No. 23 Motion by Councilmember Jaworowicz, seconded by Councilmember Jankowiak

WHEREAS, Cheektowaga Library Board Members Judith Skretny and Ernest Gawinski resigned from their positions as Members of the Cheektowaga Public Library Board on April 8, 2003 and April 14, 2003 respectively, AND

WHEREAS, the remaining members of the Cheektowaga Library Board recommended that Phyllis O'Donnell be appointed to fill the unexpired term of Judith Skretny, and that Mark Meyerhofer be appointed to fill the unexpired term of Ernest Gawinski, NOW, THEREFORE, BE IT

RESOLVED, that Phyllis O'Donnell, Cheektowaga, New York 14225 be and hereby is appointed to the position of Member of the Cheektowaga Library Board formerly held by Judith Skretny, effective immediately and expiring on December 31, 2005 and, BE IT FURTHER

RESOLVED, that Mark Meyerhofer, Cheektowaga, New York 14225 be and hereby is appointed to the position of Member of the Cheektowaga Library Board formerly held by Ernest Gawinski, effective immediately and terminating on December 31, 2007.

Upon roll call

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

Item No. 24 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 and an Environmental Assessment Form (EAF) was submitted by Sam Tadio for the removal of existing vegetation, grading and filling of land west of 5050 Genesee Street, AND

WHEREAS, the Town of Cheektowaga solicited for Lead Agency Status for the review of this action for purposes of SEQRA, AND

WHEREAS, the documents submitted by the applicant were reviewed by various advisory groups within the Town, including the Environmental Advisory Committee, the Conservation Advisory Council and the Planning Board, AND

WHEREAS, the New York State Department of Environmental Conservation has responded to the Town's Lead Agency designation request and has raised concerns about the applicant's segmentation of this project from a previously approved project as shown on the attached correspondence dated June 19, 2003, AND

WHEREAS, the Erie County Department of Environment and Planning has also responded to the Town's Lead Agency designation request and concurs with the New York Department of Environmental Conservation's assessment of the proposed action as shown on the attached correspondence dated June 26, 2003, AND

WHEREAS, the Town Environmental Advisory Committee and the Town Conservation Advisory Council have reviewed the proposed action and are recommending that the Town issue a positive declaration on this project as shown on the attached memorandums dated July 10, 2003 and June 25, 2003, AND

MEETING NO. 20
JULY 21, 2003

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Conservation Advisory Council and the comments of the involved/interested agencies, AND

Item No. 24 cont'd.

WHEREAS, this Town Board believes that the project, as presented by the applicant, may present the following significant adverse impacts on the environment, consistent with the criteria as established by Section 617.7(c) of 6NYCRR Part 617 of the Environmental Conservation Law of New York State:

1. The potential for a substantial adverse change in existing surface water quality of Ellicott Creek.
2. The potential for a substantial increase in erosion.
3. Removal of large quantities of vegetation without a defined purpose for land development, which, is in conflict with the Town's Environmental Resources Goal identified in the communities comprehensive plan.
4. The potential for an adverse change in the existing carry capacity of the Ellicott Creek flood plane.

WHEREAS, this Town Board, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, believes that potentially significant environmental impacts relating to this project must be addressed by the applicant, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines that the project may have a significant adverse effect on the environment and therefore issues a "Positive Declaration" for purposes of SEQRA and, BE IT FURTHER

RESOLVED, that Sam Tadio be directed to submit a Draft Environmental Impact Statement (DEIS) to the Town for review prior to any environmental determination and, BE IT FURTHER

RESOLVED, that the Town Zoning Inspector, as Intake Officer for the Town, prepare, file and publish a Positive Declaration for this project with the appropriate agencies and the applicant and otherwise make same available in accordance with Section 617.12 of the SEQRA regulations.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 20
JULY 21, 2003

Item No. 25 Motion by Councilmember Mazur, seconded by Councilmember Jankowiak to adjourn this meeting in memory of Leo Kazukiewicz, a former Town of Cheektowaga Councilmember. This meeting was adjourned at 7:45 P.M.

Mary F Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
SPECIAL MEETING NO. 21
JULY 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 of July 2003 at 4:30 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
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, Thomas Adamczyk, Supervising Building and Plumbing Inspector; Kevin Schenk, Deputy Town Attorney; Ronald Kmiotek, Town Justice and Patricia Wojcik, Director of Senior Services

I. RESOLUTION

Item No. 2 Motion by Unanimous; Seconded by Unanimous

WHEREAS, the State of New York and the Seneca Nation of Indians have entered into a compact which allows the Seneca Nation of Indians to open casinos for gaming in Erie County, AND

WHEREAS, at a meeting of the Seneca Nation of Indians, a resolution was passed declaring its intent to locate its Erie County casino in the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga is uniquely suited to provide a location for such a development, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board unanimously supports the Seneca Nation of Indians in its designation of the Town of Cheektowaga as its choice for the site of a gaming casino; AND, BE IT FURTHER

RESOLVED, that a copy of this Resolution shall be sent to the Governor of the State of New York, evidencing the Town's support of the Seneca Nation of Indians in its choice of the Town of Cheektowaga as a site for a gaming casino.

Upon roll call

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

NAYES: 0

ABSENT: 0

A MOTION BY COUNCILMEMBER JOHNSON AND SECONDED BY COUNCILMEMBER MAZUR TO ADJOURN THE MEETING. THE MEETING ENDED AT 4:45 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
SPECIAL MEETING NO. 21
JULY 28, 2003**

**TOWN OF CHEEKTOWAGA
MEETING NO. 22
AUGUST 4, 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 4th of August 2003 at 7:00 o'clock P.M. there were:

PRESENT: Supervisor Dennis H. Gabryszak
Councilmember Patricia A. Jaworowicz
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, Kathy Travers, Accountant; Kenneth Kopacz, Director of Parks, Recreation and Youth Services; Christine Ziemba, Chief of Police; William Pugh, Town Engineer; Tom Adamczak, Supervising Building & Plumbing Inspector; Patricia Wojcik, Director of Senior Services and Andrew Kulyk, Chairman of the Zoning Board.

I. PUBLIC HEARING

Item No. 2a This being the time and place advertised for a public hearing to consider and discuss "A Local Law to amend a Local Law to Create the Cheektowaga Conservation Advisory Council". 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:



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 4th day of August 2003 at 7:00 P.M. at 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 to Amend A Local Law to create the Cheektowaga Conservation Advisory Council". A brief summary of this local law is as follows:

LOCAL LAW INTRO NO. 2003-4
A LOCAL LAW TO AMEND A LOCAL LAW TO CREATE
THE CHEEKTOWAGA CONSERVATION ADVISORY COUNCIL

1. Section 9-1 of Chapter 9 of the Code of the Town of Cheektowaga shall be amended by deleting from the first sentence the words "and man-made"
2. Section 9-5.A of Chapter 9 of the Code of the Town of Cheektowaga shall be; amended by deleting from the first sentence the words "and man-made".

A copy of the complete text of this local law with amendments noted is available in the Town Clerk's Office where the same may be examined during regular business hours.

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

July 21, 2003

MARY F. HOLTZ
TOWN CLERK



The Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. The following attached correspondence was received at the Town Board Meeting.

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 22
AUGUST 4, 2003

Item No. 2b This being the time and place advertised for a public hearing to consider and discuss "A Local Law to Provide Minimum Requirements for Meeting Attendance and Training of Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals" 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:



NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 4th day of August 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 Provide Minimum Requirements for Meeting Attendance and Training of Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals". A brief summary of this local law is as follows:

LOCAL LAW INTRO NO. 2003-5
A LOCAL LAW TO PROVIDE MINIMUM REQUIREMENTS
FOR MEETING ATTENDANCE AND TRAINING OF MEMBERS OF THE TOWN OF
CHEEKTOWAGA PLANNING BOARD AND ZONING BOARD OF APPEALS

This law would require all Town of Cheektowaga Planning Board and Zoning Board of Appeals Members to attend a minimum of 75% of their Board meetings within a calendar year.

This law would also require Town of Cheektowaga Planning Board and Zoning Board of Appeals members to attend a minimum of two hours in relevant training courses each year.

A copy of the complete text of such local law shall be on file in the Town Clerk's Office, where the same may be examined during regular business hours.

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

Dated July 21, 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.



II. RESOLUTIONS

Item No. 3 Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

GENERAL FUND

FROM:	100-9501-9211	Bond Interest	\$35,600.00
TO:	100-7110-2304	Park Equipment	\$35,000.00
	100-1420-2201	Office Equipment	600.00

Upon roll call

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

NAYES: 0

MEETING NO. 22
AUGUST 4, 2003

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 August 1, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 143,526.05
RISK RETENTION FUND	55,157.34
HUD HOUSING REHABILITATION	4,500.00
SPECIAL DISTRICTS FUND	125,109.27
HIGHWAY FUND	592,567.47
TRUST & AGENCY	11,667.69
HUD CDBG FUND	32,520.24
PART TOWN FUND	5,552.06
CAPITAL FUND	<u>10,141.99</u>
	\$ 980,742.11

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 5 Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

BE IT RESOLVED, that Evans National Bank be and hereby is named as an official Town Depository for the Year 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6 Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

BE IT RESOLVED, that Evans National Bank, as a designated depository of the Town of Cheektowaga, be and is hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of Dennis H. Gabryszak, Supervisor, and BE IT FURTHER

RESOLVED, that Evans National Bank shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon maybe affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 22
AUGUST 4, 2003

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

WHEREAS, Dartwood Park is a Town-owned park located in the southeast section of the Town of Cheektowaga, AND

WHEREAS, a group of Town residents ("Dartwood Park Renovation Committee") in this area are interested in raising funds to make improvements to Dartwood Park, AND

WHEREAS, the Dartwood Park Renovation Committee has asked that the Town agree to accept these funds and establish a trust and agency fund to utilize such funds for the renovation of Dartwood Park, AND

WHEREAS, this Board applauds the Dartwood Park Renovation Committee for its initiative in this matter and is happy to accept donations for Dartwood Park renovations, NOW, THEREFORE, BE IT

RESOLVED, that the following Trust and Agency Account be and hereby is established in the Town budget for the acceptance of donations from the Dartwood Park Renovation Committee for renovations for Dartwood Park:

600-0600-0862

and, BE IT FURTHER

RESOLVED, that donations to such account shall be used for the sole purpose of making improvements and renovations to Dartwood Park.

Upon roll call

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

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

WHEREAS, by resolution dated July 10, 2003, this Town Board agreed to accept title to real property located at 72 Randolph Street in the Town of Cheektowaga from the Cheektowaga Economic Development Corporation subject to certain conditions, AND

WHEREAS, one of the conditions (Condition #2) stated in such resolution required that, prior to the Town of Cheektowaga accepting title from the Cheektowaga Economic Development Corporation, the existing structure at 72 Randolph Street had to be demolished, AND

WHEREAS, it is unfeasible for the Cheektowaga Economic Development Corporation to demolish the existing structure at 72 Randolph Street prior to conveying title to such property to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to delete condition number 2 in such resolution, and BE IT FURTHER

RESOLVED, that, except as hereinabove stated, the terms of the aforementioned July 10, 2003 resolution is hereby reaffirmed and reiterated.

Upon roll call

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

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

**MEETING NO. 22
AUGUST 4, 2003**

WHEREAS, plans and specifications for the Renovation of the Central Heating Plant at the Main Pump Station, prepared by Nussbaumer & Clarke, Inc., Consulting Engineers, have been completed and the project is ready for bidding, NOW, THEREFORE, BE IT

Item No. 9 Cont'd.

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Renovation of the Central Heating Plant at the Main Pump Station, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 20th day of August, 2003 at 11:00 A.M., Eastern Daylight Savings Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.



NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 a.m., local time, on the 20th day of August 2003. All bids will be publicly opened and read at 11:00 a.m. in the Town Hall, 3301 Broadway, Cheektowaga, New York, 14227 for furnishing all tools, equipment, materials, and labor for the Renovation of the Central Heating Plant (Replacement of two 250 KW Megatherm Heating Units) at the Cheektowaga Plant #5 Main Pumping Station, and all related work, complete in place, tested, and ready for use in accordance with the contract documents, therefore, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Clerk of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227.

The Contractor's name, title of the proposal, and date and time of the opening shall be clearly marked on the outside of the envelope.

Each proposal shall be accompanied by a certified check or bid bond in the amount of five percent (5%) of the amount of the bid, and shall be in the form and subject to the conditions provided for in the Instructions to Bidders.

The successful bidder will be required to furnish a performance bond and a labor and materials payment bond, each in the amount equal to the contract award. A maintenance bond for 100% of the contract price (including change orders) will be required during the maintenance period.

Copies of the Drawings, Specifications and Contract Documents may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227; copies may be purchased from the Town Clerk's Office 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. Neither the Owner nor the Engineer will be responsible for full or partial sets of Contract Documents, including any Addenda, obtained for 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.

The bidder's attention is 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 proposal form and, unless complied with on the form provided, the bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

MEETING NO. 22
AUGUST 4, 2003

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

Item No. 9 Cont'd.

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 90 consecutive calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

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 Owner and in accordance with law, are herewith reserved.

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.

BY ORDER OF:

THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: August 4, 2003

PUBLISHED: August 7, 2003

Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT NEXT PAGE

MEETING NO. 22
AUGUST 4, 2003

Item No. 10 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 815 Beach Road, Cheektowaga, New York, AND

WHEREAS, the owner of said property has applied for a mortgage loan from Fleet National 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 Fleet National Bank, with offices at 50 Jordan Street East, Providence, Rhode Island, 02914, pertaining to the Town's Housing Rehabilitation loan secured by a mortgage on the property located at 815 Beach Road, Cheektowaga, New York.

Upon roll call

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

Item No. 11 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 (seasonal):

Edward Kasprzak
Rachael Gorlewski
Jeffery McCulloch
Nicholas Emmanuele
Kelly McCulloch
Amanda Poblocki
Lawrence Roedl
Amy Schnettler

Upon roll call

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

Item No. 12 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

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:

EFFECTIVE

RECORDS CENTER – Clerk - \$9.00 per hour
Jacqueline A. Carr Cheektowaga, NY 14227 8/05/03

POLICE DEPARTMENT – Clerk - \$6.00 per hour
Cheryl Krajna Cheektowaga, NY 14227 8/05/03

**MEETING NO. 22
AUGUST 4, 2003**

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

	<u>EFFECTIVE</u>
<u>POLICE DEPARTMENT – Detention Officer</u> Timothy Turnbull	7/18/03
<u>Item No. 12 cont'd.</u>	
<u>BUILDING & PLUMBING</u> Rita Cwiklinski	8/05/03
<u>SENIOR SERVICES</u> Melissa Graczyk Agnes Kalinowski	8/05/03 8/05/03

Upon roll call

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

Item No. 13 Motion by Councilmember Swiatek; Seconded by Councilmember Johnson

WHEREAS, by resolution dated May 6, 2002, this Town Board appointed Thomas S. Kulaszewski as a member of the Board of Ethics of the Town of Cheektowaga, AND

WHEREAS, the term of Mr. Kulaszewski expired on August 1, 2003, and

WHEREAS, the Board of Ethics has recommended that Mr. Kulaszewski be reappointed to serve on the Board of Ethics for another term, AND

WHEREAS, Mr. Kulaszewski has expressed an interest in being reappointed to the Board of Ethics, NOW, THEREFORE, BE IT

RESOLVED, that Thomas S. Kulaszewski, Cheektowaga, New York 14225 be and hereby is reappointed to the Board of Ethics, effective August 1, 2003 and expiring on August 1, 2008.

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 14. Supervisor's Statement of Funds
Received and Filed.

Item No. 15. Comprehensive Annual Financial Report for the Fiscal Yr. Ended December 31, 2002
Received and Filed.

Item No. 16a. Minutes: Town Environmental Advisory Committee – July 16, 2003
Received and Filed.

Item No. 16b Minutes - Cheektowaga Traffic Safety Commission – July 15, 2003
Received and Filed.

Item No. 16c Minutes - Cheektowaga Planning Board – July 10, 2003
Received and Filed.

MEETING NO. 22
AUGUST 4, 2003

Item No. 17. Building Permits – July 2003
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 18. Notice of Restricted Highway: Work on Rt. 130 (Broadway) just east of Rt. 277 (Union Rd.) and stops approximately 600 feet west of Dick Road then resumes approximately 2,000 feet west of Route 78/20 (Transit Road). A total of approximately 1.7 miles of Route 130 will be reconstructed in the Town of Cheektowaga, and the Village of Depew, Erie County.
Received and Filed.

Item No. 19. Summons – PNC Bank vs. Rosemary Rogers Eisenhauer & Etal
Received and Filed.

Item No. 20a Notice Of Claim: Robert Crawford 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. 20b Notice of Claim: Irene Greene vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; John Ciesielski, PRYS and First Niagara Risk Management.
Received and Filed.

Item No. 21a NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA: vs. St. Gobain
Received and Filed.

Item No. 21b NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA: vs. P & G Steel Products
Received and Filed.

Item No. 21c NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA: vs. Robinson Knife Company
Received and Filed.

Item No. 21d NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA: vs. ANC Rental
Received and Filed.

Item No. 21e NOTICE OF PETITION VS. THE BOARD OF ASSESSMENT REVIEW, THE TOWN ASSESSOR AND THE TOWN OF CHEEKTOWAGA: vs. ITT Standard
Received and Filed.



A MOTION WAS MADE BY COUNCILMEMBER MAZUR AND 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, Johnson, Swiatek, Jankowiak and Mazur
NAYES: 0
ABSENT: 0

MEETING NO. 22
AUGUST 4, 2003



V. SUSPENSION OF RULES

Item No. 22 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, John J. Jaroszewski, Jr., Working Crew Chief in the Highway Department, has requested a one (1) year leave of absence from his position; AND

WHEREAS, John J. Jaroszewski, Jr. has made this request as a result of his appointment to the position of Deputy Highway Superintendent in the Highway Department; NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article 9 of the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit, this leave of absence is hereby granted to John J. Jaroszewski, Jr. effective August 18, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 23 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application for a permit was submitted by the Pine Hill Hose Co. #5 to conduct a open fire one time during August, 2003 on the property located at foot of David Street AND

WHEREAS, the applicant intends Fire extinguishment training for new firefighters and the public, AND

WHEREAS, the Fire Inspector has received this application and finds that all requirements have been meet. And that this application is in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law. He requests the Town Board approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the application submitted by the Pine Hill Hose Co. #5 and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 24 Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

MEETING NO. 22
AUGUST 4, 2003

WHEREAS, the National Center for Missing and Exploited Children is hosting a seminar, "Protecting Children Online for Unit Commanders", in Rochester, NY from August 26-28, 2003, AND

Item No. 24 Cont'd.

WHEREAS, Chief Christine Ziemba is requesting authorization to send Juvenile officers Lt. Gary Grieco and Det. Joseph Crean to this seminar. The seminar will address the various aspects of computer crimes against children and how the computer and internet are used for sexual exploitation of children. There is no cost to the Town for this training seminar NOW, THEREFORE, BE IT

RESOLVED, that the above officers be authorized to attend this training and that the time spent there be authorized as normal duty time.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 25 A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO ADJOURN THE MEETING IN MEMORY OF JOHN KAVULICH, OWNER OF NIAGARA HOBBY SHOP, WHO PASSED ON AUGUST 1, 2003 AFTER A SHORT ILLNESS. TIME OF ADJOURNMENT WAS 8:45 P.M.

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
MEETING 23
AUGUST 18, 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 18th day of August, 2003 at 7:00 o'clock P.M. there were:

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

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 Service and William Pugh, Town Engineer.

I. RESOLUTIONS

Item No. 2 Motion by Unanimous, seconded by Unanimous

WHEREAS, by letter dated July 10, 2003, William P. Rogowski resigned from his position of Councilmember for the Town of Cheektowaga, effective July 10, 2003, AND

WHEREAS, a vacancy exists which, pursuant to the Town Law of the State of New York, is required to be filled by the Town Board, NOW, THEREFORE BE IT

RESOLVED, that Alice Magierski, residing at Cheektowaga, New York 14227, be and hereby is appointed to the vacancy existing in the position of Councilmember for the Town of Cheektowaga, effective immediately, at a salary established for such position.

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, 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 August 15, 2003 are hereby approved and made a part hereof:

GENERAL FUND	\$ 3,179,394.20
RISK RETENTION FUND	82,812.73
DEBT SERVICE FUND	26,000.00
HUD HOUSING REHABILITATION	8,109.00
SPECIAL DISTRICTS FUND	797,491.12
HIGHWAY FUND	652,016.71
TRUST & AGENCY	15,458.42
HUD CDBG FUND	2,684.00
PART TOWN FUND	87,429.51
CAPITAL FUND	<u>314,752.36</u>
	\$ 5,166,148.05

Upon roll call

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

MEETING NO. 23
AUGUST 18, 2003

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

WHEREAS, the Town of Cheektowaga presently has a Planning Board and a Zoning Board of Appeals to review various matters relating to zoning and development in the Town of Cheektowaga, AND

WHEREAS, Sections 267 and 271 of the Town Law of the State of New York authorize town boards to enact local laws to require planning and zoning board members to attend training/continuing education courses and to require minimum meeting attendance, AND

WHEREAS, the Supervisor=s Development Review Revision Committee has recommended that this Town Board enact a local law to provide minimum requirements for meeting attendance and training for members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals, AND

WHEREAS, a public hearing was held on the 4th day of August, 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 Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals," 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. 3 of the Year 2003, entitled "A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals," 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. 3 of the Year 2003 shall take effect immediately upon filing with the Secretary of State.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 23
AUGUST 18, 2003

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

WHEREAS, Maria Pitman has made application and requested the Rezoning from M1-Light Manufacturing District to MS-Motor Services District for property located at 1989 Harlem Road, with the permission of the property owner, namely Rollins Leasing LLC/Penske Truck Leasing Co., LP, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on September 2, 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 23
AUGUST 18, 2003

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Community Drive Storm/Sanitary Sewer Installation and Awood Place Drainage Improvements Project, which bids were duly received and opened on July 30, 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 Engineering Department dated August 14, 2003, AND

WHEREAS, said letter recommends the contract for the Community Drive Storm/Sanitary Sewer Installation and Awood Place Drainage Improvements Project be awarded to Northeast Diversification, Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Community Drive Storm/Sanitary Sewer Installation and Awood Place Drainage Improvements Project be and hereby is awarded to Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York 14086 for the total bid price of \$237,508.00, being the lowest bid meeting the requirements of the specifications for Bid Items A and B and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Northeast Diversification, Inc. for the aforesaid project and, BE IT FURTHER

RESOLVED, that funding for said project shall be funded with budgeted C.D.B.G. funds and, BE IT FURTHER

RESOLVED, that said award shall be contingent upon receipt of Release of Funds from the U.S. Department of Housing and Urban Development.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 23
AUGUST 18, 2003

Item No. 7 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, a contract for Storm Sewer Installation on Clover Place, Elkhurst-Siberling Road Reconstruction was awarded by Town Board Resolution dated July 1, 2002 to Nichols, Long & Moore Construction Corp., in the amount of \$278,709.50, AND

WHEREAS, the Town Engineer has recommended approval of Change Order No. 2 for the aforesaid project which provides for additional drainage work needed due to lack of an outfall connection at the U-Crest Fire Hall near Union Road and for additional apron replacement on Clover Place, as outlined in the Change Order documents dated July 23, 2003, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 2 in the amount of \$5,016.60 as an addition to the contract of Nichols, Long & Moore Construction Corp., 149 Gunnville Road, Lancaster, New York 14086 be and hereby is approved and is to be funded with available CDBG funds and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 2.

Upon roll call

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

Item No. 8 Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

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 Funds pertaining to various activities related to acquisition, economic development, use and reallocation of business loan revolving program income and the creation of a new activity entitled "Idlebrook Drive Extension" 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 amendments, 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 program year pursuant to the attached Community Development Block Grant Annual Plan/Final Statement Amendment Report.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 23
AUGUST 18, 2003

Item No. 9 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 Federation of German-American Societies has made application to hold its annual German Fest in Cheektowaga Town Park from August 30-August 31, 2003, AND

WHEREAS, this Town Board has reviewed the aforementioned application, which application has been approved by the Police Department 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:

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,
6. Certificate of Insurance

NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Federation of German-American Societies for the aforementioned German Festival to be held in Cheektowaga Town Park on August 30, 2003 to August 31, 2003.

Upon roll call

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

Item No. 10 Motion by Councilmember Jankowiak, 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, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 23
AUGUST 18, 2003

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

WHEREAS, grant monies are available from the New York State Energy Research and Development Authority to pay for the costs associated with the performance of an energy audit of Town facilities being conducted by Johnson Controls, AND

WHEREAS, the Town of Cheektowaga retained Johnson Controls by adoption of a Town Board resolution on July 10, 2003 to conduct an energy audit of Town facilities and now seeks grant monies to reimburse the Town for fees paid to Johnson Controls for the performance of said energy audit, 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 Energy Research and Development Authority 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town Board of the Town of Cheektowaga (the "Town Board") has previously approved a Project, as more fully described below, being developed by Belmont Shelter Corp. through its affiliates Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc., AND

WHEREAS, the Project consists of (i) the acquisition of a parcel of land located at 5074 Transit Road in the Town of Cheektowaga, Erie County, New York (the "Land"); (ii) the construction of 100 units of senior housing thereon (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment" and collectively with the Land and the Improvements, the "Project"), AND

WHEREAS, Attica Housing Development Fund Company, Inc., a general partner of Southwind Landing Apartments, L.P., the beneficial and equitable owner of the Project, is organized pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (the "PHFL") of the State of New York, and is also the holder of fee title to the Land, AND

WHEREAS, Section 577 of the PHFL authorizes the Town Board to exempt the real property in the Project from real property taxes, AND

WHEREAS, on October 21, 1999, the Legislature of Erie County passed a resolution approving a Payment in Lieu of Taxes Agreement (PILOT) for the Project in accordance with the PHFL and the County's policies for tax exemptions for low-income housing projects, AND

WHEREAS, the Partnership has indicated its willingness to enter into a PILOT Agreement whereby it will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Town Board for approval, AND

WHEREAS, to make the Project economically feasible, the Town Board is willing to grant the Project an exemption from real property taxes for a period of 15 years to the extent authorized by Section 577 of the PHFL subject to execution and delivery of the PILOT Agreement, NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cheektowaga:

Section 1. The Town Board hereby exempts the Land and the Project from real property taxes to the extent authorized by Section 577 of the PHFL for a period of 15 years commencing with the first tax year following completion of the Project, and approves the proposed PILOT Agreement between the Town of Cheektowaga and Southwind Landing Apartments, L.P. and

Item No. 11b cont'd.

Attica Housing Development Fund Company, Inc. in substantially the form presented to this meeting, providing for annual payments equal to 3% of the Project's projected Total Effective Income in the first year of the exemption, such amount to be increased 3% thereafter for 15 years, with such changes as the Town Board of the Town of Cheektowaga may approve.

Section 2. The Supervisor of the Town of Cheektowaga is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the Town of Cheektowaga.

Section 3. This resolution shall take effect immediately.



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER SWIATEK TO AMEND THE ABOVE RESOLUTUION, ITEM 11B, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



AMENDED

WHEREAS, the Town Board of the Town of Cheektowaga (the "Town Board") has previously approved a Project, as more fully described below, being developed by Belmont Shelter Corp. through its affiliates Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc., AND

WHEREAS, the Project consists of (i) the acquisition of a parcel of land located at 5074 Transit Road in the Town of Cheektowaga, Erie County, New York (the "Land"); (ii) the construction of 100 units of senior housing thereon (the "Improvements"); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the "Equipment" and collectively with the Land and the Improvements, the "Project"), AND

WHEREAS, Attica Housing Development Fund Company, Inc., a general partner of Southwind Landing Apartments, L.P., the beneficial and equitable owner of the Project, is organized pursuant to the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law (the "PHFL") of the State of New York, and is also the holder of fee title to the Land, AND

WHEREAS, Section 577 of the PHFL authorizes the Town Board to exempt the real property in the Project from real property taxes, AND

WHEREAS, on October 21, 1999, the Legislature of Erie County passed a resolution approving a Payment in Lieu of Taxes Agreement (PILOT) for the Project in accordance with the PHFL and the County's policies for tax exemptions for low-income housing projects, AND

WHEREAS, the Partnership has indicated its willingness to enter into a PILOT Agreement whereby it will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Town Board for approval, AND

WHEREAS, to make the Project economically feasible, the Town Board is willing to grant the Project an exemption from real property taxes for a period of 15 years to the extent authorized by Section 577 of the PHFL subject to review and approval by Town Attorney and execution and delivery of the PILOT Agreement, NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Cheektowaga:

MEETING NO. 23
AUGUST 18, 2003

Item No. 11b cont'd.

Section 1. The Town Board hereby exempts the Land and the Project from real property taxes to the extent authorized by Section 577 of the PHFL for a period of 15 years commencing with the first tax year following completion of the Project, and approves the proposed PILOT Agreement between the Town of Cheektowaga and Southwind Landing Apartments, L.P. and Attica Housing Development Fund Company, Inc. in substantially the form presented to this meeting, providing for annual payments equal to 3% of the Project's projected Total Effective Income in the first year of the exemption, such amount to be increased 3% thereafter for 15 years, with such changes as the Town Board of the Town of Cheektowaga may approve.

Section 2. The Supervisor of the Town of Cheektowaga is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the Town of Cheektowaga.

Section 3. This resolution shall take effect immediately.

Upon roll call

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

Item No. 12 Termination of Maintenance Worker
This item was withdrawn

Item No. 13 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>TOWN CLERKS OFFICE – Clerk - \$7.00 per hour</u>	
Beverly Stillwell Cheektowaga, NY 14225	8/19/03
<u>SENIOR SERVICES – Van Driver – 7.50 per hour</u>	
Ronald Lewandowski Cheektowaga, NY 14227	8/05/03
<u>PARKS DIVISION – Laborer - \$6.50 per hour</u>	
Raymond Arne Depew, NY 14043	8/19/03
<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	
Charles Gies Depew, NY 14043	8/19/03
<u>POLICE DEPARTMENT – Clerk - \$6.00 per hour</u>	
Christopher J. Mekeel Depew, NY 14043	8/19/03

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

	<u>EFFECTIVE</u>
<u>SANITATION DEPARTMENT</u>	
Jamie Smith	8/21/03
Corey Wroblewski	8/16/03
<u>PARKS DIVISION</u>	
Alfred Kane	4/21/03

BE IT RESOLVED, that the following seasonal employees' date of hire be adjusted as follows:

<u>PARKS DIVISION – Laborer</u>		
Michael Papero	Cheektowaga, NY 14227	5/19/03
Thomas Somogye	Cheektowaga, NY 14225	4/23/03
Walter Gardon	Cheektowaga, NY 14206	4/28/03

MEETING NO. 23
AUGUST 18, 2003

Ed Pozdyn

Cheektowaga, NY 14225

6/09/03

Item No. 13 cont'd.

Upon roll call

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

Item No. 14 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson
Councilmember Jaworowicz

WHEREAS, Housing Inspector Lawrence Kensy of the Neighborhood Preservation Office is overseeing the functions of that office, AND

WHEREAS, the Town wishes to recognize Mr. Kensy's role in that office through the specific designation Housing Inspector - Neighborhood Preservation, NOW, THEREFORE BE IT

RESOLVED, that Lawrence Kensy of Cheektowaga, New York 14225 be and hereby is designated Housing Inspector - Neighborhood Preservation in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association at the annual salary of \$50,000 effective August 19, 2003.

Upon roll call

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

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

WHEREAS, the term of Andrew H. Schwenk as a member of the Assessment Board of Review for the Town of Cheektowaga will expire September 30, 2003, AND

WHEREAS, Andrew H. Schwenk submitted a letter to this Town Board requesting reappointment to said Board, AND

WHEREAS, Andrew H. Schwenk has satisfactorily served as a member of the Assessment Board of Review for a number of years and merits reappointment, NOW, THEREFORE BE IT

RESOLVED, that Andrew H. Schwenk be and hereby is appointed to the position of member of the Assessment Board of Review for the Town of Cheektowaga terminating of September 30, 2008.

Upon roll call

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

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

WHEREAS, the Department of Housing and Urban Development is conducting a CDBG Training Workshop in Syracuse, New York, on August 19 & 20, 2003, pertaining to HUD monitoring requirements, AND

WHEREAS, the Department of Housing and Urban Development has requested and recommended that the appropriate staff persons involved with day-to-day operations of the Community Development Program attend said workshop, AND

WHEREAS, the cost for attendance at said workshop is an eligible expense under the Community Development Block Grant budget, AND

Item No. 16a cont'd.

WHEREAS, the Director of Community Development has recommended that he and Diane Farugia, Secretary for the Community Development Program be authorized to attend said workshop, NOW, THEREFORE BE IT

RESOLVED, that Jerome Gabryszak, Director of Community Development and Diane Farugia, Community Development Program Secretary, be and hereby are authorized to attend said CDBG Training Workshop sponsored by the Department of Housing and Urban Development on August 19th and 20th, 2003, in Syracuse, New York and, BE IT FURTHER

RESOLVED, that Jerome Gabryszak and Diane Farugia be reimbursed from the Community Development Budget (line item 700-1002-0703) for their reasonable and necessary expenses incurred in attending said training workshop pursuant to Town Travel Policies.



MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE ABOVE RESOLUTION, ITEM 16A, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



AMENDED

WHEREAS, the Department of Housing and Urban Development is conducting a CDBG Training Workshop in Syracuse, New York, on August 19 & 20, 2003, pertaining to HUD monitoring requirements, AND

WHEREAS, the Department of Housing and Urban Development has requested and recommended that the appropriate staff persons involved with day-to-day operations of the Community Development Program attend said workshop, AND

WHEREAS, the cost for attendance at said workshop is an eligible expense under the Community Development Block Grant budget, AND

WHEREAS, the Director of Community Development has recommended that he and Diane Farugia, Secretary for the Community Development Program be authorized to attend said workshop, NOW THEREFORE BE IT

RESOLVED, that Jerome Gabryszak, Director of Community Development and Diane Farugia, Community Development Program Secretary, be and hereby are authorized to attend said CDBG Training Workshop sponsored by the Department of Housing and Urban Development on August 19th and 20th, 2003, in Syracuse, New York and, BE IT FURTHER

RESOLVED, that Jerome Gabryszak and Diane Farugia be reimbursed from the Community Development Budget (line item 700-1002-0703) for their reasonable and necessary expenses incurred, not to exceed \$1,000, in attending said training workshop pursuant to Town Travel Policies.

Upon roll call

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

MEETING NO. 23
AUGUST 18, 2003

Item No. 16b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a "Community Emergency Response Team" training will be held from August 20, 2003 through August 22, 2003 in Mount Morris, New York, AND

WHEREAS, Sergeant Scott Prell of the Police Department has expressed an interest in attending said training, AND

WHEREAS, the Police 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 Sergeant Prell to attend said training shall not exceed \$55, AND

WHEREAS, monies have been budgeted to cover the expenses incurred, NOW, THEREFORE BE IT

RESOLVED, that Sergeant Scott Prell be and hereby is authorized to attend the "Community Emergency Response Team" training to be held August 20 through 22, 2003 in Mount Morris, New York.

Upon roll call

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

Item No. 17a Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, the New York State Building Code requires that special inspections and certifications be performed beyond those provided by the Town Building Inspection Department, or Project Architect for the Additions and Renovations Project at the Senior Center involving inspection and testing of soils, concrete, reinforcing, structural steel and related building elements, NOW, THEREFORE BE IT

RESOLVED, that the proposal of SJB Services, Inc., dated August 8, 2003 as submitted to the Town Engineer for professional services for special inspections, materials testing and certification at the Senior Citizens Center is accepted and approved and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is authorized and directed to execute the agreement with SJB Services, Inc. and, BE IT FURTHER

RESOLVED, that the cost of said professional inspection services in an amount not to exceed \$6,320.00 shall be chargeable to Account \$500-7620-5122.

Upon roll call

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

Item No. 17b Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the Alexander Avenue pedestrian bridge spanning Scajaquada Creek exhibits deterioration of steel under deck framing members which requires a detailed structural engineering assessment and development of proposed rehabilitation options, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Abate Engineering Associates, P.C. dated July 9, 2003, as submitted to the Town Engineer for professional services associated with the engineering evaluation of the Alexander Avenue pedestrian bridge, is accepted and approved and, BE IT FURTHER

**MEETING NO. 23
AUGUST 18, 2003**

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign the agreement with Abate Engineering Associates, P.C., 4455 Genesee Street, Cheektowaga, New York 14225 for the provision of said professional services and, BE IT FURTHER

Item No. 17b cont'd.

RESOLVED, that the cost of said professional services in an amount not to exceed \$5,450.00 shall be chargeable to Account #4000-8140-4588.

Upon roll call

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

NAYES: 0

ABSENT: 0

II. DEPARTMENTAL COMMUNICATAIONS

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

Item No. 19a Minutes of Cheektowaga Conservation Advisory Council – July 19, 2003
Received and Filed.

Item No. 19b Minutes of Cheektowaga Conservation Advisory Council – August 12, 2003
Received and Filed.

Item No. 19c Minutes of Town Environmental Advisory Committee – July 30, 2003
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 20a Notice of Petition: Samuel J. Burruano and Samuel J. Burruano for himself and as agent-in-fact for Federal Home Loan Mortgage vs. the Board of Assessment Review for the Town of Cheektowaga, the Assessor of the Town of Cheektowaga and the Town of Cheektowaga
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20b Notice of Petition: Eckerd Corporation on Behalf of Itself and Walnut Capital Ptr., Landlord vs. William Conway, Assessor and the Board of Assessment Review of the Town of Cheektowaga
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20c Notice of Petition: Gateway Development, LLC vs. the Board of Assessment Review for the Town of Cheektowaga, the Assessor of the Town of Cheektowaga and the Town of Cheektowaga
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20d Notice of Petition: Eric Justin vs. the Board of Assessment Review for the Town of Cheektowaga, the Assessor of the Town of Cheektowaga and the Town of Cheektowaga
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20e Notice of Petition: New York State Electric & Gas Corporation vs. State Board of Real Property Services
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20f Notice of Petition: Stanislaw A. Nowacki vs. the Town of Cheektowaga, it's Assessor and it's Board of Assessment Review
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20g Notice of Petition: WPH Airport Associates vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to: Assessor and Town Attorney
Received and Filed.

Item No. 20h Notice of Petition: WPH Gateway Associates vs. the Board of Assessment Review, the Assessor and the Town of Cheektowaga
Copies were sent to: Assessor and Town Attorney
Received and Filed.



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

Upon roll call

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



IV. SUSPENSION OF RULES

Item No. 21 Motion by Supervisor Gabryszak, seconded by Councilmember Mazur

WHEREAS, pursuant to the Open Burning Law of the Town of Cheektowaga, the Fire Inspector reviews various applications for open fires and open burning and renders his recommendation concerning the fire safety and impact to the general public of such application, AND

WHEREAS, the Town Board, pursuant to the Open Burning Law of the Town of Cheektowaga, is designated the Approval Agency, AND

WHEREAS, since the Town Board is the Approval Agency, it must affirm, modify or reject any recommendations or permits submitted to it by the Town Fire Inspector, AND

WHEREAS, an application was submitted by the New Creation Fellowship to conduct an open fire on August 17, 2003 on their property located at 3325 Genesee Street, AND

WHEREAS, the applicant intends to maintain a small fire bonfire with the assistance of the U-Crest Fire Department in conjunction with summer youth activities, AND

WHEREAS, the Fire Inspector has received this application and finds the application to be in compliance with conditions and requirement of the Town of Cheektowaga Fire Prevention Code and the Open Burning Law and request the Town Board to approve issuance of a permit, AND

WHEREAS, this Town Board has reviewed the applications submitted and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

Upon roll call

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

MEETING NO. 23
AUGUST 18, 2003

Item No. 22 Motion by Councilmember Swiatek, seconded by Councilmember Johnson

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 Brian T. Cook, R.A. representing Uniland Development Company for a re-approval of a site plan for a 108,000 square foot office building at 300 Airborne Parkway, AND

WHEREAS, the original site plan expired pursuant to the provisions of section 260-53B of the Zoning Law of the Town of Cheektowaga due to the applicant's failure to apply for a building permit within one year of the original site plan approval, AND

WHEREAS, on August 6, 2001 the Town Board of the Town of Cheektowaga previously approved a site plan subject to the recommendations of the Town Traffic Safety Commission as shown on the attached resolution dated August 6, 2001, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of August 14, 2003 recommended its re-approval of the site plan, 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 site plan is acceptable and re-approves the site plan subject to the developer making the necessary pedestrian mobility improvement as previously identified by the Town Traffic Safety Commission and as required by section 1104.1 of the NYS Building Code.

Upon roll call

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

Item No. 23 Motion by Councilmember Jankowiak, seconded by Councilmember Swiatek to adjourn this meeting. This meeting was adjourned at 7:15 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 24
SEPTEMBER 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 September 2003 at 7:00 o'clock P.M. there were:

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

ABSENT: 0

Also present were: Mary F. Holtz, Town Clerk; Michael Stachowski, Town Attorney; Brian Krause, Director of Finance; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Patricia Wojcik, Director of Senior Services; and Salvatore LaGreca, Planning Board Chairman.

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:

100-1355-1901	Regular Payroll Assessor	\$ 4,000.00
100-1355-3820	State Aid Star Program	50,880.00
100-1355-1901	Regular Payroll Assessor	39,120.00

TO:

100-1355-1902	OT Payroll Assessor	\$ 4,000.00
100-1910-4322	Contracted Services Heap	90,000.00

RISK RETENTION FUND

FROM:

101-1930-4703	Judgment & Claims	\$ 3,560.00
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TO:

101-1722-4519	Work Comp Excess Ins	\$ 3,560.00
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HUD-CDBG FUND

FROM:

700-1002-0704	Contingency	\$ 3,800.00
700-1002-0704	Contingency	834.30
700-1002-0790	Senior Van Driver	1,242.79

TO:

700-1002-0662	Drainage Imp.-Clover Place	\$ 3,800.00
700-1002-0720	Drainage & Sewer-Cedargrove Heights	834.30
700-1002-0720	Drainage & Sewer-Cedargrove Heights	1,242.79

SPECIAL DISTRICTS FUND

FROM:

150-8160-1901	Regular Payroll	\$ 25,000.00
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TO:

150-8160-1951	Seasonals	\$ 25,000.00
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Upon roll call

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

NAYES: 0

ABSENT: 0

**MEETING NO. 24
SEPTEMBER 2, 2003**

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 August 29, 2003 are hereby approved and made a part hereof;

GENERAL FUND	\$ 409,090.71
RISK RETENTION FUND	92,921.36
HUD HOUSING REHABILITATION	268.00
SPECIAL DISTRICTS FUND	305,348.37
HIGHWAY FUND	41,404.83
TRUST & AGENCY	16,663.30
HUD CDBG FUND	27,947.82
PART TOWN FUND	5,237.23
CAPITAL FUND	<u>185,537.61</u>
	\$ 1,084,419.23

Upon roll call

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

Item No. 4a 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 Roy and Maria Pitman, for the rezoning of 1989 Harlem Road from M1- Light Manufacturing to MS-Motor Services for the use of the premises for a truck/trailer maintenance facility, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 20, 2003 recommended a determination of non significance with respect to the change in zoning request and will offer additional recommendations on the acceptability of the site plan, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and reserved recommendation on the acceptability of the site plan at its meeting held on August 14, 2003, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission reviewed the site plan at their meeting of July 15, 2003 and is recommending the closure of the existing southerly driveway, the installation of a public sidewalk along Harlem Road as well as a connecting walk to the building entrance and the proposed public walk, AND

WHEREAS, the Town Traffic Safety Commission has requested revised site plans and is reserving its recommendation on the acceptability of the site plan submitted, AND

MEETING NO. 24
SEPTEMBER 2, 2003

Item No. 4a cont'd.

WHEREAS, the applicants have provided written commitments to install public walks, close the existing southerly driveway along Harlem Road, provide aesthetic enhancements in the form of landscaping improvements and have committed to maintaining

motor vehicles within the confines of the building after normal business hours as shown on the attached correspondence dated August 19, 2003, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee and the Planning Board, and the Traffic Safety Commission, 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 reserves decision on the acceptance of the site plan.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 24
SEPTEMBER 2, 2003**

Item No. 4b 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 R.J. Corman Railroad Company/ Allentown Lines, Inc. for the abandonment and salvage of the rail line and associated infrastructure within the former West Shore Rail Road from Dick road to the easterly town line of the Town of Cheektowaga and points eastward, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on August 20, 2003 recommended a determination of non significance as shown on the attached memorandum dated August 21, 2003, AND

WHEREAS, the New State Department of Environmental Conservation was solicited by the Town of Cheektowaga for lead agency designation and has indicated that they are in the process of issuing approval for wetland and protection of waters permits as shown on the attached correspondence dated June 30, 2003, AND

WHEREAS, the Erie County Department of Environment and Planning was also solicited for Lead Agency Status and has indicated that the County of Erie desires that any abandonment of the railroad land title be claimed by a public entity for future public transportation opportunities as shown on the attached correspondence dated July 17, 2003, AND

WHEREAS, the Town Engineer has expressed concerns for the abandonment of the rail crossings over town owned right of ways and/or easements, as well as, the bridge crossing of Ellicott Creek, AND

WHEREAS, the applicant has provided a construction detail to safely barricade the ends of the Ellicott Creek bridge, and has indicated that all necessary work permits will be obtained for work within town / state right of ways, AND

WHEREAS, the applicant clarified that they are not disposing of the real property at this point in time and will notify the Town of Cheektowaga when R.J. Corman Railroad Company/Allentown Lines, Inc. proceeds with disposing of the title to the property, AND

WHEREAS, the Town of Cheektowaga has designated a portion of the subject former West Shore Railroad right of way for a bicycle trail alternative as shown on the Town's Rails to Historic Trails Masterplan , AND

WHEREAS, the Niagara Frontier Transportation Authority has designated a portion of the former West Shore Railroad right of way for future transportation needs, AND

WHEREAS, THE Town of Cheektowaga reserves its right to claim title to the subject railroad property for the public benefit of the residents of the Town of Cheektowaga, AND

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

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

Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 24
SEPTEMBER 2, 2003

*SEE NEXT PAGE FOR ATTACHMENT

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 Renovation of the Central Heating Plant at the Main Pump Station, which bids were duly received and publicly opened on August 20, 2003 at 11:00 A.M. by Town Clerk Mary Holtz, AND

WHEREAS, the Town Engineer and the project consulting firm of Nussbaumer & Clarke, Inc. have reviewed the bid submissions and recommend that the bid be awarded to M.J. Mechanical Services, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Renovation of the Central Heating Plant at the Main Pump Station be and hereby is awarded to M.J. Mechanical Services Inc., 2040 Military Road, Tonawanda, New York 14150 for the bid price of \$90,729 for Bid Items 1, 2 and 3 inclusive, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to execute a contract agreement with M.J. Mechanical Services Inc. for said project on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for the aforesaid project shall be chargeable to account numbers:

2550-8135-2500
2550-8135-2512
2550-8135-4021
2550-8135-4431

Upon roll call

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

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

WHEREAS, the recreation department is creating a pro shop for the convenience of the participants of our Town programs at the Town recreation center in the winter months, NOW THEREFORE, BE IT

RESOLVED, that the budget be revised as follows:

Increase Pro shop revenues line 100-7140-2129 - \$10,000
Increase Pro shop expenditures line 100-7140-4522 - \$10,000

Upon roll call

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

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

WHEREAS, the Town Building & Plumbing Department has received \$44,702 for a records imaging grant from New York State Archives, NOW THEREFORE, BE IT

RESOLVED, that the budget be revised as follows:

Increase State Archives revenues line 100-1415-3500 - \$44,702
Increase Part-Time Wages line 100-1415-1971 - \$ 7,170
Increase Equipment line 100-1415-2000 - \$12,232

MEETING NO. 24
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Increase Supplies & materials line 100-1415-4500 - \$24,715

Item No. 6b Cont'd.

Increase employee benefits 100-9010-8121 - \$ 585

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 7 Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

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 September 15, 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 4th day of September, 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 September 15, 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:

§235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

Stop Signs on	Direction Traffic Stops	At Intersection of
Corey Court	East	Mapleview Road

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

COREY COURT – Southwest side: from Mapleview Road to a point 160 feet northwesterly therefrom.
MAPLEVIEW ROAD – East side: from north curblineline of Corey Court to south curblineline of Rost Place.

§235-51. SCHEDULE XII: STOPPING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

MAPLEVIEW ROAD – East side: Mapleview Road bus service road, from the north curblineline of the Cleveland Hill service road north to a point 265 feet: No Stopping Except Buses.

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

Dated: September 2, 2003

MARY F. HOLTZ
Town Clerk

Upon roll call

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

NAYES: 0

ABSENT: 0

MEETING NO. 24
SEPTEMBER 2, 2003

AFFIDAVIT NEXT PAGE

Item No. 8a Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose of purchasing new trees for the Town's tree planting in the Fall of 2003.

Information for bidders and specifications may be obtained from the office of the Town Clerk, Cheektowaga Town Hall., Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M. Monday through NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, September 17, 2003 at 11:00 A.M. in the Council Chambers of the Cheektowaga Town Hall.



NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA, NEW YORK

Sealed proposals will be received and considered by the Cheektowaga Town Board on Wednesday, September 17, 2003 at a public bid opening at 11:00 A.M. at the Town Hall located on Broadway and Union Roads, Cheektowaga New York for the purpose of furnishing new trees for tree planting in the Fall of 2003.

Specifications for new trees may be picked up at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M. Monday through Friday.

Non-Collusion Forms must be signed and submitted with each bid.

MARY F. HOLTZ
Town Clerk
Town of Cheektowaga

Dated: September 3, 2003

Upon roll call

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

AFFIDAVIT NEXT PAGE

MEETING NO. 24
SEPTEMBER 2, 2003

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

WHEREAS, the Town is the recipient of a Community Greening Grant of the 2002 Urban and Community Forestry Program, AND

WHEREAS, to implement this tree planting program, it is in order that bids be advertised for the Furnishing and Installation of Trees in the Dingens Street Park and Town Park within the Town of Cheektowaga, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 17th day of September, 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

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 17th day of September, 2003 at 11:00 A.M., Local Time, in the Town Hall in the Town of Cheektowaga, New York, for the Furnishing and Installation of Trees in the Dingens Street Park and Town Park within the Town of Cheektowaga.

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

The envelopes containing the bids must be sealed, addressed to the Town of Cheektowaga, Erie County, New York, and must be designated as "Bid for Furnishing and Installation of Trees in the Dingens Street Park and Town Park".

Any bid not delivered in person shall be mailed to the Office of the Town Clerk, Town of Cheektowaga, Town Hall, Broadway and Union Road, Cheektowaga, New York 14227.

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 the 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 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 his proposal be accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within thirty (30) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

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

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

The Town of Cheektowaga is an exempt organization under the Tax Law and is exempt from payment of sales and compensating use taxes of the State of New York and cities and

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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.

Item No. 8b cont'd.

The work shall be completed within 30 consecutive calendar days, to begin five (5) days after the "Order to Commence Work" has been issued.

Mary F. Holtz
Town Clerk

DATED: September 2, 2003

Upon roll call

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

AFFIDAVIT – NEXT PAGE

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Item No. 9a 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 Central High School Senior Student Council has made application to hold its Homecoming Parade on September 19, 2003 starting at 6:00 P.M. as follows: Parade will assemble on South Creek Drive, and proceed down Nagel Drive to Zoerb Avenue to Union Road, and end at the Cheektowaga Central School grounds, 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. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Central High School Senior Student Council for the aforementioned parade to be held on September 19, 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, Johnson, Swiatek, Jankowiak,
 Mazur and Magierski
NAYES: 0
ABSENT: 0

Item No. 9b Motion by Councilmember Jaworowicz; 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, W.N.Y. Perinatal Bereavement Network has made application to hold a ceremonial Walk to Remember (to remember babies families have lost) in Cheektowaga Town Park on September 21, 2003 beginning at 9:00 A.M., AND

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Department of Parks, Recreation and 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. Submittal of Security Plan;
4. Submittal of Fire Prevention/Emergency Services Plan.

NOW, THEREFORE, BE IT

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RESOLVED, that this Town Board hereby approves the aforementioned application of WNY Perinatal Bereavement Network for the aforementioned ceremonial Walk to Remember in Cheektowaga Town Park to be held on September 21, 2003.

Item No. 9b cont'd.

Upon roll call

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

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

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 partially amended by resolutions dated February 14, 1995 and August 16, 2000 and June 16, 2003, AND

WHEREAS, the Department of Parks, Recreation and Youth Services has identified the need for an updated Parks Needs Assessment due to various changes which have occurred in the Town of Cheektowaga, AND

WHEREAS, Wendel Duchscherer Architects & Engineers submitted the attached proposal dated February 3, 2003 to update the Town of Cheektowaga Parks Needs Assessment for a cost of \$59,850.00, NOW, THEREFORE, BE IT

RESOLVED, that the attached proposal from Wendel Duchscherer be and hereby is accepted by this Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this proposal/contract on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that moneys in an amount not to exceed \$59,850.00 for the aforesaid services shall be appropriated from budget line item number 500-1440-9701-5123.

Upon roll call

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

*SEE NEXT PAGE FOR ATTACHMENT

Item No. 10b Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, there is a need to prepare an updated Storm Water Management Plan for the redesigned municipal golf course, including a Sediment and Erosion Control Plan, and Storm Water Pollution Prevention Plan to facilitate the filing a Notice of Intent in accordance with USEPA Storm Water Phase II Regulations, NOW, THEREFORE, BE IT

RESOLVED, that GeoEnvironmental of New York (GZA), 364 Nagel Drive, Buffalo, New York 14225 be and hereby is retained to provide professional services associated with the preparation of the Storm Water Management Plan, Erosion Control and Pollution Prevention Plans associated with the proposed golf course construction and operation in accordance with the attached proposal submitted to the Town Engineer dated August 18, 2003 at a fee not to exceed \$11,000, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute said agreement with GeoEnvironmental of New York (GZA) AND, BE IT FURTHER

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RESOLVED, that the funds for said professional services shall be chargeable to Account No. 500-7140-1100-5817.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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Item No. 11 Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS, Cheektowaga Central Schools temporarily needs to use soccer and football fields in various Town parks for its boys and girls soccer and football games and practices for the Fall of 2003 as per the attached schedule, AND

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services has reviewed such request and has no objection to same, AND

WHEREAS, the Cheektowaga Central School District has provide the Town of Cheektowaga with insurance coverage for use of these fields, AND

WHEREAS, this Town Board, in the spirit of cooperation, is willing to permit the use of Town Park fields for use by these school youth teams, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes Cheektowaga Central School system boys and girls soccer and football teams to utilize Nokomis Park for the purposes of football practice and the Town Hall soccer Field and Baseball Diamonds for the purpose of soccer practice and games on the dates as identified on the attached list for the Fall, 2003 season.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 24
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Item No. 12 Motion by Councilmember Magierski; Seconded by Councilmember Jankowiak

WHEREAS, the Cleveland Hill School District has requested permission to utilize a portion of Cheektowaga Town Park on Tuesday, September 23, 2003 and Tuesday, September 30, 2003, beginning at 4:30 P.M. for its home cross-county track meets, AND

WHEREAS, the Director of the Department of Parks, Recreation and Youth Services has reviewed such request and has no objection to same, AND

WHEREAS, Cleveland Hill School District has provided the Town with the necessary insurance coverage for such track meets, AND

WHEREAS, this Town Board, in the spirit of cooperation, wishes to approve this request, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the use of Cheektowaga Town Park on Tuesday, September 23, 2003 and Tuesday, September 30, 2003 for the Cleveland Hill Cross Country Track meets, and BE IT FURTHER

RESOLVED, that the Director of the Department of Health, Physical Education and Athletics of the Cleveland Hill School shall coordinate with the Director of the Department of Parks, Recreation and Youth Services concerning these track meets.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town must be in compliance with Governmental Accounting Standards Board (GASB) Statement No. 34 for the year ending December 31, 2003 in order to meet generally accepted accounting principles and meet its debt covenants; AND

WHEREAS, funding of the implementation has been included in the 2003 budget in appropriation code 100-1320-4581; AND

WHEREAS, a readiness assessment has been performed to provide a detail of tasks to be performed, a corresponding timeline, prioritization and identification of individuals responsible for tasks (in-house employees, consultants, etc.); AND

WHEREAS, the timelines for completion of many of these tasks are very short and it will be very difficult for the current accounting staff to fully complete the implementation in a timely manner, NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to engage the services of Robert Kaczmarek for \$35 per hour to assist the accounting department in implementing GASB 34 for the year ending December 31, 2003.

Upon roll call

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

NAYES: 0

ABSENT: 0

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Item No. 14 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

BE IT RESOLVED, the Town wishes to recognize the attached Memorandum of Agreement entered into between the Town of Cheektowaga and the Town of Cheektowaga Employees Association concerning the title of Recreation Supervisor effective immediately.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

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A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK AND SECONDED BY COUNCILMEMBER MAZUR TO WAIVE THE READING OF NAMES FOR ITEM NO. 15 AND ITEM NO. 16, AND THE VOTING WENT AS FOLLOWS:

Upon roll call

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



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

BE IT RESOLVED that the following individuals are terminated, effective immediately:

Kristina Aquilino
Ed Kasprzak
Tom Mahoney
Sherry Lesser
Vicki Maslowski
Jinnette Nowaczewski
Courtney Fox
Sarah Stortz
Lisa Wittman
Janelle Rinaldo
Jennifer Rye
Louis Bystrak
Joelle Brunetto
Krisin Brunetto
Eileen Skowronski
Eric Burns
Vicki Maslowski
Kevin Daughtery
Tom Mahoney
Sherry Lesser
Jinette Nowaczewski
Kristina Aquilino

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Johnson, Swiatek, Jankowiak, Mazur and Magierski
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, effective as indicated:

From 7310.1810/7310.1801/7310.1802 to 7310.1803
Part-time
Effective 9/2/03

Deborah Ann Fleetwood
Barbara Walters
Amy McMahan
Kammy Ciesielski
Jennifer Odrobina

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Pamela Szeffler
Item No. 16 Cont'd.

Barbara Czaplicki
Kristin Mills
Brian Pane
Joseph Bender
Nicholas Czaplicki
Sean Dalton
Neal Esford
Krystle Feind
Laura Gabryszak
Heather Gizkowski
DeYonca Porter
Jeremy Schnauffer
Matthew Stadelmeyer
Hillary Szydowski
Lauren Szydowski
Krystyna Szymczuk
Kelly Walters
Kacey Wodowski
Amy Wroblewski
Victor Nosal
Amber Tracy
Lauren Filipink
Heather LaGraves
Jillian Franz
Jamie Wallace
Katie Torgerson
Linda Farinacci
Robert Gladwell
Jessica Kryzanowski
Kristen Stadelmeyer
Beth Chojecki
Predolino Zelasko
Lauren Rzeszutek
Patrick Hughes

From 7140.1645 to 7140.1614 & 7310.1814
(part-time)
(effective 9-8-03)

Justin Lelonek
Craig Mahalic
Jennifer Dunkleman
Brad Walters
Shawn McAdams
Robert Halter
Lisa Wnuk
Nicoloe Neyerlin
Jeff Gmerek

From 7140.1648 to 7140.1614 & 7310.1814

Andrea Ketterl
Debbie Garrison
Samantha Cycon
Matt Gaczewski
Joelle Pantling
Scott Gretch
Laura Brown
Dwayne Gaczewski
Darlene Bigos

From 7140.1645 to 7140.1611
Michael Collins
Greg Fischer

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Item No. 16 Cont'd.

Part-Time
effective 9-8-03)

Jim Neyerlin
Lindsay Gabryszak
Amanda Wyzykowski
Kim Godzich

From 7140.1613 to 7310.1804 - \$8.15

Part-time
Effective 9-8-03

Amy Pruski

as indicated: BE IT RESOLVED that the following individuals be and hereby are upgraded, effective

Part-time
Effective 9-8-03

Rec Attendant VI - \$6.40
Robert Swiatkowski

Rec Attendant VII - \$6.65
Chris Maciok

Rec Attendant IX - \$7.15
George Hunger

Rec Supervisor V - \$7.40
Jennifer Maciok

Rec Supervisor XII - \$9.15
Camille Russell
(seasonal status per 1/21/03 resolution)

From Seasonal to Part Time
Effective 9/8/03

(7140.1630)

Recreation Attendant II--\$5.65
Susan Mayle

Recreation Attendant III--\$5.65
Melisa Petre
Darlene Adamusik

Recreation Attendant XI---\$7.90
Amy Hawrysiak

From Seasonal to Part Time
Effective 9/8/03

Recreation Attendant III to Recreation Attendant IIII--\$5.90
Kristie Gammack

Part Time
(effective 9/8/03)
7140.1814 to 7140.1614)

Recreation Attendant VIII - \$7.15
Scott Syroczyński

MEETING NO. 24
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Item No. 16 Cont'd.

Recreation Attendant V--\$6.15
Jessica Stiglmeier

Part Time
(7140.1642 to 7140.1614)
(effective 9/8/03)

7140.1630

Jenelle Kostran
Amanda Kostran
Melissa Hale
Michael Flierl

Part Time
(7180.1901 to 7140.1614)
(effective 9/8/03)

Zachary Smith

Part Time
(effective 9/8/03)

Recreation Attendant IV -\$5.90
Erica Au

Part-time
(Effective 9/8/03)

Recreation Attendant IV to Recreation Attendant V --\$6.15
Stephanie Gretch

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 17 Motion by Councilmember Jankowiak; Seconded by; Councilmember Jaworowicz

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>PERSONNEL DEPARTMENT – Clerk (temporary) - \$7.00 per hour</u>	<u>EFFECTIVE</u>
Kevin T. Daugherty Cheektowaga, NY 14227	09/03/03

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

<u>POLICE DEPARTMENT</u>	<u>EFFECTIVE</u>
Steven Morath	09/02/03
Nancy Owczarczak	"
<u>SANITATION DEPARTMENT</u>	
Kevin Mazczak	09/02/03
Brian Bzibziak	"
Michael Piwowar	"

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TOWN CLERK'S OFFICE
Beverly Stilwell

08/27/03

Item No. 17 Cont'd.

Upon roll call

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

Item No. 18 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Building Maintenance Division; 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 Supervisory Unit; AND

WHEREAS, Ronald W. Lease, currently employed as a Senior Maintenance Worker in the Building Maintenance Division, has bid on said vacancy and meets the requirements of the title; THEREFORE, BE IT

RESOLVED, that Ronald W. Lease of Depew, New York 14043, be and hereby is appointed to the position of Working Crew Chief in the Building Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective September 3, 2003.

Upon roll call

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

Item No. 19 Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, the Fire Marshals and Inspectors Seminar is scheduled to be held from September 30, 2003 through October 2, 2003 in Montour Falls, New York; AND

WHEREAS, Fire Inspectors Matthew Kawczynski and Edward Saternus are required to attend said seminar pursuant to New York State Certification requirements; AND

WHEREAS, monies have been budgeted to cover expenses incurred; AND

WHEREAS, expenses shall not exceed \$350 in order for said employees to attend this seminar; THEREFORE, BE IT

RESOLVED, that Fire Inspectors Matthew Kawczynski and Edward Saternus be and hereby are authorized to attend the Fire Marshals and Inspectors Seminar to be held from September 30, 2003 through October 2, 2003 in Montour Falls, New York.

Upon roll call

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



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II. DEPARTMENTAL COMMUNICATIONS

- Item No. 20a Minutes: Town Environmental Advisory Committee –August 20, 2003
Received and Filed.
- Item No. 20b Minutes – Board of Ethics Committee – July 21, 2003
Received and Filed.
- Item No. 20c Minutes - Planning Board – August 14, 2003
Received and Filed.
- Item No. 21 Building Permits – August 2003
Received and Filed.



III. GENERAL COMMUNICATIONS

- Item No. 22a Notice of Claim: Gordon Barbasz vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway, PRYS and First Niagara Risk Management.
Received and Filed.
- Item No. 22b Notice of Claim: Brian Bialecki vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Tax Office and First Niagara Risk Management.
Received and Filed.
- Item No. 22c Notice of Claim: Tanya Delano 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. 22d Notice of Claim: Douglas Drummer 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. 22e Notice of Claim: Joan Greene vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer, Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 22f Notice of Claim: Sharon/Frederick Grishen vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; and First Niagara Risk Management.
Received and Filed.
- Item No. 22g Notice of Claim: Lynn Hale vs. Town of Cheektowaga

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Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sanitation and First Niagara Risk Management.
Received and Filed.

Item No. 22h Notice of Claim: LaVerne Hollenbeck vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; and First Niagara Risk Management.
Received and Filed.

Item No. 22i Notice of Claim: Christine Meier vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer and First Niagara Risk Management.
Received and Filed.

Item No. 22j Notice of Claim: James V. Panaro vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer and First Niagara Risk Management.
Received and Filed.

Item No. 22k Notice of Claim: Progressive Insurance/Coleen Suraf vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; and First Niagara Risk Management.
Received and Filed.

Item No. 22l Notice of Claim: Mary Wotherspoon vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway, Parks/Recreation/Youth Services and First Niagara Risk Management.
Received and Filed.

Item No. 22m Notice of Claim: Julia Zdyb 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. 23a Request to Speak: Kevin J. Glascott
Received and Filed.

Item No. 23b Request to Speak: Against Casino in Cheektowaga – Five (5) Speakers
Received and Filed.



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

Upon roll call

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

NAYES: 0

ABSENT: 0



MEETING NO. 24
SEPTEMBER 2, 2003

IV. SUSPENSION OF RULES

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

WHEREAS, Maria Pitman petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for a truck/trailer maintenance facility with accessory offices for property owned by Rollins Leasing LLC/Penske Truck Leasing Co, LP and located at 1989 Harlem 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 2nd day of September, 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 Maria Pitman. for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description for the a truck/trailer maintenance facility with accessory offices be and the same is hereby approved, subject to the following conditions:

1. Existing southerly driveway along Harlem Road be closed;
2. Between 11:00 P.M. and 7:00 A.M., motor vehicles shall be within the confines of the building;

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, Johnson, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0

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Item No. 25 Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur to adjourn the meeting at 7:50 P.M.

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
MEETING 25
SEPTEMBER 15, 2003**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Sloan Fire Hall, 55 Gates Avenue, Village of Sloan, on the 15th day of September, 2003 at 7:00 o'clock P.M. there were:

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

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 Service and William Pugh, Town Engineer; Christine Ziemba, Chief of Police; William Rogowski, Town Assessor; Jerome Gabryszak, Director of Community Development; and Christopher Kowal, Highway Superintendent.

Kenneth Porkorski, Mayor of the Village of Sloan greeted everyone in attendance.

Invocation by Rev. John Binkiwitz, Union Road Community Church of Christ

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:



ARTICLE V
Schedules

§235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
Corey Court	East	Mapleview Road

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

COREY COURT – Southwest side: from Mapleview Road to a point 160 feet northwesterly therefrom.

MAPLEVIEW ROAD – East side: from north curblineline of Corey Court to south curblineline of Rost Place.

§235-51. SCHEDULE XII: STOPPING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

MAPLEVIEW ROAD – East side: Mapleview Road bus service road, from the north curblineline of the Cleveland Hill service road north to a point 265 feet: No Stopping Except Buses.



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

II. RESOLUTIONS

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

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

SPECIAL DISTRICTS FUND

FROM:	150-8160-1901	Regular Payroll	\$ 25,000.00
TO:	150-8160-1951	Seasonals	\$ 25,000.00

HIGHWAY FUND

FROM:	300-5141-1951	Seasonals	\$ 4,500.00
TO:	300-5141-1971	Part-Time	\$ 4,500.00

HUD-CDBG FUND

FROM:	700-1003-0704	Contingency	\$ 854.25
TO:	700-1003-0679	Summer Day Camp	\$ 854.25

Upon roll call

AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Johnson, Swiatek, Jankowiak, Mazur and Magierski
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 September 12, 2003 are hereby approved and made a part hereof:

GENERAL FUND	\$2,050,346.96
RISK RETENTION FUND	30,594.43
DEBT SERVICE FUND	801,556.25
HUD HOUSING REHABILITATION	17,440.00
SPECIAL DISTRICTS FUND	1,227,413.38
HIGHWAY FUND	409,655.90
TRUST & AGENCY	8,861.41
HUD CDBG FUND	18,195.24
PART TOWN FUND	82,325.99
CAPITAL FUND	636,946.67
	<u>\$5,283,336.23</u>

Upon roll call

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

Item No. 5 Motion by Councilmember Johnson, seconded by Councilmember Magierski

WHEREAS, this Town Board held a public hearing on September 15, 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.

Item No. 5 cont'd.

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

§235-46. SCHEDULE VII: STOP INTERSECTIONS, shall be amended by adding thereto the following:

<u>Stop Signs On</u>	<u>Direction Traffic Stops</u>	<u>At Intersection Of</u>
Corey Court	East	Mapleview Road

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

COREY COURT – Southwest side: from Mapleview Road to a point 160 feet northwesterly therefrom.

MAPLEVIEW ROAD – East side: from north curblineline of Corey Court to south curblineline of Rost Place.

§235-51. SCHEDULE XII: STOPPING PROHIBITED IN DESIGNATED LOCATIONS, shall be amended by adding thereto the following:

MAPLEVIEW ROAD – East side: Mapleview Road bus service road, from the north curblineline of the Cleveland Hill service road north to a point 265 feet: No Stopping Except Buses.

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, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0

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

WHEREAS, NOCO Energy Corp. has made application and requested the Rezoning from C-Retail Business District to MS-Motor Services District for property located at 1199 French Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 6th, 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0

AFFIDAVIT - NEXT PAGE(S)

Item No. 7 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the Town Engineer has advised that plans and specifications have been completed for electrical service improvements, including the installation of an emergency standby generator, at the Roycroft Pumping Station and that the project is ready to be bid, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Electrical Service Improvements Project at and, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 1st day of October, 2003 at 11:00 A.M., 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 by the Town Board of the Town of Cheektowaga until 11:00 a.m., local time, on the 1st day of October, 2003. All bids will be publicly opened and read at 11:00 a.m. in the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for Electrical Service Improvements at the Roycroft Pumping Station, and all related work, complete in place, tested, and ready for use in accordance with the contract documents, therefore, including plans, specifications, instructions to bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Board of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227, to the attention of Mary Holtz, Town Clerk.

The Contractor's name, title of the proposal, and date and time of the opening shall be clearly marked on the outside of the envelope.

Each proposal shall be accompanied by a certified check or bid bond in the amount of five percent (5%) of the amount of the bid, and shall be in the form and subject to the conditions provided for in the Instructions to Bidders.

The successful bidder will be required to furnish a performance bond and a labor and materials payment bond, each in the amount equal to the contract award. A maintenance bond for 100% of the contract price (including change orders) will be required during the maintenance period.

Copies of the Drawings and Specifications and Contract Documents may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227. Copies may be purchased from the Town Clerk's Office 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. Neither the Owner nor the Engineer will be responsible for full 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.

The bidder's attention is 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 proposal form and, unless complied with on the form provided, the bid will not be accepted.

BIDDERS ON THIS WORK WILL BE REQUIRED TO COMPLY WITH THE PRESIDENT'S EXECUTIVE ORDER NO. 11246. THE REQUIREMENTS FOR BIDDERS AND CONTRACTORS UNDER THIS ORDER WHICH CONCERN NON-DISCRIMINATION IN EMPLOYMENT ARE EXPLAINED IN THE SPECIFICATIONS.

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Item No. 7 cont'd.

The attention of the bidder is called particularly to the requirements of conditions of employment to be observed and minimum wage rates to be paid under the contract.

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 90 consecutive calendar days, to begin five (5) days after the "Notice to Proceed" has been issued.

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 Owner and in accordance with law, are herewith reserved.

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.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: September 15, 2003

PUBLISHED: September 18, 2003



Upon roll call

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

NAYES: 0

ABSENT: 0

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Item No. 8 Motion by Supervisor Gabryszak, seconded by Unanimous

WHEREAS, the proud tradition of steelmaking is a vital part of our community's history and identity, and our local economy is still largely linked to the steel industry as a provider of quality jobs, AND

WHEREAS, a thorough Section 201 investigation by the International Trade Commission (ITC) concluded that American steel companies, communities, families and other, non-steel manufacturing operations were injured as a result of illegally-dumped foreign steel, and the ITC recommended immediate action by the U.S. Department of Commerce to curb the illegal dumping of foreign steel in U.S. markets, AND

WHEREAS, after receiving the ITC's report and carefully considering a number of remedies, the Department of Commerce and the Bush Administration took legal and just corrective action and instituted limited tariffs on specific steel products for a period of three years, AND

WHEREAS, enactment of the tariffs has slowed the illegal dumping of foreign steel and allowed American steelmakers and their employees to partially recover from the crisis sparked in 1998 by illegally dumped foreign steel; if the Steel Industry is to survive, the recovery must be able to continue, AND

WHEREAS, the American steel industry is currently in a state of wide-scale restructuring and consolidation that will eventually enable the remaining American steel companies to compete effectively in an increasingly global marketplace, NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga supports continuation of these protective tariffs through their original three-year term and opposes any efforts to end them prematurely, considering the devastating effects it would have in our community and countless others that still rely on steel manufacturing and its related industries for quality jobs and, BE IT FURTHER

RESOLVED, that this Town Board urges the Bush Administration to allow these tariffs to run their course, and that a copy of this resolution be sent to President Bush as evidence that our community supports steel.

Upon roll call

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

Item No. 9a 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 Krog Corp. representing Schneider's Fish & Seafood for the construction of a 8,928 square foot warehouse/freezer addition at 2150 Old Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 10, 2003 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on August 14, 2003, AND

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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

Item No. 9a cont'd.

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.

Upon roll call

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

Item No. 9b 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 Michael J. Stetter, CEO for Irr Supply Centers, Inc. for the construction of a 12,400 square foot warehouse building and partial demolition of an existing warehouse at 2477 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on September 10, 2003 recommended a determination of non significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on September 11, 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 following:

1. The Town of Cheektowaga Zoning Board Appeals grants a variance for the parking lot setback along the north property line and the height of the proposed wood board fence along the west property line.
2. The Town Engineer approves a grading and drainage plan.
3. NYSDOT approves the alterations and use of existing driveway openings.

Upon roll call

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

Item No. 10a Motion by Councilmember Swiatek, seconded by Councilmember Johnson

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

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realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

Item No. 10a cont'd.

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 Roy and Maria Pitman for the use of 1989 Harlem Road for a truck/trailer maintenance facility, AND

WHEREAS, the Town of Cheektowaga Environmental Advisory Committee reviewed the site plan at its meeting of September 10, 2003 and recommended its approval with the condition that the connecting public walk to the main entrance be located as shown on the site plan, and not as described in paragraph number 4 of the attached correspondence dated August 19, 2003 from Roy and Maria Pitman, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of September 11, 2003 is recommending the approval of the site plan, AND

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

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the installation of a 5 foot wide concrete connecting sidewalk to the front building entrance as shown on the site plan, and the other pedestrian accessibility and aesthetic improvements as committed to in the attached correspondence dated August 19, 2003 authored by Roy and Maria Pitman.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

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Item No. 10b Motion by Councilmember Swiatek, seconded by Councilmember Johnson

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 David C. Smith for the construction of a 1,200 square foot warehouse at 3904 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of August 14, 2003 is recommending the approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has a variance request pending for the relief from the required (50) fifty foot setback along the east property line, AND

WHEREAS, this Town Board has reviewed the development review application and recommendation made by the Planning Board, NOW, THEREFORE BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable, subject to the Zoning Board of Appeals approving the setback variance and the Town Engineer approving a grading/drainage plan.

Upon roll call

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

Item No. 11 Motion by Councilmember Jankowiak, 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, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE(S) FOR ATTACHMENT

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

WHEREAS, grant monies are available from State of New York Criminal Justice Services, AND

WHEREAS, the Town of Cheektowaga Police Department seeks grant monies to Continue the Motor Vehicle Theft and Insurance Fraud Demonstration Program (Watch Your Car), NOW, THEREFORE BE IT

RESOLVED that the Police Department be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Division of Criminal Justice Services 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0

Item No. 12b 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 156 Peinkofer Drive, Cheektowaga, New York 14225, AND

WHEREAS, the owner of said property has applied for a mortgage loan from HSBC Mortgage Corporation (USA), and HSBC Mortgage Corporation 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, 2929 Walden Avenue, Depew, New York 14043, pertaining to the Town's Housing Rehabilitation Loan secured by a mortgage on the property located at 156 Peinkofer Drive, Cheektowaga, New York 14225.

Upon roll call

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

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

WHEREAS, Belmont Shelter Corp., a not-for-profit housing agency, has agreed to purchase property located at 77 Preston Road and 128 Preston Road from the Town of Cheektowaga for the purpose of rehabilitating and selling said properties to income-eligible homebuyers, AND

WHEREAS Belmont Shelter Corp., a not-for-profit housing agency, has agreed to purchase the property located at 195 East Grand Boulevard from the Town of Cheektowaga for the purpose of demolishing said property and constructing a new single-family house on the site and selling said house to an income-eligible homebuyer, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Belmont Shelter Corp., 1195 Main Street, Buffalo, New York 14209, and any other documents, including deeds to the premises and loan agreements, subject to approval by the Town Attorney, for the

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purpose of selling and conveying title to the properties at 77 Preston Road, 128 Preston Road and 195 East Grand Boulevard per legal descriptions to be provided by the Town Attorney's Office and made part of this resolution by reference for the sum of One Dollar (\$1.00) each and, BE IT FURTHER

Item No. 12c cont'd.

RESOLVED, that the sale of said properties is authorized subject to a Permissive Referendum as provided by law and, BE IT FURTHER

RESOLVED, that the sales and conveyances be made subject to easements and rights-of-way of record, if any and, BE IT FURTHER

RESOLVED, that notice of adoption of this resolution be given within 10 days in accordance with Town Law by posting and publishing a notice which shall set forth the date of the adoption of the resolution and contain an abstract of said resolution, such notice to be published in the Cheektowaga Times.



NOTICE OF ADOPTION OF RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HERBY GIVEN that the Town Board of the Town of Cheektowaga, on September 15, 2003, adopted a resolution authorizing the Town of Cheektowaga to sell and convey title to property at 77 Preston Road and 128 Preston Road for the sum of \$1.00 each, for the purpose of rehabilitating and selling said properties to income eligible homebuyers, and to sell and convey property at 195 East Grand Boulevard to Belmont Shelter Corp., for the sum of \$1.00, for the purpose of demolishing said property and constructing a new single-family house on the site and thereafter selling said house to an income-eligible homebuyer.

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 CHEEKOTWAGA, ERIE COUNTY, NEW YORK.

DATED: September 15, 2003

MARY F. HOLTZ
Town Clerk



Upon roll call

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

NAYES: 0

ABSENT: 0

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Item No. 12d Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the Town of Cheektowaga is the owner of the traffic signals on William Street at the New York State Thruway I-90 exits (eastbound and westbound), AND

WHEREAS, due to backups on the New York State Thruway at the William Street exits, there is a need to install traffic signal loops on the ramps to William Street, AND

WHEREAS, the New York State Thruway Authority ("NYSTA") requires the Town of Cheektowaga to make application to it for an Occupancy Permit and Work Permit in order to install such traffic signal loops, AND

WHEREAS, the NYSTA has agreed to waive any permit fees for such work provided the town shares information with it, AND

WHEREAS, the Traffic Division of the Town Police Department recommends that the Town install the aforementioned traffic signal loops, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute Occupancy Permit and Work Permit applications and any other documents necessary to effectuate the aforementioned work.

Upon roll call

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

Item No. 12e Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, by resolution dated July 10, 2003, this Town Board engaged Johnson Controls, Inc. to undertake a detailed evaluation study of the Town's facilities and equipment to identify performance improvement measures in order to reduce the Town's energy consumption and operating costs, AND

WHEREAS, Johnson Controls, Inc. has completed such evaluation study, and has presented their summary of findings to this Town Board, AND

WHEREAS, in such summary of findings, Johnson Controls, Inc. has identified numerous projects which would save the Town between \$522,000 and \$1,327,000 over a fifteen (15) year period, AND

WHEREAS, this Board wishes to proceed with implementation of the costs savings identified by Johnson Controls, Inc. in its summary of findings, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Performance Contracting Project Agreement with Johnson Controls, Inc. to implement the cost savings measured identified in its summary of findings, said agreement to be subject to the approval of the terms of same by the Town Attorney and the Director of Administration and Finance.

Upon roll call

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

Item No. 13 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

BE IT RESOLVED, the Town wishes to recognize the attached Memorandum of Agreement entered into between the Town of Cheektowaga and the Town of Cheektowaga Employees Association concerning the title of Payroll Clerk effective immediately.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO
DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 14
THROUGH 17 AND THE VOTING WAS AS FOLLOWS:



Item No. 14 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 & Youth Services, effective immediately:

Elizabeth Stachowicz	Kimberly Alberti
Glenn Au (7180.1901)	Bridget Bauza
Eugene Gallivan	Brittany Bauza
Eric Burns	Catelyn Burzynski
Dominique Celotto	Lisa Chenu
Adam Connor	Carrie DeBiasio
Jeffrey Duke	Megan Eckle
Jacob Emmanuele	

Upon roll call

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

Item No. 15 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

*Recreation Instructor (X) - \$7.65
Ann Sheldon

*Recreation Supervisor (XIII) - \$9.90
Laila Desjardins (and 7140.1612)

*Recreation Supervisor (XIII) - \$10.15
Mary Beth Seivert

*Recreation Leader (X) - \$8.15
Joy Donnelly-Smith

*Recreation Attendant (X) - \$7.40
Elizabeth Pazderski
Sandra Suwalski

*Recreation Attendant (IX) - \$7.15
Cindy Agulia
Nancy Fumerelle

*Recreation Attendant (VII) - \$6.90
Michelle Radlich

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*Seasonal/Part-Time status as per
resolution dated 1/21/03

Item No. 15 cont'd.

From Seasonal to Part-Time

Jillian Tefft
Chris Mahalic
Meagan Brown

From Seasonal to Part-Time
(from 7310.1816 to 7140.1614)
Michael Orłowski

Part-Time
Recreation Leader (V) - \$7.15
Bradley Walters

Part-Time
Recreation Attendant (IV) - \$5.90
Darlene Adamusik

Upon roll call

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

Item No. 16 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

Part-Time

(7140.1614)

Recreation Attendant I - \$5.15
Jessie Cycon
Cheektowaga, NY 14225

Recreation Attendant I - \$5.15
Nicholas Delbello
Sloan, New York 14212

7140.1664

Recreation Leader (XII) - \$9.15

Barbara Spring
Depew, NY 14043

Upon roll call

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

Item No. 17 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

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with the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

Item No. 17 cont'd.

	<u>EFFECTIVE</u>
<u>TOWN CLERK'S OFFICE – Clerk - \$7.00 per hour</u>	
Cheryl Castanik Cheektowaga, NY 14225	9/16/03
<u>POLICE DEPARTMENT – Police Matron - \$12.50 per hour</u>	
Karen M. Coffta Sloan, NY 14212	9/08/03
<u>POLICE DEPARTMENT – Dog Warden – Laborer - \$6.00 per hour</u>	
Mark Bauer Cheektowaga, NY 14227	9/16/03
Aaron Kandefer Cheektowaga, NY 14225	

BE IT RESOLVED, that the following Seasonal employees' date of hire be adjusted as follows:

	<u>EFFECTIVE</u>
<u>PARKS DIVISION – Laborer</u>	
Christopher Meszaros Cheektowaga, NY	5/19/03

BE IT RESOLVED, that the following Seasonal employee be transferred from the Cheektowaga Conservation Corps to the Parks Division as follows:

	<u>EFFECTIVE</u>
<u>PARKS DIVISION – Laborer - \$7.00 per hour</u>	
Adam Nowicki Cheektowaga, NY 14227	9/09/03

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

	<u>EFFECTIVE</u>
<u>PARKS DIVISION</u>	
Nicholas Schanne	9/15/03
Michael Slawek	“
Rudy Pikuzinski, III	“
Donald Staszczyk	“
Richard Gramza	“
James T. Smith	“
Jason Winkelman	“
Thomas Gorski	“
Jeff Smietana	“
Adam Mez	“
Michael Donlon	“
Todd Stucke	“
Daniel Wagner	“

<u>SANITATION DEPARTMENT</u>	
Michael Full	9/16/03
Paul Fenske	9/05/03
Brian Kazmierczak	“
Steven Krystyniak	“
Jay Morosey	“
Jeffrey Speaker	“

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18a Appointment to Fill Vacancy in Position of Senior Maintenance Worker in Building Maintenance Department
 This item was withdrawn.

Item No. 18b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

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WHEREAS, a vacancy exists in the position of General Mechanic in the Parks Division, AND

Item No. 18b 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, David Ford, currently employed as a Light Motor Equipment Operator - B in the Highway Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that David Ford of Cheektowaga, New York 14227 be and hereby is appointed to the position of General Mechanic in the Parks Division, 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 September 22, 2003.

Upon roll call

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

Item No. 18c Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the position of General Mechanic in the Parks Division, 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, Ricky C. Zawadzki, currently employed as a Tree Trimmer in the Highway Department, bid on said vacancy and meets the necessary qualification, NOW, THEREFORE BE IT

RESOLVED, that Ricky C. Zawadzki of Cheektowaga, New York 14225 be and hereby is appointed to the position of General Mechanic in the Parks Division, 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 September 22, 2003.

Upon roll call

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

Item No. 18d Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a temporary vacancy exists in the position of Laborer 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, Dale Matecki, currently employed as a Laborer in the Highway Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that Dale Matecki of Depew, New York 14043, be and hereby is appointed to the temporary position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective September 16, 2003.

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Upon roll call

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

Item No. 18e Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, a temporary vacancy exists in the position of Laborer in the Highway 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, James Dalka, currently employed as a Laborer in the Sanitation Department, bid on said vacancy and meets the necessary qualifications, NOW, THEREFORE BE IT

RESOLVED, that James Dalka of Depew, New York 14043 be and hereby is appointed to the temporary position of Laborer in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective September 16, 2003.

Upon roll call

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

Item No. 19a Motion by Councilmember Mazur, seconded by Supervisor Gabryszak

WHEREAS, the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN) will be hosting the 13th Annual Narcotics Investigator's Conference in Ocean City, MD on October 6-9, 2003, AND

WHEREAS, the purpose of this information sharing conference is to bring together federal, state and local law enforcement agencies to discuss current/emerging trends in narcotics, AND

WHEREAS, Chief Christine Ziemba is requesting authorization to send Detectives Russ Paul and Paul Batt to this conference. The Police Department will be responsible for registration, transportation, lodging and meals to amount to approximately \$825.00, NOW, THEREFORE BE IT

RESOLVED that the aforementioned Detectives are authorized to attend this conference and that the time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4085 and 100-3120-4093.

Upon roll call

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

Item No. 19b Motion by Councilmember Jankowiak, seconded by Councilmember Jaworowicz

WHEREAS, the New York State Association of Magistrates Court Clerks, Inc., is holding its annual conference training from September 28, 2003 through October 1, 2003 in Saratoga Springs, New York, AND

WHEREAS, this conference training will keep the Town of Cheektowaga in compliance with new legislative guidelines, AND

WHEREAS, Constance Chojnacki, Senior Clerk Typist, and Dawn Burgio, Clerk Typist, both employees of the Justice Court, have requested authorization to attend said conference, AND

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

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WHEREAS, the total cost to the Town shall not exceed \$720.00, NOW, THEREFORE,
BE IT

Item No. 19b cont'd.

RESOLVED, that Constance Chojnacki and Dawn Burgio be and hereby are authorized to attend the New York State Association of Magistrates Court Clerks, Inc. Annual Conference Training from September 28, 2003 through October 1, 2003 in Saratoga Springs, New York.

Upon roll call

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

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 20 Minutes of Cheektowaga Conservation Advisory Council – August 16, 2003
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 21 Notice of Petition: Stanley and Bernadine Powalowski vs. the Town of Cheektowaga, Andrew A. Kulyk, Robert Brandon, Edward A. Tokasz, Jane Wiercioch, and James Speyer, said persons constituting the Zoning Board of Appeals of the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Zoning Board of Appeals Members; Michael Stachowski, Town Attorney and Building Department.
Received and Filed.

Item No. 22 Summons: Michael Kolasinski vs. Jim R. Hinman, People of New York State, Cheektowaga Town Court, Chief Clerk of the City Court of Buffalo
Copies were sent to: Dennis H. Gabryszak, Supervisor; Council; Justice Court; and Michael Stachowski, Town Attorney.
Received and Filed.

Item No. 23a Notice of Claim: Mary Wotherspoon vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department; Parks Recreation and Youth Services and First Niagara Risk Management.
Received and Filed.

Item No. 23b Notice of Claim: Richard Kozell vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Parks, Recreation and Youth Services and First Niagara Risk Management.
Received and Filed.

Item No. 23c Notice of Claim: John Rulbach 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. 23d Notice of Claim: Donald M. Diana 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.

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- Item No. 23e Notice of Claim: Julie and Art Grupp vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department; Sewer Department and First Niagara Risk Management.
Received and Filed.
- Item No. 23f Notice of Claim: Elaine M. Sliwinski vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department; Sewer Department and First Niagara Risk Management.
Received and Filed.
- Item No. 23g Notice of Claim: Eugene A. Miecznikowski 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. 23h Notice of Claim: Anthony M. DiGiore/State Farm Insurance Companies vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; and First Niagara Risk Management.
Received and Filed.
- Item No. 23i Notice of Claim: Michael G Szafranski vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department; Sewer Department and First Niagara Risk Management.
Received and Filed.
- Item No. 23j Notice of Claim: Richard/Noreen Brezowski 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. 23k Notice of Claim: Sandra Bakeman vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway Department; Sewer Department and First Niagara Risk Management.
Received and Filed.
- Item No. 23l Notice of Claim: Joanne Mochal 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. 24 Request to Speak: Tom Gruenauer Regarding Property Taxes
Received and Filed.



MOTION BY COUNCILMEMBER JOHNSON, 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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AYES: Supervisor Gabryszak, Councilmembers Jaworowicz, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 25 Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Governor and NYS Legislature have proposed new brownfield legislation aimed at providing New York State with its first statutory process for the remediation of Brownfield sites, AND

WHEREAS, New York State is one of the few states in the country without a legally-binding brownfield remediation process, AND

WHEREAS, the Governor and Legislature are to be commended for a law which is well intentioned to provide a much needed brownfield remediation process which is predictable, dependable and enforceable by law, AND

WHEREAS, this proposed legislation, despite these positive features, is a setback for economic development in Upstate New York, especially the Buffalo-Niagara region, AND

WHEREAS, approval of this legislation will cause New York's brownfield program to be one of the most stringent in the United States, AND

WHEREAS, the Erie County Industrial Development Agency has gone on record opposed to this legislation in its present form, and has requested this Town Board to request the Senate to delay enactment of such law until it can be revised to address the economic concerns of our region, AND

WHEREAS, the proposed legislation may jeopardize future phases of the Union Ship Canal and make brownfield projects like it less feasible in the future, AND

WHEREAS, potential investors and redevelopers will be deterred from redeveloping the over 3,000 acres of vacant and underutilized brown fields in Buffalo and Erie County, AND

WHEREAS, the potentially negative features of the proposed legislation include: remediation requirements which fail to recognize the difference between urban and rural background levels; clean up levels which fail to recognize past uses, background levels and proposed use; increased costs to existing businesses and discouragement to redevelopment of brownfield sites by developers; an ambiguous set of timeframes and deadlines; and ultimately may discourage municipalities to let properties lie fallow, AND

WHEREAS, on September 16, 2003, the New York State Senate will provide the final approval for passage of the bill, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby objects to the passage of the proposed brownfields legislation (S.5720/A.9120) in its present form and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the New York State Senate to delay passage of the proposed brownfield legislation (S.5720/A.9120) until it can be revised to address the economic concerns of our region and of al Upstate New York and, BE IT FURTHER

RESOLVED, that the Town Clerk be and herby is directed to forward copies of this resolution to the New York State Senate, Senator William Stachowski and Governor George Pataki.

Upon roll call

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

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Item No. 26 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak to adjourn this meeting. This meeting was adjourned at 8:05 P.M.

Mary F. Holtz
Town Clerk