

**TOWN OF CHEEKTOWAGA
MEETING NO. 7
APRIL 5, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 5th day of April 2004 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 Administration and Finance, William Pugh, Town Engineer, Thomas Adamczak, Supervising Building and Plumbing Inspector; Jerry Gabryszak, Director of Community Development; Patricia Wojcik, Director of Senior Services and Christine Ziemba, Chief of Police.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the Proposed Amendments to Chapter 235 (Vehicle and Traffic) of the Town Code: Schedule VII: Stop Intersection – Deer Trail in the Town of Cheektowaga. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said notice was as follows:



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 Hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on April 5, 2004 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 Sign on | Direction Traffic Stops | At Intersection of |
|--------------|-------------------------|--------------------|
| Deer Trail | North | Rowley Road |

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

Dated April 5, 2004

MARY F. HOLTZ
Town Clerk



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 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 April 2, 2004 are hereby approved and made a part hereof:

| | |
|----------------------------|-------------------|
| GENERAL FUND | \$3,177,300.11 |
| RISK RENTION FUND | 252,597.15 |
| DEBT SERVICE FUND | 138,800.00 |
| HUD HOUSING REHABILITATION | 2,291.76 |
| SPECIAL DISTRICTS FUND | 694,757.45 |
| HIGHWAY FUND | 603,471.27 |
| TRUST & AGENCY | 8,981.84 |
| HUD CDBG FUND | 9,082.15 |
| PART TOWN FUND | 77,578.41 |
| CAPITAL FUND | <u>131,060.26</u> |
| | \$5,095,920.40 |

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, this Town Board held a public hearing on April 5, 2004 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

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

| Stop Signs on | Direction Traffic Stops | At Intersection of |
|---------------|-------------------------|--------------------|
| Deer Trail | North | Rowley Hollow |

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

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Item No. 4 Cont'd.

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

Item No. 5a Motion by Councilmember Jaworowicz; Seconded by Councilmember Johnson

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 31, 2004 for TOPSOIL for use by the Town of Cheektowaga as a Highway for analysis, tabulation and reports, AND

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

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

RESOLVED, that payment of topsoil for Highway Department is charged to the line Item No. #0300-5110-4186.

Upon roll call

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

Item No. 5b Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of storm sewer flap gates, which bids were duly received and opened at the March 31, 2004 public bid opening, AND

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

WHEREAS, bids were reviewed by Paul C. Iwanski, Sr. Engineer Assistant, and it is recommended that the award be made to the lowest responsible bidder meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of storm sewer flap gates be and hereby is awarded to:

Rodney-Hunt Co.
46 Mill Street
Orange, MA 01364
(978) 544-2511

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Item No. 5b Cont'd.

| <u>ITEM</u> | <u>QUANTITY</u> | <u>DELIVERED UNIT BID PRICE</u> | <u>DELIVERED TOTAL SUM</u> |
|----------------------------------|-----------------|-------------------------------------|--------------------------------|
| 72" X 48" Flap Gate Cast Iron | 2 | \$9,410.00 | \$18,820 |

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 6a Motion by Councilmember Magierski; Seconded by Councilmember Johnson and
Councilmember Jaworowicz

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

WHEREAS, the Zoning Board of Appeals, Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact a revision with respect to the front yard setback for unenclosed front porches, AND

WHEREAS, a draft of such amendment has been prepared by the Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19th day of April, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend A Local Law relating to Zoning", and BE IT FURTHER

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

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution and the attached Notice of Hearing to the Erie County Department of Environment and Planning, the City of Buffalo, and the Towns of West Seneca, Amherst and Lancaster, and the Villages of Sloan and Depew.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of April, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 2004-3 of the Year 2004, entitled "A Local Law to Amend A Local Law Relating to Zoning". Following is the text of the proposed Local Law Intro No. 2004- 3:

Section 260-28.A., General residential provisions, Supplemental Yard regulations, shall be amended by adding a new subsection (5) to read as follows:

(5) Front yard setbacks for unenclosed porches. In R Districts, the minimum front yard for unenclosed front porches shall be eighteen (18) feet.

Dated: April 5, 2004

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Item No. 6a Cont'd.

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

MARY F. HOLTZ
Town Clerk



Upon roll call

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

AFFIDAVIT - NEXT PAGE

MEETING NO. 7
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Item No. 6b Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, there is a need for the Town of Cheektowaga to increase the local annual dog license fees under the Town Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) to reflect increases in the Town's costs for licensing, enforcement and impounding, AND

WHEREAS, Section 110 of the New York State Agriculture & Markets Law authorizes towns to charge local license fees of up to ten dollars (\$10.00), AND

WHEREAS, it is proposed that the local dog license fee be increased from \$5.00 to \$10.00, AND

WHEREAS, amendments to Chapter 58 of the Code of the Town of Cheektowaga have been drafted to increase these fees, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of the Town Law of the State of New York, a public hearing will be held on the 19th day of April, 2004 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") will be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Times not less than ten (10) nor more than twenty (20) days prior to the date of such hearing.



NOTICE OF HEARING
ON PROPOSAL TO
AMEND DOG ORDINANCE

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 5th day of April, 2004, a public hearing will be held on April 19, 2004 at 7:00 P.M., at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all parties in interest and citizens shall have an opportunity to be heard, and at which time and place it may be determined by the Cheektowaga Town Board whether Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") shall be amended and changed as follows:

1. RESOLVED that ARTICLE II, License Fees, Section 58-8, Penalties for offenses, subsection A., shall be amended to read as follows:

§58-8. Local fees enumerated.

A. Pursuant to §110, Subdivision 4, of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$10 for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by §110, Subdivision 1, of the Agriculture and Markets Law, such fees being as follows:

| Type of Dog | State Fee | Additional State Fee | Local Fee | Total Fee |
|-------------------------|-----------|----------------------|-----------|-----------|
| Neutered and Spayed | \$2.50 | | \$10.00 | \$12.50 |
| Unneutered and unspayed | \$7.50 | \$3.00 | \$10.00 | \$20.50 |

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Item No. 6b Cont'd.

Dogs owned by one or more persons each of whom is sixty-five years of age or over, shall be exempt from 50% of the local fees listed above.

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

Dated: April 5, 2004

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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MEETING NO. 7
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Item No. 6c Motion by Councilmember Johnson; Seconded by Councilmember Magierski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on April 19, 2004 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 8th day of April, 2004, 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 April 19, 2004 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:

ARTICLE II, Traffic Regulations, shall be amended by deleting therefrom the following:

§235-22. School buses and pedestrians only.

All motor vehicles, excluding school buses, are hereby excluded from the following portions of highways, within the Town of Cheektowaga, County of Erie and State of New York, from September 1 to June 30 on days when school is in session from 7:30 a.m. to 3:30 p.m.:

Mapleview Road – That portion lying east of triangular island, which island is bounded on the north, south and west sides by Corey Court.

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

Dated: April 5, 2004

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

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

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

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

RESOLVED, that sealed bids will be received on the 14th day of April 2004 at 11:00 A.M. at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on April 14, 2004 at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2004.

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

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

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

Mary F. Holtz,
Town Clerk

Dated: April 5, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga Parks Youth and Recreation Department, Parks Division, annually requires Pool Maintenance Chemicals for 2004, NOW BE IT

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

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

RESOLVED, that sealed bids will be received on the 14th day of April 2004 at 11:00 A.M. at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.



TOWN OF CHEEKTOWAGA

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk on April 14, 2004 at 11:00 AM at the Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2004.

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

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

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

Mary F. Holtz,
Town Clerk

Dated: April 5, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0

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MEETING NO. 7
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Item No. 7c Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

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

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

1. Five marked 2004 Police Interceptor Vehicles

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

RESOLVED, that sealed bids will be received on the 14th day of April, 2004 at 11:00 AM, Eastern Daylight Savings Time at a public bid opening to be held in the Cheektowaga Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 14, 2004 at 11:00 A.M. Eastern Daylight Savings Time at Town Hall, corner of Broadway and Union Roads,, for the purchase of five (5) new police vehicles as specified.

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

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

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

Mary F. Holtz
Town Clerk

Dated April 5, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0

AFFIDAVIT – NEXT PAGE

MEETING NO. 7
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Item No. 7d Motion by Councilmember Jankowiak; Seconded by Councilmember Johnson

WHEREAS, the Central Garage is in need of a pool vehicle, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on April 21, 2004 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall at which time they will be publicly opened and read.



NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on April 21, 2004 at 11:00 A.M., Eastern Daylight Savings Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new 2004, 4X4 SUV Truck.

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

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

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

Mary F. Holtz

Town Clerk

DATED: April 5, 2004



Upon roll call

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

NAYES: 0

ABSENT: 0

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MEETING NO. 7
APRIL 5, 2004

Item No. 8a 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)/attendants(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 FOR ATTACHMENT

MEETING NO. 7
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Item No. 8b 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 ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

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

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

Town's Ambulance, Service Inc., d/b/a Rural/Metro Medical Services

| <u>VEHICLE MAKE & YEAR</u> | <u>LICENSE NO.</u> | <u>CALL NO.</u> |
|--------------------------------|--------------------|-----------------|
| 1995 Ford | 10652ET | 500 |
| 1996 Ford | 10609ET | 544 |
| 1995 Ford | 10651ET | 579 |
| 1996 Ford | 10633ET | 585 |

Upon roll call

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

Item No. 9a Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, the Town, in its 2004 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town, AND

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

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

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

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

| <u>Cultural/Not-For-Profit Organization</u> | <u>Funding Approved</u> |
|---|-------------------------|
| Cheektowaga Community Symphony Orchestra | \$15,000.00 |
| Cheektowaga Garden Club | \$ 500.00 |
| Cheektowaga Art Guild | \$ 1,100.00 |

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2004 Town budget, subject to audit and approved of a properly signed Town voucher.

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. 7
APRIL 5, 2004

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

WHEREAS, by resolutions dated August 1, 1994 and June 21, 1999, the Cheektowaga Town Board approved a Meter and Regulator Lot Lease with National Fuel Gas Distribution Corporation ("National Fuel") covering Town-owned property located on Kaufman Road in the Town, AND

WHEREAS, such lease has expired and National Fuel has requested to renew such lease at an annual rental of \$250.00, AND

WHEREAS, the Town Engineer has no objection to such renewal, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Meter and Regulator Lot Lease with National Fuel in accordance with the above, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Town Law, and BE IT FUTHER

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



NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on April 5, 2004, adopted a resolution authorizing the Town of Cheektowaga to renew a Meter and Regulator Lot Lease with National Fuel Gas Distribution Corporation for the placement of a meter and appurtenances of Town-owned property located on Kaufman Road in the Town of Cheektowaga.

A copy of such Meter and Regulator Lot Lease is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

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

Dated: April 5, 2004

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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MEETING NO. 7
APRIL 5, 2004

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

WHEREAS: Grant monies in the amount of \$5,000 are available from Erie County Legislator Raymond Dusza via the Erie County Public Benefit Fund toward the purchase of new equipment for use in the Town Attorney's Office; AND

WHEREAS: The Town of Cheektowaga seeks grant monies to purchase the new equipment; 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

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. 9d Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS: Grant monies in the amount of \$1,000 are available from Erie County Legislator Mark Schroeder via the Erie County Public Benefit Fund to purchase banners and a canopy for the gazebo adjacent to the Cheektowaga Senior Citizens Center; AND

WHEREAS: The Town of Cheektowaga seeks grant monies to purchase said furnishings for the Senior Citizens Center; 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

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. 9e Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS: Grant monies in the amount of \$5,000 are available from Erie County Legislator Elise Cusack via the Erie County Public Benefit Fund to purchase furnishings for the expanded Cheektowaga Senior Citizens Center; AND

WHEREAS: The Town of Cheektowaga seeks grant monies to purchase said furnishings for the Senior Citizens Center; 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

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

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Item No. 9f Motion by Supervisor Gabryszak Seconded by Councilmember Jaworowicz

WHEREAS: Grant monies in the amount of \$1,500 are available from Erie County Legislator Timothy Wroblewski via the Erie County Public Benefit Fund to purchase banners and decorative trees for the interior of the Cheektowaga Senior Citizens Center; AND

WHEREAS: The Town of Cheektowaga seeks grant monies to purchase said furnishings for the Senior Citizens Center; 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

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. 9g Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS: Grant monies in the amount of \$3,500 are available from Erie County Legislator Ray Dusza via the Erie County Public Benefit Fund to defray printing costs for a brochure to assist homeowners with efforts to preserve their neighborhood; AND

WHEREAS: The Town of Cheektowaga seeks grant monies for the printing of said brochures; 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

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. 9h Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, the NYS Department of Motor Vehicles, Governor's Traffic Safety Committee, has made National Highway Safety Administration funds available for the 2004-2005 year to fund a campaign ("Buckle Up New York") to increase the seat belt compliance rate through increased enforcement by local police agencies in an effort to reduce serious injury or death from traffic crashes, AND

WHEREAS, the Town of Cheektowaga Police Department wants to apply for such funding in the amount of \$17,691.60 to conduct such 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 FUTRHER

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

MEETING NO. 7
APRIL 5, 2004

Item No. 9h Cont'd.

Upon roll call

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

Item No. 9i Motion by Councilmember Mazur; Seconded by Councilmember Johnson

WHEREAS, the New York State Department of Motor Vehicles Governor' Traffic Safety Committee, has made National Highway Safety Administration funds available through the County of Erie for the 2004-2005 year to fund a "STEP" grant to aid aggressive driving enforcement; AND

WHEREAS, the Town of Cheektowaga Police Department desires to apply for such funding, in the amount of \$18,944.16 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, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0

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

WHEREAS, the South Line Fire District No. 10 has requested permission from the Town of Cheektowaga to purchase fuel (gasoline and diesel) from the Town; AND

WHEREAS, an Agreement for Purchasing Fuel (Gas and Diesel) has been prepared by the Town Attorney's Office, a copy of which is annexed hereto; AND

WHEREAS, the Town's fuel pumps located at the Town's Central Garage will be utilized by South Line Fire District No. 10 for the purposes of fueling the fire trucks owned by them pursuant to the terms and conditions of said Agreement; NOW THEREFORE, BE IT

RESOLVED, that the Agreement For Purchasing Fuel (Gas & Diesel) between the Town of Cheektowaga and South Line Fire District No. 10 is hereby approved, effective as of the 6th day of April, 2004; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement for Purchasing Fuel (Gas & Diesel), subject to approval by the Town Attorney's Office.

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. 7
APRIL 5, 2004

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

WHEREAS, Cleveland Hill Fire District No. 6 has requested permission from the Town of Cheektowaga to purchase fuel (gasoline and diesel) from the Town; AND

WHEREAS, an Agreement for Purchasing Fuel (Gas and Diesel) has been prepared by the Town Attorney's Office, a copy of which is annexed hereto; AND

WHEREAS, the Town's fuel pumps located at the Town's Central Garage will be utilized by Cleveland Hill Fire District No. 6 for the purposes of fueling the fire trucks owned by them pursuant to the terms and conditions of said Agreement; NOW THEREFORE, BE IT

RESOLVED, that the Agreement For Purchasing Fuel (Gas & Diesel) between the Town of Cheektowaga and Cleveland Hill Fire District No. 6 be and hereby is approved, effective as of the 6th day of April, 2004; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement for Purchasing Fuel (Gas & Diesel), subject to approval by the Town Attorney's Office.

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. 7
APRIL 5, 2004**

Item No. 9l Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

WHEREAS, by resolution dated May 1, 2000, the Cheektowaga Town Board authorized the use of Visa purchase cards by certain Town officers and employees through M & T Bank, AND

WHEREAS, Chase Manhattan Bank USA has offered to provide Visa and/or MasterCard purchase cards to the Town for use by Town employees, AND

WHEREAS, the purchase card program being offered by Chase Manhattan Bank USA is more advantageous to the Town than the one presently offered by M & T Bank, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby terminates the agreement the Town of Cheektowaga presently has with M & T Bank for the use of purchase cards, and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes the use of purchase cards through Chase Manhattan Bank USA by departments and employees authorized by Brian M. Krause, Director of Administration and Finance, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents with Chase Manhattan Bank USA for the implementation of this purchase card program in the Town of Cheektowaga.

Upon roll call

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

Item No. 9m Motion by Supervisor Gabryszak; Seconded by Councilmember Magierski

WHEREAS, the Town's of Amherst, Cheektowaga and Tonawanda have formed a consortium for the purpose of qualifying for federal HOME Investment Partnership funds, AND

WHEREAS, consortia formed under the HOME Investment Partnership Act are required to prepare a new Consolidated Comprehensive Housing Affordability Strategy (CHAS) for federal fiscal years 2005-2009, AND

WHEREAS, Community Development Departments from the three Towns have jointly requested proposals for the preparation of a new revised Consolidated Plan, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute a joint contract among the three Towns with H. Sichertman & Company, Inc., 5852 Forest Creek Drive, East Amherst, NY 14051 for the preparation of a consortium Consolidated Plan for an amount not to exceed \$21,500, the cost to be shared equally by the Towns of Amherst, Cheektowaga and Tonawanda, AND BE IT

FURTHER RESOLVED, that the cost of said contract be paid from Community Development Block Grant Funds.

Upon roll call....

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

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

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

MEETING NO. 7
APRIL 5, 2004

Item No. 10a Cont'd.

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 James Rumsey for Benderson Development Co., Inc. for the construction of a 5, story 155 room hotel with a future accessory restaurant at 4201 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on March 17, 2004 recommended a determination of non significance, subject to several modifications to the site plan as shown in the attached memorandum dated March 25, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on March 11, 2004, AND

WHEREAS, Benderson has committed to revising his site plan to remove approximately (8) eight parking spaces along the west property line, reduce the depth of the parking stalls along the east, west and south yards; improving the westerly yard with additional landscaping and solid fencing and has committed to providing partial brick along the building's façades, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the building height requirements, parking setback requirements, parking quantity and depth of parking stalls, AND

WHEREAS, the Zoning Board of Appeals decision is pending, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Carmina & Wood, P.C. acceptable, subject to:

1. The Zoning Board of Appeals granting the required variances.
2. The Town Engineer approving the drainage plan.
3. Receipt of an environmental audit, indicating that the site has been remediated of all hazardous wastes.
4. Receipt of FAA approval for proposed construction near navigable air space.
5. The applicant submit a separate development review application for the future accessory restaurant.

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. 7
APRIL 5, 2004

Item No. 10b Motion by Councilmember Johnson; Seconded by Councilmember Magierski

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 Art Keller, President Culinary Arts Specialties for the for the construction of a 51,186 s.f. food processing facility at 2272 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on March 17, 2004 recommended a determination of non significance as shown in the attached memorandum dated March 25, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on March 11, 2004, AND

WHEREAS, the applicant has made several changes to his site plan to address concerns voiced by the northerly land owner, including the elimination of a parking area along the north property line and a reduced driveway width to provide for a larger vegetative buffer; the relocation of a refuse compactor to the rear of the building; the elimination of a solid fence along the north property line and the addition of coniferous trees to supplement the natural vegetative screen along the northerly yard, AND

WHEREAS, the applicant has petitioned the Town of Cheektowaga Zoning Board of Appeals for relief from the solid fence requirement along the northerly property line and the reduced driveway width to accommodate the neighbors desires, AND

WHEREAS, the Zoning Board of Appeals decision is pending, AND

WHEREAS, the applicant has committed to the conveyance of a conservation easement to the Town of Cheektowaga for lands along the rear of his property to further the Town's natural resource goal of protecting forest communities and the Cayuga Creek watershed, AND

WHEREAS, the applicant's future plans include a commitment to preserve and adaptively re-use an existing historic structure along the Union Road frontage for the accessory retail sales of his cheese cake food product, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Wylmer and Associates acceptable, subject to:

1. The Zoning Board of Appeals granting the required variances.
2. The Town Engineer approving the drainage plan.
3. The applicant initiating discussions with the Town Board about entering into a P.I.L.O.T agreement for town ad valorem and fire district taxes
4. The submission of a conservation easement for the protection of the forest and lands within the Cayuga Creek watershed.

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. 7
APRIL 5, 2004**

Item No. 11 Motion by Councilmember Magierski; 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 Robert Conway, Architect for LoVullo Associates, Inc. for a 2,970 s.f. accessory garage/storage building at 6450 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of March 11, 2004 is recommending the approval of the site plan subject to the installation of ten (10) Colorado spruce trees , 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 prepared by Conway and Company Architects is acceptable, subject to the addition of the trees as recommended by the Town Planning Board.

Upon roll call

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

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

WHEREAS, the properties located at 77 Preston Road and 128 Preston road in the Town of Cheektowaga were acquired from the Department of Housing & Urban Development for \$1 for the purpose of rehabilitating said houses for sale to income-eligible families, AND

WHEREAS, said rehabilitation will be accomplished by an eligible not-for-profit corporation, New Opportunities Community Housing Development Corporation, a related entity of Belmont Shelter Corp., utilizing HOME Investment Partnership Funds and Community Development Block Grant funds, NOW, THEREFORE, BE IT

RESOLVED, that CDBG funds in the amount of \$40,000 be provided to New Opportunities Community Housing Development Corporation for administrative and soft costs associated with the project and up to \$157,518 in HOME Investment Partnership funds for rehabilitation and related developer services for the new single-family structures at said locations, said funds to be recovered to the greatest extent possible following the sale of the properties.

Upon roll call

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

Item No. 13 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 NCAAA Baseball organization has made application to hold its Opening Day Parade on June 5, 2004, from 12:00 noon to 1:00 P.M. as follows:

Parade will assemble on Nagel Drive and proceed down Nagel Drive to George Urban Boulevard, to the rear of the Tops Supermarket and ending at the baseball diamonds; AND

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APRIL 5, 2004

Item No. 13 Cont'd.

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, the Highway Department, and the Parks, Youth & Recreation 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 NCAAAA Baseball for the aforementioned parade to be held on June 5, 2004, 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. 14a Motion by Councilmember Jankowiak; Seconded by Councilmember Magierski

BE IT RESOLVED, the Town Board hereby creates the positions of Building Maintenance Mechanic and Automotive Mechanic pursuant to Civil Service Laws and Rules effective April 5, 2004.

Upon roll call

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

Item No. 14b Motion by Councilmember Jankowiak; Seconded by Councilmember Magierski

BE IT RESOLVED, the Town Board hereby creates the following positions pursuant to Civil Service Laws and Rules effective April 5, 2004:

| <u>POSITION</u> | <u>NUMBER CREATED</u> |
|----------------------------|-----------------------|
| Recreation Attendant RPT* | 80 |
| Recreation Instructor RPT* | 22 |
| Recreation Specialist RPT* | 6 |
| Lifeguard RPT* (PJC**) | 20 |

*Regular Part Time

**Pending Jurisdictional Classification

Upon roll call

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

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APRIL 5, 2004

Item No. 15 Motion by Councilmember Jankowiak; Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga wishes to dispose of a number of surplus motor vehicles no longer needed for Town use, AND

WHEREAS, the sale of surplus property by the Town is authorized by Section 64 of the Town Law of the State of New York, AND

WHEREAS, John R. Tuck, Auctioneer will sell such motor vehicles at a public auction to be held on April 17, 2004, in accordance with his letter dated February 9, 2004, a copy of which is attached hereto, at no cost to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains John R. Tuck, Auctioneer, 950 Bowen Road, Elma, New York as per the attached letter, to conduct a sale of the surplus Town vehicles identified on the attached list at a public auction to the highest responsible bidder at an auction to be held on April 17, 2004, AND BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute any and all documents that may be required to effectuate the sale and transfer of all said vehicles and equipment.

Upon roll call

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT(S)

MEETING NO. 7
APRIL 5, 2004

Item No. 16 Motion by Councilmember Jankowiak; Seconded by Councilmember Magierski

WHEREAS, William Lawicki was appointed by this Town Board to the temporary position of General Crew Chief in the Parks Division; AND

WHEREAS, this temporary position has been permanent filled; NOW, THEREFORE,
BE IT

RESOLVED, that William Lawicki of [REDACTED], Cheektowaga, New York 14227, be and hereby return to his permanent title of Working Crew Chief in the Parks Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective April 5, 2004.

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 Magierski

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

| | <u>EFFECTIVE</u> |
|--|------------------|
| <u>POLICE DEPARTMENT – Police Attendant - \$12.50 per hour</u> | |
| Joyce Landwehr [REDACTED], Cheektowaga, 14206 | 3/16/04 |
| Debra Smith [REDACTED], Cheektowaga, 14227 | 3/26/04 |
| <u>PARKS DIVISION – Laborer - \$9.00 per hour</u> | |
| Thomas Somogye [REDACTED], Cheektowaga 14225 | 4/20/04 |
| <u>PARKS DIVISION – Laborer - \$6.50 per hour</u> | |
| Adam Pieczynski [REDACTED], Cheektowaga 14206 | 4/06/04 |

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

| | <u>EFFECTIVE</u> |
|---|------------------|
| <u>PARKS DIVISION – Laborer - \$6.50 per hour</u> | |
| Timothy D. Stevenson, Sr. [REDACTED], Cheektowaga 14227 | 4/06/04-9/06/04 |
| Gary Golab, II [REDACTED], Cheektowaga 14206 | 4/06/04-9/06/04 |
| <u>PARKS DIVISION – Laborer - \$7.00 per hour</u> | |
| Daniel Wagner [REDACTED] Cheektowaga 14225 | 4/06/04-9/06/04 |
| Richard Gramza [REDACTED] Cheektowaga 14225 | 4/20/04-9/20/04 |
| Robert D. Haas [REDACTED], Cheektowaga 14227 | 4/20/04-9/20/04 |
| Mark Kistner [REDACTED] Cheektowaga 14227 | 4/06/04-9/06/04 |
| Andrew Saskowski [REDACTED] Cheektowaga 14225 | 5/01/04-10/01/04 |
| <u>PARKS DIVISION – Laborer - \$7.50 per hour</u> | |
| Edward Pozdyn [REDACTED] Cheektowaga 14225 | 4/12/04-9/12/04 |
| James T. Smith [REDACTED], Sloan 14212 | 5/25/04-10/25/04 |
| <u>PARKS DIVISION – Laborer - \$8.50 per hour</u> | |
| Michael Papero [REDACTED], Cheektowaga 14227 | 5/15/04-10/15/04 |

MEETING NO. 7
APRIL 5, 2004

Item No. 17 Cont'd.

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

EFFECTIVE

PARKS DIVISION

Jason Winkelman

3/11/04

POLICE DEPARTMENT

Joyce Landwehr

3/24/04

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 18 Motion by Supervisor Gabryszak; Seconded by Councilmember Magierski

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 appointment to said Board of Directors positions but no later than May 31, 2007:

Robert Pietrzak
Samuel Tadio
Debra S. Liegl
Donna Luh

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, Hornell Police Department in conjunction with Eastern Police Canine Association is hosting the Annual Working K-9 Seminar, April 18-24, 2004 at Johnstown, PA., AND,

WHEREAS, Chief Ziemba is requesting authorization to send K-9 Officer Daniel Smith and Breston to this training. Officer Smith has once again been requested to attend this seminar as an instructor. All lodging and meal expenses for this training will be covered by the Johnstown Police Department. The K-9 Police Vehicle will be used for transportation to and from this training, NOW, THEREFORE, BE IT

RESOLVED, that Officer Smith is authorized to attend this training, and that the time spent there is normal duty time. The fuel expense will be charged to 0100-3120-4095.

**MEETING NO. 7
APRIL 5, 2004**

Item No. 19a Cont'd.

Upon roll call

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

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

WHEREAS, the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLN) will be holding their annual business meeting and sharing conference. The focus will be "Securing America's Homeland". The meeting will be held from April 5-9, 2004 in Cleveland, OH.

WHEREAS, Chief Christine Ziemba is requesting authorization to send Lt. James Starr to this meeting as Lt. Starr is our primary representative for this organization and his attendance is mandatory as per our contract with MAGLOCLN. The Police Department will be responsible for conference fees of \$350.00. NOW, THEREFORE, BE IT

RESOLVED, that Lt. James Starr is authorized to attend this meeting and time spent there be authorized as normal duty time. The expense will be charged to 0100-3120-4093.

Upon roll call

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

Item No. 19c Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, the New York State Town Clerks' Association 2004 Conference will be held from April 18, 2004 through April 21, 2004 in Saratoga Springs, New York; AND

WHEREAS, Town Clerk Mary F. Holtz has requested authorization for Deputy Town Clerk Vickie L. Dankowski to attend said conference; AND

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

WHEREAS, the total cost to the Town shall not exceed \$690; AND

WHEREAS, these expenses have been budgeted by the Town Clerk's Office; NOW, THEREFORE, BE IT

RESOLVED, that Deputy Town Clerk Vickie L. Dankowski be and hereby is authorized to attend the New York State Town Clerks' Association 2004 Conference being held from April 18, 2004 through April 21, 2004 in Saratoga Springs, New York.

Upon roll call

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

Item No. 19d Motion by Councilmember Jankowiak Seconded by Councilmember Mazur

WHEREAS, the New York State Recreation and Parks Annual Conference and Business Exposition will be held from April 25, 2004 through April 28, 2004 in Tarrytown, New York; AND

WHEREAS, Parks, Recreation and Youth Services Director Kenneth Kopacz has requested authorization for Recreation Supervisor Paul Marchewka to attend said conference and exposition; AND

**MEETING NO. 7
APRIL 5, 2004**

Item No. 19d Cont'd.

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

WHEREAS, there will be no expenses incurred by Mr. Marchewka to attend; NOW, THEREFORE, BE IT

RESOLVED, that Recreation Supervisor Paul Marchewka be and hereby is authorized to attend the New York State Recreation and Parks Annual Conference and Business Exposition being held from April 25, 2004 through April 28, 2004 in Tarrytown, 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 Building Permits – March 2004
Received and Filed.

Item No. 21 Supervisor's Statement of Funds – February 2004
Received and Filed.

Item No. 22a Minutes – Cheektowaga Traffic Safety Commission – February 17, 2004
Received and Filed.

Item No. 22b Minutes – Town Environmental Advisory Committee – March 17, 2004
Received and Filed.

Item No. 22c Minutes – Cheektowaga Conservation Advisory Committee – March 4, 2004
Received and Filed.

Item No. 22d Minutes – Cheektowaga Conservation Advisory Committee – March 20, 2004
Received and Filed.



IV. GENERAL COMMUNICATIONS

Item No. 23 Amended NYSDOT Designation of Restricted Highway: The work on Route 130 (Broadway) begins just east of Route 277 (Union Road) and stops approximately 600 feet west of Dick Road then resumes approximately 2,000 feet west of Borden Road and ends approximately 300 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.

**MEETING NO. 7
APRIL 5, 2004**

- Item No. 24a Notice Of Claim: Robert Baker vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Highway and First Niagara Risk Management.
Received and Filed.
- Item No. 24b Notice of Claim: Jacqueline A. Brown 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. 24c Notice of Claim: Tina M. Harber 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. 25 Request to Speak – Depew/Cheektowaga Taxpayers Association, Inc.
Received and Filed.



V. SUSPENSION OF RULES

A MOTION WAS MADE 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0



Item No. 26 Motion by Councilmember Swiatek; Seconded by Councilmember Jaworowicz

BE IT RESOLVED, that this Town Board hereby approves, as presented, the tentative agreement between the Town of Cheektowaga and the Town of Cheektowaga Public Safety Dispatchers Association for a successor to the collective negotiations agreement between the parties, and hereby authorizes the Supervisor to execute the successor collective negotiations agreement.

Upon roll call

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

Item No. 27a Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, Bellevue Fire District No. 9 has requested permission from the Town of Cheektowaga to purchase fuel (gasoline and diesel) from the Town; AND

WHEREAS, an Agreement for Purchasing Fuel (Gas and Diesel) has been prepared by the Town Attorney's Office, a copy of which is annexed hereto; AND

MEETING NO. 7
APRIL 5, 2004

Item No. 27a Cont'd.

WHEREAS, the Town's fuel pumps located at the Town's Central Garage will be utilized by Bellevue Fire District No. 9 for the purposes of fueling the fire trucks owned by them pursuant to the terms and conditions of said Agreement; NOW THEREFORE, BE IT

RESOLVED, that the Agreement For Purchasing Fuel (Gas & Diesel) between the Town of Cheektowaga and Bellevue Fire District No. 9 is hereby approved, effective as of the 6th day of April, 2004; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement for Purchasing Fuel (Gas & Diesel), subject to approval by the Town Attorney's Office.

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. 7
APRIL 5, 2004

Item No. 27b Authorize Supervisor to Sign/Execute Contract Regarding the Demolition of 72 Randolph Avenue
This item was withdrawn.

Item No. 28 Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

WHEREAS, the property located at 72 Randolph Avenue, Cheektowaga, New York will undergo asbestos abatement and demolition utilizing Community Development Block Grant Funds, NOW, THEREFORE, BE IT

RESOLVED, that all permit fees for the asbestos abatement and demolition of 72 Randolph Avenue, are hereby waived.

Upon roll call

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

Item No. 29 Motion by Supervisor Gabryszak; Seconded by Councilmember Magierski to adjourn the meeting in memory of James Piniewski, retired Town of Cheektowaga Employee Highway Department – MEO-A. Time of adjournment was 7:50 P.M.

MARY F. HOLTZ
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 8
APRIL 19, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 19th day of April, 2004 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 Services; Jerome Gabryszak, Director of Community Development; Andrews Kulyk, Chairman of Zoning Board of Appeals Committee; and John Glascott, Police Captain.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the proposed adoption of Local Law 2003-4 of the Year 2004 entitled, "A Local Law to Amend a Local Law Relating to Zoning" of said Town hereinafter more particularly described. The Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed. Said proposed amendments are as follows:



Section 260-28.A., General residential provisions, Supplemental Yard regulations, shall be amended by adding a new subsection (5) to read as follows:

(5) Front yard setbacks for unenclosed porches. In R Districts, the minimum front yard for unenclosed front porches shall be eighteen (18) feet.



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

Item No. 3 This being the time and place advertised for a public hearing to consider and discuss the proposed amendment to Chapter 58 of the Code of the Town of Cheektowaga ("Dog Ordinance") of said Town hereinafter more particularly described. The Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed. Said proposed amendments are as follows:



1. RESOLVED that ARTICLE II, License Fees, Section 58-8, Penalties for offenses, subsection A., shall be amended to read as follows:

§58-8. Local fees enumerated.

A. Pursuant to §110, Subdivision 4, of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$10 for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by §110, Subdivision 1, of the Agriculture and Markets Law, such fees being as follows:

MEETING NO. 8
APRIL 19, 2004

Item No. 3 cont'd.

| <u>Type of Dog</u> | <u>State Fee</u> | <u>Additional State Fee</u> | <u>Local Fee</u> | <u>Total Fee</u> |
|-------------------------|------------------|-----------------------------|------------------|------------------|
| Neutered and Spayed | \$2.50 | | \$10.00 | \$12.50 |
| Unneutered and unspayed | \$7.50 | \$3.00 | \$10.00 | \$20.50 |

Dogs owned by one or more persons each of whom is sixty-five years of age or over, shall be exempt from 50% of the local fees listed above.



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

Item No. 4 This being the time and place advertised for a public hearing to consider and discuss the proposed amendment to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic) of said Town hereinafter more particularly described. The Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed. Said proposed amendments are as follows:



ARTICLE II, Traffic Regulations, shall be amended by deleting therefrom the following:

§235-22. School buses and pedestrians only.

All motor vehicles, excluding school buses, are hereby excluded from the following portions of highways, within the Town of Cheektowaga, County of Erie and State of New York, from September 1 to June 30 on days when school is in session from 7:30 a.m. to 3:30 p.m.:

Mapleview Road – That portion lying east of triangular island, which island is bounded on the north, south and west sides by Corey Court.



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

II. RESOLUTIONS

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

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

2003

GENERAL FUND

| | | | |
|-------|---------------|-------------------------|--------------|
| FROM: | 100-1415-3500 | Grant Revenue | \$ 18,269.00 |
| | 100-1415-2000 | Equipment | 1,724.00 |
| | 100-1010-4088 | Travel Training & Conf. | 457.00 |
| | 100-1110-1931 | Vacation Sellback | 34.00 |
| | 100-1220-4010 | Disaster Preparedness | 2,430.00 |
| | 100-1315-1901 | Regular Payroll | 54,350.00 |
| | 100-1330-1951 | Seasonal Regular | 7,956.00 |
| | 100-1355-1901 | Regular Payroll | 29,649.00 |
| | 100-1410-1901 | Regular Payroll | 22,036.00 |
| | 100-1420-1971 | PT Regular | 617.00 |
| | 100-1420-4012 | Printed Briefs Attorney | 1,212.00 |
| | 100-1430-1901 | Regular Payroll | 34,176.00 |

MEETING NO. 8
APRIL 19, 2004

Item No. 5a cont'd.

| | | | |
|-----|--------------------|------------------------------|--------------|
| | 100-1440-1901 | Regular Payroll | \$ 5,111.00 |
| | 100-1450-1950 | Election Salaries | 18,982.00 |
| | 100-1625-1901 | Regular Payroll | 988.00 |
| | 100-1625-4432 | Repairs & Maintenance | 6,663.00 |
| | 100-1640-1901 | Regular Payroll | 1,951.00 |
| | 100-1670-1902 | Overtime Payroll | 684.00 |
| | 100-1680-1901 | Regular Payroll | 7,060.00 |
| | 100-1680-4321 | Software/Licensing | 42,147.00 |
| | 100-1910-4082 | Gov't Business Travel | 55.00 |
| | 100-1910-4261 | Postage, Special Items | 1,294.00 |
| | 100-3020-1907 | Court Time | 2,000.00 |
| | 100-3020-1908 | Training | 14,875.00 |
| | 100-3020-1911 | Longevity | 310.00 |
| | 100-3020-1917 | Clothing Allowance | 200.00 |
| | 100-3120-1908 | Training | 62,285.00 |
| | 100-3120-1931 | Vacation Sellback | 82,074.00 |
| | 100-3120-1932 | Sick Sellback | 28,375.00 |
| | 100-3120-1936 | Holiday Sellback | 19,616.00 |
| | 100-3120-1971 | PT Regular | 100,797.00 |
| | 100-3120-1989 | Comp Time Sellback | 20,442.00 |
| | 100-3510-1901 | Regular Payroll | 2,830.00 |
| | 100-5132-4211 | Electric Highway Garage | 3,217.00 |
| | 100-5132-4231 | Water Highway Garage | 332.00 |
| | 100-6250-1931 | Vacation Sellback | 645.00 |
| | 100-6250-1951 | Seasonal Regular | 887.00 |
| | 100-7110-1901 | Regular Payroll | 19,164.00 |
| | 100-7110-4022 | Park Supplies, Parks | 1,617.00 |
| | 100-7140-1902 | Overtime Payroll | 1,550.00 |
| | 100-7140-1971-1631 | PT Regular | 8,942.00 |
| | 100-7140-4611 | Rec Prgm Transportation | 281.00 |
| | 100-7310-1971-1804 | PT Regular | 6,903.00 |
| | 100-7550-4374 | Polish Festival Celebrations | 1,000.00 |
| | 100-7620-1971 | PT Regular | 1,047.00 |
| | 100-9010-8111 | Police Retirement | 215,424.00 |
| | 100-9010-8121 | Social Security Employ | 54,336.68 |
| | 100-9010-8141 | Medical Insurance Employ | 195,460.32 |
| TO: | 100-1415-4008 | Disaster Grant | \$ 18,269.00 |
| | 100-1415-1971 | Part Time Wages | 1,724.00 |
| | 100-1010-1901 | Regular Payroll | 9,958.00 |
| | 100-1010-1911 | Longevity | 190.00 |
| | 100-1010-1931 | Vacation Sellback | 267.00 |
| | 100-1110-1901 | Regular Payroll | 4,568.00 |
| | 100-1110-1902 | Overtime Payroll | 3,900.00 |
| | 100-1110-1932 | Sick Sellback | 34.00 |
| | 100-1110-1971 | PT Regular | 10,770.00 |
| | 100-1220-1901 | Regular Payroll | 8,991.00 |
| | 100-1220-1931 | Vacation Sellback | 690.00 |
| | 100-1220-1971 | PT Regular | 196.00 |
| | 100-1220-4001 | Office Supplies Supervisor | 2,430.00 |
| | 100-1315-1902 | Overtime Payroll | 900.00 |
| | 100-1315-1911 | Longevity | 55.00 |
| | 100-1330-1931 | Vacation Sellback | 407.00 |
| | 100-1330-1952 | Seasonal Overtime | 7,549.00 |
| | 100-1355-1902 | Overtime Payroll | 49.00 |
| | 100-1410-1902 | Overtime Payroll | 252.00 |
| | 100-1410-1971 | PT Regular | 5,911.00 |
| | 100-1410-4343 | Records Storage Space Rental | 2,554.00 |
| | 100-1420-1901 | Regular Payroll | 3,350.00 |
| | 100-1420-1911 | Longevity | 190.00 |
| | 100-1420-1931 | Vacation Sellback | 427.00 |
| | 100-1420-4001 | Office Supplies Attorney | 157.00 |
| | 100-1420-4013 | Law Books Attorney | 1,055.00 |
| | 100-1420-4501 | Contracted Legal Services | 4,990.00 |
| | 100-1430-1931 | Vacation Sellback | 478.00 |
| | 100-1430-4502 | Legal Personnel | 25,358.00 |

MEETING NO. 8
 APRIL 19, 2004

Item No. 5a cont'd.

| | | |
|--------------------|-------------------------------|-------------|
| 100-1440-1902 | Overtime Payroll | \$ 5,111.00 |
| 100-1625-1902 | Overtime Payroll | 18,982.00 |
| 100-1625-1911 | Longevity | 555.00 |
| 100-1625-1914 | Shift Differential | 433.00 |
| 100-1625-4202 | Telephone-Townwide | 20,442.00 |
| 100-1625-4217 | Utilities Building Maint | 6,663.00 |
| 100-1640-1914 | Shift Differential | 95.00 |
| 100-1640-1932 | Sick Sellback | 1,027.00 |
| 100-1670-1901 | Regular Payroll | 1,513.00 |
| 100-1680-1902 | Overtime Payroll | 30,482.00 |
| 100-1680-1971 | PT Regular | 1,076.00 |
| 100-1680-2204 | Computer/Lan Hardware | 41,777.00 |
| 100-1680-4431 | Maintenance | 370.00 |
| 100-1685-1901 | Regular Payroll | 1,022.00 |
| 100-1685-1902 | Overtime Payroll | 1,197.00 |
| 100-1685-1971 | PT Regular | 506.00 |
| 100-1685-4051 | Records Management | 418.00 |
| 100-1910-4081 | Municipal Assn Dues | 55.00 |
| 100-1910-4083 | Private Vehicle Reimbursement | 1,294.00 |
| 100-1910-4322 | Contracted Services Heap | 29,600.00 |
| 100-1910-4352 | Erie County Charge Back | 83,915.00 |
| 100-3020-1901 | Regular Payroll | 91,950.00 |
| 100-3020-1902 | Overtime Payroll | 47,680.00 |
| 100-3020-1914 | Shift Differential | 7,367.00 |
| 100-3020-1936 | Holiday Sellback | 1,897.00 |
| 100-3120-1901 | Regular Payroll | 135,511.00 |
| 100-3120-1902 | Overtime Payroll | 97,572.00 |
| 100-3120-1907 | Court Time | 1,128.00 |
| 100-3120-1911 | Longevity | 1,298.00 |
| 100-3120-1914 | Shift Differential | 22,756.00 |
| 100-3120-1917 | Clothing Allowance | 12,165.00 |
| 100-3120-1918 | Education | 1,901.00 |
| 100-3120-1990 | Other Pay | 1,200.00 |
| 100-3310-1901 | Regular Payroll | 2,360.00 |
| 100-3310-1902 | Overtime Payroll | 8,981.00 |
| 100-3310-1914 | Shift Differential | 823.00 |
| 100-3310-1932 | Sick Sellback | 784.00 |
| 100-3510-1902 | Overtime Payroll | 2,081.00 |
| 100-3510-1971 | PT Regular | 749.00 |
| 100-3510-4221 | Gas for Dog Kennel | 6,668.00 |
| 100-5132-4221 | Gas, Highway Garage | 3,549.00 |
| 100-6250-1901 | Regular Payroll | 887.00 |
| 100-6250-1932 | Sick Sellback | 645.00 |
| 100-7110-1902 | Overtime Payroll | 7,565.00 |
| 100-7110-1914 | Shift Differential | 566.00 |
| 100-7110-1951 | Seasonal Regular | 11,033.00 |
| 100-7110-4211 | Electric Parks | 1,437.00 |
| 100-7110-4460 | Parks Land Acquisition | 180.00 |
| 100-7140-1901 | Regular Payroll | 1,080.00 |
| 100-7140-1914 | Shift Differential | 470.00 |
| 100-7140-1971-1611 | PT Regular | 233.00 |
| 100-7140-1971-1640 | PT Regular | 896.00 |
| 100-7140-1971-1645 | PT Regular | 988.00 |
| 100-7140-1971-1654 | PT Regular | 1,616.00 |
| 100-7140-1971-1630 | PT Regular | 1,994.00 |
| 100-7140-1971-1639 | PT Regular | 3,215.00 |
| 100-7140-4999 | Credit Card Expense | 281.00 |
| 100-7310-1901 | Regular Payroll | 6,653.00 |
| 100-7310-1911 | Longevity | 250.00 |
| 100-7510-4475 | Consultant | 1,000.00 |
| 100-7620-1902 | Overtime Payroll | 274.00 |
| 100-7620-1931 | Vacation Sellback | 773.00 |
| 100-9010-8143 | Retiree's Medical | 249,797.00 |

MEETING NO. 8
APRIL 19, 2004

Item No. 5a cont'd.

RISK RETENTION FUND

| | | | |
|-------|---------------|---------------------------|--------------|
| FROM: | 101-1910-2798 | Appropriated Fund Balance | \$181,029.45 |
| | 101-1710-4101 | Insurance Premiums | 31,005.81 |
| | 101-1710-4523 | Claims Administration | 131.75 |
| | 101-1710-4525 | Claims Administration | 9,524.60 |
| | 101-1710-4526 | Claims Administration | 12,039.75 |
| | 101-1710-4527 | Claims Administration | 4,019.20 |
| | 101-1710-4528 | Loss Control | 1,289.96 |
| | 101-1931-4703 | Unemployment | 43,542.66 |
| | 101-1932-4703 | General Liability | 180,641.47 |
| | 101-1936-4703 | Contingency | 125,000.00 |
| | 101-1937-4703 | Dental/Vision Claims | 41,448.35 |
| TO: | 101-1930-4703 | Workers Comp Claims | \$629,673.00 |

SPECIAL DISTRICTS FUND

| | | | |
|-------|---------------|----------------------|--------------|
| FROM: | 150-8160-1911 | Longevity | \$ 11,090.00 |
| | 150-8160-1951 | Seasonal Regular | 29,262.00 |
| | 150-8160-8975 | Retirement Buyout | 16,232.00 |
| | 150-8160-9131 | Bond Principal | 143,650.00 |
| | 255-8125-1901 | Regular Payroll | 8,691.00 |
| | 255-8125-1931 | Vacation Sellback | 2,188.00 |
| | 255-8125-8121 | Social Security | 4,748.00 |
| | 255-8125-8141 | Medical Insurance | 1,087.00 |
| | 255-8135-1902 | Overtime Payroll | 3,087.00 |
| | 255-8135-1951 | Seasonal Regular | 13,150.00 |
| | 255-8135-1990 | Other Pay | 1,160.00 |
| | 255-8135-8121 | Social Security | 873.00 |
| TO: | 150-8160-1901 | Regular Payroll | \$129,810.00 |
| | 150-8160-1902 | Overtime Payroll | 52,839.00 |
| | 150-8160-1971 | PT Payroll | 753.00 |
| | 150-8160-1990 | Other Wages | 600.00 |
| | 150-8160-8101 | Retirement | 400.00 |
| | 150-8160-8121 | Social Security | 15,832.00 |
| | 255-8125-8143 | Retiree Medical | 14,672.00 |
| | 255-8125-8101 | Retirement | 1,163.00 |
| | 255-8125-1932 | Sick Sellback | 2,188.00 |
| | 255-8135-1901 | Regular Payroll | 16,237.00 |
| | 255-8135-1914 | Shift Differential | 8,691.00 |
| | 255-8135-1937 | Weekend Differential | 1,160.00 |
| | 255-8135-8101 | Retirement | 873.00 |

HIGHWAY FUND

| | | | |
|-------|---------------|--------------------------|--------------|
| FROM: | 300-5110-4178 | Blacktop | \$ 6,810.00 |
| | 300-5141-1731 | Labor Allocation | 201,013.78 |
| | 300-5140-1733 | Labor Allocation | 15,441.57 |
| | 300-5141-1901 | Regular Payroll | 69,711.00 |
| TO: | 300-5110-1701 | Labor Allocation-General | \$201,013.78 |
| | 300-5130-1701 | Labor Allocation-Other | 15,441.57 |
| | 300-5110-4162 | Gasoline | 6,810.00 |
| | 300-5141-1902 | Overtime | 48,851.00 |
| | 300-9010-8101 | Retirement | 2,484.00 |
| | 300-9010-8121 | Social Security | 334.00 |
| | 300-9010-8975 | Retirement Buyout | 18,042.00 |

PART TOWN FUND

| | | | |
|-------|---------------|----------|-------------|
| FROM: | 800-3620-1971 | PT Wages | \$ 9,879.00 |
|-------|---------------|----------|-------------|

**MEETING NO. 8
APRIL 19, 2004**

Item No. 5a cont'd.

| | | | |
|-----|---------------|---------------------|-------------|
| TO: | 800-3620-1901 | Regular Wages | \$ 8,329.00 |
| | 800-3620-1990 | Other Pay | 500.00 |
| | 800-3620-1932 | Sick Sellback | 984.00 |
| | 800-9010-8101 | Employee Retirement | 66.00 |

Upon roll call

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

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

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

2004

GENERAL FUND

| | | | |
|-------|---------------|------------------------|-----------|
| FROM: | 100-1415-4003 | Travel | \$ 55.00 |
| | 100-1415-3500 | Grant Revenue | 50,956.57 |
| TO: | 00-1415-2000 | Equipment | \$ 55.00 |
| | 100-1415-1971 | PT Wages | 4,326.00 |
| | 100-1415-2000 | Equipment | 12,232.00 |
| | 100-1415-4001 | Office Supplies | 4,510.00 |
| | 100-1415-4088 | Travel, Training | 55.00 |
| | 100-1415-4500 | Supplies and Equipment | 29,833.57 |

Upon roll call

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

Item No. 6 Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to April 16, 2004 are hereby approved and made a part hereof:

| | |
|----------------------------|---------------------|
| GENERAL FUND | \$121,464.08 |
| RISK RETENTION FUND | 72,424.06 |
| HUD HOUSING REHABILITATION | 5,452.41 |
| SPECIAL DISTRICTS FUND | 284,609.74 |
| HIGHWAY FUND | 101,481.47 |
| TRUST & AGENCY | 4,343.96 |
| HUD CDBG FUND | 4,656.40 |
| PART TOWN FUND | 2,380.55 |
| CAPITAL FUND | <u>8,610.97</u> |
| | <u>\$605,423.64</u> |

Upon roll call

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

MEETING NO. 8
APRIL 19, 2004

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

WHEREAS, this Town Board held a public hearing on April 19, 2004 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 II, Traffic Regulations, shall be amended by deleting therefrom the following:

§235-22. School buses and pedestrians only.

All motor vehicles, excluding school buses, are hereby excluded from the following portions of highways, within the Town of Cheektowaga, County of Erie and State of New York, from September 1 to June 30 on days when school is in session from 7:30 a.m. to 3:30 p.m.:

Mapleview Road – That portion lying east of triangular island, which island is bounded on the north, south and west sides by Corey Court.

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 8
APRIL 19, 2004

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

WHEREAS, a Notice to Bidders was published for the receipt of bids for asbestos abatement and demolition of 72 Randolph Avenue which bids were duly received and opened on March 31, 2004, at 11:00 A.M. by the Town Clerk, AND

WHEREAS, the Town's Engineering Consultant for this project, Watts Engineers, has reviewed the technical portions of the bid submitted by Carone Contracting, Inc. and has recommended in their letter dated April 5, 2004, attached hereto, that the award of the contract for asbestos abatement and demolition be awarded to said firm, AND

WHEREAS, it appears, based on the tabulation of bids attached hereto that Carone Contracting, Inc. has submitted the lowest responsible bid for said project, NOW, THEREFORE, BE IT

RESOLVED, that the bid for asbestos abatement and demolition of 72 Randolph Avenue be and hereby is awarded to Carone Contracting, Inc., 4 Elton Street, Rochester, New York, 14607 for the bid price of \$87,000 and, BE IT FURTHER

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

RESOLVED, that the cost of said project will be funded with Community Development Block Grant Funds.

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. 8
APRIL 19, 2004

Item No. 9 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, it is in order that bids be advertised for Drainage Improvements to Various Town Highways in the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Drainage Improvements to Various Town Highways, 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 5th day of May, 2004 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 5th day of May, 2004 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 Drainage Improvements to Various Town Highways, 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 Road, Cheektowaga, New York 14227 and marked "Drainage Improvements to Various Town Highways".

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.

MEETING NO. 8
APRIL 19, 2004

Item No. 9 cont'd.

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: April 19, 2004

PUBLISHED: April 22, 2004
April 24, 2004



Upon roll call

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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 8
APRIL 19, 2004

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

WHEREAS, by resolution dated April 5, 2004, this Town Board approved an agreement with the Cheektowaga Community Symphony Orchestra 2004 funding, AND

WHEREAS, due to a typographical error, such resolution stated that \$15,000 was to be given to the Cheektowaga Community Symphony Orchestra for 2004, AND

WHEREAS, only \$12,000 was allocated to such organization in the 2004 budget, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution and attached agreement be and hereby are amended to provide that moneys allocated to the Cheektowaga Community Symphony Orchestra are in the amount of \$12,000.00.

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. 8
APRIL 19, 2004

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

WHEREAS, Michael J. Krasner, a resident of the Town of Cheektowaga, died unexpectedly on February 4, 2004, AND

WHEREAS, Mr. Krasner, an urban planner, was a senior planner with the Erie County Department of Environment and Planning, AND

WHEREAS, during his lifetime, Michael J. Krasner was a member of the Stiglmeier Park Steering Committee and provided assistance to the Town of Cheektowaga in the development of our parks system, AND

WHEREAS, Mr. Krasner also assisted the Town of Cheektowaga with advice concerning various planning issues in the Town, AND

WHEREAS, Michael J. Krasner was also instrumental on the County level with such major projects as the Buffalo waterfront, the Elm-Oak Corridor, the Burt Flickinger Center, the Riverwalk and the Erie Canalway Trail, AND

WHEREAS, Michael J. Krasner devoted a lifetime of service both to the Town of Cheektowaga and County of Erie and deserves to be honored for his commitment to the community, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby re-names the Losson Road Community Center in Stiglmeier Park the "Michael J. Krasner Community Center" in honor of the late Michael J. Krasner.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, the Town of Cheektowaga has supported the Meals on Wheels Program for over twenty years, AND

WHEREAS, we are presently serving over 350 elderly residents daily with two homebound delivered meals, NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga will present a grant of \$31,000.00 for the year 2004 to ensure the continuity of this program in our Town.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 13 Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

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

MEETING NO. 8
APRIL 19, 2004

Item No. 13 cont'd.

WHEREAS, an application was submitted by the Town of Cheektowaga Law Department for an amendment to the Town Solid Waste Law for the re-implementation of recycling, AND

WHEREAS, the Environmental Advisory Committee recommended a determination of non significance as shown on the attached memorandum April 8, 2004, AND

WHEREAS, this Town Board has reviewed the application submitted and determines that proposed amendment requiring the source separation of recyclable material is beneficial to the environment and is consistent with the State of New York Solid Waste Management Policy priorities by requiring the re-use of material or the recycling of material that can not be reused, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, determines that proposed amendment will not have a significant adverse impact on the environment and 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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 8
APRIL 19, 2004

Item No. 14 Motion by Councilmember Magierski, seconded by Councilmember Johnson

HEREAS, 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 Neil Myers, Architect for 2968690 Canada Inc., for an accessory parking area at 60 Industrial Parkway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of April 8, 2004 is recommending the approval of the site plan subject to the installation additional landscaping, 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 prepared by Silvestri Architects is acceptable, subject to the additional landscaping as recommended by the Town Planning Board.

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

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. 8
APRIL 19, 2004

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

WHEREAS, the New York State Affordable Housing Corporation is accepting applications for grant funding for home improvements programs, AND

WHEREAS, said funds can be used in conjunction with Community Development Block Grant funds to accomplish needed rehabilitation for low-to-moderate income homeowners, AND

WHEREAS, the Town Community Development Office has prepared an application for submission to the State Affordable Housing Corporation for said funds, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to sign said application, and any related documents, and submit same to the New York State Affordable Housing Corporation for a grant of up to \$300,000 for "home improvements" for low-to-moderate income Town homeowners under the Affordable Home Ownership Development Program, as authorized by Section 1113(1) of the Private Housing Finance Law and, BE IT

FURTHER RESOLVED, that a copy of this resolution be forwarded to State Assemblyman Paul Tokasz and State Senator Dale Volker.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

WHEREAS, grant monies are available through Congressman Jack Quinn to assist with the establishment of a fitness program at the Town's Senior Citizen Center, AND

WHEREAS, the Town of Cheektowaga Senior Citizen Center seeks grant monies to retain instructors and purchase various equipment necessary to offer fitness programs to senior citizens, 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 Congressman Jack Quinn and the U.S. Department of Health and Human 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. 16c Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, grant monies are available through the Erie County Public Benefit Fund via Legislator Timothy Wroblewski to purchase and install playground equipment at Dartwood Park, AND

WHEREAS, the Town of Cheektowaga seeks grant monies to improve Dartwood Park, 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

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.

MEETING NO. 8
APRIL 19, 2004

Item No. 16c cont'd.

Upon roll call

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

Item No. 16d Motion by Supervisor Gabryszak, seconded by Councilmember Jaworowicz

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

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

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

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

Upon roll call

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

Item No. 16e Motion by Councilmember Johnson, seconded by Supervisor Gabryszak
Councilmember Swiatek

WHEREAS, the County of Erie presently maintains an internet mapping service throughout the County of Erie, AND

WHEREAS, the County of Erie has offered the Town of Cheektowaga the opportunity to become part of the Erie County Internet Mapping Consortium, AND

WHEREAS, the County of Erie will provide digital basemap files (such as parcels, roads, municipal boundaries, floodplains, wetlands and aerial imagery) for the internet mapping service site, and will host additional digital map files provided by the Town of Cheektowaga for inclusion in this site, AND

WHEREAS, the Town's participation in the Erie County Internet Mapping Consortium is very important to the Town in terms of economic development and infrastructure management, AND

WHEREAS, there are no costs associated with this service at this time; future annual maintenance costs will be negotiated in the future, AND

WHEREAS, the Town of Cheektowaga can withdraw from this service at any time, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga hereby elects to participate in the Erie County Internet Mapping Consortium and, BE IT FURTHER

RESOLVED, that this Town Board hereby requests the Erie County Office of Geographic Information Services to prepare an Internet Mapping Service for the Town of Cheektowaga and publish same on the Internet and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate the above and, BE IT FURTHER

MEETING NO. 8
APRIL 19, 2004

Item No. 16e cont'd.

RESOLVED, that the Town Clerk be and hereby is directed to forward a certified copy of this resolution to Dale J. Morris, GISP, Director of the Office of Geographic Information Services for the County of Erie, 95 Franklin Street, Room 1015, Buffalo, New York 14202.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 16f Authorize Supervisor to Execute License Agreement with CATCO
This item was withdrawn.

Item No. 17 Motion by Councilmember Jankowiak, seconded by Councilmember Magierski

RESOLVED, that the attached amended Personnel Policy for Exempt Employees be and hereby is adopted effective immediately and, BE IT FURTHER

RESOLVED, that this amended Personnel Policy for Exempt Employees shall replace all other existing Personnel Policies for Exempt Employees.

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. 8
APRIL 19, 2004

Item No. 18 Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, Lawrence Kowal, has requested a one (1) year leave of absence from his position of Working Crew Chief in the Highway Department, AND

WHEREAS, Mr. Kowal has made this request as a result of his appointment to the position of Deputy Highway Superintendent, 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 Lawrence Kowal effective April 5, 2004.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 19a Motion by Councilmember Jankowiak, seconded by Unanimous Councilmember Magierski

WHEREAS, a vacancy exists in the position of Coordinator of Employee Relations, AND

WHEREAS, such position was duly advertised, AND

WHEREAS, this Town Board reviewed applications and conducted interviews for this position, AND

WHEREAS, pursuant to paragraph seven (7) of the Residency Law of the Town of Cheektowaga, this Town Board has determined that by reason of special skills, aptitude and expertise, an appropriate appointment cannot be made to fill the position of Coordinator of Employee Relations with a domiciliary in the Town of Cheektowaga, AND

WHEREAS, Anthony M. Romano applied for said position and meets all the requirements, NOW THEREFORE, BE IT

RESOLVED, that Anthony M. Romano of [REDACTED] East Amherst, New York 14051, be and hereby is appointed to the position of Coordinator of Employee Relations effective April 26, 2004, at an annual salary of \$70,000 and, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Anthony M. Romano be and hereby is ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of this Town Board Resolution.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 19b Motion by Councilmember Jankowiak, seconded by Councilmember Mazur

WHEREAS, on June 16, 2003 pursuant to New York State Department of Transportation regulations this Town Board designated a "Drug Enforcement Representative" along with an alternate, AND

WHEREAS, Beth A. Lipczynski was designated the Town's "Drug Enforcement Representative" and Michelle A. Gaj was designated the Town's alternate "Drug Enforcement Representative" in the event of Ms. Lipczynski's absence, AND

WHEREAS, the Town has appointed a Coordinator of Employee Relations effective April 26, 2004, NOW, THEREFORE BE IT

MEETING NO. 8
APRIL 19, 2004

Item No. 19b cont'd.

RESOLVED, that Coordinator of Employee Relations Anthony Romano be and hereby is designated the Town's "Drug Enforcement Representative" effective April 26, 2004 and, BE IT FURTHER

RESOLVED, that Beth A. Lipczynski, Administrative Clerk in the Personnel Department, be and hereby is designated the Town's alternate "Drug Enforcement Representative" in the event of Mr. Romano's absence effective April 26, 2004.

Upon roll call

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

Item No. 19c Motion by Councilmember Jankowiak, seconded by Unanimous

WHEREAS, Erie County Civil Service law stipulates that the Town must appoint an "Appointing Authority" to perform various functions, including the completion and execution of various official personnel forms, personnel changes and reports, AND

WHEREAS, the Personnel Department has been performing these functions and is the proper office in the Town's departmental structure for these functions, NOW, THEREFORE BE IT

RESOLVED, that Coordinator of Employee Relation Anthony M. Romano, be and hereby is designated the Town of Cheektowaga's "Appointing Authority" effective April 26, 2004, and that a copy of this resolution be forwarded to the Commissioner of the Erie County Personnel Department.

Upon roll call

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

Item No. 19d Motion by Councilmember Jankowiak, seconded by Councilmember Magierski
Councilmember Johnson

WHEREAS, by resolution, this Town Board appointed Lisa-Marie Bolognese to the position of Municipal Records Manager on a provisional basis, pending the establishment of a valid civil service list for said position, AND

WHEREAS, said civil service list has been established by the Erie County Department of Civil Service, AND

WHEREAS, Lisa-Marie Bolognese is eligible for permanent appointment from said civil service list, NOW, THEREFORE BE IT

RESOLVED, that Lisa-Marie Bolognese of [REDACTED], Depew, New York 14043 be and hereby is permanently appointed to the position of Municipal Records Manager effective April 20, 2004.

Upon roll call

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

Item No. 19e Motion by Councilmember Jankowiak, seconded by Councilmember Magierski

WHEREAS, a temporary vacancy exists in the position of Clerk in the Accounting Department, AND

WHEREAS, said vacancy is for no more than thirty (30) days, AND

Item No. 19e cont'd.

WHEREAS, Jennifer Behringer, currently employed as a part-time Clerk in the Accounting Department, meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Jennifer Behringer of [REDACTED], Depew, New York 14043 be and hereby is appointed to the temporary position of Clerk in the Accounting Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 15, 2004.

Upon roll call

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



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTION, ITEM 20, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



V. SUSPENSION OF RULES

Item No. 20 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 Civil Service Laws and Rules as well as 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>SENIOR SERVICES – Recreation Attendant - \$7.25 per hour</u> | |
| Norma Hoffman [REDACTED], Cheektowaga 14227 | 4/20/04 |
| <u>PARKS DIVISION – Laborer - \$6.50 per hour</u> | |
| James M. Kolbert [REDACTED], Cheektowaga 14225 | 4/12/04 |
| <u>MIS DEPARTMENT – Computer Support Technician - \$11.28 per hour</u> | |
| Martin Malinowski [REDACTED], Cheektowaga, NY 14225 | 4/29/04 |
| <u>PARKS DIVISION – Laborer - \$6.50 per hour</u> | |
| Timothy D. Stevenson, Sr. [REDACTED], Cheektowaga 14227 | 4/12/04 |

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

| | <u>EFFECTIVE</u> |
|--|------------------|
| <u>MAIN PUMP STATION – Laborer - \$7.50 per hour</u> | |
| Christopher Wszalek [REDACTED] Depew 14043 | 5/18/04-10/18/04 |

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Item No. 20 cont'd.

PARKS DIVISION – Laborer - \$6.50 per hour

| | | |
|----------------|-------------------------------|------------------|
| Daniel Lysiak | [REDACTED], Cheektowaga 14227 | 5/10/04-10/10/04 |
| Erik Cummings | [REDACTED], Depew 14043 | 6/29/04-11/29/04 |
| Matthew Dusing | [REDACTED], Cheektowaga 14206 | 5/09/04-10/09/04 |

PARKS DIVISION – Laborer - \$7.00 per hour

| | | |
|------------------|--------------------------------|------------------|
| Derek Wiech | [REDACTED], Cheektowaga 14227 | 5/04/04-10/04/04 |
| Adam Mez | [REDACTED], Cheektowaga, 14227 | 5/11/04-10/11/04 |
| Jeffrey Smietana | [REDACTED], Cheektowaga 14227 | 5/11/04-10/11/04 |
| Nicholas Schanne | [REDACTED], Cheektowaga 14227 | 5/18/04-10/18/04 |
| James Rogowski | [REDACTED], Depew 14043 | 6/28/04-11/28/04 |
| Jeffrey Rogowski | [REDACTED], Sloan 14212 | 6/28/04-11/28/04 |
| Michael Slawek | [REDACTED], Cheektowaga 14225 | 5/05/04-10/05/04 |
| Adam Nowicki | [REDACTED], Cheektowaga 14227 | 5/11/04-10/11/04 |
| Justin Tricoli | [REDACTED], Cheektowaga 14227 | 4/14/04-09/14/04 |

PARKS DIVISION – Laborer - \$10.50 per hour

| | | |
|---------------|-------------------------------|-----------------|
| Walter Gordon | [REDACTED], Cheektowaga 14206 | 4/26/04-9/26/04 |
|---------------|-------------------------------|-----------------|

SANITATION DEPARTMENT – Laborer - \$7.50 per hour

| | | |
|------------------|-------------------------------|------------------|
| Mohamed Almorabi | [REDACTED], Depew 14043 | 5/03/04-10/03/04 |
| Kevin Menchini | [REDACTED], Cheektowaga 14206 | 5/03/04-10/03/04 |
| Kenneth Piatek | [REDACTED], Cheektowaga 14212 | 5/03/04-10/03/04 |
| Michael Full | [REDACTED], Cheektowaga 14227 | 5/03/04-10/03/04 |

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

EFFECTIVE

PARKS DIVISION

| | |
|------------------------|---------|
| Charles Gies | 4/07/04 |
| Timothy Stevenson, Sr. | 4/05/04 |

MIS DEPARTMENT

| | |
|--------------|---------|
| Andrew Meade | 4/28/04 |
|--------------|---------|

Upon roll call

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

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

BE IT RESOLVED that the following individuals be and hereby are hired as indicated, effective April 20, 2004, (regular Part-Time):

Basketball - 7140.1815

Recreation Attendant - \$5.15

James Morganstern
[REDACTED]
Cheektowaga, New York 14206

Gymnastics – 7140.1630

Recreation Attendant - \$5.15

Shauna Krege
[REDACTED]
Cheektowaga, New York 14225

Upon roll call

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

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

BE IT RESOLVED that the individual listed below be and hereby is transferred in the Department of Parks, Recreation & Youth Services, effective April 20, 2004 (regular Part-Time):

Administrative Intern – 7310.1804

Recreation Attendant - \$7.00

Alicia Wyzykowski

BE IT FURTHER RESOLVED that the individual listed below be and hereby is terminated, effective immediately:

Joe Bender
(Part-Time)

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 Magierski

WHEREAS, Class Information Systems Class Conference Victoria 2004 is being held from May 26, 2004 through May 29, 2004 in Victoria, British Columbia, Canada, AND

WHEREAS, Director of Administration and Finance Brian Krause has requested authorization for Network Coordinator Mark Orzechowski and Recreation Supervisor Paul Marchewka to attend said conference, AND

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

WHEREAS, the total cost to the Town shall not exceed \$4,000, AND

WHEREAS, these expenses have been budgeted by the MIS Department, NOW, THEREFORE, BE IT

RESOLVED, that Network Coordinator Mark Orzechowski and Recreation Supervisor Paul Marchewka be and hereby are authorized to attend the Class Information Systems Class Conference Victoria 2004 from May 26, 2004 through May 29, 2004 in Victoria, British Columbia, Canada.

Upon roll call

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

NAYES: 0

ABSENT: 0

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

BE IT RESOLVED, that the law firm of Devorsetz Stinziano Gilberti Heintz & Smith, P.C. is hereby retained by the Town to act as outside counsel.

Upon roll call

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

NAYES: 0

ABSENT: 0

III. DEPARTMENTAL COMMUNICATIONS

Item No. 25 Town of Cheektowaga Emergency Services Quarterly Report (January – March 2004)
Received and Filed.

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Item No. 26a Minutes of Cheektowaga Safety Commission – March 16, 2004
Received and Filed.

Item No. 26b Minutes of Cheektowaga Conservation Advisory Council – April 1, 2004
Received and Filed.

Item No. 26c Minutes of Town Environmental Advisory Committee – April 7, 2004
Received and Filed.

IV. GENERAL COMMUNICATIONS

Item No. 27 Correspondence: Letter from Depew/Cheektowaga Taxpayers Association, Inc.
Regarding Truck Routes
Received and Filed.

Item No. 28 Request to Speak: Jeff Teufel (Pebble Creek Condominium Association – Proposed
Tax Bill Legislation)
Received and Filed.



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

Upon roll call

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



V. SUSPENSION OF RULES

Item No. 29 Motion by Supervisor Gabryszak, seconded by Councilmember Magierski

WHEREAS, the NYS Office of General Services (“OGS”) previously bid out and
awarded an enterprise agreement with Microsoft for the purchase of software licenses (OGS
Agreement #018381), AND

WHEREAS, OGS has agreed to permit the Town of Cheektowaga to purchase
computer software licenses from Microsoft through its State contract, AND

WHEREAS, the Town of Cheektowaga Management Information Services Office has
recommended that the Town enter into an Enterprise Agreement with Microsoft through the OGS
agreement, AND

WHEREAS, by entering into an Enterprise Agreement with Microsoft through OGS, the
Town will be able to license one or more of Microsoft’s platform products across our enterprise to
ensure that our entire enterprise will be licensed, AND

WHEREAS, it is estimated that the Town’s enrollment in this program will save the
Town tens of thousands of dollars this year, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby opts to participate in the Enterprise
Agreement license program with Microsoft through the OGS agreement and, BE IT FURTHER

RESOLVED, that the Director of the MIS Department be and hereby is authorized to
order enrollments under this agreement for use by various Town departments and, BE IT FURTHER

MEETING NO. 8
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Item No. 29 cont'd.

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to enter into the aforementioned Enterprise Agreement with Microsoft through OGS, subject to approval by the Town Attorney's office and, BE IT FUTHER

RESOLVED, that moneys for the purchase of the aforementioned software licenses shall be appropriated from budget line item number 100-1680-4321.

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 30 Motion by Councilmember Jankowiak, seconded by Councilmember Magierski to adjourn this meeting in memory of John Terranova, owner of Niagara Candy.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 9
MAY 3, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 3rd day of May 2004 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 Administration and Finance; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Anthony Romano, Coordinator of Employee Relations; Christine Ziemba, Chief of Police; Captain Glascott and Salvatore LaGreca, Planning Board Chairman.

I. RESOLUTIONS

Item No. 2a Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

2003

SPECIAL DISTRICTS FUND

| | | |
|-------|--------------------------------------|-------------|
| FROM: | 150-8160-4160 Diesel Fuel | \$ 9,308.00 |
| | 990-5182-4432 Repairs & Maintenance | 2,918.00 |
| | 400-8140-4432 Repairs & Maintenance | 1,447.00 |
| | 255-8125-4353 Erie Co. Sewer Dist. 4 | 16,913.00 |
| | 610-8351-4339 Hydrant Rental | 287.00 |
| | 620-8352-4339 Hydrant Rental | 217.00 |
| | 630-8353-4339 Hydrant Rental | 147.00 |
| | 680-8358-4339 Hydrant Rental | 47.00 |

| | | |
|-----|------------------------------------|-------------|
| TO: | 150-8160-4352 Erie Co. Chargebacks | \$ 9,308.00 |
| | 990-5182-4354 Erie Co. Chargebacks | 2,918.00 |
| | 400-8140-4352 Erie Co. Chargebacks | 1,447.00 |
| | 255-8125-4352 Erie Co. Chargebacks | 16,913.00 |
| | 610-8351-4352 Erie Co. Chargebacks | 287.00 |
| | 620-8352-4352 Erie Co. Chargebacks | 217.00 |
| | 630-8353-4352 Erie Co. Chargebacks | 147.00 |
| | 680-8358-4352 Erie Co. Chargebacks | 47.00 |

HIGHWAY FUND

| | | |
|-------|------------------------------------|-------------|
| FROM: | 300-5110-4178 Blacktop | \$ 4,249.00 |
| TO: | 300-5110-4352 Erie Co. Chargebacks | \$ 4,249.00 |

UPON ROLL CALL:

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

NAYES: 0

ABSENT: 0

MEETING NO. 9
MAY 3, 2004

Item No. 2b Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

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

2004

SPECIAL DISTRICTS FUND

| | | |
|---------------------|-----------------------|---------------|
| FROM: 150-1910-4711 | Contingency | \$ 217,000.00 |
| TO: 150-8173-4444 | Recycling Fees | \$ 200,000.00 |
| 150-8173-4431 | Repairs & Maintenance | 17,000.00 |

UPON ROLL CALL:

AYES: Supervisor Gabryszak; Councilmember Jaworowicz, Johnson, Swiatek, Jankowiak, Mazur and Magierski
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 April 30, 2004 are hereby approved and made a part hereof;

| | |
|----------------------------|-------------------|
| GENERAL FUND | \$ 2,813,974.39 |
| RISK RETENTION FUND | 140,081.71 |
| HUD HOUSING REHABILITATION | 6,848.68 |
| SPECIAL DISTRICTS FUND | 963,032.84 |
| HIGHWAY FUND | 617,214.61 |
| TRUST & AGENCY | 9,688.27 |
| HUD CDBG FUND | 2,471.50 |
| PART TOWN FUND | 96,461.71 |
| CAPITAL FUND | <u>150,938.71</u> |
| | \$ 4,800,712.42 |

UPON ROLL CALL:

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

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

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

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

RESOLVED, that the contract for the furnishing of five (5) 2004 Ford Crown Victoria marked police vehicles be awarded to Delacy Ford, 3061 Transit Rd., Elma, NY 14059; said vendor meeting all set bidding conditions of the specifications, AND, BE IT FURTHER

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

UPON ROLL CALL:

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

MEETING NO. 9
MAY 3, 2004

Item No. 4b Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, sealed bids were received for Athletic White Stripe on April 14, 2004 at a meeting held for said purpose, AND

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

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

Keystone Builders Supply, Inc.
4388 Broadway St.
Depew, NY 14043

Athletic White Stripe at \$.0548 per lb.

UPON ROLL CALL:

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

Item No. 4c Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on April 14, 2004 at a meeting held for said purpose, AND

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

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

Alden Pools, Inc.
12890 Broadway
Alden, NY 14004

Category I- Bromine - FOR - \$2.34 per lb.

Bison Laboratories, Inc.
100 Leslie Street
Buffalo, NY 14211
- FOR -

Category II - Diatomaceous Earth - \$.22 per lb.
Category III - Sodium Bicarbonate- \$.27 per lb.
Category IV Soda Ash - \$.25 per lb.

UPON ROLL CALL:

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

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

WHEREAS, this Town Board invited sealed bids for one (1) 2004 model 4-wheel drive SUV/Truck, AND

WHEREAS, bids were received and opened at a public bid opening held on April 21, 2004 at 11:00 AM and said proposals were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

MEETING NO. 9
MAY 3, 2004

Item No. 4d Cont'd.

RESOLVED, that after said analysis, tabulation and report, it has been recommended that the bid for one (1) 2004, 4-wheel drive SUV/Truck be and hereby is awarded to Delacy Ford, 3061 Transit Road, Elma, New York 14059 in the amount of \$22,065.00, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #1640-2502-0000.

UPON ROLL CALL:

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

Item No. 4e Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

WHEREAS, in accordance with the policies and procedures adopted by the Cheektowaga Town Board for the procurement of goods and services, the Department of Parks, Recreation & Youth Services solicited proposals for transportation for its 2004 summer camp programs, AND

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

WHEREAS, Laidlaw Transit has submitted the lowest responsible quotation for the provision of bus transportation services, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby awards the contract for the provision of bus transportation at a cost of \$5,050.00 for the Department of Parks, Recreation & Youth Services' day camp programs to:

--Laidlaw Transit
301 Cayuga Road
Suite 200
Buffalo, New York 14225

UPON ROLL CALL:

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

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

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 the adoption of an amendment to the Zoning Law regarding the front yard setback for front porches in the R-Residence District, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on April 7, 2004 recommended a determination of non significance as shown in the attached memorandum dated April 8, 2004, AND

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MAY 3, 2004**

Item No. 5 Cont'd.

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the Zoning Law amendment, 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.

UPON ROLL CALL:

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

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 9
MAY 3, 2004**

Item No. 6a Motion by Councilmember Magierski; Seconded by Councilmember Jaworowicz and Councilmember Johnson

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

WHEREAS, the Zoning Board of Appeals, Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact a revision with respect to the front yard setback for unenclosed front porches, by adding the following subsection:

"260-28(a)(5). Front yard setbacks for unenclosed porches. In the R-Residence Zoning District, unenclosed porches may extend a maximum of seven (7) feet into the required front yard, but in no case shall such extension be allowed to be closer than eighteen (18) feet to a front property line;"

and by adding the following definition to Section 260-88:

"UNENCLOSED PORCH - a deck with or without a roof or railing protection, and no enclosing elements such as insect screening or weather protection." AND

WHEREAS, a draft of such amendment has been prepared by the Town Attorney's Office, AND

WHEREAS, a public hearing was held on the 19th day of April, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend A Local Law Relating to Zoning", AND

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 2004, entitled "A Local Law to Amend a Local Law Relating to Zoning", on file with the Town Clerk's Office, 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 her office and one (1) certified copy with the Secretary of State, and BE IT FURTHER

RESOLVED, that Local Law No. 3 of the Year 2004 shall take effect immediately upon filing with the Secretary of State.

UPON ROLL CALL:

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

NAYES: 0

ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 9
MAY 3, 2004**

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

WHEREAS, there is a need for the Town of Cheektowaga to increase the local annual dog license fees under the Town Dog Ordinance (Chapter 58 of the Code of the Town of Cheektowaga) to reflect increases in the Town's costs for licensing, enforcement and impounding, AND

WHEREAS, Section 110 of the New York State Agriculture & Markets Law authorizes towns to charge local license fees of up to ten dollars (\$10.00), AND

WHEREAS, it is proposed that the local dog license fee be increased from \$5.00 to \$10.00, AND

WHEREAS, amendments to Chapter 58 of the Code of the Town of Cheektowaga have been drafted to increase these fees, AND

WHEREAS, in accordance with the provisions of the Town Law of the State of New York, a public hearing was held on the 19th day of April, 2004 at 7:00 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, at which hearing all parties in interest and citizens had an opportunity to be heard, AND

WHEREAS, it is in the public interest to so amend the Dog Ordinance, NOW, THEREFORE, BE IT

RESOLVED that ARTICLE II, License Fees, Section 58-8, Local fees enumerated, subsection A., shall be amended to read as follows:

§58-8. Local fees enumerated.

5. Pursuant to §110, Subdivision 4, of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$10 for each dog license issued by the Town of Cheektowaga, New York, will be added to the license fees established by §110, Subdivision 1, of the Agriculture and Markets Law, such fees being as follows:

| Type of Dog | State Fee | Additional State Fee | Local Fee | Total Fee |
|-------------------------|-----------|----------------------|-----------|-----------|
| Neutered and Spayed | \$2.50 | | \$10.00 | \$12.50 |
| Unneutered and unspayed | \$7.50 | \$3.00 | \$10.00 | \$20.50 |

Dogs owned by one or more persons each of whom is sixty-five years of age or over, shall be exempt from 50% of the local fees listed above.

And BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on May 3, 2004; and that a certified copy thereof be published in the CHEEKTOWAGA TIMES, a newspaper published in the Town of Cheektowaga and having a general circulation therein, and the affidavit of such publication shall be filed with the Town Clerk.

UPON ROLL CALL:

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

AFFIDAVIT – NEXT PAGE

MEETING NO. 9
MAY 3, 2004

Item No. 7 This item was acted on at the end of the meeting after Executive Session.

Item No. 8 Motion by Councilmember Swiatek; Seconded by Councilmember Mazur

WHEREAS, the Town of Cheektowaga presently has Public Employee Dishonesty/Faithful Performance insurance coverage through Fidelity and Deposit Company, AND

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, has solicited quotations from various companies for the renewal of this insurance, AND

WHEREAS, Holfoth Risk Management has recommended that the Town continue its Public Employee Dishonesty/Faithful Performance insurance with Fidelity and Deposit Company, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga, pursuant to the Town Law and Section 11(2) of the Public Officers law, hereby approves the Public Employee Dishonesty/Faithful Performance insurance coverage, effective March 31, 2004 through March 30, 2005, offered by Fidelity and Deposit Company, a surety company authorized to conduct business in the State of New York covering:

all Town officers and employees with a limit of \$100,000
Excess Limits of \$200,000 for the positions of Supervisor, Deputy Supervisor, Receiver of Taxes and the Director of Administration and Finance
Police Department with a limit of \$10,000 per loss and excess limits of \$90,000 per loss
Forgery or Alteration with limits of \$100,000.
And BE IT FURTHER

RESOLVED, that the expense of the aforementioned coverage, \$6,924.00, shall be a charge against Town of Cheektowaga account number 101-1710-4101.

UPON ROLL CALL:

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

Item No. 9 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)/attendants(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; Councilmember Jaworowicz, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0

*SEE NEXT PAGE FOR ATTACHMENT

MEETING NO. 9
MAY 3, 2004

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

WHEREAS, the contract covering the furnishing of equipment and operators for mowing the detention basins and the Pfohl Landfill was previously awarded by Town Board resolution dated May 19, 2003, AND

WHEREAS, Niagara Grass has notified the Town that it cannot complete the contract covering 2004 and 2005, AND

WHEREAS, it is in order to re-bid and re-advertise for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill for a three (3) year contract covering 2004, 2005 and 2006, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 19th day of May, 2004 at 11:00 A.M., at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on May 19, 2004 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill in the Town of Cheektowaga for a three (3) year contract covering 2004, 2005 and 2006.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Mowing" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

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

Mary F. Holtz
Town Clerk

Dated: May 3, 2004

UPON ROLL CALL:

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

AFFIDAVIT – NEXT PAGE

**MEETING NO. 9
MAY 3, 2004**

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

Whereas, the NYS Office of Children and Family Services has approved the 2004 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; Councilmember Jaworowicz, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0

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

WHEREAS, Walden Fire District No. 2 has requested permission from the Town of Cheektowaga to purchase fuel (gasoline and diesel) from the Town; AND

WHEREAS, an Agreement for Purchasing Fuel (Gas and Diesel) has been prepared by the Town Attorney's Office, a copy of which is annexed hereto; AND

WHEREAS, the Town's fuel pumps located at the Town's Central Garage will be utilized by Walden Fire District No. 2 for the purposes of fueling the fire trucks owned by them pursuant to the terms and conditions of said Agreement; NOW THEREFORE, BE IT

RESOLVED, that the Agreement For Purchasing Fuel (Gas & Diesel) between the Town of Cheektowaga and Walden Fire District No. 2 is hereby approved, effective as of the 4th day of May 2004; AND BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement for Purchasing Fuel (Gas & Diesel), subject to approval by the Town Attorney's Office.

UPON ROLL CALL:

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

*SEE NEXT PAGE FOR ATTACHMENT

**MEETING NO. 9
MAY 3, 2004**

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

WHEREAS, the Department of Parks, Recreation and Youth Services' Youth Engaged in Service (Y.E.S.) program has requested permission to conduct an overnighter for their Advisory Board on June 29, 2004 in the Alexander Community Center, AND

WHEREAS, Article 48-12 of the Code of the Town of Cheektowaga states that "All parks shall be closed, except for use of driveways therein, between the hours of sunset and sunrise the following morning, and no person shall lounge about or remain in any of the parks during the hours when so closed," NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board permit a waiver of Article 48-12 of the Code of the Town of Cheektowaga, and that said waiver be extended to the Parks, Recreation and Youth Services' Department's Y.E.S. Program, AND BE IT FURTHER

RESOLVED that a copy of said resolution be forwarded to the Chief of Police and the Parks Division.

UPON ROLL CALL:

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

Item No. 13a Motion by Councilmember Mazur; Seconded by Councilmember Johnson

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

WHEREAS, the Cheektowaga Patriotic Commission has made application to hold its Independence Day Celebration in Cheektowaga Town Park from July 3-4, 2004; AND

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

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

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

THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Patriotic Commission for the aforementioned Independence Day celebration to be held on July 3-4, 2004, AND BE IT FURTHER

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

UPON ROLL CALL:

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

**MEETING NO. 9
MAY 3, 2004**

Item No. 13b 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, Cleve-Hill Baseball, Inc., has made application to hold its Opening Day Baseball Parade on Saturday, May 15, 2004, commencing at 10:00 A.M.; said parade route to start at the Cleveland Hill School parking lot to Gilmore, then to Mapleview, then to Cleveland Drive, then south on Harlem Road, east on Huth Road, and then back into school grounds by way of the tennis courts; AND

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Requirement that application be made at least 60 days prior to the date of the special event;
4. Submittal of Security Plan;
5. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of Cleve-Hill Baseball, Inc., for the aforementioned Parade to be held on May 15, 2004, 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; Councilmember Jaworowicz, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0

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

BE IT RESOLVED, the Town Board hereby create the following positions pursuant to Civil Service Laws and Rules effective May 3, 2004:

| <u>POSITION</u> | <u>NUMBER CREATED</u> |
|---------------------------------|-----------------------|
| Recreation Attendant (Seasonal) | 125 |

UPON ROLL CALL:

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

Item No. 15 Motion by Councilmember Jankowiak; Seconded by Councilmember Magierski

WHEREAS, by resolution this Town Board appointed Jennifer Behringer to the temporary position of Clerk in the Accounting Department; AND

WHEREAS, said vacancy was for no more than thirty (30) days; NOW, THEREFORE, BE IT

MEETING NO. 9
MAY 3, 2004

Item No. 15 Cont'd.

RESOLVED, that Jennifer Behringer of [REDACTED], Depew, New York 14043, be and hereby return to the part-time position of Clerk in the Accounting Department at the hourly rate of \$7.75 effective May 15, 2004.

UPON ROLL CALL:

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



A MOTION WAS MADE BY COUNCILMEMBER JANKOWIAK; SECONDED BY COUNCILMEMBER MAZUR TO WAIVE THE READING OF NAMES FOR ITEMS 16, 17 AND 18 AND THE VOTING WENT AS FOLLOWS:

UPON ROLL CALL:

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



Item No. 16 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, the following individuals were hired as SEASONAL EMPLOYEES at the April 19, 2004 Town Board meeting effective May 3, 2004; AND,

WHEREAS, the effective date needs to be amended; THEREFORE, BE IT

RESOLVED, the SEASONAL EMPLOYEES be and hereby are hired as follows:

| | | <u>EFFECTIVE</u> |
|--|-------------------------------|-------------------|
| <u>SANITATION DEPARTMENT – Laborer - \$7.50 per hour</u> | | |
| Mohamed Almorabi | [REDACTED], Depew 14043 | 4/26/04 - 9/26/04 |
| Kevin Menchini | [REDACTED], Cheektowaga 14206 | 4/26/04 - 9/26/04 |
| Kenneth Piatek | [REDACTED], Cheektowaga 14212 | 4/26/04 - 9/26/04 |
| Michael Full | [REDACTED], Cheektowaga 14227 | 4/26/04 - 9/26/04 |

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

| | | <u>EFFECTIVE</u> |
|---|-------------------------------|------------------|
| <u>PARKS DIVISION – Laborer - \$6.50 per hour</u> | | |
| Roger A. Arne | [REDACTED], Cheektowaga 14225 | 5/06/04 |

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

| | | <u>EFFECTIVE</u> |
|---|-------------------------------|--------------------|
| <u>SEWER MAINTENANCE DEPARTMENT – Laborer - \$7.00 per hour</u> | | |
| Christopher P. Buczek | [REDACTED], Cheektowaga 14206 | 5/10/04 - 10/10/04 |

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Item No. 16 Cont'd.

| | | |
|-----------------------|-------------------------------|--------------------|
| Jeremy R. Buczek | [REDACTED], Cheektowaga 14206 | 5/10/04 - 10/10/04 |
| Brandon J. Hill | [REDACTED], Cheektowaga 14225 | " |
| Nathan Hill | [REDACTED], Cheektowaga 14225 | " |
| Eric T. Kujawa | [REDACTED], Cheektowaga 14225 | " |
| Michael D. O'Sullivan | [REDACTED], Cheektowaga 14227 | " |
| Timothy J. Olewniczak | [REDACTED], Cheektowaga 14225 | " |
| David V. Profic, Jr. | [REDACTED], Cheektowaga 14225 | " |
| Sean F. Ross | [REDACTED], Cheektowaga 14206 | " |

PARKS DIVISION – Laborer - \$6.50 per hour

| | | |
|-----------------|-------------------------------|--------------------|
| Travis Geyer | [REDACTED], Cheektowaga 14225 | 5/05/04 - 10/05/04 |
| Steven Adamski | [REDACTED], Cheektowaga 14225 | 5/05/04 - 10/05/04 |
| Jason Wartinger | [REDACTED], Cheektowaga 14225 | 5/05/04 - 10/05/04 |
| Jeffrey McGill | [REDACTED], Cheektowaga 14227 | 5/18/04 - 10/18/04 |

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

EFFECTIVE

PARKS DIVISION

| | |
|----------------|---------|
| Justin Tricoli | 4/14/04 |
|----------------|---------|

UPON ROLL CALL:

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

Item No. 17 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

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

Cheektowaga Conservation Corps
Laborers - 7310.1816

Level I - \$5.15

| | | |
|---------------------|------------|-------|
| Daniel Elliott | [REDACTED] | 14043 |
| Chantel Cheatom | [REDACTED] | 14215 |
| Stephen Gospodarski | [REDACTED] | 14215 |
| Amanda Cendrowski | [REDACTED] | 14212 |
| Steven Klein | [REDACTED] | 14227 |
| Matthew Machtel | [REDACTED] | 14215 |
| Jillian Mertz | [REDACTED] | 14227 |
| Brett Mikoll | [REDACTED] | 14225 |
| Ryan Szczygiel | [REDACTED] | 14225 |
| Jeff Kaluzny | [REDACTED] | 14227 |
| Joey Zelasko | [REDACTED] | 14227 |

Level II - \$5.40

| | | |
|-------------------|------------|-------|
| Andrew Hall | [REDACTED] | 14225 |
| John Kruse | [REDACTED] | 14206 |
| David Yates | [REDACTED] | 14225 |
| Michelle Bane | [REDACTED] | 14227 |
| Timothy Zielinski | [REDACTED] | 14227 |

Level III - \$5.65

| | | |
|----------------|------------|-------|
| Mark Puto, Jr. | [REDACTED] | 14043 |
| Andrew Kaun | [REDACTED] | 14225 |

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Item No. 17 Cont'd.

UPON ROLL CALL:

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

Item No. 18 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

BE IT RESOLVED that the following individuals be and hereby are transferred and/or upgraded in the Department of Parks, Recreation & Youth Services, effective immediately (regular part-time):

Rec. Attendant II - \$5.40

Gwen Graser
Melissa Hale
Zachary Smith

Laborer (Participant) - \$5.40

Michael Orlowski (7310.1816)

Rec Attendant III - \$5.65

Darlene Bigos
Maegen Brown
Michael Collins
Samantha Cycon
Dwayne Gaczewski
Matthew Gaczewski
Jeffrey Gmerek
Amanda Wyzykowski

Rec. Attendant IV - \$5.90

James Neyerlin

Rec Attendant V - \$6.15

Laura Brown
Gregory Fischer

Rec. Attendant VI - \$6.40

Justin Lelonek
Jessica Porter
Lisa Wnuk

Rec Attendant VII - \$6.65

Debbie Garrison
Jenelle Kostran
Nicole Neyerlin

Rec Attendant VIII - \$6.90

Andrea Deuser
Robert Halter

Rec Attendant X - \$7.40

Andrea Ketterl
Joelle Pantling
Bradley Walters

Rec. Attendant XI - \$7.65

Scott Gretch
Craig Mahalic

BE IT RESOLVED that the following individuals be and hereby are upgraded, effective immediately (part-time):

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Item No. 18 Cont'd.

Rec Attendant III - \$5.65
Jennifer Dunkleman

Rec.Attendant VIII - \$6.90
Kim Godzich

Rec. Supervisor XIV - \$9.65
Amy Pruski

BE IT FURTHER RESOLVED that the following individuals be and hereby are transferred to regular part-time, effective immediately:

Amanda Kostran
Camille Russell
Mary Beth Seivert
Laila Desjardins
Ann Sheldon

UPON ROLL CALL:

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

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

WHEREAS, a vacancy exists in the title of Automotive Mechanic in the Sewer Maintenance Department; AND

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

WHEREAS, Bernard Kotarski, currently employed as a Sewer Maintenance Worker in the Sewer Maintenance Department, bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Bernard Kotarski of [REDACTED], Holland, New York 14080, be and hereby is appointed to the position of Automotive Mechanic in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 4, 2004.

UPON ROLL CALL:

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

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

WHEREAS, a vacancy exists in the title of Building Maintenance Mechanic in the Sewer Maintenance Department; AND

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

WHEREAS, Michael Gange, currently employed as a Senior Sewer Maintenance Worker in the Sewer Maintenance Department, bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Michael Gange of [REDACTED], Cheektowaga, New York 14227, be and hereby is appointed to the position of Building Maintenance Mechanic in the Sewer

MEETING NO. 9
MAY 3, 2004

Item No. 19b Cont'd.

Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 4, 2004.

UPON ROLL CALL:

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

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

WHEREAS, a training program is being held in Chautauqua, NY from June 2-4, 2004 regarding Asset Forfeiture and Financial Investigation Techniques.

WHEREAS, Chief Christine Ziemba is requesting authorization to send Captain Thomas Rowan and Detective Russ Paul to this training. This program will provide techniques available in conducting money laundering investigations, financial interviewing and recording, the USA Patriot Act, and other related asset forfeiture topics. Upon their return they will share information they have gained with other officers and detectives of the department. The Police Department will be responsible for meals, travel expenses, and conference fees amounting to approximately \$372.00 AND, THEREFORE BE IT

RESOLVED, that Capt. Rowan and Det. Paul are authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4085.

UPON ROLL CALL:

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

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

WHEREAS, a training program is being held in Binghamton, NY from May 1-5, 2004 regarding Street Crimes.

WHEREAS, Chief Christine Ziemba is requesting authorization to send Sergeant Michael Sliwinski and Police Officer Val Zimniewicz to this training. This program will provide additional Highway Interdiction training, including sting and surveillance operations, interviews with police informants, and criminals in prison. Upon their return they will share information they have gained with other officers and detectives of the department. The Police Department will be responsible for meals, travel expenses, and conference fees amounting to approximately \$1,236.00 AND, THEREFORE BE IT

RESOLVED, that Sgt. Sliwinski and P.O. Zimniewicz are authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be charged to 100-3120-4085 and 0100-3120-4093.

UPON ROLL CALL:

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



MEETING NO. 9
MAY 3, 2004

II. DEPARTMENTAL COMMUNICATIONS

- Item No. 21 Supervisor's Statement of Funds – March 2004
Received and Filed.
- Item No. 22 Building Permits – April 2004
Received and Filed.
- Item No. 23a Minutes – Town Environmental Advisory Committee – April 21, 2004
Received and Filed.
- Item No. 23b Minutes – Cheektowaga Conservation Advisory Committee – April 24, 2004
Received and Filed.



III. GENERAL COMMUNICATIONS

- Item No. 24 Summons – HSBC Bank (USA) vs. Virginia Deck and Town of Cheektowaga
Received and Filed.
- Item No. 25a Notice of Claim: David R. Battista 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: William K. Beicke 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. 25c Notice of Claim: Shawn Bliss 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: Gaetan DiBiassio 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. 25e Notice of Claim: Kathryn Goller 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. 25f Notice of Claim: David Loffredo 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.

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Item No. 25g Notice of Claim: Roy J. Loffredo 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. 25h Notice of Claim: Rudy Pikuzinski 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. 25i Notice of Claim: Darren A. Powell 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. 25j Notice of Claim: Todd Vogel, Jr. vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Highway and First Niagara Risk Management
Received and Filed.



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

UPON ROLL CALL:

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

NAYES: 0

ABSENT: 0



IV. SUSPENSION OF RULES

Item No. 26 Motion by Councilmember Johnson; Seconded by Supervisor Gabryszak

WHEREAS, the Town was issued a SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4's) through the NYSDEC, which permit requires the development and implementation of a Stormwater Management Program designed to reduce the discharge of pollutants from the Town's storm sewer system, and is required to be fully implemented by January 8, 2008, AND

WHEREAS, an Annual Report of activities completed to achieve measurable goals is required under said permit to be submitted to the NYSDEC, following the receipt of public comment not later than June 1, 2004, AND

WHEREAS, a draft Annual Report has been prepared by the Town Engineer and is available for review and comment in the offices of the Town Engineer and Town Clerk, NOW, THEREFORE, BE IT

RESOLVED, that public comments on the subject Annual Report shall be received until May 19, 2004 for inclusion in the final report to be filed with NYSDEC.

MEETING NO. 9
MAY 3, 2004

Item No. 26 Cont'd.

UPON ROLL CALL:

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



A MOTION WAS MADE BY COUNCILMEMBER MAZUR AND SECONDED BY COUNCILMEMBER JAWOROWICZ TO ENTER INTO EXECUTIVE SESSION AND THE VOTING WENT AS FOLLOWS:

UPON ROLL CALL:

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

AFTER EXECUTIVE SESSION WAS ENDED, ITEM NO. 7 WAS ACTED UPON.



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

WHEREAS, on August 19, 1996, this Town Board adopted a Resolution approving a Payment in Lieu of Taxes (PILOT) Agreement between the Town and Liberty Park Senior, L.P., providing for the grant of a tax exemption accompanied by payments in lieu of taxes for property located at 2911 William Street, Cheektowaga, New York, which agreement was signed on or about the 23rd day of April, 1997, AND

WHEREAS, the parties are desirous of amending said agreement; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Amendment to Payment in Lieu of Taxes Agreement with Liberty Park Senior, L.P., subject to approval by the Town Attorney's Office; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute and deliver on behalf of the Town of Cheektowaga the attached Amendment to Payment in Lieu of Taxes Agreement with Liberty Park Senior, L.P.

UPON ROLL CALL:

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

Item No. 27 A MOTION WAS MADE BY COUNCILMEMBER JOHNSON AND SECONDED BY COUNCILMEMBER MAZUR TO ADJOURN THE MEETING AT 7:45 P.M.

Mary F. Holtz, Town Clerk

**TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 10
MAY 11, 2004**

Item No. 1 At an *Executive Session of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 11th day of May 2004 at 6:00 o'clock P.M. there were:

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

ABSENT: Councilmember Jeff Swiatek

Also present were: Michael Stachowski, Town Attorney, Mary F. Holtz, Town Clerk and Anthony Romano, Coordinator of Employee Relations.



*DURING THIS PUBLIC WORK SESSION OF THE TOWN BOARD A MOTION WAS MADE BY COUNCILMEMBER JOHNSON AND SECONDED BY COUNCILMEMBER JANKOWIAK TO ENTER INTO EXECUTIVE SESSION AS 6:15 P.M. AND THE VOTING WENT AS FOLLOWS:

UPON ROLL CALL:

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



Item No. 2 Motion by Unanimous; Seconded by Unanimous

WHEREAS, a hearing was held pursuant to Section 25-6 of the Code of the Town of Cheektowaga charging Public Safety Dispatcher Wayne A. Wypych with failing to maintain residence within the Town as required by Chapter 25 of the Town Code, AND

WHEREAS, on May 3, 2004 Hearing Officer John M. Curran rendered his Decision, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts and adopts the Hearing Officer's findings and decision in full, AND, BE IT FURTHER

RESOLVED, that the position of Public Safety Dispatcher Wayne A. Wypych is hereby vacated, effective immediately, AND, BE IT FURTHER

RESOLVED, that the employment and services of Public Safety Dispatcher Wayne A. Wypych by the Town of Cheektowaga are hereby terminated, effective immediately.

UPON ROLL CALL:

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



TOWN OF CHEEKTOWAGA
EXECUTIVE SESSION
MEETING NO. 10
MAY 11, 2004

Item No. 3 MOTIONED BY COUNCILMEMBER JANKOWIAK AND SECONDED BY
COUNCILMEMBER JOHNSON TO EXIT THE EXECUTIVE SESSION AT 6:30 P.M.

Mary F. Holtz, Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING 11
MAY 17, 2004**

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 17th day of May, 2004 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 Alice Magierski

ABSENT: Councilmember Thomas J. Mazur

Also present were: Mary F. Holtz, Town Clerk; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Brian Krause, Director of Administration and Finance; Jerome Gabryszak, Director of Community Development; Christine Ziemba, Chief of Police and Bill 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:

HUD CDBG FUND

| | | | |
|-------|---------------|---------------------|------------|
| From: | 700-1003-0704 | Contingency | \$1,145.75 |
| To: | 700-1003-0603 | Lead Hazard Testing | \$1,145.75 |

Upon roll call

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

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

BE IT RESOLVED, that the following Vouchers and Warrants submitted to the Town of Cheektowaga prior to May 14, 2004 are hereby approved and made a part hereof:

| | |
|----------------------------|-------------------|
| GENERAL FUND | \$2,144,287.06 |
| RISK RETENTION FUND | 126,605.41 |
| DEBT SERVICE FUND | 536,587.50 |
| HUD HOUSING REHABILITATION | 11,596.94 |
| SPECIAL DISTRICTS FUND | 792,210.74 |
| HIGHWAY FUND | 456,902.29 |
| TRUST & AGENCY | 34,856.78 |
| HUD CDBG FUND | 3,104.22 |
| PART TOWN FUND | 69,720.83 |
| CAPITAL FUND | <u>122,886.13</u> |
| | \$4,298,757.90 |

Upon roll call

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

MEETING NO. 11
MAY 17, 2004

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

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 June 7, 2004 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 20th day of May, 2004, 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 June 7, 2004 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:

ARTICLE V, Schedules, Section 235-55, Schedule XVI. No Parking Certain Hours, shall be amended by deleting there from the following:

MEADOWBROOK PARKWAY – West side: from the north curblineline of Clinton Street to a point 315 feet north, school days, 7:00 a.m. to 4:00 p.m.

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

Dated: May 17, 2004

MARY F. HOLTZ
Town Clerk



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

AFFIDAVIT - NEXT PAGE(S)

MEETING NO. 11
MAY 17, 2004

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

WHEREAS, bids were duly received on March 31, 2004 as a result of advertisement for the purchase of one (1) high velocity side mounted sewer cleaning unit for the Sewer Maintenance Department, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report is hereto attached and contained in a letter to the Town Board dated May 13, 2004, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of one (1) high velocity sewer cleaning unit, as recommended by the Town Engineer, be and the same is hereby awarded to:

Joe Johnson Equipment (USA) Inc.
77 Oriskany Drive
Suite B
Tonawanda, NY 14150

in the amount of \$54,913.00 and, BE IT FURTHER

RESOLVED, that funds have been budgeted for said vehicle in Account #2550-8125-2550.

Upon roll call

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

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 11
MAY 17, 2004

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

WHEREAS, in 1954, the Town of Cheektowaga designated the Town Seal to be gold, black and green, featuring a flowering crabapple tree encircled by small Indian arrowheads, AND

WHEREAS, by resolution dated April 3, 1967, a new multi-colored Town Seal with four quadrants showing the symbols incorporating our Indian heritage, the crabapple tree, an air ship with a moon symbol, and an architectural complex was adopted to replace the Town Seal adopted in 1954, AND

WHEREAS, by resolution dated May 18, 1981, the Town Board re-adopted the Town Seal from 1954, AND

WHEREAS, this Town Board is desirous of reinstating the Town Seal adopted in 1967, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the four-quadrant multi-colored seal which was originally adopted in 1967 as the official Town Seal, effective immediately and, BE IT FURTHER

RESOLVED, that the description of the symbols depicted in such seal is as follows:

- The Indian – refers to the early history of Cheektowaga as a hunting ground for the Seneca Tribe
- The Crabapple Tree – symbolic of the Indian name “JI-IK-DO-WAH-GAH”, meaning “land of the crabapple trees”
- The Air Ship – a symbol of flight, attests to the many industries of Cheektowaga that hinge on air and space research and development. Also symbolic of the Buffalo Niagara International Airport and Prior Aviation Airport.
- The Moon Symbol – suggests the industries that have grown and will grow out of the air and space research programs carried out by Cheektowaga industries
- The Architectural Complex – the successful co-existence of industry, business and homes. The sign of a healthy, prosperous and growing community.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

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

WHEREAS, the Town of Cheektowaga has an agreement with Niagara Grass Cutting for furnishing equipment and operators for mowing the Galleria Drive detention basins and the Pfohl Landfill area for 2003-05, AND

WHEREAS, due to the fact that the Town received notice from Niagara Grass Cutting that it could not perform the required services for 2004-05, the Town, by resolution dated May 3, 2004, issued a Notice to Bidders for the provision of these services, AND

WHEREAS, the Town has now been notified by Niagara Grass Cutting that it will fulfill the terms of its contract for 2004-05, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rescinds the aforementioned Notice to Bidders dated May 3, 2004 and, BE IT FURTHER

RESOLVED, that any and all bids submitted for such project be and hereby are rejected.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

MEETING NO. 11
MAY 17, 2004

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

WHEREAS, the Town of Cheektowaga owns property on the south side of Walden Avenue west of Harlem Road, AND

WHEREAS, the Town desires to acquire property located at 1071 Walden Avenue to provide an additional means of access to the Town-owned property, AND

WHEREAS, in order to negotiate with the owner of 1071 Walden Avenue, a title search and appraisal of the property was performed, AND

WHEREAS, an updated appraisal for 1071 Walden Avenue prepared by Northeastern Appraisal Associates Commercial, Inc. stated that this property is worth \$45,000.00, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby offers the owner of 1071 Walden Avenue \$45,000.00 for the purchase of such property and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to make a formal offer to the owner of 1071 Walden Avenue for the purchase of such property, and take whatever other action is deemed necessary, including the commencement of condemnation proceedings, to acquire such property and, BE IT FURTHER

RESOLVED, that funds for the aforementioned items shall be appropriated from Community Development funds.

Upon roll call

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

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

WHEREAS, the Cleveland Hill Fire District No. 6 is presently the owner of a 2000 Ford Expedition that is no longer required for firefighting purposes and is considered surplus equipment by the Fire District, AND

WHEREAS, pursuant to Section 103(6) of the General Municipal Law of the State of New York, surplus and second-hand equipment may be purchased without competitive bidding from a fire district or other political subdivision, AND

WHEREAS, the Town of Cheektowaga is in need of such a vehicle and has offered to purchase same from the Fire District for the purchase price of \$15,000.00, NOW THEREFORE BE IT

RESOLVED, that the purchase of the said 2000 Ford Expedition by the Town from the Cleveland Hill Fire District is hereby approved and, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town, be and hereby is authorized and directed to execute the all documents necessary to effect the acquisition of said vehicle from the Cleveland Hill Fire District No. 6 and, BE IT FURTHER

RESOLVED, that the funds for the purchase of said vehicle shall be appropriated from account number 100-3120-2303.

Upon roll call

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

Item No. 9 Motion by Councilmember Johnson, seconded by Councilmember Magierski

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

MEETING NO. 11
MAY 17, 2004

Item No. 9 cont'd.

WHEREAS, the Cheektowaga Southside Little League has made application to hold its annual Opening Day Parade on Saturday, June 5, 2004, commencing at 1:00 P.M.; said parade route to start at the Doyle 1 Fire Company parking lot on William and Alaska Streets; thence east on William Street to Standard Parkway; thence north on Standard Parkway, ending at ITT Standard Park, AND

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Requirement that application be made at least 60 days prior to the date of the special event;
4. Submittal of Security Plan;
5. Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of Cheektowaga Southside Little League for the aforementioned Parade, to be held on Saturday, June 5, 2004 at 1:00 P.M. 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 and Magierski
NAYES: 0
ABSENT: Councilmember Mazur

Item No. 10 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

WHEREAS, the Town of Cheektowaga is the owner of the Cheektowaga Recreation Center, located in Cheektowaga Town Park, AND

WHEREAS, the Greater Niagara Council of the Boy Scouts of America ("Boy Scouts") have requested permission to utilize the Cheektowaga Recreation Center for its Annual Leaders Program Launch on Wednesday, June 9, 2004 from 2:00 p.m. to 9:00 p.m., AND

WHEREAS, the Director of the Department of Parks, Recreation & Youth Services has reviewed such request and has recommended that this Board approve same, NOW, THEREFORE, BE IT

RESOLVED that this Town Board hereby grants a license to the Boy Scouts to use the Cheektowaga Recreation Center on Wednesday, June 9, 2004 from 2:00 p.m. to 9:00 p.m. for its Annual Leaders Program Launch and, BE IT FURTHER

RESOLVED that the fee for the use of the Recreation Center shall be \$250.

Upon roll call

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

Item No. 11a Motion by Councilmember Magierski, seconded by Councilmember Johnson

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

MEETING NO. 11
MAY 17, 2004

Item No. 11a cont'd.

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at 504 Darwin Drive, Cheektowaga, New York SBL# 80.18-2-13 that is unsecured and a danger to the safety of others, and records kept by the Assessors Office identify Timothy & Barbara Cunningham, [REDACTED], Cheektowaga, New York 14225, AND

WHEREAS, an inspection of such premises was conducted on 504 Darwin Drive by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State of New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard the vacant structure to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town law of the State of New York that the deteriorated hanging awning be removed over the front entrance way and properly disposed of; and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

Item No. 11b Motion by Councilmember Magierski, seconded by Councilmember Johnson

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at 158 David Avenue, Cheektowaga, New York SBL# 102.21-6-38 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Donald & Christy DiCarlo, [REDACTED], West Seneca, New York 14224, AND

WHEREAS, an inspection of such premises was conducted on 158 David Avenue by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State of New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town law of the State of New York that all openings in the vacant structure be safeguarded and secured, and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

MEETING NO. 11
MAY 17, 2004

Item No. 11c Motion by Councilmember Magierski, seconded by Councilmember Johnson

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at [REDACTED], Cheektowaga, New York SBL# 125.10-2-19 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Joseph Krzanak and Wife, [REDACTED], Cheektowaga, New York 14227, AND

WHEREAS, an inspection of such premises was conducted on [REDACTED] by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State of New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town law of the State of New York that all openings in the vacant structure be safeguarded and secured; and remove the stagnant water from the swimming pool. All costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

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

WHEREAS, the Congress of the United States has passed, and the President of the United States has signed into law, the National Affordable Housing Act of 1990, AND

WHEREAS, Title II of the National Affordable Housing Act of 1990 created the HOME Program under which the Secretary of Housing and Urban Development is authorized to make grants to States and units of general local government to help finance investments in affordable housing, AND

WHEREAS, said Act provides that a consortium of geographically contiguous units of local government can be considered to be a unit of general local government for purposes of the HOME program, AND

WHEREAS, the Towns of Cheektowaga, Tonawanda and Amherst, with Amherst acting as the lead community, desire to be considered as such a consortium for purpose of applying for assistance under the HOME Program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized to execute a three-year Cooperation Agreement with the Town's of Amherst and Tonawanda for federal Fiscal Years 2005, 2006 and 2007 for the purpose of forming a Consortium to participate in the HOME Investment Partnership Program.

Upon roll call

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

MEETING NO. 11
MAY 17, 2004

Item No. 12b Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

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 2004 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 2004 Program Year.

Upon roll call

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

Item No. 12c Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, the Town has submitted a Consolidated Plan and Annual Action Plan to the Department of Housing and Urban Development for Community Development Block Grant funding totaling \$1,144,000 for the 2004 Program Year, AND

WHEREAS, it is necessary to execute a Grant Agreement with the Department of Housing and Urban Development for Fiscal Year 2004 Community Development Block Grant funding, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Grant Agreement with the Department of Housing and Urban Development for the 2004 Community Development Block Grant Program Year.

Upon roll call

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

Item No. 12d Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, the Town of Cheektowaga has received funding from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, AND

WHEREAS, energy conservation and weatherization services for income-eligible persons is an eligible activity under the Community Development Block Grant Program, AND

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assistance in providing energy conservation and weatherization services for income-eligible Town residents, AND

WHEREAS, funding for such services is available in the Community Development Block Grant program budget, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York for an amount not to exceed \$6,000 to provide energy conservation and weatherization services for income-eligible Town residents through the end of the 2004/2005 Program Year.

Upon roll call

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

MEETING NO. 11
MAY 17, 2004

Item No. 12e Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, the Town has submitted its Annual Community Development Plan to the Department of Housing and Urban Development for the 2004 Program Year, AND

WHEREAS, one of the purposes of said program is to provide for community services which are essential for sound community development and promote the preservation of viable neighborhoods, AND

WHEREAS, Belmont Shelter Corp., located at 1195 Main Street, Buffalo, New York, 14209, has submitted a proposal for such services, including but not limited to mortgage default, first-time homebuyer, pre-purchase and renter assistance and the provision of housing-related information to Town residents, AND

WHEREAS, funding for such services has been included in the Town's 2004 Community Development Block Grant Program budget, AND

WHEREAS, the Director of Community Development has recommended approval of a contract with Belmont Shelter Corp. for said services, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized to execute an Agreement for an amount not to exceed \$8,000 with Belmont Shelter Corp., for housing counseling services for the 2004 Program Year pursuant to Belmont Shelter's proposal and the Request for Proposals for Housing Counseling Services - 2004, issued jointly by the Towns of Cheektowaga, Amherst, and Tonawanda.

Upon roll call

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

Item No. 12f Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

WHEREAS, the Town has submitted its Annual Community Development Plan to the Department of Housing and Urban Development for the 2004 Program Year, AND

WHEREAS, one of the purposes of said program is to provide for community services which are essential for sound community development and promote the preservation of viable neighborhoods, AND

WHEREAS, Belmont Shelter Corp., located at 1195 Main Street, Buffalo, New York, 14209, has submitted a proposal for such services, including but not limited to mortgage default, first-time homebuyer, pre-purchase and renter assistance and the provision of housing-related information to Town residents, AND

WHEREAS, funding for such services has been included in the Town's 2004 Community Development Block Grant Program budget, AND

WHEREAS, the Director of Community Development has recommended approval of a contract with Belmont Shelter Corp. for said services, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized to execute an Agreement for an amount not to exceed \$8,000 with Belmont Shelter Corp. for housing counseling services for the 2004 Program Year pursuant to Belmont Shelter's proposal and the Request for Proposals for Housing Counseling Services - 2004, issued jointly by the Towns of Cheektowaga, Amherst, and Tonawanda.

Upon roll call

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

MEETING NO. 11
MAY 17, 2004

Item No. 12g Motion by Supervisor Gabryszak, seconded by Councilmember Johnson

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 2004 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 2004 Program Year.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

Item No. 12h Motion by Councilmember Jankowiak, seconded by Councilmember Magierski
Councilmember Johnson

WHEREAS, the New York State Department of Transportation is in the process of reconstructing Union Road from Como Park Boulevard to George Urban Boulevard, AND

WHEREAS, CATCO Construction Co., Inc. ("CATCO"), 1266 Townline Road, Alden, New York 14002, has been awarded the project by the New York State Department of Transportation, AND

WHEREAS, as part of the project, CATCO will be recycling aggregates from the Union Road pavement for re-use, utilizing trucks owned and operated by A T & A Trucking ("A T & A"), 77 West Drullard Avenue, Lancaster, New York 14086, and recycling equipment owned and operated by Metzger Removal Company, Inc., ("Metzger"), 235 River Road, North Tonawanda, New York 14120, AND

WHEREAS, CATCO needs property in the vicinity of the project to perform this recycling work, AND

WHEREAS, there is an area behind the Town Highway Garage that is presently not needed by the Town for our purposes, AND

WHEREAS, this is a good location since it is not close to any residences, AND

WHEREAS a license agreement has been prepared by the Town Attorney's Office for this purpose, a copy of which is attached hereto, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a license agreement with CATCO, A T & A, and Metzger, pertaining to the above, subject to any revision and final approval by the Town Attorney's Office.

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

*SEE NEXT PAGE(S) FOR ATTACHMENT

MEETING NO. 11
MAY 17, 2004

Item No. 12i Motion by Councilmember Johnson, seconded by Councilmember Jankowiak

WHEREAS, the NYSDEC General Permit for Storm Water Discharges from Municipal Separate Storm Sewers, Permit No. GP-02-02, issued to the Town requires the submission of an Annual Report which has been prepared by the Town Engineer, and the submission of a Municipal Compliance Certification, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute the Municipal Compliance Certification to accompany the submission of the aforesaid Annual Report to the NYSDEC.

Upon roll call

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

Item No. 13 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

BE IT RESOLVED, the Town Board hereby creates the following positions pursuant to Civil Service Laws and Rules, effective May 17, 2004:

| <u>POSITION</u> | <u>NUMBER CREATED</u> |
|---------------------------------|-----------------------|
| Senior Sewer Maintenance Worker | 12 |
| Senior Clerk Typist | 1 |

Upon roll call

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

Item No. 14a Appointment to Fill Vacancy in Position of Senior Clerk Typist in Personnel Department
This item was withdrawn.

Item No. 14b Appointment to Fill Vacancy in Position of Senior Clerk Typist in Justice Court
This item was withdrawn.

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

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

BUILDING AND GROUNDS DIVISION – Laborer - \$7.00 per hour
Jeffrey Brado [REDACTED], Depew, 14043

5/18/04

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

POLICE DEPARTMENT – Traffic Maintenance - \$7.10 per hour
Brian Gibbs [REDACTED], Cheektowaga 14225

5/18/04-10/18/04

Item No. 15 cont'd.

SANITATION DEPARTMENT – Laborers - \$7.50 per hour

| | | |
|-------------------|-------------------------------|------------------|
| Jamie Smith | [REDACTED], Cheektowaga 14225 | 5/18/04-10/18/04 |
| Daniel Krystyniac | [REDACTED], Cheektowaga 14225 | " |
| Andrew Wastchak | [REDACTED], Cheektowaga 14227 | " |
| Brian Bzibziak | [REDACTED], Cheektowaga 14227 | " |
| Jay Morosey | [REDACTED], Cheektowaga 14227 | " |

Upon roll call

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



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER JAWOROWICZ TO DISPENSE WITH READING THE NAMES IN THE FOLLOWING RESOLUTIONS, ITEMS 16 AND 17, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



Item No. 16 Motion by Councilmember Jankowiak, seconded by Supervisor Gabryszak

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

Effective immediately

| | | | |
|-------------------------------------|----------|------------|-------|
| <u>Pools - 7180.1902</u> | | | |
| Recreation Specialist | \$ 16.01 | [REDACTED] | 14043 |
| Brian Hansen | | [REDACTED] | |
| Recreation Instructor | \$12.40 | [REDACTED] | 14225 |
| Kurt Hansen | | [REDACTED] | |
| Lifeguards (Pool Supervisor) | | | |
| Town Park 1st shift | \$10.17 | [REDACTED] | 14211 |
| Mark Przybysz | | [REDACTED] | |
| Town Park 2nd shift | \$9.79 | [REDACTED] | 14206 |
| Aaron Grupka | | [REDACTED] | |
| Town Park 1st year (Head Lifeguard) | \$8.60 | [REDACTED] | 14211 |
| Eric Burns | | [REDACTED] | |
| Dingens | \$9.30 | [REDACTED] | 14206 |
| Elizabeth Sinski | | [REDACTED] | |
| Maryvale | \$9.30 | [REDACTED] | 14215 |
| Laura Mayle | | [REDACTED] | |

Item No. 16 cont'd.

Lifeguard 7180.1903

Level 1

| | | |
|--------------------|------------|-------|
| Kristina Connor | [REDACTED] | 14225 |
| Brian Collett | [REDACTED] | 14225 |
| Lauren Fuest | [REDACTED] | 14225 |
| Daniel Carter | [REDACTED] | 14225 |
| Michael Giancarlo | [REDACTED] | 14211 |
| Jenna Tuberdyck | [REDACTED] | 14206 |
| Cortney Steszewski | [REDACTED] | 14225 |
| Frank Pusert | [REDACTED] | 14043 |
| Samantha Long | [REDACTED] | 14225 |
| Timothy Roma | [REDACTED] | 14227 |
| Reuben Borowski | [REDACTED] | 14225 |

Level 2 - \$6.75

| | | |
|--------------------|------------|-------|
| Leah Zamoyski | [REDACTED] | 14225 |
| Kelsey Zamoysk | [REDACTED] | 14225 |
| Nicholas Gorzynski | [REDACTED] | 14043 |
| Dominique Celotto | [REDACTED] | 14225 |
| Lindsay Lehman | [REDACTED] | 14218 |
| Jillian Majka | [REDACTED] | 14227 |

Item No. 16 cont'd.

Level 2 WSI - \$7.00

| | | |
|-------------|------------|-------|
| Sean Kunkel | [REDACTED] | 14225 |
|-------------|------------|-------|

Level 3 - \$7.15

| | | |
|----------------------|------------|-------|
| Lindsay Ritzenthaler | [REDACTED] | 14206 |
| Holly Rutkowski | [REDACTED] | 14227 |
| Corey Miller | [REDACTED] | 14225 |
| Jonathan Messina | [REDACTED] | 14225 |
| Daniel Mucyn | [REDACTED] | 14086 |
| Lisa Chenu | [REDACTED] | 14227 |
| Nicholas Nowicki | [REDACTED] | 14043 |
| Diana Geiger | [REDACTED] | 14086 |
| Michelle Hauser | [REDACTED] | 14224 |
| Sheila Glaub | [REDACTED] | 14224 |

Level 3 WSI - \$7.40

| | | |
|--------------|------------|-------|
| Sarah Geiger | [REDACTED] | 14086 |
|--------------|------------|-------|

Level 4 - \$7.45

| | | |
|---------------------|------------|-------|
| Joshua Rutski | [REDACTED] | 14043 |
| Jonathan Sinski | [REDACTED] | 14206 |
| Sally Lipinoga | [REDACTED] | 14211 |
| Zachary Porterfield | [REDACTED] | 14225 |

Level 6 WSI - \$8.10

| | | |
|-------------|------------|-------|
| Adam Connor | [REDACTED] | 14225 |
|-------------|------------|-------|

Laborers (Bathhouse Attendants) – 7180.1901

Level II - \$5.40

| | | |
|---------------------|------------|-------|
| Glen Au | [REDACTED] | 14225 |
| Catelyn Burzynski | [REDACTED] | 14227 |
| Christopher Hergott | [REDACTED] | 14225 |
| Peter Kreavy | [REDACTED] | 14225 |
| Jamie Messina | [REDACTED] | 14225 |
| James Wozniak | [REDACTED] | 14206 |

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Item No. 16 cont'd.

Level I - \$5.15

| | | |
|---------------------|------------|-------|
| Joseph Lane | [REDACTED] | 14225 |
| Shawn Kaznica | [REDACTED] | 14206 |
| Jasen Booker | [REDACTED] | 14206 |
| Danielle Smith | [REDACTED] | 14206 |
| Andrew Buczek | [REDACTED] | 14225 |
| Leslie Oliver | [REDACTED] | 14043 |
| Caitlyn Rutski | [REDACTED] | 14043 |
| Holly Podniesinski | [REDACTED] | 14227 |
| Ashley Witman | [REDACTED] | 14206 |
| Amber Dziekan | [REDACTED] | 14227 |
| Amanda Burgett | [REDACTED] | 14225 |
| Scott Musial | [REDACTED] | 14225 |
| Leonor Malanowski | [REDACTED] | 14212 |
| Matthew Maciejewski | [REDACTED] | 14227 |
| Joseph Bodkin | [REDACTED] | 14225 |
| Caitlin Rieck | [REDACTED] | 14225 |

Alternates - \$5.15

| | | |
|------------------|------------|-------|
| Ashlee Deeds | [REDACTED] | 14211 |
| Justine Kish | [REDACTED] | 14206 |
| Elizabeth Newton | [REDACTED] | 14225 |
| Matthew Weaver | [REDACTED] | 14225 |
| Hilary Peacock | [REDACTED] | 14225 |
| Erik Cummings | [REDACTED] | 14043 |
| Katelyn Ebling | [REDACTED] | 14225 |
| Danielle Dudas | [REDACTED] | 14206 |

Alternates - \$5.15 cont'd.

| | | |
|------------------------|------------|-------|
| Maeghen Adamski | [REDACTED] | 14225 |
| Adysen Waldmiller | [REDACTED] | 14206 |
| Amy Szczepanski | [REDACTED] | 14225 |
| Sean Astyk | [REDACTED] | 14227 |
| Melissa Schlegel | [REDACTED] | 14043 |
| James Asimenios | [REDACTED] | 14211 |
| Becky Gworek | [REDACTED] | 14227 |
| Courtney Knoph | [REDACTED] | 14043 |
| Melissa Kowalik | [REDACTED] | 14206 |
| James Sasiadek | [REDACTED] | 14043 |
| Kyle Pelczynski | [REDACTED] | 14227 |
| Mary Elizabeth Maziarz | [REDACTED] | 14043 |
| Kristy Jarosz | [REDACTED] | 14206 |
| Constance Williams | [REDACTED] | 14227 |
| Kendra Dunkleman | [REDACTED] | 14206 |
| Lucas Zamoyski | [REDACTED] | 14225 |
| Lynsey Cycon | [REDACTED] | 14225 |
| Lauren Jarczewski | [REDACTED] | 14227 |
| Samantha Laska | [REDACTED] | 14227 |
| Robin Chmielewski | [REDACTED] | 14206 |

Camp Dartwood - 7140.1803

Recreation Attendant I - \$5.15

| | | |
|------------------|------------|-------|
| Tammy Giczkowski | [REDACTED] | 14227 |
|------------------|------------|-------|

Recreation Attendant - \$7.65

| | | |
|--------------|------------|-------|
| John Petrocy | [REDACTED] | 14043 |
|--------------|------------|-------|

Recreation Attendant - \$5.90

| | | |
|----------------|------------|-------|
| Patrick Hughes | [REDACTED] | 14043 |
|----------------|------------|-------|

Recreation Attendant - \$5.65

| | | |
|-------------------|------------|-------|
| Predolino Zelasko | [REDACTED] | 14227 |
|-------------------|------------|-------|

MEETING NO. 11
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Item No. 16 cont'd.

| | | |
|---|------------|-------|
| <u>Recreation Attendant - \$5.40</u> Lauren Rzeszutek | [REDACTED] | 14227 |
| <u>Camp Crabapple - 7310.1802</u> | | |
| <u>Recreation Attendant - \$5.65</u> Bridget Fraize | [REDACTED] | 14225 |
| <u>Recreation Attendant - \$7.40</u> Kate Barbati | [REDACTED] | 14227 |
| <u>Recreation Attendant - \$5.15</u> Cindi Lawicki | [REDACTED] | 14227 |
| <u>Recreation Attendant - \$5.90</u> Beth Chojecki | [REDACTED] | 14215 |
| <u>Camp JI-IK-DO-WAH-GAH - 7310.1801</u> | | |
| <u>Recreation Instructor - \$9.40</u> Victor Nosal | [REDACTED] | 14225 |
| <u>Recreation Attendant - \$5.40</u> Brenda Buczek | [REDACTED] | 14225 |
| <u>Recreation Attendant - \$5.40</u> Nina Lipowicz | [REDACTED] | 14227 |
| <u>Recreation Attendant - \$5.15</u> Krystina Root | [REDACTED] | 14227 |
| <u>Recreation Attendant - \$5.90</u> Jeremy Schnauffer | [REDACTED] | 14225 |
| <u>Recreation Attendant - \$7.40</u> Kenneth Wakefield | [REDACTED] | 14225 |
| <u>Camp Flamingo - 7310.1810</u> | | |
| <u>Recreation Attendant - \$5.15</u> Sally Sponholz | [REDACTED] | 14225 |
| Jacob Wodowski | [REDACTED] | 14225 |
| Sean Trapper | [REDACTED] | 14225 |
| Sara Stanley | [REDACTED] | 14211 |
| Brandon Pieczynski | [REDACTED] | 14225 |
| Lori Majewski | [REDACTED] | 14227 |
| <u>Recreation Attendant - \$5.40</u> Meghan Eckle | [REDACTED] | 14225 |
| Jasmine Adams | [REDACTED] | 14211 |
| Megan Schnauffer | [REDACTED] | 14225 |
| Jessica Bochmann | [REDACTED] | 14225 |
| Jackie Poblocki | [REDACTED] | 14211 |
| Katie Torgerson | [REDACTED] | 14225 |
| <u>Recreation Attendant - \$5.65</u> Mark Hannon | [REDACTED] | 14225 |
| Heather LaGraves | [REDACTED] | 14225 |
| <u>Recreation Attendant - \$5.90</u> Hillary Szdowski | [REDACTED] | 14227 |
| Jillian Franz | [REDACTED] | 14211 |
| <u>Recreation Attendant - \$6.65</u> Linda Farinacci | [REDACTED] | 14225 |

MEETING NO. 11
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Item No. 16 cont'd.

Recreation Attendant - \$7.15

Lauren Filipink [REDACTED] 14227

Arts & Crafts Rotation - 7140.1648

Recreation Attendant I - \$5.15

Meghan Tutko [REDACTED] 14227

Recreation Attendant II - \$5.40

Sherry Lesser [REDACTED] 14225

Vicki Maslowski [REDACTED] 14225

Recreation Attendant V - \$6.15

Tom Mahoney [REDACTED] 14225

Sports & Games Rotation - 7140.1645

Recreation Attendant I - \$5.15

Allison Godzich [REDACTED] 14206

Brandon Hoerner [REDACTED] 14225

Eric Tafelski [REDACTED] 14043

Recreation Attendant II - \$5.40

Joseph Ciesielski [REDACTED] 14225

Summer Teen Club - (7310.1814)

Recreation Attendant - \$5.90

John Grzymala [REDACTED] 14227

Recreation Attendant - \$6.15

Christopher Spencer [REDACTED] 14043

Recreation Attendant - \$6.15

Courtney Fox [REDACTED] 14227

Gymnastics - (7140.1630)

Recreation Attendant - \$6.40

Sarah Stortz [REDACTED] 14043

Recreation Attendant V--\$6.15

Julie Stumm [REDACTED] 14225

Cheektowaga Conservation Corps

Laborers - 7310.1811

(Crew Supervisors)

Level I - \$10.00

Nicholas Carter [REDACTED] 14212

Level I - \$10.00

Steven Saskowski [REDACTED] 14227

Laborers - 7310.1811

(Youth Leaders)

Level I - \$7.25

William Swiat [REDACTED] 14227

Level I - \$7.25

Justin Klein [REDACTED] 14227

Laborers - 7310.1816

(Participants)

MEETING NO. 11
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Item No. 16 cont'd.

Level I - \$5.15
Jacqueline Rieck



14225

Level II - \$5.40
Paul Ziolo



14225

Level II - \$5.40
Rachel Gabryszak



14043

Laborers
(Alternates)

Level I - \$5.15
Matthew Malicki
Lukasz Laskowski
Jennifer Serniuk



14043

14211

14227

Tennis - 7140.1642

Recreation Attendant - \$5.15
Sarah Passafiume



14225

Recreation Attendant - \$5.65
Joelle Brunetto



14043

Item No. 16 cont'd.

Recreation Attendant - \$5.65
Kristin Brunetto



14043

Recreation Attendant - \$6.65
Lisa Wittman



14227

Recreation Attendant - \$7.90
Eric Burns



14225

Recreation Instructor - \$8.90
Brion McGhee



14225

Upon roll call

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

NAYES: 0

ABSENT: Councilmember Mazur

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

Camp Flamingo - 7310.1810

Recreation Attendant III - \$5.65
Maribeth Stadelmeyer
Amy Wroblewski
Laura Gabryszak
Sean Dalton

Recreation Attendant II - \$5.40
Lauren Szydlowski
Kacey Wodowski
Kristen Stadelmeyer

Recreation Attendant - \$5.40
Matthew Hanley

Recreation Attendant - \$5.40
Brandon Jazczewski

Item No. 17 cont'd.

Recreation Attendant - \$7.40
Kristin Mills

Recreation Attendant - \$7.15
Nicholas Czaplicki

Recreation Specialist - \$14.90
Deborah Fleetwood

Camp Dartwood - 7140.1632

Recreation Attendant - \$5.40
Kelly Walters

Recreation Attendant - \$5.65
Heather Giczkowski

Camp JI-IK-DO-WAH-GAH 7310.1801

Recreation Attendant - \$5.40
Brandon Burns

Recreation Attendant - \$5.65
DeYonca Porter

Recreation Attendant - \$8.15
Amy McMahon

Recreation Instructor - \$7.90
Kammy Ciecieski

Camp Crabapple 7310.1802

Recreation Specialist - \$11.65
Barbara Walters

Recreation Instructor - \$7.65
Pamela Szefer

Summer Teen Club - (7310.1814)
Recreation Attendant VI-\$6.40
Jessica Stiglmeier

Gymnastics - (7140.1630)

Recreation Attendant - \$5.90
Melisa Petre

Recreation Instructor - \$8.65
Amy Hawrysiak

Recreation Attendant I - \$5.15
Tiffany Gasicki

Regular Part-Time

Recreation Instructor - \$6.15
Craig Rejman

Recreation Instructor - \$6.90
Jocelyn Kiszewski

Recreation Attendant - \$7.40
Brian Koscielniak

Item No. 17 cont'd.

Recreation Attendant - \$6.50

Jillian Tefft

Recreation Specialist - \$14.55

Roger Newhouse

Recreation Specialist - \$11.30

Paul Parinello

Regular Part-Time

Glenn Au
Lynne Butts
Nick Conti
Jacques Desjardins
Jon Deveny
Eric Farinacci
Alex Godzich
Eric Godzich
Ryan Kelly
James Klein
Anthony Pierino
Thomas Poulas
Cher Stucke
Kenneth Swain

Regular Part-Time

From 7180.1903 to 7180.1902

Dingens (Head Lifeguard) - \$8.55

Nicole Kunkel

From 7140.1611 to 7180.1903

Lifeguard - \$6.50

Kevin Fischer (effective 6/14/04)

From 7140.1614 to 7180.1903

Lifeguard - \$6.75

Jeffery Kunkel

Recreation Specialist - 7180.1902 - \$14.00

Catherine Giles

Lifeguard - 7180.1902

Maryvale (Head Lifeguard) \$8.55

Jonathan Miller

Lifeguards - 7180.1903

Level 2 - \$6.75

Justin Mrozek
Melissa Litwin
Kate Grzedzicki

Level 3 - \$7.15

Amy Burger
Colleen Williams

Level 5 WSI - \$7.95

Patrick Dalton

Part-Time

Administrative Interns - 7310.1804

Clerk - \$7.00

Catherine Tomasik

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Item No. 17 cont'd.

Upon roll call

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

Item No. 18a Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, the New York State Police Academy will host its Annual One Week NYSP Sex Offense Seminar for Law Enforcement and Social Services Agencies throughout New York State, AND

WHEREAS, Detective Raymond Nowicki will learn multi-disciplinary team investigation of child sexual abuse, victimology, the medical evaluation of child victims, use of forensic sciences, drug facilitated rape, sexual exploitation of children, and legal perspectives. The Police Department will be responsible for registration, lodging, transportation costs, and meal expenses which will amount to \$591.00 NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Det. Nowicki to this training and that the time he spends at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4085 and 100-3120-4093.

Upon roll call

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

Item No. 18b Motion by Supervisor Gabryszak, seconded by Councilmember Jankowiak

WHEREAS, the Motor Vehicle Theft & Insurance Fraud Prevention Board will be meeting on Thursday, May 20, 2004 and Friday, May 21, 2004 at DCJS Facility, 4 Tower Place, Albany, New York; AND

WHEREAS, Chief Christine Ziemba is requesting authorization to send Detective Mark Jedd to the meeting, which will entail a Statewide Plan of Operation for motor vehicle theft and insurance fraud intervention and prevention, NOW, THEREFORE BE IT

RESOLVED, that Detective Mark Jedd is authorized to attend this training, and that time spent there be authorized as normal duty time. Expenses will be covered by the Motor Vehicle Theft Fraud Prevention Board.

Upon roll call

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

Item No. 18c Motion by Supervisor Gabryszak, seconded by Councilmember Swiatek

WHEREAS, the Binghamton Police Department in association with the Southern Tier Police K-9 Association will be hosting its 11th Annual Advanced Handlers K-9 Seminar, AND

WHEREAS, Police Officer John Duskocz will learn with his K-9 human remains detection and tactical work, deployment of smoke, searches, high risk car stops, and individual problem solving. The Police Department will be responsible for registration, transportation costs, and meal expenses which will amount to \$345.00, NOW, THEREFORE BE IT

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send Police Officer Duskocz to this training and that the time he spends at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4095.

Item No. 18c cont'd.

Upon roll call

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

Item No. 18d Motion by Councilmember Jankowiak, seconded by Councilmember Swiatek

WHEREAS, a seminar is being held entitled "Creating A Safety Culture" on May 18, 2004 at the Buffalo-Niagara Frontier Safety Council, AND

WHEREAS, Town Justice Ronald Kmietek has requested authorization for Clerk to the Justice Court Stephanie Lewandowski, Clerk to the Town Justice Judith Smith, and Court Officer Dominick Selvaggio to attend said seminar, AND

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

WHEREAS, the total cost to the Town shall not exceed \$53, AND

WHEREAS, these expenses have been budgeted by the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the seminar, "Creating A Safety Culture" on May 18, 2004 at the Buffalo-Niagara Frontier Safety Council.

Upon roll call

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

II. DEPARTMENTAL COMMUNICATIONS

Item No. 19 Minutes of Cheektowaga Traffic Safety Commission – April 20, 2004
Received and Filed.

III. GENERAL COMMUNICATIONS

Item No. 20 Notice of Claim: Barbara Alves 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. 21 Complaint 2004-2005 Special Franchise Assessment (Global Crossing North American Networks, Inc.)
Copies were sent to: Michael Stachowski, Town Attorney and William Conway, Town Assessor.
Received and Filed.

Item No. 21b Complaint 2004-2005 Special Franchise Assessment (NYSEG)
Copies were sent to: Michael Stachowski, Town Attorney and William Conway, Town Assessor.
Received and Filed.

MEETING NO. 11
MAY 17, 2004

Item No. 22 New York State Office of The State Comptroller Annual Financial Report Update Document
Received and Filed.

Item No. 23 Petition: Oppose Proposal to Create School Parking Lot Exist (South Roycroft/Cleveland Drive)
Received and Filed.



MOTION BY COUNCILMEMBER JAWOROWICZ, 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 Magierski
NAYES: 0
ABSENT: Councilmember Mazur



IV. SUSPENSION OF RULES

Item No. 24 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson

WHEREAS, the Cheektowaga Sewer Maintenance Department has requested authorization to purchase one (1) 2004 International 4300 Cab & Chassis as specified in the New York State OGS Contract No. 60109, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account #2550-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby authorizes the Sewer Maintenance Department to purchase one (1) 2004 International 43000 in the amount of \$50,576.20 from:

Hanson International Trucks, Inc.
2425 Walden Avenue
Cheektowaga, New York 14225

Upon roll call

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

Item No. 25 Motion by Councilmember Jankowiak, seconded by Councilmember Johnson to adjourn this meeting. This meeting was adjourned at 7:35 P.M.

Mary F. Holtz
Town Clerk

**TOWN OF CHEEKTOWAGA
MEETING NO. 12
JUNE 7, 2004**

Item No. 1 At a regular meeting of the Town Board of the Town of Cheektowaga, Erie County, New York held at the Town Hall, corner of Broadway and Union Road, in said Town on the 7th day of June 2004 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 Administration and Finance; William Pugh, Town Engineer; Thomas Adamczak, Supervising Building and Plumbing Inspector; Anthony Romano, Coordinator of Employee Relations; Christine Ziemba, Chief of Police; and Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the Proposed Amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic); Article V, Schedule XVI – No Parking Certain Hours – Meadowbrook Pky. In the Town of Cheektowaga. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed. Said notice was as follows:



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 June 7, 2004 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:

Article V, Schedules, Section 235-55, Schedule XVI, No Parking Certain Hours, shall be amended by deleted therefrom the following:

Meadowbrook Parkway – West Side: from the north curbline of Clinton Street to a point 315 feet north, school days, from 7:00 a.m. to 4:00 p.m.

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

MARY F. HOLTZ
TOWN CLERK



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 was closed; decision was reserved.

MEETING NO. 12
JUNE 7, 2004



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;

RISK RETENTION FUND

| | | |
|-------|--|-------------|
| FROM: | 101-1722-4519 Workers Comp Excess Ins | \$ 4,089.00 |
| | 101-1930-4703 Workers Comp Judgment & Claims | 4,911.00 |
| TO: | 101-1710-4525 Claims Admin WC Assessments | \$ 9,000.00 |

GENERAL FUND

| | | |
|-------|-----------------------------|--------------|
| FROM: | 100-9501-9211 Bond Interest | \$ 15,000.00 |
| TO: | 100-7140-4503 Concerts | \$ 15,000.00 |

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 June 4, 2004 are hereby approved and made a part hereof;

| | |
|----------------------------|------------------|
| GENERAL FUND | \$ 805,129.10 |
| RISK RETENTION FUND | 67,577.05 |
| HUD HOUSING REHABILITATION | 7,986.00 |
| SPECIAL DISTRICTS FUND | 862,736.57 |
| HIGHWAY FUND | 350,665.07 |
| TRUST & AGENCY | 19,583.59 |
| HUD CDBG FUND | 2,092.32 |
| PART TOWN FUND | 11,451.36 |
| CAPITAL FUND | <u>52,588.59</u> |
| | \$ 2,179,809.65 |

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 May 20, 2004 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

MEETING NO. 12
JUNE 7, 2004

Item No. 5 Cont'd.

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, Section 235-55, Schedule XVI. No Parking Certain Hours, shall be amended by deleting therefrom the following:

MEADOWBROOK PARKWAY – West side: from the north curblineline of Clinton Street to a point 315 feet north, school days, 7:00 a.m. to 4:00 p.m.

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

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

Upon roll call

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

AFFIDAVIT – NEXT PAGE

MEETING NO. 12
JUNE 7, 2004

Item No. 6a Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, a Notice to Bidders was published for the receipt of bids for Drainage Improvements to Various Town Highways, which bids were duly received and opened on May 5, 2004 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 June 1, 2004, AND

WHEREAS, said letter recommends that Contract "A" for Bid Sections A and B for Drainage Improvements to Various Town Highways be awarded to Nichols, Long & Moore Construction Corporation for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Contract "A" for Bid Sections A and B for Drainage Improvements to Various Town Highways be and hereby is awarded to Nichols, Long & Moore Construction Corporation for the bid price of \$129,378.00, being the lowest bid meeting the requirements of the specifications for Bid Sections A & 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 Nichols, Long & Moore Construction Corporation for Contract "A" of 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 FOR ATTACHMENT

MEETING NO. 12
JUNE 7, 2004

Item No. 6b Motion by Councilmember Johnson; Seconded by Councilmember Jankowiak

WHEREAS, a Notice to Bidders was published for the receipt of bids for Drainage Improvements to Various Town Highways, which bids were duly received and opened on May 5, 2004 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 June 1, 2004, AND

WHEREAS, said letter recommends that Contract "B" for Bid Sections C, D, E and F for Drainage Improvements to Various Town Highways be awarded to S. St. George Enterprises G.C. Inc. for their submission of the lowest bid, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Contract "B" for Bid Sections C, D, E and F for Drainage Improvements to Various Town Highways be and hereby is awarded to S. St. George Enterprises G.C. Inc. for the bid price of \$167,108.70, being the lowest bid meeting the requirements of the specifications for Bid Sections C, D, E and F, 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 S. St. George Enterprises G.C. Inc. for Contract "B" of 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 FOR ATTACHMENT

MEETING NO. 12
JUNE 7, 2004

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

WHEREAS, Metzger Civil Engineering, PLLC has made application and requested the rezoning of 1.7± acres of land located at 4720 Transit Road from NS- Neighborhood Services to C-Retail Business District for the construction of a 6,900 square foot retail store , NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 21, 2004 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

MEETING NO. 12
JUNE 7, 2004

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

WHEREAS, the Town wishes to amend its Annual Plan/Final Statements on the Use of Community Development Block Grant Funds pertaining to various activities 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 FOR ATTACHMENT

MEETING NO. 12
JUNE 7, 2004

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

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 Wal-Mart Stores, Inc. for the construction of a 9,472 square foot stockroom addition and an enclosure to the existing 9,109 square foot garden center at 100 Thruway Plaza Drive, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on April 7, 2004 recommended a determination of non significance, subject to the removal of the existing storage containers as shown in the attached memorandum dated April 8, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on May 13, 2004, AND

WHEREAS, the applicant has committed to removing the storage containers as shown in the attached correspondence dated May 11, 2004, 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:

1. The Town Engineer approving the drainage 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. 12
JUNE 7, 2004

Item No. 10a Accept Site Plan for 5111 Genesee Street
This item was withdrawn.

Item No. 10b Motion by Councilmember Magierski; 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 Hunt Real Estate, ERA for the construction of a 7,500 square foot 2 story office building at 430 Dick Road, AND

WHEREAS, the Town Board on October 7, 2002 previously approved the site plan for the subject project and issued a determination of non significance pursuant to the State Environmental Quality Review Act (SEQRA) as shown on the attached resolution, AND

WHEREAS, pursuant to Chapter 260, Article VII, Section 260-53B of the Zoning Law the town board approval of said site plan expired on October 7, 2003 due to the developers failure to commence construction within one year from the date of said site plan approval, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 13, 2004 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 re-approves the project 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. 12
JUNE 7, 2004

Item No. 11a 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, Beverly Hills Athletic Association. has made application to hold a parade on Sunday, June 6, 2003 beginning at 3:00 P.M. as follows:

- Parade will assemble on George Urban Boulevard, then proceed down McNaughton Avenue to the Beverly Hills Athletic Association baseball fields

AND

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. 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 retroactively approves the aforementioned application of Beverly Hills Athletic Association. for the aforementioned parade to be held on June 6, 2004, 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. 11b 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 Southline Athletic Association has made application to hold its annual Memorial Day Parade on Monday, May 31, 2004, commencing at 9:30 A.M.; said parade route to start at the Garden Village Plaza, then down French Road to Towers Boulevard, then to North Seine Drive, and ending at the Southline Athletic Association baseball diamonds; AND

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. Requirement that application be made at least 60 days prior to the date of the special event;
4. Submittal of Security Plan;
5. Submittal of Fire Prevention/Emergency Services Plan;

MEETING NO. 12
JUNE 7, 2004

Item No. 11b Cont'd.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retroactively approves the application of Southline Athletic Association for the aforementioned Parade, to be held on Monday, May 31, 2004; 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. 12a Motion by Councilmember Magierski; Seconded by Councilmember Johnson

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at 17 Fath Drive, Cheektowaga, New York SBL# 102.08-10-11 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Mr. & Mrs. Henry s. Wawro, [REDACTED], Cheektowaga, New York 14227, AND

WHEREAS, an inspection of such premises was conducted on 17 Fath Drive by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State of New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town law of the State of New York that all openings in the vacant structure (main and accessory) be safeguarded and secured, the chimney flue be secured on main structure, demolish the deteriorated accessory structure (shed) located in the rear yard area and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

Item No. 12b Motion by Councilmember Magierski; Seconded by Councilmember Johnson

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure located at 64E Windwood Court, Cheektowaga, New York SBL# 91.14-1-08 that is unsecured and open to unauthorized entry and a danger to the safety of others, and records kept by the Assessors Office identify Jennifer L. Stanley, [REDACTED], Cheektowaga, New York 14225, AND

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JUNE 7, 2004

Item No. 12b Cont'd.

WHEREAS, an inspection of such premises was conducted on 64E Windwood Court by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Housing Standards of the Town of Cheektowaga and the Town Law of the State of New York, and the owner failed to take actions to safeguard the vacant structure, AND

WHEREAS, these conditions require the Town of Cheektowaga Housing and Neighborhood Preservation Office to take immediate steps to safeguard and secure all openings in the vacant structure to protect the health and safety of others, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Article VIII, Section 37-60 and Article VIII, Section 37-61 of the Housing Standards of the Town of Cheektowaga and the Town law of the State of New York that all openings in the vacant structure be safeguarded and secured, and the collapsing and deteriorated chain link fencing be removed and properly disposed of and all costs incurred be assessed against the property hereinbefore described.

Upon roll call

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

Item No. 13a 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)/attendants(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 FOR ATTACHMENT

MEETING NO. 12
JUNE 7, 2004

Item No. 13b 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 ambulances and has recommended that the Town Board license such ambulance(s), NOW, THEREFORE, BE IT

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

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

LaSalle Ambulance, Inc., d/b/a Rural/Metro Medical Services

| <u>VEHICLE MAKE & YEAR</u> | <u>LICENSE NO.</u> | <u>CALL NO.</u> |
|--------------------------------|--------------------|-----------------|
| 1996 Ford | 10650ET | 535 |
| 1996 Ford | 10632ET | 566 |
| 1995 Ford | 10651ET | 584 |

Upon roll call

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

Item No. 14a This item was acted on after the last waiver item.

Item No. 14b Motion by Supervisor Gabryszak; Seconded by Councilmember Jaworowicz

WHEREAS, moneys are available from New York State through the Division of Criminal Justice Services for the purpose of establishing and operating a Drug Court, AND

WHEREAS, the Town Justice Court desires to apply for \$42,000 in funding to enable it to enhance the current functions of the Town's Drug Court.; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultant, be authorized and directed to complete the necessary applications, forms, etc. to be submitted to the New York State Division of Criminal Justice Services for the purpose of securing this funding, 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0

Item No. 14c Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, the Town and Sonwil Distribution Center, Inc., ("Sonwil") entered into an agreement dated February 7, 1994 wherein, in addition to other terms, the Town granted to Sonwil a right of first refusal covering certain real property adjacent to Sonwil Drive in the Town of Cheektowaga; AND

WHEREAS, the Town is entering into a Lease of said property for the construction of a municipal golf course with Garrett, LLC; AND

WHEREAS, the aforesaid agreement with Sonwil affects some or all of said Town property; AND

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Item No. 14c Cont'd.

WHEREAS, said right of first refusal was never intended to apply to a lease of the subject property by the Town for purposes of developing and operating town recreational lands including a public golf course; AND

WHEREAS, Sonwil and the Town wish to clarify and to the extent necessary amend said agreement to set forth such exception to its terms, so as to allow the development and operation of Town lands for the purposes of a golf course; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves of the foregoing and is willing to enter into such Amendment of Agreement, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Amendment of Agreement on behalf of the Town of Cheektowaga, subject to approval by the Town Attorney's Office.

Upon roll call

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

Item No. 14d Motion by Councilmember Johnson; Seconded by Councilmember Mazur

WHEREAS, Sabio Properties, LLC ("Sabio") is the owner of premises located at 340 Nagel Drive, and Dual Printing, Inc., ("Dual") leases said property from Sabio; AND

WHEREAS, Sabio and Dual have commenced construction of an addition and other renovations on the premises ("Project"), which will substantially increase production space utilized by Dual and result in substantial job retention; AND

WHEREAS, the Project requires the construction of an additional fire hydrant to serve the premises; AND

WHEREAS, in order to induce Sabio and Dual to proceed with the work, the Town has directed the Erie County Water Authority to install a fire hydrant in the public right-of-way on the west side of Nagel Drive; AND

WHEREAS, Sabio and Dual have agreed to pay the Town for any annual fee imposed by the Erie County Water Authority with respect to said hydrant, which fee is to be determined by the Water Authority; AND

WHEREAS, this Town Board approves of the foregoing and is willing to enter into an agreement with Sabio and Dual; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement on behalf of the Town of Cheektowaga, subject to approval by the Town Attorney's Office.

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. 14e Motion by Councilmember Magierski; Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga leases property located at 2727 Broadway for use as a Records Center and for storage of voting machines, AND

WHEREAS, in order to protect the Town records and voting machines, the Town wants to have a Fire/Security system installed on such property , AND

WHEREAS, the owner of the property has consented to the Town's request to install a Fire/Security system in the building, AND

WHEREAS, the Town's Municipal Records Manager has issued a Request for Proposals for the installation of a Fire/Security System, and has reviewed the two (2) proposals which were submitted, AND

WHEREAS, after review of the proposals, the Municipal Records Manager has determined that Fire Safety Systems has submitted the lowest responsible quotation to perform the work, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the contract for the installation of a Fire/Security System at the Records Center and Voting Machine storage area in 2727 Broadway to Fire Safety Systems, 3030 Genesee Street, Cheektowaga, New York 14225 for an amount of \$4,810.00, and BE IT FURTHER

RESOLVED, that funds for such award shall be appropriated from budget line item number 0100-1685-2000, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to sign a contract and all other documents in connection with this contract award.

Upon roll call

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

Item No. 14f Motion by Supervisor Gabryszak; Seconded by Councilmember Mazur

WHEREAS, last year, the Buffalo Philharmonic Orchestra graciously agreed to play in Cheektowaga Town Park as part of the Town's Polish-American Arts Festival at no charge to the Town, AND

WHEREAS, this performance was well received by Town residents, and many residents requested that the Buffalo Philharmonic Orchestra come back to Cheektowaga Town Park, AND

WHEREAS, the Buffalo Philharmonic Orchestra has agreed to perform in Cheektowaga Town Park on July 5, 2004, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract and any and all other documents necessary to have the Buffalo Philharmonic Orchestra perform in Cheektowaga Town Park on July 5, 2004, and BE IT FURTHER

RESOLVED, that moneys for such performance, \$15,000.00, shall be appropriated from budget line item number 100-7140-4503.

Upon roll call

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

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Item No. 15 Motion by Councilmember Johnson; Seconded by Councilmember Jaworowicz

WHEREAS, the owner and tenant of 340 Nagel Drive requested the installation of an additional fire hydrant on Nagel Drive for a proposed expansion, AND

WHEREAS, Forks Fire District has consented to the installation of such additional fire hydrant subject to the terms contained in a letter dated March 18, 2004 from the attorney for Dual Printing, Inc., AND

WHEREAS, the Town Engineer has reviewed this request and has no objection to same, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is directed to install an additional fire hydrant on Nagel Drive opposite 340 Nagel Drive, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible to the Erie County Water Authority for annual hydrant rental fees for this hydrant, and BE IT FURTHER

RESOLVED, that such fees shall be reimbursed to the Town pursuant to a separate agreement with the owner and tenant.

Upon roll call

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

Item No. 16a Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, Cub Scout Pack 618 has requested permission to conduct an overnight campout on Saturday, June 12, 2004 to Sunday, June 13, 2004 in John C. Stiglmeier Park, AND

WHEREAS, Section 174-14 of the Code of the Town of Cheektowaga states that "[a]ll parks shall be closed between the hours of sunset and sunrise the following day and no person shall remain inside any parks during the hours when so closed", NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby grants a waiver of Section 174-14 of the Code of the Town of Cheektowaga, and that said waiver shall be extended to Cub Scout Pack 618 for the use of John C. Stiglmeier Park on June 12-13, 2004, 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0

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

WHEREAS, the Cheektowaga Supervisor's Youth Council is an organization established by the Town Supervisor for the purpose of listening to the comments and concerns of our Town youth and formulating proposals for the Town Board in an effort to improve the recreation and all-inclusive activities available for the Town's youth, AND

WHEREAS, the Cheektowaga Supervisor's Youth Council has proposed utilizing the Cheektowaga Town Park Amphitheatre and Town Park Pavilion on Friday, July 23, 2004 for a "Battle of the Music", AND

WHEREAS, the Department of Parks, Recreation and Youth Services has agreed to reserve the Town Park Amphitheatre and Town Park Pavilion for use by the Cheektowaga Supervisor's Youth Council on July 23, 2004 from 12:00 P.M. to 8:00 P.M. for the "Battle of the Music", NOW, THEREFORE, BE IT

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Item No. 16b Cont'd.

RESOLVED, that this Town Board hereby authorizes the Cheektowaga Supervisor's Youth Council to utilize the Town Park Amphitheatre and Town Park Pavilion on July 23, 2004 for the "Battle of the Music", and BE IT FURTHER

RESOLVED, that the Director of the Department of Parks, Recreation and Youth Services be and hereby is directed to cooperate and assist the Cheektowaga Supervisor's Youth Council with the "Battle of the Music" to be held on July 23, 2004 in Cheektowaga Town Park.

Upon roll call

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

Item No. 17 Motion by Supervisor Gabryszak; Seconded by Councilmember Johnson

WHEREAS, this Town Board is interested in improving and revitalizing the area of Town known as Cedargrove Heights, AND

WHEREAS, Clough, Harbour & Associates LLP has submitted a proposal to the Town for planning and engineering services to perform an assessment and analysis of Cedargrove Heights, AND

WHEREAS, this Town Board has reviewed the proposal submitted by Clough, Harbour & Associates LLP, and wishes to retain such firm to perform the assessment and analysis, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Clough, Harbour & Associates LLP as per the attached agreement at a cost not to exceed \$5,500, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached agreement and any other documents necessary to effectuate such agreement, and BE IT FURTHER

RESOLVED, that moneys for such services shall be appropriated from budget line item number 100-1972-4991.

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. 18 Motion by Councilmember Jankowiak; Seconded by Supervisor Gabryszak

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

| | | |
|--|------------|----------------|
| <u>Seasonal</u> <u>Tennis – 7140.1642</u> <u>Recreation Attendant - \$6.15</u> Nick Wierzbicki | [REDACTED] | 14211 |
| <u>Basketball – 7140.1654</u> <u>Rec Attendant – \$5.65</u> Ryan Mohr | [REDACTED] | 14225 |
| <u>Lifeguard – 7180.1903</u> <u>Level I - \$6.50</u> Lauren Malicki | [REDACTED] | 14227 |
| <u>Level IV - \$7.45</u> Laura Garcea | [REDACTED] | 14225 |
| <u>Camp Flamingo – 7310.1810</u> <u>Recreation Attendant - \$5.15</u> Marybeth Zelasko | [REDACTED] | 14227 |
| <u>Recreation Attendant - \$5.65</u> Michael O'Mara | [REDACTED] | 14225 |
| <u>Camp Crabapple – 7310.1802</u> <u>Recreation Attendant – \$5.90</u> Laura Sheldon | [REDACTED] | 14227 |
| <u>Regular Part-time</u> <u>Recreation Attendant – 7140.1613</u> <u>Recreation Attendant - \$5.15</u> Sara Kiehl John Lockhart | [REDACTED] | 14227 14225 |

BE IT FURTHER RESOLVED that the following individuals be and hereby are transferred and/or upgraded as indicated:

Regular Part-time
Recreation Instructor
Glenn Au
Anthony Pierino

Recreation Attendant
Jacques Desjardins
Cher Stucke
Michael Orlovski

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 Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

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Item No. 19 Cont'd.

EFFECTIVE

| | |
|--|--------------------|
| MAIN PUMP STATION – Laborer - \$7.00 per hour | |
| Marcus Dean [REDACTED], Cheektowaga 14215 | 6/08/04 -11/08/04 |
| PARKS DIVISION – Laborer - \$6.50 per hour | |
| Justin Henzler [REDACTED], Cheektowaga 14225 | 6/07/04 – 11/07/04 |
| Gary Rupert [REDACTED], Cheektowaga 14225 | “ |
| SANITATION DEPARTMENT – Laborers - \$7.50 per hour | |
| Patrick Gleason [REDACTED], Cheektowaga 14225 | 5/31/04 – 10/31/04 |
| Christopher Ahrens [REDACTED], Cheektowaga 14206 | “ |
| Kenneth Kelly [REDACTED], Cheektowaga 14227 | “ |
| Steven Krystyniak [REDACTED], Cheektowaga 14225 | “ |
| Corey Wroblewski [REDACTED], Cheektowaga 14225 | “ |

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

| | |
|--|---------|
| SENIOR SERVICES – Van Driver - \$7.50 per hour | |
| Robert E. Cummings [REDACTED], Cheektowaga 14225 | 6/08/04 |

BE IT FURTHER RESOLVED, that Adam Mez, currently employed as a seasonal Laborer in the Parks Division be and here paid the hourly rate of \$8.00 effective June 8, 2004; AND, BE IT FURTHER

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

EFFECTIVE

| | |
|-------------------------------------|---------|
| POLICE DEPARTMENT – Dog Control | |
| Brian Gibbs | 8/29/03 |
| POLICE DEPARTMENT – Central Records | |
| Krista Wierbicki | 5/23/04 |
| PARKS DIVISION | |
| Travis Geyer | 6/07/04 |
| Steve Adamski | “ |
| David DeFields | “ |
| Michael Trembowicz | 5/06/04 |

Upon roll call

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

NAYES: 0

ABSENT: 0

Item No. 20 Motion by Councilmember Jankowiak; Seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the title of General Mechanic in the Buildings and Grounds 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, John R. Ciesielski, currently employed as a Recreation Leader in the Parks, Recreation and Youth Services Department, bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

MEETING NO. 12
JUNE 7, 2004

Item No. 20 Cont'd.

RESOLVED, that John R. Ciesielski of [REDACTED], Cheektowaga, New York 14225 be and hereby is appointed to the position of General Mechanic in the Buildings and Grounds Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 14, 2004.

Upon roll call

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

Item No. 21a Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a Public Safety Dispatcher-Advanced Course is being held at the NYS Fire Academy in Montour Falls, NY,

WHEREAS, Public Safety Dispatcher Richard Nowak, Gary Budzynski, and Donald Douglas will learn domestic violence, incident command system, hazardous materials awareness, stress, troubled callers, and media awareness. The Police Department will be responsible for registration, lodging, transportation costs, and meal expenses which will amount to \$725.00 NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police Christine M. Ziemba is authorized to send PSD Nowak, PSD Budzynski, and PSD Douglas to this training and that the time they spend at this training be authorized as normal duty time. This expense will be charged to lines 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. 21b Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a meeting of the NYS Law Enforcement Accreditation Council is being held in Colonie, NY,

WHEREAS, Chief Christine Ziemba and Lieutenant David Przepiora have been invited to attend this meeting to receive the Certificate of Accreditation and the Program Manager's Award. The Police Department will be responsible for lodging, transportation costs, and meals not to exceed \$314.00 NOW, THEREFORE, BE IT

RESOLVED, that Chief of Police Ziemba and Lt. Przepiora is authorized to attend this meeting and that the time they spend at this meeting be authorized as normal duty time. This expense will be charged to lines 100-3120-4085.

Upon roll call

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

Item No. 21c Motion by Councilmember Mazur; Seconded by Supervisor Gabryszak

WHEREAS, a Drug Abuse Resistance Education (D.A.R.E.) Middle/Junior High School Component Instructor Seminar is being held in Rochester, NY,

WHEREAS, Police Officer Brian Coons will become a certified instructor for the Middle/Junior High School D.A.R.E. curriculum. Lodging, breakfast, lunch, course registration, and course materials are provided at no cost. The Police Department will be responsible for transportation costs which will amount to \$15.00 NOW, THEREFORE, BE IT

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Item No. 21c Cont'd.

RESOLVED, that the Chief of Police Christine M. Ziembra is authorized to send PO Coons to this training and that the time he spends at this training be authorized as normal duty time. This expense will be charged to lines 100-3120-4085.

Upon roll call

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

NAYES: 0

ABSENT: 0



III. DEPARTMENTAL COMMUNICATIONS

Item No. 22 Building Permits – May 2004
Received and Filed.

Item No. 23a Cheektowaga Conservation Advisory Council Meeting Minutes – May 6, 2004
Received and Filed.

Item No. 23b Cheektowaga Conservation Advisory Council Meeting Minutes – May 24, 2004
Received and Filed.

Item No. 23c Town Environmental Advisory Meeting Minutes – May 12, 2004
Received and Filed.

Item No. 23d Cheektowaga Public Library Board Meeting Minutes – May 12, 2004
Received and Filed.

Item No. 24 Supervisor's Statement of Funds – April 2004
Received and Filed.



IV. GENERAL COMMUNICATIONS

Item No. 25 Designation of Restricted Highway: Beginning at the Southern Terminus of Route 78 (Transit Road) at Gould and proceeding north to French Road all in the Towns of Lancaster, Cheektowaga and Village of Depew, Erie County.

Item No. 26a Notice of Claim: Craig Ceccato 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. 26b Notice of Claim: William Connelly 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.

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Item No. 26c Notice of Claim: Joseph M. Draicchio 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. 26d Notice of Claim: Kenneth Jarvis vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Highway-Sewer and First Niagara Risk Management
Received and Filed.

Item No. 26e Notice of Claim: Eugene B. Lew 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. 26f Notice of Claim: Donald A. O'Neill 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. 26g Notice of Claim: Irene Surdej 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. 26h Notice of Claim: April Taplin 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. 26i Notice of Claim: Wayne A. Wypych vs. Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor, Michael Stachowski, Town Attorney, Council; Police; Personnel and First Niagara Risk Management
Received and Filed.



A MOTION WAS MADE 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski

NAYES: 0

ABSENT: 0



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V. SUSPENSION OF RULES

Item No. 27 Motion by Councilmember Magierski; Seconded by Councilmember Jaworowicz

WHEREAS, the Town Board of the Town of Cheektowaga, by resolution dated February 21, 1966, appointed seven individuals as members of the Planning Board of the Town of Cheektowaga, AND

WHEREAS, by Chapter 663 of the Laws of 1992, Section 271 of the Town Law was amended to provide that the town board of each town is authorized, by local law or ordinance, to create a planning board and enact related regulations concerning such planning board, AND

WHEREAS, the Planning Board of Appeals, Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact a local law relating to the Planning Board, AND

WHEREAS, a draft of such amendment has been prepared by the Town Attorney's Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 21st day of June, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law Relating to the Planning Board", 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.

Upon roll call

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

NAYES: 0

ABSENT: 0



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 21st day of June, 2004 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 2004-4 of the Year 2004, entitled "A Local Law Relating to the Planning Board". Following is a brief summary of the proposed Local Law Intro No. 2004- 4:

Local Law Intro No. 2004-4 of the Year 2004
A Local law Relating to the Planning Board

This local law would officially establish the Cheektowaga Planning Board and establish guidelines for training; attendance; appointment of officers and filling of vacancies; meetings; rules of order; hearings; voting; duties, powers and authority; and the issuance of determinations.

A copy of the complete text of the proposed Local Law Relating to the Planning Board is on file in the Town Clerk's Office where the same may be viewed during regular business hours

Dated: June 7, 2004

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

MARY F. HOLTZ
Town Clerk

AFFIDAVIT – NEXT PAGE

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Item No. 28 Motion by Unanimous; Seconded by Unanimous

WHEREAS, the City of Buffalo is in financial straits and its financial affairs are currently being overseen by the Buffalo Fiscal Stability Authority, AND

WHEREAS, in an effort to assist the City, it has been proposed that, under an inter-municipal agreement, the County of Erie take over maintaining the City's 180 parks and playgrounds as of July 1, 2004, the beginning of the City's 2004-05 budget year, AND

WHEREAS, it is estimated that the City of Buffalo would save \$3.5 million in annual savings over 15 years if this takeover occurs, AND

WHEREAS, however, a new worksheet created to answer County lawmakers' questions forecasts that expenses would exceed revenues by almost \$549,000, AND

WHEREAS, there are also other unanswered questions regarding whether suburban taxpayers should foot the bill for a County takeover of non-regional facilities such as City parks, AND

WHEREAS, although this Town Board supports many aspects of regionalism, we are concerned that suburban taxpayers, including those in the Town of Cheektowaga, will incur increases in their County taxes as a result of the current proposal that the County of Erie take over maintenance of Buffalo's numerous parks and playgrounds, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board objects to the current proposal whereby the County of Erie would take over maintenance of the City of Buffalo's 180 parks and playgrounds, effective July 1, 2004, and BE IT FURTHER

RESOLVED, that this Town Board requests that the County of Erie and City of Buffalo engage in additional negotiations so that their suburban taxpayers of other local governments in Erie County do not suffer increased County taxes as a result of the County's takeover of City parks, and BE IT FURTHER

RESOLVED, that this Town Board is willing to reconsider its position on this matter if the proposal can be modified to avoid any consequential increases in County taxes to suburban taxpayers, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Clerk of the County Legislature, County Executive Joel Giambra, County legislators serving Cheektowaga, and to the Mayor of the City of Buffalo.

Upon roll call

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



This item was acted on out of order.

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

WHEREAS, the Town of Cheektowaga seeks grant monies to renovate Dingens Park, AND

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation Park Development Program offers grant monies to pay 50% of the costs associated with specific park improvements; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New

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Item No. 14a Cont'd.

York State Office of Parks, Recreation, and Historic Preservation for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that Dennis H. Gabryszak, as Supervisor, of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$350,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for Dingens Park Improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and BE IT FURTHER

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

Upon roll call

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

NAYES: 0

ABSENT: 0



Item No. 29 A MOTION WAS MADE BY SUPERVISOR GABRYSZAK AND SECONDED BY COUNCILMEMBER MAZUR TO ADJOURN THE MEETING AT 7:45 P.M. A MOMENT OF SILENCE WAS OBSERVED IN HONOR OF FORMER PRESIDENT RONALD REAGAN.

MARY F. HOLTZ
TOWN CLERK

**TOWN OF CHEEKTOWAGA
MEETING 13
JUNE 21, 2004**

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 21st day of June, 2004 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; Thomas Adamczak, Supervising Building and Plumbing Inspector; Michael Stachowski, Town Attorney; Bill Pugh, Town Engineer; Patricia Wojcik, Director of Senior Services; Anthony Romano, Coordinator of Employee Relations; Salvatore LaGreca, Chairman of Planning Board; Anthony Sisti and John Marriot, Planning Board Members.

I. PUBLIC HEARING

Item No. 2 This being the time and place advertised for a public hearing to consider and discuss the proposed adoption of Local Law Intro No. 2004-4 of the Year 2004 entitled, "A Local Law Relating to the Planning Board" of said Town hereinafter more particularly described. The Supervisor directed the Town Clerk to present that such notice has been duly published and posted; upon the order of the Supervisor such proof was duly filed. Said proposed Local Law is attached.

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.

*SEE NEXT PAGE(S) FOR ATTACHMENT

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:

HUD CDBG FUND

| | | | |
|-------|---------------|--|-----------|
| FROM: | 700-1099-2500 | Pine Hill Neighborhood Improvements | \$ 798.00 |
| | 700-1099-2500 | Pine Hill Neighborhood Improvements | 1,205.73 |
| TO: | 700-1099-2400 | Cedargrove Heights Recreation Improvements | \$ 798.00 |
| | 700-1099-0600 | Housing Rehabilitation | 1,205.73 |

GENERAL FUND

| | | | |
|-------|---------------|-----------------------------|-------------|
| FROM: | 100-1110-2770 | Other Unclassified Revenues | \$42,000.00 |
| TO: | 100-1110-4592 | Contracted Clerical | \$32,500.00 |
| | 100-1110-4082 | Travel/Training | 9,500.00 |

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 Warrant submitted to the Town of Cheektowaga prior to June 18, 2004 are hereby approved and made a part hereof:

| | |
|----------------------------|------------------|
| GENERAL FUND | \$ 485,136.85 |
| RISK RETENTION FUND | 37,602.02 |
| HUD HOUSING REHABILITATION | 9,115.00 |
| SPECIAL DISTRICTS FUND | 2,168,319.91 |
| HIGHWAY FUND | 56,911.63 |
| TRUST & AGENCY | 3,252.96 |
| HUD CDBG FUND | 77,299.15 |
| PART TOWN FUND | 1,761.87 |
| CAPITAL FUND | <u>96,667.86</u> |
| | \$2,936,067.25 |

Upon roll call

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

Item No. 5 Motion By Supervisor Gabryszak, Seconded by Councilmember Mazur

WHEREAS, by resolution dated April 19, 2004, this Town Board awarded the bid for Asbestos Abatement and Demolition of 72 Randolph Avenue to Carone Contracting, Inc. for the bid price of \$87,000, AND

WHEREAS, Carone Contracting, Inc. was notified that it was awarded the bid, and was then, as per the terms of the Bid Specifications and bid documents, notified by the Community Development Office that it had to supply the Town with certain documents and information, and that it was to commence work, AND

WHEREAS, to date, the Town has not received the requested documentation/information from Carone Contracting, Inc., AND

WHEREAS, Carone Contracting, Inc. has neglected to respond to the Town's requests, NOW, THEREFORE, BE IT

MEETING NO. 13
JUNE 21, 2004

Item No. 5 cont'd.

RESOLVED, that this Town Board hereby finds that Carone Contracting, Inc. has breached the aforementioned contract and terms of the award of bid, and hereby rescinds the aforementioned bid award to Carone Contracting, Inc. and, BE IT FURTHER

RESOLVED, that the bid for the Asbestos Abatement and Demolition of 72 Randolph Avenue is hereby awarded to David E. Ogiony Development Company, 500 Bullis Road, West Seneca, New York 14224, the next lowest responsible bidder at the bid price of \$101,00.00 and, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to notify Carone Contracting, Inc. of this termination, and to pursue damages from Carone Contracting, Inc. and its bond company, for all additional costs incurred by the Town as a result of the breach by Carone Contracting, Inc.

Upon roll call

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

Item No. 6 Motion By Councilmember Mazur, Seconded by Supervisor Gabryszak

WHEREAS, the Town wishes to amend its Annual Plan/Final Statements on the Use of Community Development Block Grant Funds pertaining to various activities 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. 13
JUNE 21, 2004

Item No. 7a 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, 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, AND

WHEREAS, the Boy Scouts of America, Greater Niagara Frontier Council, have requested permission to conduct a Cub Scout Day Camp from July 12, 2004 to July 16, 2004, 8:00 A.M. to 4:30 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 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 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, Johnson, Swiatek, Jankowiak,
Mazur and Magierski
NAYES: 0
ABSENT: 0

Item No. 7b Motion By Supervisor Gabryszak, Seconded by Councilmember Jankowiak

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 16-18, 2004, AND

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

MEETING NO. 13
JUNE 21, 2004

Item No. 7b 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 be held in Cheektowaga Town Park from July 16-18, 2004.

Upon roll call

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

Item No. 7c 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 General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 18, 2004 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 18, 2004 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. 7d Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

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

WHEREAS, the Buick Club of America, Niagara Frontier Chapter, has made application to hold its Antique and Classic Car Show in Cheektowaga Town Park on August 15, 2004 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

MEETING NO. 13
JUNE 21, 2004

Item No. 7d 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, Johnson, Swiatek, Jankowiak, Mazur and Magierski
NAYES: 0
ABSENT: 0

Item No. 8 Motion by Councilmember Jankowiak, Seconded by Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga Highway Department has an old Highway radio repeater that it acquired years ago, AND

WHEREAS, this radio repeater is in unsatisfactory condition and is of surplus need to the Town; as such, the Town desires to dispose of same, AND

WHEREAS, the Lancaster Amateur Radio Club, Inc. has requested that the Town give this radio repeater to such organization, AND

WHEREAS, the Town Superintendent of Highways feels that this radio repeater is of no value to the Town, that it would otherwise cost the Town to dispose of same and that it would be in the Town's best interests to give this radio repeater to the Lancaster Amateur Radio Club, Inc., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of the above mentioned radio repeater to the Lancaster Amateur Radio Club, Inc. for no consideration provided the Lancaster Amateur Radio Club, Inc. executes a document stating that the Town is absolved of any future liability relating to the condition of this radio repeater.

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 Magierski

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 of IRR Supply Centers, Inc. for the construction of a 9,325 square foot building addition at 2477 Broadway, AND

MEETING NO. 13
JUNE 21, 2004

Item No. 9a cont'd.

WHEREAS, the Environmental Advisory Committee at its meeting held on June 16, 2004 recommended a determination of non significance as shown in the attached memorandum dated June 17, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on May 13, 2004, subject to installation of a solid wood board fence along the east property line, the addition of Colorado spruce trees along the north yard and the elimination of existing aprons along the west yard, AND

WHEREAS, a variance was approved by the Town of Cheektowaga Zoning Board of Appeals for the location of the building addition along the west property line, as shown on the attached decision dated May 20, 2004, 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:

1. The Town Engineer approving the drainage plan.
2. The changes to the site plan as recommended by the Planning Board.
3. The removal of the northerly driveway apron along the west property line.
4. The provision of an accessible concrete pedestrian walk from the public walk to the main entrance of the building consistent with the requirements of section 1100 of the NYS Building Code.

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. 13
JUNE 21, 2004

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

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

HEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

HEREAS, 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 Robin Mach, President of Mach Architecture & Engineering, PC for the demolition of an existing medical office and the construction of a replacement 4,400 square foot medical office building at 570 French Road, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on June 16, 2004 recommended a determination of non significance as shown in the attached memorandum dated June 17, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on May 13, 2004, AND

WHEREAS, a use variance was approved by the Town of Cheektowaga Zoning Board of Appeals for the reconstruction of a medical office building, as shown on the attached decision dated May 20, 2004, 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:

1. The Town Engineer approving the drainage plan.

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. 13
JUNE 21, 2004

Item No. 9c Motion by Councilmember Johnson, Seconded by Councilmember Magierski

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 Carmine Provenzano of Silvestri Architects, PC for the construction of a 9,365 square foot one story commercial building at 120 Losson Road, which is the second and final phase of development on the premises, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on June 16, 2004 recommended a determination of non significance as shown in the attached memorandum dated June 17, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on May 13, 2004, AND

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

RESOLVED, that this Town Board determines that the project will not have a significant effect on the environment and therefore issues a Negative Declaration for purposes of SEQRA; and finds the site plan prepared by Silvestri Architects, dated June 9, 2004 acceptable, subject to:

1. The Town Engineer approving the drainage plan.
2. The Applicant obtaining Erie County permit approvals.

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. 13
JUNE 21, 2004

Item No. 9d Motion by Councilmember Johnson, Seconded by Councilmember Magierski

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 Tantalio of Pepsi Bottling Group for the construction of two building additions totaling 19,020 square feet at 2770 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on June 16, 2004 recommended a determination of non significance as shown in the attached memorandum dated June 17, 2004, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at its meeting held on May 13, 2004, AND

WHEREAS, a variance application is pending before the Cheektowaga Zoning Board of Appeals for relief from the maximum height restrictions and the prohibition on security fence toppings, 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:

1. The Town Engineer approving the drainage plan.
2. The Applicant obtaining a variance from the Zoning Board of Appeals for the security fence.

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. 13
JUNE 21, 2004

Item No. 10 Motion by Councilmember Magierski, 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 James Klino of JLK Engeneuring, P.C. for an accessory garage at 5111 Genesee Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 10, 2004 is recommending the approval of the site plan, 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 prepared by JLK Engeneuring, P.C. is acceptable.

Upon roll call

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

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

WHEREAS, in 1994, the Town Board of the Town of Cheektowaga enacted an amendment to its Vehicle and Traffic Ordinance to establish a truck route system on certain highways within the Town, AND

WHEREAS, pursuant to such truck route system, trucks in excess of five (5) tons were prohibited from traveling on certain County highways within the Town, AND

WHEREAS, pursuant to State law, signs were required to be posted along such County highways in order for the Town Police Department to be able to issue tickets and otherwise enforce such truck route system, AND

WHEREAS, the County of Erie Department of Public Works, Division of Highways, has submitted a proposed permit to the Town for the posting of truck route system signs on various County highways, AND

WHEREAS, the Town Attorney and the Traffic Division of the Police Department have reviewed this proposed permit and have no objection to the conditions named therein, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this permit and any and all other documents necessary to effectuate the terms of this permit.



MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER JANKOWIAK TO AMEND THE ABOVE RESOLUTION, ITEM 11, AND THE VOTING WAS AS FOLLOWS:

Upon roll call

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



Item No. 11 cont'd.

AMENDED

WHEREAS, in 1994, the Town Board of the Town of Cheektowaga enacted an amendment to its Vehicle and Traffic Ordinance to establish a truck route system on certain highways within the Town, AND

WHEREAS, pursuant to such truck route system, trucks in excess of five (5) tons were prohibited from traveling on certain County highways within the Town, AND

WHEREAS, pursuant to State law, signs were required to be posted along such County highways in order for the Town Police Department to be able to issue tickets and otherwise enforce such truck route system, AND

WHEREAS, the County of Erie Department of Public Works, Division of Highways, has submitted a proposed permit to the Town for the posting of truck route system signs on various County highways, AND

WHEREAS, the Town Attorney the Traffic Division of the Police Department have reviewed this proposed permit and have no objection to the conditions named therein, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor and/or Town Attorney be and hereby is authorized and directed to execute this permit and any and all other documents necessary to effectuate the terms of this permit.

Upon roll call

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

Item No. 12 Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

BE IT RESOLVED, the Town Board hereby creates the position of Senior Court Clerk pursuant to Civil Service Laws and Rules effective June 22, 2004.

Upon roll call

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

Item No. 13a Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-B in the Sanitation Department, AND

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

WHEREAS, Joseph E. Dietl, currently employed as a temporary Motor Equipment Operator - B in the Sanitation Department, bid on said vacancy, and meets the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Joseph E. Dietl of [REDACTED], Cheektowaga, New York 14225, be and hereby is appointed to the position of Motor Equipment Operator-B 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 June 22, 2004.

Upon roll call

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

MEETING NO. 13
JUNE 21, 2004

Item No. 13b Motion by Councilmember Jankowiak, Seconded by Councilmember Mazur

WHEREAS, a vacancy exists in the position of Account Clerk Typist in the Police Department, AND

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

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

WHEREAS, the existing Civil Service promotional list for said title was canvassed, AND

WHEREAS, Kathleen C. Brzyski, currently employed as a Senior Clerk Typist in the Police Department, appears on said list and meets all the necessary qualifications, NOW, THEREFORE, BE IT

RESOLVED, that Kathleen C. Brzyski of [REDACTED], Depew, New York 14043, be and hereby is appointed to the position of Account Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 22, 2004.

Upon roll call

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



MOTION BY COUNCILMEMBER JANKOWIAK, SECONDED BY COUNCILMEMBER MAZUR TO DISPENSE WITH READING THE NAMES IN ITEMS 14, 15 AND 16, AND THE VOTING WAS AS FOLLOWS:

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 Mazur

BE IT RESOLVED, that the following individuals be and hereby are hired as SEASONAL EMPLOYEES, not to exceed five months in a calendar year, in the various departments listed and in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

| | <u>EFFECTIVE</u> |
|--|--------------------|
| <u>POLICE DEPARTMENT – Clerk - \$6.00 per hour</u> | |
| Julie Bojarski [REDACTED], Cheektowaga 14227 | 6/22/04 - 12/22/04 |
| Jennifer Wierzbicki [REDACTED], Cheektowaga 14225 | 6/22/04 - 12/22/04 |
| <u>PARKS DIVISION – Laborer - \$7.00 per hour</u> | |
| David B. McCann [REDACTED], Depew 14043 | 6/22/04 - 12/22/04 |
| <u>PARKS DIVISION – Laborer - \$6.50 per hour</u> | |
| Lukasz Laskowski [REDACTED], Cheektowaga 14211 | 6/22/04 - 12/22/04 |

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Item No. 14 cont'd.

SANITATION DEPARTMENT – Laborer - \$7.50 per hour

| | | |
|------------------|-------------------------------|--------------------|
| Jason Wyzykowski | [REDACTED], Cheektowaga 14215 | 6/21/04 - 12/21/04 |
| Gerald Blady | [REDACTED], Depew 14043 | 6/21/04 - 12/21/04 |
| Donald Bzibziak | [REDACTED], Cheektowaga 14227 | 6/21/04 - 12/21/04 |

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 Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

EFFECTIVE

POLICE DEPARTMENT – Clerk - \$6.00 per hour

| | | |
|-------------------------|-------------------------------|---------|
| Michael E. Dmowski, Jr. | [REDACTED], Cheektowaga 14225 | 6/22/04 |
|-------------------------|-------------------------------|---------|

MAIN PUMP STATION – Laborer - \$7.25 per hour

| | | |
|-------------|-------------------------------|---------|
| Peter Gullo | [REDACTED], Cheektowaga 14227 | 6/22/04 |
|-------------|-------------------------------|---------|

ACCOUNTING DEPARTMENT – Clerk – \$7.00 per hour

| | | |
|-----------|-------------------------------|---------|
| John Ptak | [REDACTED], Cheektowaga 14225 | 6/28/04 |
|-----------|-------------------------------|---------|

RESOLVED, that the following SEASONAL and/or PART-TIME employees be and hereby are terminated as listed:

EFFECTIVE

MAIN PUMP STATION

| | | |
|-------------|--|---------|
| Marcus Dean | | 6/08/04 |
|-------------|--|---------|

SENIOR SERVICES

| | | |
|--------------|--|---------|
| Bernice Daly | | 4/05/04 |
|--------------|--|---------|

PARKS DIVISION

| | | |
|---------------|--|---------|
| Gary Golab II | | 6/27/04 |
|---------------|--|---------|

| | | |
|------------------|--|---------|
| Andrew Saskowski | | 6/27/04 |
|------------------|--|---------|

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

WHEREAS, Andrea Dueser has been assisting John Ciesielski with the coordination of softball activities, and with the transfer of John Ciesielski to the Building and Grounds Division, a vacancy exists in the position of Recreation Leader, BE IT

RESOLVED that Andrea Dueser be transferred to the position of Recreation Specialist (Softball Coordinator) at the rate of \$10.15 per hour, AND
BE IT

RESOLVED that the following individuals be and hereby are transferred as indicated:

Regular Part-time

From 7180.1903 to 7310.1810 (Camp Flamingo)

Recreation Attendant - \$5.40

Melissa Litwin

Seasonal

From 7140.1613 to 7310.1810 (Camp Flamingo)

Recreation Attendant - \$5.65

John Lockhart

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

Item No. 15 cont'd.

Seasonal

Arts and Crafts Rotation – 7140.1648

Recreation Attendant - \$5.15

Dana Machajewski [REDACTED] 14043

Arts and Crafts – 7140.1613

Recreation Attendant - \$5.90

Lori Conti [REDACTED] 14225

Recreation Attendant - \$5.40

Nathan Pyzikiewicz [REDACTED] 14206

Lifeguards – 7180.1903

Level I - \$6.50

Jared Enser [REDACTED] 14086

Mary Murphy [REDACTED] 14086

Melissa Stozenberg [REDACTED] 14225

Jennifer Kishbaugh [REDACTED] 14225

Julie Kujawinski [REDACTED] 14227

Sarah F. Blair [REDACTED] 14209

Level 6 - \$7.85

Jennifer Strobele [REDACTED] 14227

Laborers (Bathhouse Attendants) - 7180.1901 - \$5.15

Alternate

Deborah Zagoda [REDACTED] 14225

Summer Day Camps

Camp Flamingo – 7310.1810

Recreation Attendant - \$5.15

Kylie Mars [REDACTED] 14211

Recreation Attendant - \$5.40

Jennifer Ostrowski [REDACTED] 14043

Recreation Attendant - \$5.65

Hilary Peacock [REDACTED] 14225

Cheektowaga Conservation Corps

Laborers – (Participants) – 7310.1816 - \$5.15

Level I

Justin Golas [REDACTED] 14043

Steven Lach [REDACTED] 14212

Youth Leader – 7310.1811

Level I - \$7.25

Gary Golab, II [REDACTED] 14206

Crew Supervisor – 7310.1811

Level III - \$10.50

Andrew Saskowski [REDACTED] 14225

Upon roll call

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

NAYES: 0

ABSENT: 0

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Item No. 16 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

WHEREAS, the Summer Youth Program starts on July 6th, 2004, participants work a minimum of 24 hours per week, \$5.15 per hour, with a termination date not to exceed August 13, 2004, NOW, THEREFORE, BE IT

RESOLVED, that the following persons will be hired based on availability from the Department of Labor and that the alternate portion may be utilized to meet the demographic requirements as stated in our plan submitted to the Department of Labor.

| | |
|----------------------|-------------|
| Babirad, Justin | 14225 |
| Bell, Lindsey | 14225 |
| Blackwell, Daniel | 14225 |
| Boyle, Felicia | 14212 |
| Boyle, Peter | 14212 |
| Bradley, Brandyn | 14225 |
| Brown, Clarice | 14215 |
| Carr Alexandria | 14215 |
| Ceranski, Andrew | 14227 |
| Chamberlin, John | 14206 |
| Cheatom, Shalicia | Lower 14215 |
| Coffey, Robin | 14215 |
| Coronado, John | 14206 |
| Crowley, Aja | 14225 |
| Daughtry, Jason | 14215 |
| Davies, Robert | 14227 |
| Davis, Shantell | 14211 |
| Davis, Verley | 14211 |
| Dulniak, Justin | 14211 |
| Franz, Kenny | 14211 |
| Graham, Emmanuel | 14211 |
| Grant, Zahir | 14211 |
| Griffith, Elisa | 14225 |
| Grochow, Meghan | 14225 |
| Hahn, Anthony | 14212 |
| Hall, Frederick | 14115 |
| Haurik, Joseph | Depew |
| Hinton, Brittany | 14215 |
| Houze, Maurice | 14215 |
| Howard, Jeremy | 14212 |
| Hy, Sean | 14225 |
| Jabbar, Lamiyah | 14225 |
| Jabbar, Rahiem | 14225 |
| Jackson, Roblyn | 14215 |
| Jarosz, Kristy | 14206 |
| Johnson, Lawrence | 14227 |
| Jones, Keyanna | 14225 |
| Koehler, Eric | 14225 |
| Kupczyk, Christopher | 14206 |
| Laurent, Sarah | 14212 |
| Lee, William | 14225 |
| Lopez, Markeith | 14227 |
| McCabe, Brittany | 14227 |
| McCabe, Shawn | 14227 |
| McMiller, Ariel | 14227 |
| Milligan, Stephanie | 14225 |
| Nati, Mickey | 14227 |
| Nevins, Jessica | 14225 |
| Nosbisch, Amber | 14211 |
| Pham, Sy | 14211 |
| Price, Alan | 14225 |
| Price, Nate | 14225 |
| Puszert, Scott | 14225 |
| Rhodes, Danielle | 14211 |
| Riley, Erin | 14225 |

Item No. 16 cont'd.

| | |
|--------------------|-------|
| Riley, Megan | 14225 |
| Root, Thomas | 14227 |
| Santiago, Vanessa | 14225 |
| Sharp, Jevon | 14225 |
| Smith, Joseph | 14225 |
| Speaks, Jaki | 14211 |
| Stack, Danielle | 14227 |
| Statler, James | 14225 |
| Suba, Jonathan | 14225 |
| Thagard, Jonathan | 14215 |
| Thauer, David | 14225 |
| Thauer, Jessica | 14225 |
| Thrash, Angel | 14225 |
| Transue, Jennifer | 14227 |
| Transue, Julie | 14227 |
| Wall, DeAira | 14225 |
| Watkins, Deval | 14211 |
| Williams, Markeith | 14211 |
| Winston, Safiyyah | 14215 |
| Woelfle, Amber | 14225 |
| Woods, Dezmond | 14211 |
| Woods, Samiran | 14215 |
| Wozniak, Justin | 14225 |

Upon roll call

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

III. DEPARTMENTAL COMMUNICATIONS

Item No. 17a Minutes of Cheektowaga Safety Commission – May 18, 2004
Received and filed.

Item No. 17b Minutes of Town Environmental Advisory Committee – June 2, 2004
Received and filed.

Item No. 17c Minutes of Town Environmental Advisory Committee – June 16, 2004
Received and filed.

Item No. 17d Minutes of Cheektowaga Conservation Advisory Council – June 3, 2004
Received and filed.

IV. GENERAL COMMUNICATIONS

Item No. 18 Summons and Complaint: C & L Plumbing, Inc. vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town
Attorney; Council; Senior Services; Accounting and First Niagara Risk Management.
Received and filed.

Item No. 19a Notice of Claim: Daniel McPhee vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town
Attorney; Council; Sanitation; Highway and First Niagara Risk Management.
Received and filed.

Item No. 19b Notice of Claim: Emily Chojnicki vs. the 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.

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Item No. 19c Notice of Claim: Tim Philbin vs. the Town of Cheektowaga
Copies were sent to: Dennis H. Gabryszak, Supervisor; Michael Stachowski, Town Attorney; Council; Sewer; Engineering and First Niagara Risk Management.
Received and filed.

Item No. 19d Notice of Claim: Craig Summers vs. the 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. 19e Notice of Claim: Robert J. Ciesielski vs. the 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. 19f Notice of Claim: Maureen Wilk, parent and natural guardian of Courtney Wilk 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.

IV. GENERAL COMMUNICATIONS

Item No. 20 Notice of Petition: Wayne A. Wypych vs. the Town of Cheektowaga, its Officers, Agents, Servants, Representatives, Officials and/or Employees
Copies were sent to: Michael Stachowski, Town Attorney
Received and filed.

Item No. 21 Request to Speak: Sandy Grochowiak Representing Residents from Wellington, Joseph, North Creek, Ellsworth, Lloyd, Santin and Nadine Regarding Rodent Problems and Two (2) Additional Stop Signs
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, Mazur and Magierski
NAYES: 0
ABSENT: 0



V. SUSPENSION OF RULES

Item No. 22 Motion by Unanimous, Seconded by Unanimous

WHEREAS, State Supreme Court Justice Joseph G. Makowski rendered a Decision in Huron Group, Inc., et al. vs. George V. Pataki, The State of New York, Town of Cheektowaga, et al. relative to locating a casino in the Town of Cheektowaga, AND

WHEREAS, the Town of Cheektowaga wishes to appeal this Decision, NOW, THEREFORE, BE IT

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Item No. 22 cont'd.

RESOLVED, that the Town Attorney be and hereby is directed to appeal this Decision to the Appellate Division on behalf of the Town of Cheektowaga.

Upon roll call

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

Item No. 23 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson

WHEREAS, the New York State Department of Transportation is proposing the reconstruction and improvement of Harlem Road from Genesee Street to Saratoga Road in the towns of Cheektowaga and Amherst, AND

WHEREAS, this project will include redesigning the intersections of Harlem Road at Cleveland Drive, Harlem Road at Wehrle Drive and Harlem Road at Kensington Avenue, AND

WHEREAS, although this project will disrupt traffic and businesses temporarily during construction, it will result in a more attractive, safer and better roadway system, AND

WHEREAS, the newly constructed Harlem Road will be more attractive and hopefully result in an increase in business for the many businesses along this state highway, AND

WHEREAS, the Harlem-Kensington-Cleveland Community Association, Inc. has supported the New York State Department of Transportation's plans for Harlem Road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the New York State Department of Transportation's plans for the reconstruction and revitalization of Harlem Road, from Genesee Street to Saratoga Road and, BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the New York State Department of Transportation to begin the reconstruction of Harlem Road as soon as possible and to complete same as expeditiously as possible and, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the New York State Department of Transportation, Buffalo Regional Office, State Assemblyman Paul A. Tokasz and State Senator William T. Stachowski.

Upon roll call

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

Item No. 24 Motion by Supervisor Gabryszak, Seconded by Councilmember Johnson
Councilmember Mazur

WHEREAS, by resolution dated September 15, 2003, this Town Board approved a Performance Contracting Project Agreement with Johnson Controls, Inc. to implement various cost and energy savings measures for certain Town facilities and equipment, AND

WHEREAS, since work was begun by Johnson Controls, Inc., various departments have requested that the Town increase/modify the Scope of Work as follows:

1. Completely replace 491 gas street lights with photovoltaic LED street lights, each consisting of three (3) LED circuits, fiberglass direct burial poles, solar panel and battery (in lieu of LED circuits utilizing the existing luminaries and poles);
2. Construction of a new roof at the Cheektowaga Recreation Center building;
3. Install a new boiler at the Cheektowaga Police Department building;

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Item No. 24 cont'd.

4. Install wireless Wide Area Network for the Town's buildings that will contain the Johnson Controls Facility Management System;
5. Install new roof-top HVAC unit with fully modulating economizer to provide proper ventilation and conditioning for Town Hall Networking rooms and second floor interior hallway;
6. Install new HVAC unit with economizer to provide proper ventilation and conditioning for Police Station Booking room, including holding cell and cellblock guard area;
7. Facility Management System Enhancement at Matecki Center;
8. Upgrade in Boiler System replacement at Alexander Community Center to a high efficiency pulse combustion boiler system.

,AND

WHEREAS, the above increases in the Scope of Services under the Performance Contracting Project Agreement with Johnson Controls, Inc. are much needed to provide energy savings to the Town, AND

WHEREAS, the initial increase in cost to the Town for the above items is as follows:

| | |
|---------|-------------|
| Item #1 | \$ 647,799 |
| Item #2 | \$ 403,420 |
| Item #3 | \$ 122,149 |
| Item #4 | \$ 135,290 |
| Item #5 | \$ 27,695 |
| Item #6 | \$ 9,864 |
| Item #7 | \$ 8,068 |
| Item #8 | \$ 2,155 |
| TOTAL | \$1,356,440 |

,AND

WHEREAS, a result of this change in the scope of services, the additional energy savings to the Town for the first year will be \$41,483, and over 15 years, the energy savings will increase by \$1,000,486, NOW, THEREFORE, BE IT

RESOLVED, that, subject to the approval of the Town Attorney and Town Engineer, the Supervisor be and hereby is directed to execute an amendment to the aforementioned Performance Contracting Project Agreement to note the above changes to the Scope of Work AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is also authorized and directed to execute an appropriate amendment to the agreement with Real Lease, Inc. for the financing of work by Johnson Controls, Inc.

Upon roll call

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

Item No. 25 Motion by Councilmember Johnson, Seconded by Councilmember Swiatek to adjourn this meeting. This meeting was adjourned at 7:25 P.M.

Mary F. Holtz
Town Clerk