



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

~ Minutes ~

Mary F. Holtz
(716) 686-3434

Tuesday, January 2, 2007

6:45 PM

Council Chambers

I. Call to Order

COMMENTS - Current Meeting:

6:45 PM Meeting called to order on January 2, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| James Jankowiak | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Michael Stachowski, Town Attorney
 William Pugh, Town Engineer
 Brian Krause, Director of Finance and Administration
 Thomas Adamczak, Supervising Building and Plumbing Inspector
 Jerry Gabryszak, Director of Community Development
 Christine Ziemba, Chief of Police
 Anthony Romano, Director of Employee Relations
 John Jaroszewski, Working Crew Chief
 Kenneth J. Kopacz, Executive Director of Parks, Recreation and Youth Services
 Kerry Switalski, Director of Senior Services

II. Public Comment Period

III. Resolutions

**RESOLUTION 2007-1**

DOC ID: 1762

Transfer of Funds**Sponsored By:** Councilmember Jankowiak, Councilmember Jaworowicz**BE IT RESOLVED**, that the following transfers are hereby approved and made a part hereof;

| | | <u>2006</u> | |
|---------------------|---------------|-----------------|----------|
| <u>GENERAL FUND</u> | | | |
| FROM: | 100-1110-4321 | Data Processing | \$400.00 |
| TO: | 100-1110-4001 | Office Supplies | \$400.00 |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-2

DOC ID: 1766

Warrant

Sponsored By: Councilmember Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 27, 2006 are hereby approved and made a part hereof;

| | |
|-----------------------------|-----------------------|
| General Fund | \$541,192.95 |
| Risk Retention Fund | 26,435.71 |
| Special Districts | 146,614.45 |
| Highway Fund | 92,702.22 |
| Capital Fund | 573,486.50 |
| Trust & Agency Fund | 8,447.37 |
| HUD CDBG Fund | 10,453.00 |
| Part Town Fund | 19,058.78 |
| NYS Affordable Housing Fund | 9,327.00 |
| | <u>\$1,427,717.98</u> |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-3**

DOC ID: 1773

Establish Town Board Meeting Dates for 2007

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th
- August 13th
- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 26, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend the above resolution to change the date of the last Town Board Meeting in December from the 26th to the 27th, and the vote was unanimous.

AMENDED RESOLUTION

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th
- August 13th

- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 27, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend this resolution by changing the date of the last meeting in December from December 26th to December 27, 2007 and the vote was unanimous.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski

**RESOLUTION 2007-4**

DOC ID: 1774

Establish Work Session Dates for 2007

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2007 at 6:00 P.M. on the following dates:

- January 9th & 30th
- February 21st & 27th
- March 13th & 27th
- April 10th
- May 1st, 15th & 29th
- June 12th
- July 10th
- August 7th & 28th
- September 11th & 25th
- October 9th & 30th
- November 13th & 27th
- December 11th & 20th

and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-5

DOC ID: 1775

Establish Holidays for 2007

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2007:

| | | |
|-----------------------------|-------------------|-----------|
| Martin Luther King, Jr. Day | January 15, 2007 | Monday |
| President's Day | February 19, 2007 | Monday |
| Good Friday | April 6, 2007 | Friday |
| Memorial Day | May 28, 2007 | Monday |
| Independence Day | July 4, 2007 | Wednesday |
| Labor Day | September 3, 2007 | Monday |
| Columbus Day | October 8, 2007 | Monday |
| Election Day | November 6, 2007 | Tuesday |
| Veterans Day | November 12, 2007 | Monday |
| Thanksgiving Day | November 22, 2007 | Thursday |
| Day After Thanksgiving | November 23, 2007 | Friday |
| Christmas Eve | December 24, 2007 | Monday |
| Christmas Day | December 25, 2007 | Tuesday |
| New Year's Day | January 1, 2008 | Tuesday |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-6**

DOC ID: 1779

Deputy Supervisor's Facsimile Signature**Sponsored By:** Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of the Deputy Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon may be affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Deputy Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-7**

DOC ID: 1778

Designate Official Depositories**Sponsored By:** Councilmember Rogowski, Councilmember Jankowiak

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2007:

HSBC Bank (Cheektowaga Office)
Manufacturers and Traders Trust Company (Airport Plaza)
Key Bank (Appletree Business Park and Union Road)
Bank of America (Walden Avenue Office))
JP Morgan Chase Bank, N.A. (Depew Office)
Citibank (Cheektowaga Office)
Citizens Bank (Cheektowaga Office)
Evans National Bank

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-8**

DOC ID: 1776

Designate Official Newspaper

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

WHEREAS, Section 64(11) of the Town Law empowers a Town Board to designate a newspaper as the official paper of the Town provided such newspaper is regularly published in the Town and has been entered as second class mail matter, and

WHEREAS, the CHEEKTOWAGA TIMES has served as the official newspaper of the Town of Cheektowaga for the past several years, and is qualified to serve as the Town's official newspaper, NOW, THEREFORE, BE IT

RESOLVED, that THE CHEEKTOWAGA TIMES be and hereby is designated as the official newspaper of the Town of Cheektowaga.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-9**

DOC ID: 1782

Retain Certified Public Accounting Firm

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

WHEREAS, the Town Board desires the services of a Certified Public Accounting firm that is knowledgeable of New York State, Federal and Town rules and regulations; knowledgeable of the New York State Uniform System of Accounting for towns; experienced in implementing Governmental Accounting Standards Board (GASB) Statements; established as Government Finance Officer Association Certificate Program reviewers; and familiar with the Town's policies, accounting procedures and operations in order to effectively and efficiently perform services in the areas of:

- A. Annual Audit - A complete financial audit of the Town's basic financial statements for the year ended December 31, 2006.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2006.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2006.
- D. Preparation of management letter relating to the audit of the basic financial statements.
- E. Single Audit - Conduct an audit of Town's federal financial assistance for compliance with applicable federal laws and regulations in accordance with OMB Circular A-133 for the year ended December 31, 2006.
- F. Other Services - Including routine consultation will be provided to the Supervisor and the Town's Director of Administration and Finance on areas such as: GASB implementations, state revenue sharing, borrowings, federal and state legislative developments, retirement, sales tax, compilation of various sewer billings and other areas as requested.
- G. Budget Preparation - Assistance and alternatives will be provided to the Supervisor, Town Board and the Town's Director of Administration and Finance in various phases of the compilation of the 2008 benefit basis and ad valorem budgets. Will assist/advise in the compilation of the Town's 2008 tax rates for submission to Erie County.
- H. Audit of Departments. Will compile financial statements for the year ended December 31, 2006 on the cash basis of accounting for the Tax Receiver, Town Clerk, Town Justices, the Parks, Recreation and Youth Services Department and the Senior Services Department.
- I. Comprehensive Annual Financial Report - Will aid the Town in compilation of the Comprehensive Annual Financial Report for the year ended December 31, 2006 to be submitted to the Government Finance Officer's Association for review in the Certificate of Excellence in Financial Reporting Program.
- J. Compilation of Detailed Budget Presentation Document - Will compile the Town's 2008

Budget Document including departmental descriptions of pertinent responsibilities to the taxpayers, historical trends including year over year expenditure comparisons over the last three years, a table of contents and an index, and various colored charts and graphs.

and,

WHEREAS, Drescher and Malecki, LLP possess the aforementioned attributes and are available to perform the services listed above and are available to perform the services listed above, and

WHEREAS, this Town Board desires to retain the services of Drescher. and Malecki, LLP to perform the services listed above, **NOW, THEREFORE, BE IT**

RESOLVED, that. Drescher and. Malecki, LLP be retained to perform the aforementioned services for the Town of Cheektowaga for the year 2007 (which would entail the audits for the year ended December 31, 2006) for a fee not to exceed \$96,000 (which represents a 0% increase from the prior year).

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-10**

DOC ID: 1770

Retain Sienna Environmental Technologies, LLC for Professional Services At the Cheektowaga Records Center

Sponsored By: Councilmember Jankowiak, Councilmember Jaworowicz

WHEREAS, the New York State Building Code (Industrial Rule 56, effective September 5, 2006) requires air monitoring and samples to be taken during the asbestos abatement and removal project at the new Cheektowaga Records Center located at 735 Maryvale Drive by an independent firm other than the contractor, NOW THEREFORE, BE IT

RESOLVED, that the proposal of Sienna Environmental Technologies, LLC, dated December 18, 2006, as submitted to the Town Engineer for professional services for asbestos abatement inspections to include air sampling, visual monitoring and sample collection and analysis at the Cheektowaga Records Center is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor, on behalf of this Town Board, is authorized and directed to execute the agreement with Sienna Environmental Technologies, LLC, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$5,760.00 shall be chargeable to Account #500-1685-2520-5622.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-11**

DOC ID: 1783

Retain Insurance Consulting Firm

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, Ernest A. Holfoth and Holfoth Risk Management, Division of Aldrich & Cox, Inc., have provided risk management and general insurance consulting services to the Town of Cheektowaga since 1978, and

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2006, and

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$38,400.00 for 2007 and 2008, and \$41,100 for 2009, and

WHEREAS, such proposal has been reviewed and found to be acceptable to this Board, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid proposal from Holfoth Risk Management is hereby accepted and approved by this Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2007-2009 in accordance with the above.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-12**

DOC ID: 1767 A

Community Development Public Hearing

Sponsored By: Councilmember Rogowski, Councilmember Magierski

WHEREAS, the Town is eligible to receive approximately \$1,006,739 in Community Development Block Grant funds and approximately \$369,884 in Home Investment Partnership program funds for the 2007 Program Year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs in the Town, and

WHEREAS, proposed activities for Program Year 2007 Community Development Block Grant and HOME Program funds have been made available for public review in the public libraries within the Town, the Cheektowaga Town Clerk's Office and the Community Development Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 16, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 4, 2007.

ATTACHMENTS:

PH-NOTICE-2007B (DOC)

RESULT: ADOPTED [UNANIMOUS]**MOVER:** James Rogowski, Councilmember**SECONDER:** Alice Magierski, Councilmember**AYES:** Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski

**RESOLUTION 2007-13**

DOC ID: 1786

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan Town Board Minutes created since the inception of the Town, thereby enhancing public access to historic records; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-14**

DOC ID: 1787

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to create an archival materials storage area and a public archival records research area at the site of the former North Cheektowaga Branch Library; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-15**

DOC ID: 1777

**Authorize Execution of Permit for Use of State Maintained
Flood Control Land**

Sponsored By: Councilmember Johnson Jr., Councilmember Jankowiak

WHEREAS, application has previously been made to the New York State Department of Environmental Conservation for a "Permit for Use of State Maintained Flood Control Land" in accordance with 6 NYCRR Part 501 associated with the proposed removal of the Alexander Avenue Pedestrian Bridge, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized to execute "Permit Number 06-11 for Use of State Maintained Flood Control Land" within the limits of the Scajaquada Creek Flood Control Project.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-16**

DOC ID: 1785

Agreement with Depew for Police Tax Credits

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village located partially within its boundaries having a police department of four (4) or more police officers on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, and

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the Village of Depew maintains a police department on an annual full-time basis, and

WHEREAS, the annual budget of the Town for the fiscal year beginning January 1, 2007 provides for a credit of \$360,000.00 to the Village of Depew for the cost of the Town Police Department assessed against the property in the Village of Depew, and

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid agreement is approved, and the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute same on behalf of the Town.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-17

DOC ID: 1788

Establish Salaries of Part Time Employees

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the salaries of the following Town part-time employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2007:

| | | |
|-------------------------|-------|-------------------|
| JUSTICE COURT | | |
| DIGIACOMO, MARTHA | 8.50 | CLERK PART-TIME |
| FAULKNER, JUDITH A | 9.00 | CLERK PART-TIME |
| GABRYSZAK, SALLY | 7.50 | CLERK PART-TIME |
| KUBALA, JENNIFER L | 7.50 | CLERK PART-TIME |
| MAJCHRZAK, THERESA M | 9.00 | CLERK PART-TIME |
| MORATH, MARCIA B | 7.50 | CLERK PART-TIME |
| SZCZEPANOWSKI, MARY ANN | 8.00 | CLERK PART-TIME |
| KOZAK, JOHN R | 8.25 | LABORER PART-TIME |
| ACCOUNTING | | |
| LEWANDOWSKI, JEFFREY T. | 7.50 | CLERK PART-TIME |
| ASSESSORS | | |
| O'NEILL, SUZANNE T | 8.25 | CLERK PART-TIME |
| PIJACKI, MARLEEN A | 7.75 | CLERK PART-TIME |
| SZYMKOWIAK, BEATRICE | 7.75 | CLERK PART-TIME |
| TOWN CLERK | | |
| DZIEDZIC, ALICIA M | 7.50 | CLERK PART-TIME |
| GEMBKA, DELPHINE F | 8.25 | CLERK PART-TIME |
| HANNEL, MEGHAN B | 8.00 | CLERK PART-TIME |
| KANTOWSKI, ELEANOR A | 8.25 | CLERK PART-TIME |
| MILLER, PATRICIA M | 8.25 | CLERK PART-TIME |
| PANER, NANCY A | 8.25 | CLERK PART-TIME |
| RUDNICKI, ELAINE | 8.25 | CLERK PART-TIME |
| SISTI, MARGARET M | 8.25 | CLERK PART-TIME |
| EMPLOYEE RELATIONS | | |
| DAUGHERTY, BARBARA N | 10.50 | CLERK PART-TIME |
| BUILDING MAINTENANCE | | |
| PFALZER, KAREN A | 8.00 | CLERK PART-TIME |
| GOLAS, JUSTIN E | 7.50 | LABORER PART-TIME |
| STRONG, FRANCIS G | 8.50 | LABORER PART-TIME |
| SZYMKOWIAK, ROBERT | 7.25 | LABORER PART-TIME |
| CENTRAL GARAGE | | |
| PAGANO, JOVINA | 8.50 | CLERK PART-TIME |
| GAWRON, EDWARD F | 7.25 | LABORER PART-TIME |
| POLICE | | |
| AUGUSTINE, KERRIE R | 7.15 | CLERK PART-TIME |
| BOJARSKI, JULIE A | 7.15 | CLERK PART-TIME |
| FIAL, CRYSTAL M | 7.15 | CLERK PART-TIME |
| FIAL, JEFFREY T | 7.50 | CLERK PART-TIME |
| GREEN, CINDY A. | 7.50 | CLERK PART-TIME |
| HOCKWATER III, PAUL F | 7.15 | CLERK PART-TIME |

| Regular Meeting | Minutes | January 2, 2007 |
|--------------------------|---------|----------------------|
| JANKOWSKI, MICHAEL A | 7.15 | CLERK PART-TIME |
| KRAJNA, CHERYL A | 7.50 | CLERK PART-TIME |
| KURKOWSKI, RITA | 8.00 | CLERK PART-TIME |
| LEASE, SHANNON M | 7.25 | CLERK PART TIME |
| OWENS, AUDREY G | 8.00 | CLERK PART-TIME |
| PRZEPIORA, JAMIE L | 7.15 | CLERK PART-TIME |
| RUCINSKI, FRANCES | 7.50 | CLERK PART-TIME |
| TRAPPER, CYNTHIA L | 7.75 | CLERK PART-TIME |
| WACIENGA, BARBARA R | 7.50 | CLERK PART-TIME |
| WEISHAUP, DEBORAH A | 7.75 | CLERK PART-TIME |
| ZACK, MEAGAN L | 7.50 | CLERK PART-TIME |
| ZIELONKA, DENISE | 7.50 | CLERK PART-TIME |
| HEISLER, JACOB R | 7.15 | STUDENT ASSISTANT |
| SMITH, JESSICA L | 7.15 | STUDENT ASSISTANT |
| STROUD, SAMANTHA L | 7.15 | STUDENT ASSISTANT |
| SIGN MAINTENANCE | | |
| BLACHOWICZ, MARK M | 7.75 | LABORER PART-TIME |
| CLIFFORD, DANIEL K | 7.35 | LABORER PT SEASONAL |
| DOG CONTROL | | |
| KANDEFER, AARON D | 7.75 | ASST DOG CONTROL OFF |
| MENTH, AMY L | 7.75 | ASST DOG CONTROL OFF |
| STYBORSKI, LINDSEY M | 7.75 | ASST DOG CONTROL OFF |
| CODE ENFORCEMENT | | |
| PARKS, JANET T | 7.75 | CLERK PART-TIME |
| RATCLIFF, TAMMY M | 7.75 | CLERK PART-TIME |
| GILL, GERALD J | 12.50 | HOUSING INSPECT PT |
| ROKITKA, LAWRENCE E | 10.50 | HOUSING INSPECT PT |
| HIGHWAY | | |
| INDELICATO, JOSEPHINE | 8.50 | CLERK PART-TIME |
| PAJAK, SUSAN M | 8.50 | CLERK PART-TIME |
| BAKOWSKI, ALAN R | 8.25 | LABORER PT SEASONAL |
| MARTENS, JOHN T | 8.25 | SEASONAL LABORER |
| NOWORYTA, MICHAEL J | 8.25 | LABORER PT SEASONAL |
| PARKS/ FACILITIES | | |
| MEYERS, JOAN C | 11.25 | CLERK PART-TIME |
| ARNE, RAYMOND F | 8.00 | LABORER PART-TIME |
| ELLER, JAMES M | 8.00 | LABORER PART-TIME |
| DARNELL, JOHN E | 7.50 | LABORER PART-TIME |
| GRIFFIN, RICHARD E | 8.00 | LABORER PART-TIME |
| KANTOR, PATRICIA | 8.00 | LABORER PART-TIME |
| KRAWCZYK, THOMAS L | 8.00 | LABORER PART-TIME |
| LASKOWSKI, LUKASZ L | 8.00 | LABORER PART-TIME |
| MAZIARZ, MICHAEL S. | 8.00 | LABORER PART-TIME |
| O'SULLIVAN, ROBERT D | 7.50 | LABORER PART-TIME |
| OLEJNICZAK, DANIEL E | 8.00 | LABORER PART TIME |
| POCOBELLO, RONALD E | 8.00 | LABORER PART-TIME |
| SOMOGYE, THOMAS F | 9.50 | LABORER PART-TIME |
| STEVENSON SR., TIMOTHY D | 8.00 | LABORER PART-TIME |
| STUCKE SR, MARK P | 8.00 | LABORER PART-TIME |
| SZYM CZUK, KAROL J | 8.00 | LABORER PART-TIME |
| THIELKE, DENNIS K | 7.50 | LABORER PART-TIME |
| GALLETTA, JOSEPH A | 8.00 | LABORER PT SEASONAL |
| SENIOR CENTER | | |
| GALLAGHER, DIANE M | 8.00 | LABORER PART-TIME |

| | | |
|------------------------|-------|----------------------|
| KIEDEL, JANINE M | 8.00 | LABORER PART-TIME |
| BIALY, GENEVIEVE K | 8.00 | REC ATTEN PT/SEASONA |
| FOURNIER, MILDRED | 8.00 | REC ATTEN PT/SEASONA |
| HESS, BEVERLY M | 8.00 | REC ATTEN PT/SEASONA |
| KOLB, LINDA | 8.00 | REC ATTEN PT/SEASONA |
| STEIN, PATRICIA A | 7.75 | RECREATION ATTEN PT |
| STEPNICK, NANCY A | 8.00 | REC ATTEN PT/SEASONA |
| TATKO, SHARON M | 8.00 | REC ATTEN PT/SEASONA |
| ZULAWSKI, SHIRLEY A | 8.00 | REC ATTEN PT/SEASONA |
| FLORCZAK, JULIE M | 8.25 | REC INSTRUCTOR-PT/SE |
| KAWA, KIMBERLY M | 12.75 | REC INSTRUCTOR-PT(SE |
| NIEWCZYK, PAULETTE M | 12.75 | REC INSTRUCTOR-PT(SE |
| BENZINGER, ROBERT T | 8.25 | VAN DRIVER PT |
| COLLINS, FRANKLIN M | 8.25 | VAN DRIVER PT |
| CUMMINGS, ROBERT E | 8.25 | VAN DRIVER PT |
| GABRYSZAK, ALEX J | 8.25 | VAN DRIVER PT |
| GRANAT, JOSEPH E | 8.25 | VAN DRIVER PT |
| HERLAN, ROBERT A | 8.25 | VAN DRIVER PT |
| KARASZEWSKI, ROBERT | 8.25 | VAN DRIVER PT |
| KWIATKOWSKI, CYNTHIA T | 8.25 | VAN DRIVER PT |
| LEWANDOWSKI, RONALD J | 8.25 | DRIVER PT |
| MILLER, JOSEPH B | 8.25 | VAN DRIVER PT |
| PAPROCKI, RAYMOND H | 8.25 | VAN DRIVER PT |
| PRELL, MARY ELLEN | 8.25 | VAN DRIVER PT |
| SKRZYDLEWSKI, RANDOLPH | 8.25 | VAN DRIVER PT |
| ZBYTEK, JOSEPH E | 8.25 | VAN DRIVER PT |
| SEWER DEPT | | |
| LATCHFORD, FRANK A | 7.50 | LABORER PART-TIME |
| MAIN PUMP STATION | | |
| FALKIEWICZ, FLORENCE | 10.50 | CLERK PART-TIME |
| GULLO, PETER B | 7.50 | LABORER PART-TIME |
| LINKNER, LEROY J | 8.00 | LABORER PT SEASONAL |
| SANITATION DEPT | | |
| RAIMONDO, CAROLYN | 8.50 | CLERK PART-TIME |
| WOLKOWIECKI, JOHN | 7.75 | LABORER PART-TIME |
| CHOJNICKI, JERROD L | 7.75 | LABORER PT SEASONAL |
| GATES, ALLEN S | 7.75 | LABORER PT SEASONAL |
| HERR, CORY M | 7.75 | LABORER PT SEASONAL |
| MILLER, CHRISTOPHER A | 7.75 | LABORER PT SEASONAL |
| PHEASANT, KEITH J | 7.75 | LABORER PT SEASONAL |
| SANTORO, PATRICK J | 7.75 | LABORER PT SEASONAL |
| COMMUNITY DEVELOPMENT | | |
| WOJCINSKI, PATRICIA F | 10.00 | REC ATTENDANT PT |

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to waive the reading of the names on this resolution, and the vote was unanimous.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-18**

DOC ID: 1780

Reappoint Bingo Inspectors**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January, 2007 to December 31, 2007:

Katherine Ferdinand, Cheektowaga, New York
Ruth A. Cassacci, Cheektowaga, New York
John Abraham, Depew, New York
Dennis Smith, Cheektowaga, New York
Thaddeus I. Marciniak, Cheektowaga, New York

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed Bingo Inspector Chairman, effective January 1, 2007 for a term of one year:

Kenneth J. Jeffords, Depew, New York

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-19**

DOC ID: 1781

Reappoint Library Board Member

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the term of Phyllis O'Donnell as Secretary/Treasurer of the Cheektowaga Public Library Board expired on December 31, 2006, and

WHEREAS, Phyllis O'Donnell has requested reappointment to such position, and

WHEREAS, Phyllis O'Donnell has satisfactorily served on the Cheektowaga Library Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Phyllis O'Donnell be and hereby is reappointed to the position of Secretary/Treasurer of the Cheektowaga Public Library Board, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-20**

DOC ID: 1772

Reappointments to Traffic Safety Committee

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Chairman Richard Zynda and members Robert W. Boye, Sam Fassari and James Makowski expired on December 31, 2006, and

WHEREAS, Richard Zynda, Robert W. Boye, Sam Fassari and James Makowski have expressed an interest in continuing to serve on the Traffic Safety Commission, and

WHEREAS, the Traffic Safety Commission has recommended that the aforesaid individuals be re-appointed to the Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2009:

Richard Zynda, Chairman
Robert W. Boye, Member
Sam Fassari, Member
James Makowski, Member

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-21**

DOC ID: 1768

Reappoint Zoning Board Member

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the term of James Speyer as Member of the Zoning Board of Appeals expired on December 31, 2006, and

WHEREAS, James Speyer has submitted a letter to this Town Board requesting reappointment to this position, and

WHEREAS, James Speyer has satisfactorily served as Member of the Zoning Board of Appeals for a number of years and merits reappointment to such position, NOW, THEREFORE, BE IT

RESOLVED, that James Speyer of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-22

DOC ID: 1771

Appointments to Veterans Affairs Committee

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, in order to keep this Town Board informed as to the needs of veterans in the Town, this Town Board created the Veterans Affairs Committee and appointed members thereto, and

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and their terms expired on December 31, 2006, and

WHEREAS, this Board wishes to appoint the following members to a one (1) year term, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the Veterans Affairs Committee, effective January 1, 2007 and expiring on December 31, 2007:

Victor Carlucci, Depew, NY
 J. Donald Griffin, Cheektowaga, NY
 Clair E. Johnson, Cheektowaga, NY
 Joseph Lipowski, Depew, NY
 Sylvia Lipowski, Depew, NY
 Joseph Porempski, Cheektowaga, NY
 Karen Porempski, Cheektowaga, NY
 Earle Rosenthal, Cheektowaga, NY
 Elaine Rosenthal, Cheektowaga, NY
 George Ross, Sloan, NY
 Raymond Wolniewicz, Cheektowaga, NY
 John D. Stiegler, Cheektowaga, NY
 Wayne Sorrentino, Cheektowaga, NY
 Raymond Dusza, Cheektowaga, New York
 Thomas J. Mazur, Cheektowaga, NY

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

IV. Communications

A. Departmental Communications

1. Building Permits: December 2006
2. Board of Ethics Committee: Minutes of November 13, 2006 Meeting

B. General Communications

1. State of New York, Department of Transportation: Notice of Order: Genesee Street, Route 33 At Holtz Road
2. Summons & Complaint: Delores/Charles Horey Vs Town of Cheektowaga
3. Summons & Complaint: Washington Mutual Bank F/K/A Washington Mutual Bank, FA Vs. Marie Osika Etal and Town of Cheektowaga
4. Notice of Claim: Albert C. Tripi, Jr. Vs. Town of Cheektowaga

V. Comments**A. Deputy Supervisor's Comments****B. Councilmember's Comments****C. Public Comments****VI. Suspension of Rules**

COMMENTS - Current Meeting:

Motion by Councilmember Swiatek, second by Councilmember Magierski to suspend the rules to include the following two (2) resolutions, and the vote was unanimous.

**RESOLUTION 2007-23**

DOC ID: 1789

Transfer Deanna Schugardt, Temporary Full-Time Records Inventory Clerk to Seasonal Clerk for Records Grant, Records Center

Sponsored By: Councilmember Jankowiak, Councilmember Magierski

WHEREAS, Deanna Schugardt is currently a temporary full-time Records Inventory Clerk in the Records Center; AND

WHEREAS, a vacancy currently exists in the title of seasonal Clerk in the Records Center as a result of a New York State grant; AND

WHEREAS, Ms. Schugardt has applied for said position and meets all the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Deanna Schugardt of Cheektowaga, New York, be and hereby is appointed to the position of seasonal Clerk in the Records Center, at the hourly rate of \$12.00, effective January 2, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-24**

DOC ID: 1790

Appointment of Laborer (Sanitation Department)

Sponsored By: Councilmember Jankowiak, Councilmember Swiatek

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department;
AND

WHEREAS, Joseph D. Gorski, applied for said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Joseph D. Gorski of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 8, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

VII. Closing

COMMENTS - Current Meeting:

Motion by Councilmember Jankowiak, second by Councilmember Johnson to adjourn the meeting in memory of Private First Class Travis C. Krege, graduate of Maryvale High School who was killed in Hawijah, Iraq when an explosive device detonated near the vehicle in which he was riding; and in memory of retired Police Officer Angelo Neri who passed away suddenly on December 30, 2006.

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-1**Meeting: 01/02/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Rachel Hupkowitz
Initiator: Rachel Hupkowitz

Sponsors: Councilmember Jankowiak, Councilmember Jaworowicz

DOC ID: 1762

Transfer of Funds**BE IT RESOLVED**, that the following transfers are hereby approved and made a part hereof;

| | | <u>2006</u> | |
|---------------------|---------------|-----------------|----------|
| <u>GENERAL FUND</u> | | | |
| FROM: | 100-1110-4321 | Data Processing | \$400.00 |
| TO: | 100-1110-4001 | Office Supplies | \$400.00 |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-2**Meeting: 01/02/07 06:45 PM
Department: Accounting/Payroll
Category: Warrant List
Prepared By: Rachel Hupkowicz
Initiator: Rachel Hupkowicz
Sponsors: Councilmember Jankowiak, Councilmember Jaworowicz
DOC ID: 1766**Warrant**

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 27, 2006 are hereby approved and made a part hereof;

| | |
|-----------------------------|-----------------------|
| General Fund | \$541,192.95 |
| Risk Retention Fund | 26,435.71 |
| Special Districts | 146,614.45 |
| Highway Fund | 92,702.22 |
| Capital Fund | 573,486.50 |
| Trust & Agency Fund | 8,447.37 |
| HUD CDBG Fund | 10,453.00 |
| Part Town Fund | 19,058.78 |
| NYS Affordable Housing Fund | 9,327.00 |
| | <u>\$1,427,717.98</u> |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-3

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1773

Establish Town Board Meeting Dates for 2007

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th
- August 13th
- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 26, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend the above resolution to change the date of the last Town Board Meeting in December from the 26th to the 27th, and the vote was unanimous.

AMENDED RESOLUTION

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th

Resolution 2007-3

Meeting of January 2, 2007

- August 13th
- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 27, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend this resolution by changing the date of the last meeting in December from December 26th to December 27, 2007 and the vote was unanimous.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-4

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Jankowiak, Councilmember Rogowski
DOC ID: 1774

Establish Work Session Dates for 2007

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2007 at 6:00 P.M. on the following dates:

- January 9th & 30th
- February 21st & 27th
- March 13th & 27th
- April 10th
- May 1st, 15th & 29th
- June 12th
- July 10th
- August 7th & 28th
- September 11th & 25th
- October 9th & 30th
- November 13th & 27th
- December 11th & 20th

and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-5**

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1775

Establish Holidays for 2007

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2007:

| | | |
|-----------------------------|-------------------|-----------|
| Martin Luther King, Jr. Day | January 15, 2007 | Monday |
| President's Day | February 19, 2007 | Monday |
| Good Friday | April 6, 2007 | Friday |
| Memorial Day | May 28, 2007 | Monday |
| Independence Day | July 4, 2007 | Wednesday |
| Labor Day | September 3, 2007 | Monday |
| Columbus Day | October 8, 2007 | Monday |
| Election Day | November 6, 2007 | Tuesday |
| Veterans Day | November 12, 2007 | Monday |
| Thanksgiving Day | November 22, 2007 | Thursday |
| Day After Thanksgiving | November 23, 2007 | Friday |
| Christmas Eve | December 24, 2007 | Monday |
| Christmas Day | December 25, 2007 | Tuesday |
| New Year's Day | January 1, 2008 | Tuesday |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |


Town of Cheektowaga

 3301 Broadway
 Cheektowaga, NY 14227

ADOPTED
RESOLUTION 2007-6

 Meeting: 01/02/07 06:45 PM
 Department: Town Attorney
 Category: Miscellaneous
 Prepared By: Kevin Schenk
 Initiator: Kevin Schenk
 Sponsors: Councilmember Jankowiak, Councilmember Rogowski
 DOC ID: 1779

Deputy Supervisor's Facsimile Signature

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of the Deputy Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon may be affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Deputy Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

ADOPTED

Sponsors: Councilmember Rogowski, Councilmember Jankowiak

RESOLUTION 2007-7

DOC ID: 1778

Designate Official Depositories

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2007:

- HSBC Bank (Cheektowaga Office)
- Manufacturers and Traders Trust Company (Airport Plaza)
- Key Bank (Appletree Business Park and Union Road)
- Bank of America (Walden Avenue Office))
- JP Morgan Chase Bank, N.A. (Depew Office)
- Citibank (Cheektowaga Office)
- Citizens Bank (Cheektowaga Office)
- Evans National Bank

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

ADOPTED

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

RESOLUTION 2007-8

DOC ID: 1776

Designate Official Newspaper

WHEREAS, Section 64(11) of the Town Law empowers a Town Board to designate a newspaper as the official paper of the Town provided such newspaper is regularly published in the Town and has been entered as second class mail matter, and

WHEREAS, the CHEEKTOWAGA TIMES has served as the official newspaper of the Town of Cheektowaga for the past several years, and is qualified to serve as the Town's official newspaper, NOW, THEREFORE, BE IT

RESOLVED, that THE CHEEKTOWAGA TIMES be and hereby is designated as the official newspaper of the Town of Cheektowaga.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-9**Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1782

Retain Certified Public Accounting Firm

WHEREAS, the Town Board desires the services of a Certified Public Accounting firm that is knowledgeable of New York State, Federal and Town rules and regulations; knowledgeable of the New York State Uniform System of Accounting for towns; experienced in implementing Governmental Accounting Standards Board (GASB) Statements; established as Government Finance Officer Association Certificate Program reviewers; and familiar with the Town's policies, accounting procedures and operations in order to effectively and efficiently perform services in the areas of:

- A. Annual Audit - A complete financial audit of the Town's basic financial statements for the year ended December 31, 2006.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2006.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2006.
- D. Preparation of management letter relating to the audit of the basic financial statements.
- E. Single Audit - Conduct an audit of Town's federal financial assistance for compliance with applicable federal laws and regulations in accordance with OMB Circular A-133 for the year ended December 31, 2006.
- F. Other Services - Including routine consultation will be provided to the Supervisor and the Town's Director of Administration and Finance on areas such as: GASB implementations, state revenue sharing, borrowings, federal and state legislative developments, retirement, sales tax, compilation of various sewer billings and other areas as requested.
- G. Budget Preparation - Assistance and alternatives will be provided to the Supervisor, Town Board and the Town's Director of Administration and Finance in various phases of the compilation of the 2008 benefit basis and ad valorem budgets. Will assist/advise in the compilation of the Town's 2008 tax rates for submission to Erie County.
- H. Audit of Departments. Will compile financial statements for the year ended December 31, 2006 on the cash basis of accounting for the Tax Receiver, Town Clerk, Town Justices, the Parks, Recreation and Youth Services Department and the Senior Services Department.
- I. Comprehensive Annual Financial Report - Will aid the Town in compilation of the Comprehensive Annual Financial Report for the year ended December 31, 2006 to be submitted to the Government Finance Officer's Association for review in the Certificate of Excellence in Financial Reporting Program.

J. Compilation of Detailed Budget Presentation Document - Will compile the Town's 2008 Budget Document including departmental descriptions of pertinent responsibilities to the taxpayers, historical trends including year over year expenditure comparisons over the last three years, a table of contents and an index, and various colored charts and graphs.

and,

WHEREAS, Drescher and Malecki, LLP possess the aforementioned attributes and are available to perform the services listed above and are available to perform the services listed above, and

WHEREAS, this Town Board desires to retain the services of Drescher. and Malecki, LLP to perform the services listed above, **NOW, THEREFORE, BE IT**

RESOLVED, that. Drescher and. Malecki, LLP be retained to perform the aforementioned services for the Town of Cheektowaga for the year 2007 (which would entail the audits for the year ended December 31, 2006) for a fee not to exceed \$96,000 (which represents a 0% increase from the prior year).

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Engineering

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Diane Swiatek

Initiator: William Pugh

Sponsors: Councilmember Jankowiak, Councilmember Jaworowicz

ADOPTED

RESOLUTION 2007-10

DOC ID: 1770

Retain Sienna Environmental Technologies, LLC for Professional Services At the Cheektowaga Records Center

WHEREAS, the New York State Building Code (Industrial Rule 56, effective September 5, 2006) requires air monitoring and samples to be taken during the asbestos abatement and removal project at the new Cheektowaga Records Center located at 735 Maryvale Drive by an independent firm other than the contractor, NOW THEREFORE, BE IT

RESOLVED, that the proposal of Sienna Environmental Technologies, LLC, dated December 18, 2006, as submitted to the Town Engineer for professional services for asbestos abatement inspections to include air sampling, visual monitoring and sample collection and analysis at the Cheektowaga Records Center is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor, on behalf of this Town Board, is authorized and directed to execute the agreement with Sienna Environmental Technologies, LLC, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$5,760.00 shall be chargeable to Account #500-1685-2520-5622.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Swiatek, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-11

DOC ID: 1783

Retain Insurance Consulting Firm

WHEREAS, Ernest A. Holfoth and Holfoth Risk Management, Division of Aldrich & Cox, Inc., have provided risk management and general insurance consulting services to the Town of Cheektowaga since 1978, and

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2006, and

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$38,400.00 for 2007 and 2008, and \$41,100 for 2009, and

WHEREAS, such proposal has been reviewed and found to be acceptable to this Board, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid proposal from Holfoth Risk Management is hereby accepted and approved by this Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2007-2009 in accordance with the above.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-12

Meeting: 01/02/07 06:45 PM
Department: Community Development
Category: Community Development
Prepared By: Jerry Gabryszak
Initiator: Jerry Gabryszak
Sponsors: Councilmember Rogowski, Councilmember Magierski
DOC ID: 1767 A

Community Development Public Hearing

WHEREAS, the Town is eligible to receive approximately \$1,006,739 in Community Development Block Grant funds and approximately \$369,884 in Home Investment Partnership program funds for the 2007 Program Year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs in the Town, and

WHEREAS, proposed activities for Program Year 2007 Community Development Block Grant and HOME Program funds have been made available for public review in the public libraries within the Town, the Cheektowaga Town Clerk's Office and the Community Development Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 16, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 4, 2007.

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|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

Notice of Public Hearing
Town of Cheektowaga FY 2007 Annual Plan
Community Development Block Grant/HOME Programs

A public hearing will be held on January 16, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the Town's Fiscal Year 2007 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) Programs. The purpose of the hearings is to obtain the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and on the draft Action Plan that has been made available for public review in Cheektowaga Branch Public Libraries. The annual plan outlines housing and community development projects to be funded with FY 2007 CDBG and HOME Program funds. For the 2007 Program Year, the Town is eligible to receive approximately \$1,006,739 in Community Development Block Grant funds and approximately \$369,884 in HOME Investment Partnership Program funds from the Department of Housing and Urban Development. The Town also estimates it will receive approximately \$200,000 in program income from its revolving housing rehabilitation loan program and \$250,000 in economic development revolving business loan program income. Those wishing to offer comments at the hearing are asked to also submit a written text. Comments may also be submitted in writing to the Cheektowaga Community Development Office, 275 Alexander Avenue, Cheektowaga, NY 14211. Interpreters will be made available at the meetings upon prior request to sign for the hearing impaired. If you are in need of such special arrangements, please contact the Cheektowaga Community Development Office at 897-7200 seven (7) business days in advance of the hearing. The hearing location is accessible to the physically handicapped.



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-13

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Grant Application
Prepared By: Connie Paoletti
Initiator: Connie Paoletti

Sponsors: Councilmember Magierski, Councilmember Rogowski

DOC ID: 1786

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan Town Board Minutes created since the inception of the Town, thereby enhancing public access to historic records; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-14

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Grant Application
Prepared By: Connie Paoletti
Initiator: Connie Paoletti

Sponsors: Councilmember Magierski, Councilmember Rogowski

DOC ID: 1787

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to create an archival materials storage area and a public archival records research area at the site of the former North Cheektowaga Branch Library; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

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|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-15

Meeting: 01/02/07 06:45 PM
Department: Engineering
Category: Engineering Misc.
Prepared By: Diane Swiatek
Initiator: William Pugh

Sponsors: Councilmember Johnson Jr., Councilmember Jankowiak

DOC ID: 1777

Authorize Execution of Permit for Use of State Maintained Flood Control Land

WHEREAS, application has previously been made to the New York State Department of Environmental Conservation for a "Permit for Use of State Maintained Flood Control Land" in accordance with 6 NYCRR Part 501 associated with the proposed removal of the Alexander Avenue Pedestrian Bridge, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized to execute "Permit Number 06-11 for Use of State Maintained Flood Control Land" within the limits of the Scajaquada Creek Flood Control Project.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Agreements, Bonds, Contracts

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

ADOPTED

RESOLUTION 2007-16

DOC ID: 1785

Agreement with Depew for Police Tax Credits

WHEREAS, Section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village located partially within its boundaries having a police department of four (4) or more police officers on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, and

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the Village of Depew maintains a police department on an annual full-time basis, and

WHEREAS, the annual budget of the Town for the fiscal year beginning January 1, 2007 provides for a credit of \$360,000.00 to the Village of Depew for the cost of the Town Police Department assessed against the property in the Village of Depew, and

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid agreement is approved, and the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute same on behalf of the Town.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-17**Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Personnel Miscellaneous
Prepared By: Connie Paoletti
Initiator: Connie Paoletti
Sponsors: Councilmember Jankowiak, Councilmember Rogowski
DOC ID: 1788

Establish Salaries of Part Time Employees

BE IT RESOLVED, that the salaries of the following Town part-time employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2007:

| | | |
|-----------------------------|-------|-------------------|
| JUSTICE COURT | | |
| DIGIACOMO, MARTHA | 8.50 | CLERK PART-TIME |
| FAULKNER, JUDITH A | 9.00 | CLERK PART-TIME |
| GABRYSZAK, SALLY | 7.50 | CLERK PART-TIME |
| KUBALA, JENNIFER L | 7.50 | CLERK PART-TIME |
| MAJCHRZAK, THERESA M | 9.00 | CLERK PART-TIME |
| MORATH, MARCIA B | 7.50 | CLERK PART-TIME |
| SZCZEPANOWSKI, MARY ANN | 8.00 | CLERK PART-TIME |
| KOZAK, JOHN R | 8.25 | LABORER PART-TIME |
| ACCOUNTING | | |
| LEWANDOWSKI, JEFFREY T. | 7.50 | CLERK PART-TIME |
| ASSESSORS | | |
| O'NEILL, SUZANNE T | 8.25 | CLERK PART-TIME |
| PIJACKI, MARLEEN A | 7.75 | CLERK PART-TIME |
| SZYMKOWIAK, BEATRICE | 7.75 | CLERK PART-TIME |
| TOWN CLERK | | |
| DZIEDZIC, ALICIA M | 7.50 | CLERK PART-TIME |
| GEMBKA, DELPHINE F | 8.25 | CLERK PART-TIME |
| HANNEL, MEGHAN B | 8.00 | CLERK PART-TIME |
| KANTOWSKI, ELEANOR A | 8.25 | CLERK PART-TIME |
| MILLER, PATRICIA M | 8.25 | CLERK PART-TIME |
| PANER, NANCY A | 8.25 | CLERK PART-TIME |
| RUDNICKI, ELAINE | 8.25 | CLERK PART-TIME |
| SISTI, MARGARET M | 8.25 | CLERK PART-TIME |
| EMPLOYEE RELATIONS | | |
| DAUGHERTY, BARBARA N | 10.50 | CLERK PART-TIME |
| BUILDING MAINTENANCE | | |
| PFALZER, KAREN A | 8.00 | CLERK PART-TIME |
| GOLAS, JUSTIN E | 7.50 | LABORER PART-TIME |
| STRONG, FRANCIS G | 8.50 | LABORER PART-TIME |
| SZYMKOWIAK, ROBERT | 7.25 | LABORER PART-TIME |
| CENTRAL GARAGE | | |
| PAGANO, JOVINA | 8.50 | CLERK PART-TIME |
| GAWRON, EDWARD F | 7.25 | LABORER PART-TIME |
| POLICE | | |
| AUGUSTINE, KERRIE R | 7.15 | CLERK PART-TIME |
| BOJARSKI, JULIE A | 7.15 | CLERK PART-TIME |
| FIAL, CRYSTAL M | 7.15 | CLERK PART-TIME |
| FIAL, JEFFREY T | 7.50 | CLERK PART-TIME |
| GREEN, CINDY A. | 7.50 | CLERK PARTTIME |

Resolution 2007-17

Meeting of January 2, 2007

| | | |
|-----------------------|-------|----------------------|
| HOCKWATER III, PAUL F | 7.15 | CLERK PART-TIME |
| JANKOWSKI, MICHAEL A | 7.15 | CLERK PART-TIME |
| KRAJNA, CHERYL A | 7.50 | CLERK PART-TIME |
| KURKOWSKI, RITA | 8.00 | CLERK PART-TIME |
| LEASE, SHANNON M | 7.25 | CLERK PART TIME |
| OWENS, AUDREY G | 8.00 | CLERK PART-TIME |
| PRZEPIORA, JAMIE L | 7.15 | CLERK PART-TIME |
| RUCINSKI, FRANCES | 7.50 | CLERK PART-TIME |
| TRAPPER, CYNTHIA L | 7.75 | CLERK PART-TIME |
| WACIENGA, BARBARA R | 7.50 | CLERK PART-TIME |
| WEISHAUP, DEBORAH A | 7.75 | CLERK PART-TIME |
| ZACK, MEAGAN L | 7.50 | CLERK PART-TIME |
| ZIELONKA, DENISE | 7.50 | CLERK PART-TIME |
| HEISLER, JACOB R | 7.15 | STUDENT ASSISTANT |
| SMITH, JESSICA L | 7.15 | STUDENT ASSISTANT |
| STROUD, SAMANTHA L | 7.15 | STUDENT ASSISTANT |
| SIGN MAINTENANCE | | |
| BLACHOWICZ, MARK M | 7.75 | LABORER PART-TIME |
| CLIFFORD, DANIEL K | 7.35 | LABORER PT SEASONAL |
| DOG CONTROL | | |
| KANDEFER, AARON D | 7.75 | ASST DOG CONTROL OFF |
| MENTH, AMY L | 7.75 | ASST DOG CONTROL OFF |
| STYBORSKI, LINDSEY M | 7.75 | ASST DOG CONTROL OFF |
| CODE ENFORCEMENT | | |
| PARKS, JANET T | 7.75 | CLERK PART-TIME |
| RATCLIFF, TAMMY M | 7.75 | CLERK PART-TIME |
| GILL, GERALD J | 12.50 | HOUSING INSPECT PT |
| ROKITKA, LAWRENCE E | 10.50 | HOUSING INSPECT PT |
| HIGHWAY | | |
| INDELICATO, JOSEPHINE | 8.50 | CLERK PART-TIME |
| PAJAK, SUSAN M | 8.50 | CLERK PART-TIME |
| BAKOWSKI, ALAN R | 8.25 | LABORER PT SEASONAL |
| MARTENS, JOHN T | 8.25 | SEASONAL LABORER |
| NOWORYTA, MICHAEL J | 8.25 | LABORER PT SEASONAL |
| PARKS/ FACILITIES | | |
| MEYERS, JOAN C | 11.25 | CLERK PART-TIME |
| ARNE, RAYMOND F | 8.00 | LABORER PART-TIME |
| ELLER, JAMES M | 8.00 | LABORER PART-TIME |
| DARNELL, JOHN E | 7.50 | LABORER PART-TIME |
| GRIFFIN, RICHARD E | 8.00 | LABORER PART-TIME |
| KANTOR, PATRICIA | 8.00 | LABORER PART-TIME |
| KRAWCZYK, THOMAS L | 8.00 | LABORER PART-TIME |
| LASKOWSKI, LUKASZ L | 8.00 | LABORER PART-TIME |
| MAZIARZ, MICHAEL S. | 8.00 | LABORER PART-TIME |
| O'SULLIVAN, ROBERT D | 7.50 | LABORER PART-TIME |
| OLEJNICZAK, DANIEL E | 8.00 | LABORER PART TIME |
| POCOBELLO, RONALD E | 8.00 | LABORER PART-TIME |
| SOMOGYE, THOMAS F | 9.50 | LABORER PART-TIME |

Resolution 2007-17

Meeting of January 2, 2007

| | | |
|---|-------|----------------------|
| STEVENSON SR., TIMOTHY D | 8.00 | LABORER PART-TIME |
| STUCKE SR, MARK P | 8.00 | LABORER PART-TIME |
| SZYMCZUK, KAROL J | 8.00 | LABORER PART-TIME |
| THIELKE, DENNIS K | 7.50 | LABORER PART-TIME |
| GALLETTA, JOSEPH A SENIOR CENTER | 8.00 | LABORER PT SEASONAL |
| GALLAGHER, DIANE M | 8.00 | LABORER PART-TIME |
| KIEDEL, JANINE M | 8.00 | LABORER PART-TIME |
| BIALY, GENEVIEVE K | 8.00 | REC ATTEN PT/SEASONA |
| FOURNIER, MILDRED | 8.00 | REC ATTEN PT/SEASONA |
| HESS, BEVERLY M | 8.00 | REC ATTEN PT/SEASONA |
| KOLB, LINDA | 8.00 | REC ATTEN PT/SEASONA |
| STEIN, PATRICIA A | 7.75 | RECREATION ATTEN PT |
| STEPNICK, NANCY A | 8.00 | REC ATTEN PT/SEASONA |
| TATKO, SHARON M | 8.00 | REC ATTEN PT/SEASONA |
| ZULAWSKI, SHIRLEY A | 8.00 | REC ATTEN PT/SEASONA |
| FLORCZAK, JULIE M | 8.25 | REC INSTRUCTOR-PT/SE |
| KAWA, KIMBERLY M | 12.75 | REC INSTRUCTOR-PT(SE |
| NIEWCZYK, PAULETTE M | 12.75 | REC INSTRUCTOR-PT(SE |
| BENZINGER, ROBERT T | 8.25 | VAN DRIVER PT |
| COLLINS, FRANKLIN M | 8.25 | VAN DRIVER PT |
| CUMMINGS, ROBERT E | 8.25 | VAN DRIVER PT |
| GABRYSZAK, ALEX J | 8.25 | VAN DRIVER PT |
| GRANAT, JOSEPH E | 8.25 | VAN DRIVER PT |
| HERLAN, ROBERT A | 8.25 | VAN DRIVER PT |
| KARASZEWSKI, ROBERT | 8.25 | VAN DRIVER PT |
| KWIATKOWSKI, CYNTHIA T | 8.25 | VAN DRIVER PT |
| LEWANDOWSKI, RONALD J | 8.25 | DRIVER PT |
| MILLER, JOSEPH B | 8.25 | VAN DRIVER PT |
| PAPROCKI, RAYMOND H | 8.25 | VAN DRIVER PT |
| PRELL, MARY ELLEN | 8.25 | VAN DRIVER PT |
| SKRZYDLEWSKI, RANDOLPH | 8.25 | VAN DRIVER PT |
| ZBYTEK, JOSEPH E SEWER DEPT | 8.25 | VAN DRIVER PT |
| LATCHFORD, FRANK A MAIN PUMP STATION | 7.50 | LABORER PART-TIME |
| FALKIEWICZ, FLORENCE | 10.50 | CLERK PART-TIME |
| GULLO, PETER B | 7.50 | LABORER PART-TIME |
| LINKNER, LEROY J SANITATION DEPT | 8.00 | LABORER PT SEASONAL |
| RAIMONDO, CAROLYN | 8.50 | CLERK PART-TIME |
| WOLKOWIECKI, JOHN | 7.75 | LABORER PART-TIME |
| CHOJNICKI, JERROD L | 7.75 | LABORER PT SEASONAL |
| GATES, ALLEN S | 7.75 | LABORER PT SEASONAL |
| HERR, CORY M | 7.75 | LABORER PT SEASONAL |
| MILLER, CHRISTOPHER A | 7.75 | LABORER PT SEASONAL |
| PHEASANT, KEITH J | 7.75 | LABORER PT SEASONAL |
| SANTORO, PATRICK J | 7.75 | LABORER PT SEASONAL |

Resolution 2007-17

Meeting of January 2, 2007

COMMUNITY DEVELOPMENT
WOJCINSKI, PATRICIA F 10.00 REC ATTENDANT PT

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to waive the reading of the names on this resolution, and the vote was unanimous.

| |
|--|
| <p>RESULT: ADOPTED [UNANIMOUS] MOVER: James Jankowiak, Councilmember SECONDER: James Rogowski, Councilmember AYES: Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski</p> |
|--|



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Swiatek, Councilmember Jaworowicz

ADOPTED

RESOLUTION 2007-18

DOC ID: 1780

Reappoint Bingo Inspectors

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January, 2007 to December 31, 2007:

- Katherine Ferdinand, Cheektowaga, New York
- Ruth A. Cassacci, Cheektowaga, New York
- John Abraham, Depew, New York
- Dennis Smith, Cheektowaga, New York
- Thaddeus I. Marciniak, Cheektowaga, New York

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed Bingo Inspector Chairman, effective January 1, 2007 for a term of one year:

- Kenneth J. Jeffords, Depew, New York

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Jaworowicz, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-19

DOC ID: 1781

Reappoint Library Board Member

WHEREAS, the term of Phyllis O'Donnell as Secretary/Treasurer of the Cheektowaga Public Library Board expired on December 31, 2006, and

WHEREAS, Phyllis O'Donnell has requested reappointment to such position, and

WHEREAS, Phyllis O'Donnell has satisfactorily served on the Cheektowaga Library Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Phyllis O'Donnell be and hereby is reappointed to the position of Secretary/Treasurer of the Cheektowaga Public Library Board, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-20

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Appointments/Reappointments
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Johnson Jr., Councilmember Rogowski
DOC ID: 1772

Reappointments to Traffic Safety Committee

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Chairman Richard Zynda and members Robert W. Boye, Sam Fassari and James Makowski expired on December 31, 2006, and

WHEREAS, Richard Zynda, Robert W. Boye, Sam Fassari and James Makowski have expressed an interest in continuing to serve on the Traffic Safety Commission, and

WHEREAS, the Traffic Safety Commission has recommended that the aforesaid individuals be re-appointed to the Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2009:

Richard Zynda, Chairman
Robert W. Boye, Member
Sam Fassari, Member
James Makowski, Member

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Magierski, Councilmember Rogowski

DOC ID: 1768

ADOPTED

RESOLUTION 2007-21

Reappoint Zoning Board Member

WHEREAS, the term of James Speyer as Member of the Zoning Board of Appeals expired on December 31, 2006, and

WHEREAS, James Speyer has submitted a letter to this Town Board requesting reappointment to this position, and

WHEREAS, James Speyer has satisfactorily served as Member of the Zoning Board of Appeals for a number of years and merits reappointment to such position, NOW, THEREFORE, BE IT

RESOLVED, that James Speyer of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-22**

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

DOC ID: 1771

Appointments to Veterans Affairs Committee

WHEREAS, in order to keep this Town Board informed as to the needs of veterans in the Town, this Town Board created the Veterans Affairs Committee and appointed members thereto, and

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and their terms expired on December 31, 2006, and

WHEREAS, this Board wishes to appoint the following members to a one (1) year term, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the Veterans Affairs Committee, effective January 1, 2007 and expiring on December 31, 2007:

Victor Carlucci, Depew, NY
 J. Donald Griffin, Cheektowaga, NY
 Clair E. Johnson, Cheektowaga, NY
 Joseph Lipowski, Depew, NY
 Sylvia Lipowski, Depew, NY
 Joseph Porempski, Cheektowaga, NY
 Karen Porempski, Cheektowaga, NY
 Earle Rosenthal, Cheektowaga, NY
 Elaine Rosenthal, Cheektowaga, NY
 George Ross, Sloan, NY
 Raymond Wolniewicz, Cheektowaga, NY
 John D. Stiegler, Cheektowaga, NY
 Wayne Sorrentino, Cheektowaga, NY
 Raymond Dusza, Cheektowaga, New York
 Thomas J. Mazur, Cheektowaga, NY

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Michelle Kaminski

Initiator: Michelle Kaminski

Sponsors: Councilmember Jankowiak, Councilmember Magierski

DOC ID: 1789

ADOPTED

RESOLUTION 2007-23

Transfer Deanna Schugardt, Temporary Full-Time Records Inventory Clerk to Seasonal Clerk for Records Grant, Records Center

WHEREAS, Deanna Schugardt is currently a temporary full-time Records Inventory Clerk in the Records Center; AND

WHEREAS, a vacancy currently exists in the title of seasonal Clerk in the Records Center as a result of a New York State grant; AND

WHEREAS, Ms. Schugardt has applied for said position and meets all the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Deanna Schugardt of Cheektowaga, New York, be and hereby is appointed to the position of seasonal Clerk in the Records Center, at the hourly rate of \$12.00, effective January 2, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Anthony Romano

Sponsors: Councilmember Jankowiak, Councilmember Swiatek

DOC ID: 1790

ADOPTED

RESOLUTION 2007-24

Appointment of Laborer (Sanitation Department)

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department;
AND

WHEREAS, Joseph D. Gorski, applied for said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Joseph D. Gorski of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 8, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

~ Minutes ~

Mary F. Holtz
(716) 686-3434

Tuesday, January 2, 2007

6:45 PM

Council Chambers

I. Call to Order

COMMENTS - Current Meeting:

6:45 PM Meeting called to order on January 2, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| James Jankowiak | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Michael Stachowski, Town Attorney
 William Pugh, Town Engineer
 Brian Krause, Director of Finance and Administration
 Thomas Adamczak, Supervising Building and Plumbing Inspector
 Jerry Gabryszak, Director of Community Development
 Christine Ziemba, Chief of Police
 Anthony Romano, Director of Employee Relations
 John Jaroszewski, Working Crew Chief
 Kenneth J. Kopacz, Executive Director of Parks, Recreation and Youth Services
 Kerry Switalski, Director of Senior Services

II. Public Comment Period

III. Resolutions

**RESOLUTION 2007-1**

DOC ID: 1762

Transfer of Funds**Sponsored By:** Councilmember Jankowiak, Councilmember Jaworowicz**BE IT RESOLVED**, that the following transfers are hereby approved and made a part hereof;

| | | <u>2006</u> | |
|---------------------|---------------|-----------------|----------|
| <u>GENERAL FUND</u> | | | |
| FROM: | 100-1110-4321 | Data Processing | \$400.00 |
| TO: | 100-1110-4001 | Office Supplies | \$400.00 |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-2

DOC ID: 1766

Warrant

Sponsored By: Councilmember Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 27, 2006 are hereby approved and made a part hereof;

| | |
|-----------------------------|-----------------------|
| General Fund | \$541,192.95 |
| Risk Retention Fund | 26,435.71 |
| Special Districts | 146,614.45 |
| Highway Fund | 92,702.22 |
| Capital Fund | 573,486.50 |
| Trust & Agency Fund | 8,447.37 |
| HUD CDBG Fund | 10,453.00 |
| Part Town Fund | 19,058.78 |
| NYS Affordable Housing Fund | 9,327.00 |
| | <u>\$1,427,717.98</u> |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-3**

DOC ID: 1773

Establish Town Board Meeting Dates for 2007

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th
- August 13th
- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 26, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend the above resolution to change the date of the last Town Board Meeting in December from the 26th to the 27th, and the vote was unanimous.

AMENDED RESOLUTION

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th
- August 13th

- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 27, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend this resolution by changing the date of the last meeting in December from December 26th to December 27, 2007 and the vote was unanimous.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski

**RESOLUTION 2007-4**

DOC ID: 1774

Establish Work Session Dates for 2007

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2007 at 6:00 P.M. on the following dates:

- January 9th & 30th
- February 21st & 27th
- March 13th & 27th
- April 10th
- May 1st, 15th & 29th
- June 12th
- July 10th
- August 7th & 28th
- September 11th & 25th
- October 9th & 30th
- November 13th & 27th
- December 11th & 20th

and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-5

DOC ID: 1775

Establish Holidays for 2007

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2007:

| | | |
|-----------------------------|-------------------|-----------|
| Martin Luther King, Jr. Day | January 15, 2007 | Monday |
| President's Day | February 19, 2007 | Monday |
| Good Friday | April 6, 2007 | Friday |
| Memorial Day | May 28, 2007 | Monday |
| Independence Day | July 4, 2007 | Wednesday |
| Labor Day | September 3, 2007 | Monday |
| Columbus Day | October 8, 2007 | Monday |
| Election Day | November 6, 2007 | Tuesday |
| Veterans Day | November 12, 2007 | Monday |
| Thanksgiving Day | November 22, 2007 | Thursday |
| Day After Thanksgiving | November 23, 2007 | Friday |
| Christmas Eve | December 24, 2007 | Monday |
| Christmas Day | December 25, 2007 | Tuesday |
| New Year's Day | January 1, 2008 | Tuesday |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-6**

DOC ID: 1779

Deputy Supervisor's Facsimile Signature**Sponsored By:** Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of the Deputy Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon may be affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Deputy Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-7**

DOC ID: 1778

Designate Official Depositories**Sponsored By:** Councilmember Rogowski, Councilmember Jankowiak

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2007:

HSBC Bank (Cheektowaga Office)
Manufacturers and Traders Trust Company (Airport Plaza)
Key Bank (Appletree Business Park and Union Road)
Bank of America (Walden Avenue Office))
JP Morgan Chase Bank, N.A. (Depew Office)
Citibank (Cheektowaga Office)
Citizens Bank (Cheektowaga Office)
Evans National Bank

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-8**

DOC ID: 1776

Designate Official Newspaper

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

WHEREAS, Section 64(11) of the Town Law empowers a Town Board to designate a newspaper as the official paper of the Town provided such newspaper is regularly published in the Town and has been entered as second class mail matter, and

WHEREAS, the CHEEKTOWAGA TIMES has served as the official newspaper of the Town of Cheektowaga for the past several years, and is qualified to serve as the Town's official newspaper, NOW, THEREFORE, BE IT

RESOLVED, that THE CHEEKTOWAGA TIMES be and hereby is designated as the official newspaper of the Town of Cheektowaga.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-9**

DOC ID: 1782

Retain Certified Public Accounting Firm

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

WHEREAS, the Town Board desires the services of a Certified Public Accounting firm that is knowledgeable of New York State, Federal and Town rules and regulations; knowledgeable of the New York State Uniform System of Accounting for towns; experienced in implementing Governmental Accounting Standards Board (GASB) Statements; established as Government Finance Officer Association Certificate Program reviewers; and familiar with the Town's policies, accounting procedures and operations in order to effectively and efficiently perform services in the areas of:

- A. Annual Audit - A complete financial audit of the Town's basic financial statements for the year ended December 31, 2006.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2006.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2006.
- D. Preparation of management letter relating to the audit of the basic financial statements.
- E. Single Audit - Conduct an audit of Town's federal financial assistance for compliance with applicable federal laws and regulations in accordance with OMB Circular A-133 for the year ended December 31, 2006.
- F. Other Services - Including routine consultation will be provided to the Supervisor and the Town's Director of Administration and Finance on areas such as: GASB implementations, state revenue sharing, borrowings, federal and state legislative developments, retirement, sales tax, compilation of various sewer billings and other areas as requested.
- G. Budget Preparation - Assistance and alternatives will be provided to the Supervisor, Town Board and the Town's Director of Administration and Finance in various phases of the compilation of the 2008 benefit basis and ad valorem budgets. Will assist/advise in the compilation of the Town's 2008 tax rates for submission to Erie County.
- H. Audit of Departments. Will compile financial statements for the year ended December 31, 2006 on the cash basis of accounting for the Tax Receiver, Town Clerk, Town Justices, the Parks, Recreation and Youth Services Department and the Senior Services Department.
- I. Comprehensive Annual Financial Report - Will aid the Town in compilation of the Comprehensive Annual Financial Report for the year ended December 31, 2006 to be submitted to the Government Finance Officer's Association for review in the Certificate of Excellence in Financial Reporting Program.
- J. Compilation of Detailed Budget Presentation Document - Will compile the Town's 2008

Budget Document including departmental descriptions of pertinent responsibilities to the taxpayers, historical trends including year over year expenditure comparisons over the last three years, a table of contents and an index, and various colored charts and graphs.

and,

WHEREAS, Drescher and Malecki, LLP possess the aforementioned attributes and are available to perform the services listed above and are available to perform the services listed above, and

WHEREAS, this Town Board desires to retain the services of Drescher. and Malecki, LLP to perform the services listed above, **NOW, THEREFORE, BE IT**

RESOLVED, that. Drescher and. Malecki, LLP be retained to perform the aforementioned services for the Town of Cheektowaga for the year 2007 (which would entail the audits for the year ended December 31, 2006) for a fee not to exceed \$96,000 (which represents a 0% increase from the prior year).

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-10**

DOC ID: 1770

Retain Sienna Environmental Technologies, LLC for Professional Services At the Cheektowaga Records Center

Sponsored By: Councilmember Jankowiak, Councilmember Jaworowicz

WHEREAS, the New York State Building Code (Industrial Rule 56, effective September 5, 2006) requires air monitoring and samples to be taken during the asbestos abatement and removal project at the new Cheektowaga Records Center located at 735 Maryvale Drive by an independent firm other than the contractor, NOW THEREFORE, BE IT

RESOLVED, that the proposal of Sienna Environmental Technologies, LLC, dated December 18, 2006, as submitted to the Town Engineer for professional services for asbestos abatement inspections to include air sampling, visual monitoring and sample collection and analysis at the Cheektowaga Records Center is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor, on behalf of this Town Board, is authorized and directed to execute the agreement with Sienna Environmental Technologies, LLC, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$5,760.00 shall be chargeable to Account #500-1685-2520-5622.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-11**

DOC ID: 1783

Retain Insurance Consulting Firm

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, Ernest A. Holfoth and Holfoth Risk Management, Division of Aldrich & Cox, Inc., have provided risk management and general insurance consulting services to the Town of Cheektowaga since 1978, and

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2006, and

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$38,400.00 for 2007 and 2008, and \$41,100 for 2009, and

WHEREAS, such proposal has been reviewed and found to be acceptable to this Board, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid proposal from Holfoth Risk Management is hereby accepted and approved by this Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2007-2009 in accordance with the above.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-12**

DOC ID: 1767 A

Community Development Public Hearing

Sponsored By: Councilmember Rogowski, Councilmember Magierski

WHEREAS, the Town is eligible to receive approximately \$1,006,739 in Community Development Block Grant funds and approximately \$369,884 in Home Investment Partnership program funds for the 2007 Program Year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs in the Town, and

WHEREAS, proposed activities for Program Year 2007 Community Development Block Grant and HOME Program funds have been made available for public review in the public libraries within the Town, the Cheektowaga Town Clerk's Office and the Community Development Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 16, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 4, 2007.

ATTACHMENTS:

PH-NOTICE-2007B (DOC)

RESULT: **ADOPTED [UNANIMOUS]****MOVER:** James Rogowski, Councilmember**SECONDER:** Alice Magierski, Councilmember**AYES:** Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski

**RESOLUTION 2007-13**

DOC ID: 1786

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan Town Board Minutes created since the inception of the Town, thereby enhancing public access to historic records; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-14**

DOC ID: 1787

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to create an archival materials storage area and a public archival records research area at the site of the former North Cheektowaga Branch Library; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-15**

DOC ID: 1777

**Authorize Execution of Permit for Use of State Maintained
Flood Control Land**

Sponsored By: Councilmember Johnson Jr., Councilmember Jankowiak

WHEREAS, application has previously been made to the New York State Department of Environmental Conservation for a "Permit for Use of State Maintained Flood Control Land" in accordance with 6 NYCRR Part 501 associated with the proposed removal of the Alexander Avenue Pedestrian Bridge, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized to execute "Permit Number 06-11 for Use of State Maintained Flood Control Land" within the limits of the Scajaquada Creek Flood Control Project.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-16**

DOC ID: 1785

Agreement with Depew for Police Tax Credits

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village located partially within its boundaries having a police department of four (4) or more police officers on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, and

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the Village of Depew maintains a police department on an annual full-time basis, and

WHEREAS, the annual budget of the Town for the fiscal year beginning January 1, 2007 provides for a credit of \$360,000.00 to the Village of Depew for the cost of the Town Police Department assessed against the property in the Village of Depew, and

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid agreement is approved, and the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute same on behalf of the Town.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-17

DOC ID: 1788

Establish Salaries of Part Time Employees

Sponsored By: Councilmember Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the salaries of the following Town part-time employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2007:

| | | |
|-------------------------|-------|-------------------|
| JUSTICE COURT | | |
| DIGIACOMO, MARTHA | 8.50 | CLERK PART-TIME |
| FAULKNER, JUDITH A | 9.00 | CLERK PART-TIME |
| GABRYSZAK, SALLY | 7.50 | CLERK PART-TIME |
| KUBALA, JENNIFER L | 7.50 | CLERK PART-TIME |
| MAJCHRZAK, THERESA M | 9.00 | CLERK PART-TIME |
| MORATH, MARCIA B | 7.50 | CLERK PART-TIME |
| SZCZEPANOWSKI, MARY ANN | 8.00 | CLERK PART-TIME |
| KOZAK, JOHN R | 8.25 | LABORER PART-TIME |
| ACCOUNTING | | |
| LEWANDOWSKI, JEFFREY T. | 7.50 | CLERK PART-TIME |
| ASSESSORS | | |
| O'NEILL, SUZANNE T | 8.25 | CLERK PART-TIME |
| PIJACKI, MARLEEN A | 7.75 | CLERK PART-TIME |
| SZYMKOWIAK, BEATRICE | 7.75 | CLERK PART-TIME |
| TOWN CLERK | | |
| DZIEDZIC, ALICIA M | 7.50 | CLERK PART-TIME |
| GEMBKA, DELPHINE F | 8.25 | CLERK PART-TIME |
| HANNEL, MEGHAN B | 8.00 | CLERK PART-TIME |
| KANTOWSKI, ELEANOR A | 8.25 | CLERK PART-TIME |
| MILLER, PATRICIA M | 8.25 | CLERK PART-TIME |
| PANER, NANCY A | 8.25 | CLERK PART-TIME |
| RUDNICKI, ELAINE | 8.25 | CLERK PART-TIME |
| SISTI, MARGARET M | 8.25 | CLERK PART-TIME |
| EMPLOYEE RELATIONS | | |
| DAUGHERTY, BARBARA N | 10.50 | CLERK PART-TIME |
| BUILDING MAINTENANCE | | |
| PFALZER, KAREN A | 8.00 | CLERK PART-TIME |
| GOLAS, JUSTIN E | 7.50 | LABORER PART-TIME |
| STRONG, FRANCIS G | 8.50 | LABORER PART-TIME |
| SZYMKOWIAK, ROBERT | 7.25 | LABORER PART-TIME |
| CENTRAL GARAGE | | |
| PAGANO, JOVINA | 8.50 | CLERK PART-TIME |
| GAWRON, EDWARD F | 7.25 | LABORER PART-TIME |
| POLICE | | |
| AUGUSTINE, KERRIE R | 7.15 | CLERK PART-TIME |
| BOJARSKI, JULIE A | 7.15 | CLERK PART-TIME |
| FIAL, CRYSTAL M | 7.15 | CLERK PART-TIME |
| FIAL, JEFFREY T | 7.50 | CLERK PART-TIME |
| GREEN, CINDY A. | 7.50 | CLERK PART-TIME |
| HOCKWATER III, PAUL F | 7.15 | CLERK PART-TIME |

| | | |
|--------------------------|-------|----------------------|
| JANKOWSKI, MICHAEL A | 7.15 | CLERK PART-TIME |
| KRAJNA, CHERYL A | 7.50 | CLERK PART-TIME |
| KURKOWSKI, RITA | 8.00 | CLERK PART-TIME |
| LEASE, SHANNON M | 7.25 | CLERK PART TIME |
| OWENS, AUDREY G | 8.00 | CLERK PART-TIME |
| PRZEPIORA, JAMIE L | 7.15 | CLERK PART-TIME |
| RUCINSKI, FRANCES | 7.50 | CLERK PART-TIME |
| TRAPPER, CYNTHIA L | 7.75 | CLERK PART-TIME |
| WACIENGA, BARBARA R | 7.50 | CLERK PART-TIME |
| WEISHAUP, DEBORAH A | 7.75 | CLERK PART-TIME |
| ZACK, MEAGAN L | 7.50 | CLERK PART-TIME |
| ZIELONKA, DENISE | 7.50 | CLERK PART-TIME |
| HEISLER, JACOB R | 7.15 | STUDENT ASSISTANT |
| SMITH, JESSICA L | 7.15 | STUDENT ASSISTANT |
| STROUD, SAMANTHA L | 7.15 | STUDENT ASSISTANT |
| SIGN MAINTENANCE | | |
| BLACHOWICZ, MARK M | 7.75 | LABORER PART-TIME |
| CLIFFORD, DANIEL K | 7.35 | LABORER PT SEASONAL |
| DOG CONTROL | | |
| KANDEFER, AARON D | 7.75 | ASST DOG CONTROL OFF |
| MENTH, AMY L | 7.75 | ASST DOG CONTROL OFF |
| STYBORSKI, LINDSEY M | 7.75 | ASST DOG CONTROL OFF |
| CODE ENFORCEMENT | | |
| PARKS, JANET T | 7.75 | CLERK PART-TIME |
| RATCLIFF, TAMMY M | 7.75 | CLERK PART-TIME |
| GILL, GERALD J | 12.50 | HOUSING INSPECT PT |
| ROKITKA, LAWRENCE E | 10.50 | HOUSING INSPECT PT |
| HIGHWAY | | |
| INDELICATO, JOSEPHINE | 8.50 | CLERK PART-TIME |
| PAJAK, SUSAN M | 8.50 | CLERK PART-TIME |
| BAKOWSKI, ALAN R | 8.25 | LABORER PT SEASONAL |
| MARTENS, JOHN T | 8.25 | SEASONAL LABORER |
| NOWORYTA, MICHAEL J | 8.25 | LABORER PT SEASONAL |
| PARKS/ FACILITIES | | |
| MEYERS, JOAN C | 11.25 | CLERK PART-TIME |
| ARNE, RAYMOND F | 8.00 | LABORER PART-TIME |
| ELLER, JAMES M | 8.00 | LABORER PART-TIME |
| DARNELL, JOHN E | 7.50 | LABORER PART-TIME |
| GRIFFIN, RICHARD E | 8.00 | LABORER PART-TIME |
| KANTOR, PATRICIA | 8.00 | LABORER PART-TIME |
| KRAWCZYK, THOMAS L | 8.00 | LABORER PART-TIME |
| LASKOWSKI, LUKASZ L | 8.00 | LABORER PART-TIME |
| MAZIARZ, MICHAEL S. | 8.00 | LABORER PART-TIME |
| O'SULLIVAN, ROBERT D | 7.50 | LABORER PART-TIME |
| OLEJNICZAK, DANIEL E | 8.00 | LABORER PART TIME |
| POCOBELLO, RONALD E | 8.00 | LABORER PART-TIME |
| SOMOGYE, THOMAS F | 9.50 | LABORER PART-TIME |
| STEVENSON SR., TIMOTHY D | 8.00 | LABORER PART-TIME |
| STUCKE SR, MARK P | 8.00 | LABORER PART-TIME |
| SZYM CZUK, KAROL J | 8.00 | LABORER PART-TIME |
| THIELKE, DENNIS K | 7.50 | LABORER PART-TIME |
| GALLETTA, JOSEPH A | 8.00 | LABORER PT SEASONAL |
| SENIOR CENTER | | |
| GALLAGHER, DIANE M | 8.00 | LABORER PART-TIME |

| | | |
|------------------------|-------|----------------------|
| KIEDEL, JANINE M | 8.00 | LABORER PART-TIME |
| BIALY, GENEVIEVE K | 8.00 | REC ATTEN PT/SEASONA |
| FOURNIER, MILDRED | 8.00 | REC ATTEN PT/SEASONA |
| HESS, BEVERLY M | 8.00 | REC ATTEN PT/SEASONA |
| KOLB, LINDA | 8.00 | REC ATTEN PT/SEASONA |
| STEIN, PATRICIA A | 7.75 | RECREATION ATTEN PT |
| STEPNICK, NANCY A | 8.00 | REC ATTEN PT/SEASONA |
| TATKO, SHARON M | 8.00 | REC ATTEN PT/SEASONA |
| ZULAWSKI, SHIRLEY A | 8.00 | REC ATTEN PT/SEASONA |
| FLORCZAK, JULIE M | 8.25 | REC INSTRUCTOR-PT/SE |
| KAWA, KIMBERLY M | 12.75 | REC INSTRUCTOR-PT(SE |
| NIEWCZYK, PAULETTE M | 12.75 | REC INSTRUCTOR-PT(SE |
| BENZINGER, ROBERT T | 8.25 | VAN DRIVER PT |
| COLLINS, FRANKLIN M | 8.25 | VAN DRIVER PT |
| CUMMINGS, ROBERT E | 8.25 | VAN DRIVER PT |
| GABRYSZAK, ALEX J | 8.25 | VAN DRIVER PT |
| GRANAT, JOSEPH E | 8.25 | VAN DRIVER PT |
| HERLAN, ROBERT A | 8.25 | VAN DRIVER PT |
| KARASZEWSKI, ROBERT | 8.25 | VAN DRIVER PT |
| KWIATKOWSKI, CYNTHIA T | 8.25 | VAN DRIVER PT |
| LEWANDOWSKI, RONALD J | 8.25 | DRIVER PT |
| MILLER, JOSEPH B | 8.25 | VAN DRIVER PT |
| PAPROCKI, RAYMOND H | 8.25 | VAN DRIVER PT |
| PRELL, MARY ELLEN | 8.25 | VAN DRIVER PT |
| SKRZYDLEWSKI, RANDOLPH | 8.25 | VAN DRIVER PT |
| ZBYTEK, JOSEPH E | 8.25 | VAN DRIVER PT |
| SEWER DEPT | | |
| LATCHFORD, FRANK A | 7.50 | LABORER PART-TIME |
| MAIN PUMP STATION | | |
| FALKIEWICZ, FLORENCE | 10.50 | CLERK PART-TIME |
| GULLO, PETER B | 7.50 | LABORER PART-TIME |
| LINKNER, LEROY J | 8.00 | LABORER PT SEASONAL |
| SANITATION DEPT | | |
| RAIMONDO, CAROLYN | 8.50 | CLERK PART-TIME |
| WOLKOWIECKI, JOHN | 7.75 | LABORER PART-TIME |
| CHOJNICKI, JERROD L | 7.75 | LABORER PT SEASONAL |
| GATES, ALLEN S | 7.75 | LABORER PT SEASONAL |
| HERR, CORY M | 7.75 | LABORER PT SEASONAL |
| MILLER, CHRISTOPHER A | 7.75 | LABORER PT SEASONAL |
| PHEASANT, KEITH J | 7.75 | LABORER PT SEASONAL |
| SANTORO, PATRICK J | 7.75 | LABORER PT SEASONAL |
| COMMUNITY DEVELOPMENT | | |
| WOJCINSKI, PATRICIA F | 10.00 | REC ATTENDANT PT |

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to waive the reading of the names on this resolution, and the vote was unanimous.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-18**

DOC ID: 1780

Reappoint Bingo Inspectors**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January, 2007 to December 31, 2007:

Katherine Ferdinand, Cheektowaga, New York
Ruth A. Cassacci, Cheektowaga, New York
John Abraham, Depew, New York
Dennis Smith, Cheektowaga, New York
Thaddeus I. Marciniak, Cheektowaga, New York

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed Bingo Inspector Chairman, effective January 1, 2007 for a term of one year:

Kenneth J. Jeffords, Depew, New York

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-19**

DOC ID: 1781

Reappoint Library Board Member

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the term of Phyllis O'Donnell as Secretary/Treasurer of the Cheektowaga Public Library Board expired on December 31, 2006, and

WHEREAS, Phyllis O'Donnell has requested reappointment to such position, and

WHEREAS, Phyllis O'Donnell has satisfactorily served on the Cheektowaga Library Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Phyllis O'Donnell be and hereby is reappointed to the position of Secretary/Treasurer of the Cheektowaga Public Library Board, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-20**

DOC ID: 1772

Reappointments to Traffic Safety Committee

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Chairman Richard Zynda and members Robert W. Boye, Sam Fassari and James Makowski expired on December 31, 2006, and

WHEREAS, Richard Zynda, Robert W. Boye, Sam Fassari and James Makowski have expressed an interest in continuing to serve on the Traffic Safety Commission, and

WHEREAS, the Traffic Safety Commission has recommended that the aforesaid individuals be re-appointed to the Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2009:

Richard Zynda, Chairman
Robert W. Boye, Member
Sam Fassari, Member
James Makowski, Member

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-21**

DOC ID: 1768

Reappoint Zoning Board Member

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the term of James Speyer as Member of the Zoning Board of Appeals expired on December 31, 2006, and

WHEREAS, James Speyer has submitted a letter to this Town Board requesting reappointment to this position, and

WHEREAS, James Speyer has satisfactorily served as Member of the Zoning Board of Appeals for a number of years and merits reappointment to such position, NOW, THEREFORE, BE IT

RESOLVED, that James Speyer of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



RESOLUTION 2007-22

DOC ID: 1771

Appointments to Veterans Affairs Committee

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, in order to keep this Town Board informed as to the needs of veterans in the Town, this Town Board created the Veterans Affairs Committee and appointed members thereto, and

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and their terms expired on December 31, 2006, and

WHEREAS, this Board wishes to appoint the following members to a one (1) year term, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the Veterans Affairs Committee, effective January 1, 2007 and expiring on December 31, 2007:

Victor Carlucci, Depew, NY
 J. Donald Griffin, Cheektowaga, NY
 Clair E. Johnson, Cheektowaga, NY
 Joseph Lipowski, Depew, NY
 Sylvia Lipowski, Depew, NY
 Joseph Porempski, Cheektowaga, NY
 Karen Porempski, Cheektowaga, NY
 Earle Rosenthal, Cheektowaga, NY
 Elaine Rosenthal, Cheektowaga, NY
 George Ross, Sloan, NY
 Raymond Wolniewicz, Cheektowaga, NY
 John D. Stiegler, Cheektowaga, NY
 Wayne Sorrentino, Cheektowaga, NY
 Raymond Dusza, Cheektowaga, New York
 Thomas J. Mazur, Cheektowaga, NY

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

IV. Communications

A. Departmental Communications

1. Building Permits: December 2006
2. Board of Ethics Committee: Minutes of November 13, 2006 Meeting

B. General Communications

1. State of New York, Department of Transportation: Notice of Order: Genesee Street, Route 33 At Holtz Road
2. Summons & Complaint: Delores/Charles Horey Vs Town of Cheektowaga
3. Summons & Complaint: Washington Mutual Bank F/K/A Washington Mutual Bank, FA Vs. Marie Osika Etal and Town of Cheektowaga
4. Notice of Claim: Albert C. Tripi, Jr. Vs. Town of Cheektowaga

V. Comments**A. Deputy Supervisor's Comments****B. Councilmember's Comments****C. Public Comments****VI. Suspension of Rules**

COMMENTS - Current Meeting:

Motion by Councilmember Swiatek, second by Councilmember Magierski to suspend the rules to include the following two (2) resolutions, and the vote was unanimous.

**RESOLUTION 2007-23**

DOC ID: 1789

Transfer Deanna Schugardt, Temporary Full-Time Records Inventory Clerk to Seasonal Clerk for Records Grant, Records Center**Sponsored By:** Councilmember Jankowiak, Councilmember Magierski

WHEREAS, Deanna Schugardt is currently a temporary full-time Records Inventory Clerk in the Records Center; AND

WHEREAS, a vacancy currently exists in the title of seasonal Clerk in the Records Center as a result of a New York State grant; AND

WHEREAS, Ms. Schugardt has applied for said position and meets all the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Deanna Schugardt of Cheektowaga, New York, be and hereby is appointed to the position of seasonal Clerk in the Records Center, at the hourly rate of \$12.00, effective January 2, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**RESOLUTION 2007-24**

DOC ID: 1790

Appointment of Laborer (Sanitation Department)

Sponsored By: Councilmember Jankowiak, Councilmember Swiatek

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department;
AND

WHEREAS, Joseph D. Gorski, applied for said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Joseph D. Gorski of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 8, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

VII. Closing

COMMENTS - Current Meeting:

Motion by Councilmember Jankowiak, second by Councilmember Johnson to adjourn the meeting in memory of Private First Class Travis C. Krege, graduate of Maryvale High School who was killed in Hawijah, Iraq when an explosive device detonated near the vehicle in which he was riding; and in memory of retired Police Officer Angelo Neri who passed away suddenly on December 30, 2006.

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-1**Meeting: 01/02/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Rachel Hupkowitz
Initiator: Rachel Hupkowitz
Sponsors: Councilmember Jankowiak, Councilmember Jaworowicz
DOC ID: 1762**Transfer of Funds****BE IT RESOLVED**, that the following transfers are hereby approved and made a part hereof;

| | | <u>2006</u> | |
|---------------------|---------------|-----------------|----------|
| <u>GENERAL FUND</u> | | | |
| FROM: | 100-1110-4321 | Data Processing | \$400.00 |
| TO: | 100-1110-4001 | Office Supplies | \$400.00 |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-2**Meeting: 01/02/07 06:45 PM
Department: Accounting/Payroll
Category: Warrant List
Prepared By: Rachel Hupkowicz
Initiator: Rachel Hupkowicz
Sponsors: Councilmember Jankowiak, Councilmember Jaworowicz
DOC ID: 1766**Warrant**

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 27, 2006 are hereby approved and made a part hereof;

| | |
|-----------------------------|-----------------------|
| General Fund | \$541,192.95 |
| Risk Retention Fund | 26,435.71 |
| Special Districts | 146,614.45 |
| Highway Fund | 92,702.22 |
| Capital Fund | 573,486.50 |
| Trust & Agency Fund | 8,447.37 |
| HUD CDBG Fund | 10,453.00 |
| Part Town Fund | 19,058.78 |
| NYS Affordable Housing Fund | 9,327.00 |
| | <u>\$1,427,717.98</u> |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-3

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1773

Establish Town Board Meeting Dates for 2007

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th
- August 13th
- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 26, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend the above resolution to change the date of the last Town Board Meeting in December from the 26th to the 27th, and the vote was unanimous.

AMENDED RESOLUTION

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2007 shall be held at 7:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 2nd & 16th
- February 5th & 26th
- March 5th & 19th
- April 2nd & 16th
- May 7th & 21st
- June 4th & 18th
- July 16th

Resolution 2007-3

Meeting of January 2, 2007

- August 13th
- September 4th & 17th
- October 1st & 15th
- November 5th & 19th
- December 3rd & 17th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 27, 2007 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to amend this resolution by changing the date of the last meeting in December from December 26th to December 27, 2007 and the vote was unanimous.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-4

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Jankowiak, Councilmember Rogowski
DOC ID: 1774

Establish Work Session Dates for 2007

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2007 at 6:00 P.M. on the following dates:

- January 9th & 30th
- February 21st & 27th
- March 13th & 27th
- April 10th
- May 1st, 15th & 29th
- June 12th
- July 10th
- August 7th & 28th
- September 11th & 25th
- October 9th & 30th
- November 13th & 27th
- December 11th & 20th

and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-5**

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1775

Establish Holidays for 2007

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2007:

| | | |
|-----------------------------|-------------------|-----------|
| Martin Luther King, Jr. Day | January 15, 2007 | Monday |
| President's Day | February 19, 2007 | Monday |
| Good Friday | April 6, 2007 | Friday |
| Memorial Day | May 28, 2007 | Monday |
| Independence Day | July 4, 2007 | Wednesday |
| Labor Day | September 3, 2007 | Monday |
| Columbus Day | October 8, 2007 | Monday |
| Election Day | November 6, 2007 | Tuesday |
| Veterans Day | November 12, 2007 | Monday |
| Thanksgiving Day | November 22, 2007 | Thursday |
| Day After Thanksgiving | November 23, 2007 | Friday |
| Christmas Eve | December 24, 2007 | Monday |
| Christmas Day | December 25, 2007 | Tuesday |
| New Year's Day | January 1, 2008 | Tuesday |

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-6

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Jankowiak, Councilmember Rogowski
DOC ID: 1779

Deputy Supervisor's Facsimile Signature

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of the Deputy Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon may be affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Deputy Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

ADOPTED

Sponsors: Councilmember Rogowski, Councilmember Jankowiak

RESOLUTION 2007-7

DOC ID: 1778

Designate Official Depositories

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2007:

- HSBC Bank (Cheektowaga Office)
- Manufacturers and Traders Trust Company (Airport Plaza)
- Key Bank (Appletree Business Park and Union Road)
- Bank of America (Walden Avenue Office))
- JP Morgan Chase Bank, N.A. (Depew Office)
- Citibank (Cheektowaga Office)
- Citizens Bank (Cheektowaga Office)
- Evans National Bank

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

ADOPTED

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

RESOLUTION 2007-8

DOC ID: 1776

Designate Official Newspaper

WHEREAS, Section 64(11) of the Town Law empowers a Town Board to designate a newspaper as the official paper of the Town provided such newspaper is regularly published in the Town and has been entered as second class mail matter, and

WHEREAS, the CHEEKTOWAGA TIMES has served as the official newspaper of the Town of Cheektowaga for the past several years, and is qualified to serve as the Town's official newspaper, NOW, THEREFORE, BE IT

RESOLVED, that THE CHEEKTOWAGA TIMES be and hereby is designated as the official newspaper of the Town of Cheektowaga.

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|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-9**

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1782

Retain Certified Public Accounting Firm

WHEREAS, the Town Board desires the services of a Certified Public Accounting firm that is knowledgeable of New York State, Federal and Town rules and regulations; knowledgeable of the New York State Uniform System of Accounting for towns; experienced in implementing Governmental Accounting Standards Board (GASB) Statements; established as Government Finance Officer Association Certificate Program reviewers; and familiar with the Town's policies, accounting procedures and operations in order to effectively and efficiently perform services in the areas of:

- A. Annual Audit - A complete financial audit of the Town's basic financial statements for the year ended December 31, 2006.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2006.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2006.
- D. Preparation of management letter relating to the audit of the basic financial statements.
- E. Single Audit - Conduct an audit of Town's federal financial assistance for compliance with applicable federal laws and regulations in accordance with OMB Circular A-133 for the year ended December 31, 2006.
- F. Other Services - Including routine consultation will be provided to the Supervisor and the Town's Director of Administration and Finance on areas such as: GASB implementations, state revenue sharing, borrowings, federal and state legislative developments, retirement, sales tax, compilation of various sewer billings and other areas as requested.
- G. Budget Preparation - Assistance and alternatives will be provided to the Supervisor, Town Board and the Town's Director of Administration and Finance in various phases of the compilation of the 2008 benefit basis and ad valorem budgets. Will assist/advise in the compilation of the Town's 2008 tax rates for submission to Erie County.
- H. Audit of Departments. Will compile financial statements for the year ended December 31, 2006 on the cash basis of accounting for the Tax Receiver, Town Clerk, Town Justices, the Parks, Recreation and Youth Services Department and the Senior Services Department.
- I. Comprehensive Annual Financial Report - Will aid the Town in compilation of the Comprehensive Annual Financial Report for the year ended December 31, 2006 to be submitted to the Government Finance Officer's Association for review in the Certificate of Excellence in Financial Reporting Program.

J. Compilation of Detailed Budget Presentation Document - Will compile the Town's 2008 Budget Document including departmental descriptions of pertinent responsibilities to the taxpayers, historical trends including year over year expenditure comparisons over the last three years, a table of contents and an index, and various colored charts and graphs.

and,

WHEREAS, Drescher and Malecki, LLP possess the aforementioned attributes and are available to perform the services listed above and are available to perform the services listed above, and

WHEREAS, this Town Board desires to retain the services of Drescher. and Malecki, LLP to perform the services listed above, **NOW, THEREFORE, BE IT**

RESOLVED, that. Drescher and. Malecki, LLP be retained to perform the aforementioned services for the Town of Cheektowaga for the year 2007 (which would entail the audits for the year ended December 31, 2006) for a fee not to exceed \$96,000 (which represents a 0% increase from the prior year).

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Engineering

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Diane Swiatek

Initiator: William Pugh

Sponsors: Councilmember Jankowiak, Councilmember Jaworowicz

ADOPTED

RESOLUTION 2007-10

DOC ID: 1770

Retain Sienna Environmental Technologies, LLC for Professional Services At the Cheektowaga Records Center

WHEREAS, the New York State Building Code (Industrial Rule 56, effective September 5, 2006) requires air monitoring and samples to be taken during the asbestos abatement and removal project at the new Cheektowaga Records Center located at 735 Maryvale Drive by an independent firm other than the contractor, NOW THEREFORE, BE IT

RESOLVED, that the proposal of Sienna Environmental Technologies, LLC, dated December 18, 2006, as submitted to the Town Engineer for professional services for asbestos abatement inspections to include air sampling, visual monitoring and sample collection and analysis at the Cheektowaga Records Center is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor, on behalf of this Town Board, is authorized and directed to execute the agreement with Sienna Environmental Technologies, LLC, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$5,760.00 shall be chargeable to Account #500-1685-2520-5622.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Swiatek, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-11

DOC ID: 1783

Retain Insurance Consulting Firm

WHEREAS, Ernest A. Holfoth and Holfoth Risk Management, Division of Aldrich & Cox, Inc., have provided risk management and general insurance consulting services to the Town of Cheektowaga since 1978, and

WHEREAS, the risk management and general insurance consulting agreement between Holfoth Risk Management and the Town expired on December 31, 2006, and

WHEREAS, Holfoth Risk Management has submitted a proposed three (3) year renewal agreement for risk management and general insurance consulting services at annual fees of \$38,400.00 for 2007 and 2008, and \$41,100 for 2009, and

WHEREAS, such proposal has been reviewed and found to be acceptable to this Board, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid proposal from Holfoth Risk Management is hereby accepted and approved by this Town Board, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute an agreement with Holfoth Risk Management for risk management and general insurance consulting services for years 2007-2009 in accordance with the above.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-12

Meeting: 01/02/07 06:45 PM
Department: Community Development
Category: Community Development
Prepared By: Jerry Gabryszak
Initiator: Jerry Gabryszak
Sponsors: Councilmember Rogowski, Councilmember Magierski
DOC ID: 1767 A

Community Development Public Hearing

WHEREAS, the Town is eligible to receive approximately \$1,006,739 in Community Development Block Grant funds and approximately \$369,884 in Home Investment Partnership program funds for the 2007 Program Year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs in the Town, and

WHEREAS, proposed activities for Program Year 2007 Community Development Block Grant and HOME Program funds have been made available for public review in the public libraries within the Town, the Cheektowaga Town Clerk's Office and the Community Development Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on January 16, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 4, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

Notice of Public Hearing
Town of Cheektowaga FY 2007 Annual Plan
Community Development Block Grant/HOME Programs

A public hearing will be held on January 16, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the Town's Fiscal Year 2007 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) Programs. The purpose of the hearings is to obtain the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and on the draft Action Plan that has been made available for public review in Cheektowaga Branch Public Libraries. The annual plan outlines housing and community development projects to be funded with FY 2007 CDBG and HOME Program funds. For the 2007 Program Year, the Town is eligible to receive approximately \$1,006,739 in Community Development Block Grant funds and approximately \$369,884 in HOME Investment Partnership Program funds from the Department of Housing and Urban Development. The Town also estimates it will receive approximately \$200,000 in program income from its revolving housing rehabilitation loan program and \$250,000 in economic development revolving business loan program income. Those wishing to offer comments at the hearing are asked to also submit a written text. Comments may also be submitted in writing to the Cheektowaga Community Development Office, 275 Alexander Avenue, Cheektowaga, NY 14211. Interpreters will be made available at the meetings upon prior request to sign for the hearing impaired. If you are in need of such special arrangements, please contact the Cheektowaga Community Development Office at 897-7200 seven (7) business days in advance of the hearing. The hearing location is accessible to the physically handicapped.



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-13

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Grant Application
Prepared By: Connie Paoletti
Initiator: Connie Paoletti

Sponsors: Councilmember Magierski, Councilmember Rogowski

DOC ID: 1786

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan Town Board Minutes created since the inception of the Town, thereby enhancing public access to historic records; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-14

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Grant Application
Prepared By: Connie Paoletti
Initiator: Connie Paoletti

Sponsors: Councilmember Magierski, Councilmember Rogowski

DOC ID: 1787

Authorize Supervisor/Deputy Supervisor to Execute Grant Application

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to create an archival materials storage area and a public archival records research area at the site of the former North Cheektowaga Branch Library; 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 Education Department State Archives for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Supervisor or Deputy Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-15

Meeting: 01/02/07 06:45 PM

Department: Engineering

Category: Engineering Misc.

Prepared By: Diane Swiatek

Initiator: William Pugh

Sponsors: Councilmember Johnson Jr., Councilmember Jankowiak

DOC ID: 1777

Authorize Execution of Permit for Use of State Maintained Flood Control Land

WHEREAS, application has previously been made to the New York State Department of Environmental Conservation for a "Permit for Use of State Maintained Flood Control Land" in accordance with 6 NYCRR Part 501 associated with the proposed removal of the Alexander Avenue Pedestrian Bridge, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor or Deputy Supervisor be and hereby is authorized to execute "Permit Number 06-11 for Use of State Maintained Flood Control Land" within the limits of the Scajaquada Creek Flood Control Project.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Agreements, Bonds, Contracts

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

ADOPTED

RESOLUTION 2007-16

DOC ID: 1785

Agreement with Depew for Police Tax Credits

WHEREAS, Section 150 of the Town Law grants discretionary authority to a town for entry into an agreement with a village located partially within its boundaries having a police department of four (4) or more police officers on an annual full-time basis, to determine what part of the cost of the town police department shall be assessed against the property in the village, and

WHEREAS, the Village of Depew is located partially within the boundaries of the Town of Cheektowaga, and, in addition, the Village of Depew maintains a police department on an annual full-time basis, and

WHEREAS, the annual budget of the Town for the fiscal year beginning January 1, 2007 provides for a credit of \$360,000.00 to the Village of Depew for the cost of the Town Police Department assessed against the property in the Village of Depew, and

WHEREAS, a proposed agreement with the Village of Depew on the matter of the aforementioned credit has been prepared and reviewed, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid agreement is approved, and the Supervisor or Deputy Supervisor be and hereby is authorized and directed to execute same on behalf of the Town.

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|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227**ADOPTED****RESOLUTION 2007-17**

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Personnel Miscellaneous

Prepared By: Connie Paoletti

Initiator: Connie Paoletti

Sponsors: Councilmember Jankowiak, Councilmember Rogowski

DOC ID: 1788

Establish Salaries of Part Time Employees

BE IT RESOLVED, that the salaries of the following Town part-time employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2007:

| | | |
|-----------------------------|-------|-------------------|
| JUSTICE COURT | | |
| DIGIACOMO, MARTHA | 8.50 | CLERK PART-TIME |
| FAULKNER, JUDITH A | 9.00 | CLERK PART-TIME |
| GABRYSZAK, SALLY | 7.50 | CLERK PART-TIME |
| KUBALA, JENNIFER L | 7.50 | CLERK PART-TIME |
| MAJCHRZAK, THERESA M | 9.00 | CLERK PART-TIME |
| MORATH, MARCIA B | 7.50 | CLERK PART-TIME |
| SZCZEPANOWSKI, MARY ANN | 8.00 | CLERK PART-TIME |
| KOZAK, JOHN R | 8.25 | LABORER PART-TIME |
| ACCOUNTING | | |
| LEWANDOWSKI, JEFFREY T. | 7.50 | CLERK PART-TIME |
| ASSESSORS | | |
| O'NEILL, SUZANNE T | 8.25 | CLERK PART-TIME |
| PIJACKI, MARLEEN A | 7.75 | CLERK PART-TIME |
| SZYMKOWIAK, BEATRICE | 7.75 | CLERK PART-TIME |
| TOWN CLERK | | |
| DZIEDZIC, ALICIA M | 7.50 | CLERK PART-TIME |
| GEMBKA, DELPHINE F | 8.25 | CLERK PART-TIME |
| HANNEL, MEGHAN B | 8.00 | CLERK PART-TIME |
| KANTOWSKI, ELEANOR A | 8.25 | CLERK PART-TIME |
| MILLER, PATRICIA M | 8.25 | CLERK PART-TIME |
| PANER, NANCY A | 8.25 | CLERK PART-TIME |
| RUDNICKI, ELAINE | 8.25 | CLERK PART-TIME |
| SISTI, MARGARET M | 8.25 | CLERK PART-TIME |
| EMPLOYEE RELATIONS | | |
| DAUGHERTY, BARBARA N | 10.50 | CLERK PART-TIME |
| BUILDING MAINTENANCE | | |
| PFALZER, KAREN A | 8.00 | CLERK PART-TIME |
| GOLAS, JUSTIN E | 7.50 | LABORER PART-TIME |
| STRONG, FRANCIS G | 8.50 | LABORER PART-TIME |
| SZYMKOWIAK, ROBERT | 7.25 | LABORER PART-TIME |
| CENTRAL GARAGE | | |
| PAGANO, JOVINA | 8.50 | CLERK PART-TIME |
| GAWRON, EDWARD F | 7.25 | LABORER PART-TIME |
| POLICE | | |
| AUGUSTINE, KERRIE R | 7.15 | CLERK PART-TIME |
| BOJARSKI, JULIE A | 7.15 | CLERK PART-TIME |
| FIAL, CRYSTAL M | 7.15 | CLERK PART-TIME |
| FIAL, JEFFREY T | 7.50 | CLERK PART-TIME |
| GREEN, CINDY A. | 7.50 | CLERK PARTTIME |

Resolution 2007-17

Meeting of January 2, 2007

| | | |
|-----------------------|-------|----------------------|
| HOCKWATER III, PAUL F | 7.15 | CLERK PART-TIME |
| JANKOWSKI, MICHAEL A | 7.15 | CLERK PART-TIME |
| KRAJNA, CHERYL A | 7.50 | CLERK PART-TIME |
| KURKOWSKI, RITA | 8.00 | CLERK PART-TIME |
| LEASE, SHANNON M | 7.25 | CLERK PART TIME |
| OWENS, AUDREY G | 8.00 | CLERK PART-TIME |
| PRZEPIORA, JAMIE L | 7.15 | CLERK PART-TIME |
| RUCINSKI, FRANCES | 7.50 | CLERK PART-TIME |
| TRAPPER, CYNTHIA L | 7.75 | CLERK PART-TIME |
| WACIENGA, BARBARA R | 7.50 | CLERK PART-TIME |
| WEISHAUP, DEBORAH A | 7.75 | CLERK PART-TIME |
| ZACK, MEAGAN L | 7.50 | CLERK PART-TIME |
| ZIELONKA, DENISE | 7.50 | CLERK PART-TIME |
| HEISLER, JACOB R | 7.15 | STUDENT ASSISTANT |
| SMITH, JESSICA L | 7.15 | STUDENT ASSISTANT |
| STROUD, SAMANTHA L | 7.15 | STUDENT ASSISTANT |
| SIGN MAINTENANCE | | |
| BLACHOWICZ, MARK M | 7.75 | LABORER PART-TIME |
| CLIFFORD, DANIEL K | 7.35 | LABORER PT SEASONAL |
| DOG CONTROL | | |
| KANDEFER, AARON D | 7.75 | ASST DOG CONTROL OFF |
| MENTH, AMY L | 7.75 | ASST DOG CONTROL OFF |
| STYBORSKI, LINDSEY M | 7.75 | ASST DOG CONTROL OFF |
| CODE ENFORCEMENT | | |
| PARKS, JANET T | 7.75 | CLERK PART-TIME |
| RATCLIFF, TAMMY M | 7.75 | CLERK PART-TIME |
| GILL, GERALD J | 12.50 | HOUSING INSPECT PT |
| ROKITKA, LAWRENCE E | 10.50 | HOUSING INSPECT PT |
| HIGHWAY | | |
| INDELICATO, JOSEPHINE | 8.50 | CLERK PART-TIME |
| PAJAK, SUSAN M | 8.50 | CLERK PART-TIME |
| BAKOWSKI, ALAN R | 8.25 | LABORER PT SEASONAL |
| MARTENS, JOHN T | 8.25 | SEASONAL LABORER |
| NOWORYTA, MICHAEL J | 8.25 | LABORER PT SEASONAL |
| PARKS/ FACILITIES | | |
| MEYERS, JOAN C | 11.25 | CLERK PART-TIME |
| ARNE, RAYMOND F | 8.00 | LABORER PART-TIME |
| ELLER, JAMES M | 8.00 | LABORER PART-TIME |
| DARNELL, JOHN E | 7.50 | LABORER PART-TIME |
| GRIFFIN, RICHARD E | 8.00 | LABORER PART-TIME |
| KANTOR, PATRICIA | 8.00 | LABORER PART-TIME |
| KRAWCZYK, THOMAS L | 8.00 | LABORER PART-TIME |
| LASKOWSKI, LUKASZ L | 8.00 | LABORER PART-TIME |
| MAZIARZ, MICHAEL S. | 8.00 | LABORER PART-TIME |
| O'SULLIVAN, ROBERT D | 7.50 | LABORER PART-TIME |
| OLEJNICZAK, DANIEL E | 8.00 | LABORER PART TIME |
| POCOBELLO, RONALD E | 8.00 | LABORER PART-TIME |
| SOMOGYE, THOMAS F | 9.50 | LABORER PART-TIME |

Resolution 2007-17

Meeting of January 2, 2007

| | | |
|---|-------|----------------------|
| STEVENSON SR., TIMOTHY D | 8.00 | LABORER PART-TIME |
| STUCKE SR, MARK P | 8.00 | LABORER PART-TIME |
| SZYMCZUK, KAROL J | 8.00 | LABORER PART-TIME |
| THIELKE, DENNIS K | 7.50 | LABORER PART-TIME |
| GALLETTA, JOSEPH A SENIOR CENTER | 8.00 | LABORER PT SEASONAL |
| GALLAGHER, DIANE M | 8.00 | LABORER PART-TIME |
| KIEDEL, JANINE M | 8.00 | LABORER PART-TIME |
| BIALY, GENEVIEVE K | 8.00 | REC ATTEN PT/SEASONA |
| FOURNIER, MILDRED | 8.00 | REC ATTEN PT/SEASONA |
| HESS, BEVERLY M | 8.00 | REC ATTEN PT/SEASONA |
| KOLB, LINDA | 8.00 | REC ATTEN PT/SEASONA |
| STEIN, PATRICIA A | 7.75 | RECREATION ATTEN PT |
| STEPNICK, NANCY A | 8.00 | REC ATTEN PT/SEASONA |
| TATKO, SHARON M | 8.00 | REC ATTEN PT/SEASONA |
| ZULAWSKI, SHIRLEY A | 8.00 | REC ATTEN PT/SEASONA |
| FLORCZAK, JULIE M | 8.25 | REC INSTRUCTOR-PT/SE |
| KAWA, KIMBERLY M | 12.75 | REC INSTRUCTOR-PT(SE |
| NIEWCZYK, PAULETTE M | 12.75 | REC INSTRUCTOR-PT(SE |
| BENZINGER, ROBERT T | 8.25 | VAN DRIVER PT |
| COLLINS, FRANKLIN M | 8.25 | VAN DRIVER PT |
| CUMMINGS, ROBERT E | 8.25 | VAN DRIVER PT |
| GABRYSZAK, ALEX J | 8.25 | VAN DRIVER PT |
| GRANAT, JOSEPH E | 8.25 | VAN DRIVER PT |
| HERLAN, ROBERT A | 8.25 | VAN DRIVER PT |
| KARASZEWSKI, ROBERT | 8.25 | VAN DRIVER PT |
| KWIATKOWSKI, CYNTHIA T | 8.25 | VAN DRIVER PT |
| LEWANDOWSKI, RONALD J | 8.25 | DRIVER PT |
| MILLER, JOSEPH B | 8.25 | VAN DRIVER PT |
| PAPROCKI, RAYMOND H | 8.25 | VAN DRIVER PT |
| PRELL, MARY ELLEN | 8.25 | VAN DRIVER PT |
| SKRZYDLEWSKI, RANDOLPH | 8.25 | VAN DRIVER PT |
| ZBYTEK, JOSEPH E SEWER DEPT | 8.25 | VAN DRIVER PT |
| LATCHFORD, FRANK A MAIN PUMP STATION | 7.50 | LABORER PART-TIME |
| FALKIEWICZ, FLORENCE | 10.50 | CLERK PART-TIME |
| GULLO, PETER B | 7.50 | LABORER PART-TIME |
| LINKNER, LEROY J SANITATION DEPT | 8.00 | LABORER PT SEASONAL |
| RAIMONDO, CAROLYN | 8.50 | CLERK PART-TIME |
| WOLKOWIECKI, JOHN | 7.75 | LABORER PART-TIME |
| CHOJNICKI, JERROD L | 7.75 | LABORER PT SEASONAL |
| GATES, ALLEN S | 7.75 | LABORER PT SEASONAL |
| HERR, CORY M | 7.75 | LABORER PT SEASONAL |
| MILLER, CHRISTOPHER A | 7.75 | LABORER PT SEASONAL |
| PHEASANT, KEITH J | 7.75 | LABORER PT SEASONAL |
| SANTORO, PATRICK J | 7.75 | LABORER PT SEASONAL |

Resolution 2007-17

Meeting of January 2, 2007

COMMUNITY DEVELOPMENT
WOJCINSKI, PATRICIA F 10.00 REC ATTENDANT PT

COMMENTS - Current Meeting:

Motion by Councilmember Magierski, second by Councilmember Rogowski to waive the reading of the names on this resolution, and the vote was unanimous.

| |
|--|
| <p>RESULT: ADOPTED [UNANIMOUS] MOVER: James Jankowiak, Councilmember SECONDER: James Rogowski, Councilmember AYES: Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski</p> |
|--|



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Swiatek, Councilmember Jaworowicz

ADOPTED

RESOLUTION 2007-18

DOC ID: 1780

Reappoint Bingo Inspectors

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January, 2007 to December 31, 2007:

- Katherine Ferdinand, Cheektowaga, New York
- Ruth A. Cassacci, Cheektowaga, New York
- John Abraham, Depew, New York
- Dennis Smith, Cheektowaga, New York
- Thaddeus I. Marciniak, Cheektowaga, New York

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed Bingo Inspector Chairman, effective January 1, 2007 for a term of one year:

- Kenneth J. Jeffords, Depew, New York

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Jaworowicz, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-19

DOC ID: 1781

Reappoint Library Board Member

WHEREAS, the term of Phyllis O'Donnell as Secretary/Treasurer of the Cheektowaga Public Library Board expired on December 31, 2006, and

WHEREAS, Phyllis O'Donnell has requested reappointment to such position, and

WHEREAS, Phyllis O'Donnell has satisfactorily served on the Cheektowaga Library Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that Phyllis O'Donnell be and hereby is reappointed to the position of Secretary/Treasurer of the Cheektowaga Public Library Board, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-20

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Appointments/Reappointments
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Johnson Jr., Councilmember Rogowski
DOC ID: 1772

Reappointments to Traffic Safety Committee

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Chairman Richard Zynda and members Robert W. Boye, Sam Fassari and James Makowski expired on December 31, 2006, and

WHEREAS, Richard Zynda, Robert W. Boye, Sam Fassari and James Makowski have expressed an interest in continuing to serve on the Traffic Safety Commission, and

WHEREAS, the Traffic Safety Commission has recommended that the aforesaid individuals be re-appointed to the Traffic Safety Commission, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2009:

Richard Zynda, Chairman
Robert W. Boye, Member
Sam Fassari, Member
James Makowski, Member

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Magierski, Councilmember Rogowski

DOC ID: 1768

ADOPTED

RESOLUTION 2007-21

Reappoint Zoning Board Member

WHEREAS, the term of James Speyer as Member of the Zoning Board of Appeals expired on December 31, 2006, and

WHEREAS, James Speyer has submitted a letter to this Town Board requesting reappointment to this position, and

WHEREAS, James Speyer has satisfactorily served as Member of the Zoning Board of Appeals for a number of years and merits reappointment to such position, NOW, THEREFORE, BE IT

RESOLVED, that James Speyer of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2007 and terminating on December 31, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-22

Meeting: 01/02/07 06:45 PM
Department: Town Attorney
Category: Appointments/Reappointments
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Johnson Jr., Councilmember Rogowski
DOC ID: 1771

Appointments to Veterans Affairs Committee

WHEREAS, in order to keep this Town Board informed as to the needs of veterans in the Town, this Town Board created the Veterans Affairs Committee and appointed members thereto, and

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and their terms expired on December 31, 2006, and

WHEREAS, this Board wishes to appoint the following members to a one (1) year term, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the Veterans Affairs Committee, effective January 1, 2007 and expiring on December 31, 2007:

Victor Carlucci, Depew, NY
J. Donald Griffin, Cheektowaga, NY
Clair E. Johnson, Cheektowaga, NY
Joseph Lipowski, Depew, NY
Sylvia Lipowski, Depew, NY
Joseph Porempski, Cheektowaga, NY
Karen Porempski, Cheektowaga, NY
Earle Rosenthal, Cheektowaga, NY
Elaine Rosenthal, Cheektowaga, NY
George Ross, Sloan, NY
Raymond Wolniewicz, Cheektowaga, NY
John D. Stiegler, Cheektowaga, NY
Wayne Sorrentino, Cheektowaga, NY
Raymond Dusza, Cheektowaga, New York
Thomas J. Mazur, Cheektowaga, NY

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Michelle Kaminski

Initiator: Michelle Kaminski

Sponsors: Councilmember Jankowiak, Councilmember Magierski

DOC ID: 1789

ADOPTED

RESOLUTION 2007-23

Transfer Deanna Schugardt, Temporary Full-Time Records Inventory Clerk to Seasonal Clerk for Records Grant, Records Center

WHEREAS, Deanna Schugardt is currently a temporary full-time Records Inventory Clerk in the Records Center; AND

WHEREAS, a vacancy currently exists in the title of seasonal Clerk in the Records Center as a result of a New York State grant; AND

WHEREAS, Ms. Schugardt has applied for said position and meets all the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that Deanna Schugardt of Cheektowaga, New York, be and hereby is appointed to the position of seasonal Clerk in the Records Center, at the hourly rate of \$12.00, effective January 2, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 01/02/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Anthony Romano

Sponsors: Councilmember Jankowiak, Councilmember Swiatek

DOC ID: 1790

ADOPTED

RESOLUTION 2007-24

Appointment of Laborer (Sanitation Department)

WHEREAS, a vacancy exists in the position of Laborer in the Sanitation Department;
AND

WHEREAS, Joseph D. Gorski, applied for said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Joseph D. Gorski of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective January 8, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Jankowiak, Magierski, Rogowski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

~ Minutes ~

Mary F. Holtz
(716) 686-3434

Tuesday, January 16, 2007

6:45 PM

Council Chambers

I. Public Hearing at 6:30 p.m.

1. Program year 2007 Community Development Block Grant and HOME Program

This being the time and place advertised for a public hearing to consider and discuss the Community Development Block Grant and HOME Program hereinafter more particularly described. The Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Supervisor such proof was duly filed.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

II. Call to Order

6:45 PM Meeting called to order on January 16, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Michael Stachowski, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Jerry Gabryszak, Director of Community Development
Anthony Romano, Coordinator of Employee Relations
Kenneth J. Kopacz, Director of Parks, Recreation and Youth Services
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director

John Jaroszewski, Working Crew Chief
Anthony Sisti, Planning Board Chairman
Andrew Kulyk, Zoning Board Chairman

III. Public Comment Period

IV. Resolutions

**RESOLUTION 2007-25**

DOC ID: 1806

Appointment of Supervisor

Sponsored By: Magierski, Johnson Jr., Rogowski, Swiatek, Jaworowicz

WHEREAS, as a result of the election of Dennis H. Gabryszak to the position of State Assemblyman and his resignation as Town Supervisor, the position of Town Supervisor in the Town of Cheektowaga became vacant, and

WHEREAS, Councilmember James J. Jankowiak has served as Deputy Supervisor since 2002 and is familiar with the duties and responsibilities of the office of Town Supervisor, and

WHEREAS, James J. Jankowiak has expressed an interest in serving the Town of Cheektowaga as its Supervisor and has submitted his resignation as Councilmember in order to be appointed Supervisor, NOW, THEREFORE, BE IT

RESOLVED, that James J. Jankowiak be and hereby is appointed as Supervisor for the Town of Cheektowaga, effective January 16, 2007 at a salary established for such position, and BE IT FURTHER

RESOLVED, that James J. Jankowiak shall serve the unexpired term of Supervisor for 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Thomas Johnson Jr., Jeff Swiatek, James Rogowski |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski |
| ABSTAIN: | James Jankowiak |

**RESOLUTION 2007-26**

DOC ID: 1807

Appointment of Councilmember

Sponsored By: Jankowiak, Magierski, Rogowski, Swiatek, Johnson Jr., Jaworowicz

WHEREAS, as a result of the resignation of James J. Jankowiak as Councilmember and his appointment to the position of Supervisor of the Town of Cheektowaga, the position of Councilmember in the Town of Cheektowaga became vacant, and

WHEREAS, Richard A. Zydel has expressed an interest in serving as Councilmember for the Town of Cheektowaga, and

WHEREAS, Richard A. Zydel meets all of the qualifications for Councilmember for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Richard A. Zydel, of Cheektowaga, be and hereby is appointed to the position of Councilmember for the Town of Cheektowaga, effective January 16, 2007 at a salary established for such position, and BE IT FURTHER

RESOLVED, that Richard A. Zydel shall serve the unexpired term of Councilmember for 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski |



RESOLUTION 2007-27

DOC ID: 1802

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 12, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 429,616.71 |
| RISK RETENTION FUND | 18,541.86 |
| HUD HOUSING REHABILITATION FUND | 4,305.00 |
| SPECIAL DISTRICTS FUND | 389,490.39 |
| HIGHWAY FUND | 33,191.45 |
| CAPITAL FUND | 60,871.20 |
| TRUST & AGENCY FUND | 3,453.75 |
| HUD CDBG FUND | 79,512.42 |
| PART TOWN FUND | 3,119.96 |
| | <u>\$ 1,022,102.74</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-28**

DOC ID: 1812

Award of Bid - Baseball and Softball Equipment

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on January 3, 2007 for the furnishing of baseball and softball equipment as a result of advertising thereof, and such bids were referred to the Department of Parks, Recreation & Youth Services for analysis, tabulation and report, and

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

RESOLVED that bids be awarded to the lowest responsible bidder meeting specifications, and to be in the best interest of the Town of Cheektowaga for the year 2007:

Jim Ludtka Sporting Goods
2500 Walden Avenue
Cheektowaga, New York 14225

Laux Sporting Goods Inc
25 Pineview Drive
Amherst, New York 14228

BE IT FURTHER RESOLVED that the costs resulting from the awarding of this bid are funded through 7140; 7180 and 7310 accounts for cost centering purposes.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-29

DOC ID: 1810

Call for Public Hearing on Local Law Intro No. 2007-1

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, throughout New York State, there has been an increase in the conversion of dwelling units into condominiums in order to obtain assessment tax reductions under the State's Condominium Law, and

WHEREAS, State law permits municipalities to enact local laws to exclude these converted condominiums from reduced condominium assessment, and

WHEREAS, the Town Attorney's Office has drafted a proposed Local Law Intro No. 2007-1 of the Year 2007, entitled "A Local Law for Converted Condominium Taxation Assessment Exclusion", NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 5th day of February, 2007, at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 2007-1 of the Year 2007, entitled " A Local Law for Converted Condominium Taxation Assessment Exclusion", 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, the official Town newspaper.

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board of the Town of Cheektowaga on the 5th day of February, 2007 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 enactment of Local Law Intro No. 2007-1, entitled "A Local Law for Converted Condominium Taxation Assessment Exclusion".

Local Law Intro No. 2007-1 would exclude converted condominiums from reduced assessment status under New York State law.

A copy of the complete text of Local Law Intro No. 2007-1, entitled "A Local Law for Converted Condominium Taxation Assessment Exclusion" is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

Dated: Cheektowaga, New York

MARY F. HOLTZ
Town Clerk

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-30

DOC ID: 1784

Authorize Town Clerk/Tax Receiver to Invest Tax Moneys

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga through and by its Receiver of Taxes and Assessments/Town Clerk, receives and collects Town taxes, and

WHEREAS, it is advantageous to the Town to invest these moneys in short-term savings accounts, certificates of deposit, municipal re-purchase agreements, etc., thereby creating revenues for the Town, and

WHEREAS, the Town Receiver of Taxes and Assessments/Town Clerk is knowledgeable about the methods of investment and institutions in which investments can be made, and

WHEREAS, the New York State Comptroller's Office has stated in Opinion Number 80-242, that a Town Board may authorize its Receiver of Taxes and Assessments to temporarily invest town tax moneys, and

WHEREAS, the County of Erie has also authorized the Receiver of Taxes and Assessments/Town Clerk to invest County tax moneys which the Town collects and to retain any interest therefrom to the Town's credit, NOW, THEREFORE, BE IT

RESOLVED, that Mary F. Holtz, Town Clerk/Receiver of Taxes and Assessments for the Town of Cheektowaga, be and hereby is authorized to invest real property tax moneys on a short-term basis, and BE IT FURTHER

RESOLVED, that any interest earned on such Town or County tax moneys shall be turned over to the Town of Cheektowaga General Fund.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-31

DOC ID: 1804

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|----------------------|--|------------------------|
| Baj, Michael J | 38 Donald Drive, West Seneca, N.Y. 14224 | 7/31/2008 |
| Bannon, Debra E | 109 Milsom Ave, Cheektowaga, N.Y. 14227 | 1/31/2007 |
| Casper, Joseph J | 3074 Milford Terrace, Hamburg, N.Y. 14075 | 7/31/2009 |
| Castanik, Shawn M | 36 Collins Ave, West Seneca, N.Y. 14224 | 7/31/2007 |
| Casucci, Gabriele S | 50 Wells Avenue, Cheektowaga, N.Y. 14227 | 7/31/2009 |
| Chapman, Callie K | 55 Lake Avenue, Lancaster, N.Y. 14086 | 3/31/2008 |
| Covert, Amanda L | 6902 Kimberly Lane, Derby, N.Y. 14047 | 9/30/2009 |
| Doyle, Christian C | 1450 Dodge Road, Amherst, N.Y. 14068 | 9/30/2009 |
| Faircloth, Shannon M | 5046 Morgan Parkway, Hamburg, N.Y. 14075 | 1/31/2008 |
| Finks, Irving J | 215 Stevenson St, Buffalo, N.Y. 14210 | 3/31/2008 |
| Fisher, Malachi M | 13045 Allen Rd, Chaffee, N.Y. 14030 | 6/30/2009 |
| Johnson, Todd H | 1421 Glidden Circle, Derby, N.Y. 14047 | 2/29/2008 |
| Karlis, Nicole M | 129 Shoshone St, Buffalo, N.Y. 14214 | 1/31/2009 |
| Kelly, Christopher T | 113 Mariemont Ave, Buffalo, N.Y. 14220 | 6/30/2009 |
| Kendall, Brian J | 6466 Broadway St. Upper, Lancaster, N.Y. 14086 | 2/20/2009 |
| Kirch, Paul J | 10532 Brookville Rd, Alexander, N.Y. 14005 | 1/31/2009 |
| Koglmeier, Hubbard J | 63 Kirkwood Drive, East Aurora, N.Y. 14052 | 1/31/2008 |

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| Kulczyk, Christina C | 45 19th Street, Buffalo, N.Y. 14213 | 6/30/2009 |
| Magin, Lisa Marie | 4484 Main St, Gasport, N.Y. 14067 | 8/31/2007 |
| Martin, Aaron D | 7687 East Quaker St, Orchard Park, N.Y. 14127 | 2/29/2008 |
| Mejak, Kevin J | 5164 Rte. 98, Java Center, N.Y. 14082 | 6/30/2008 |
| Milks, Douglas E | 10502 Brant-Angola Rd, Brant, N.Y. 14027 | 10/31/2009 |
| Moore, Justyn R | 484 Springville Avenue, Amherst, N.Y. 14226 | 7/31/2009 |
| Neamon, Joseph M | 3628 Block Road, Delevan, N.Y. 14042 | 8/31/2009 |
| Nowak, Christopher B | 101 Fairway Drive, Elma, N.Y. 14059 | 6/30/2009 |
| O'Mara, Steven D | 40 Del Court, Lockport, N.Y. 14094 | 7/31/2008 |
| Palumbo, William C | 185 Dubonnet Dr, Depew, N.Y. 14043 | 2/28/2007 |
| Peters, Jodi L | 76 Greenfield Ave, West Seneca, N.Y. 14224 | 4/30/2009 |
| Pless, Phillip J | 6041 Edward Aenue, Apt. B1, Newfane, N.Y. 14108 | 1/31/2008 |
| Schmitt, Cherie A | 111 Sebring Drive, Depew, N.Y. 14043 | 6/30/2009 |
| Schreck, Joshua N | 262 Pleasant Avenue, Hamburg, N.Y. 14075 | 8/31/2008 |
| Solley, Dezeree K | 2721 Alder Creek Dr. S. A-1, N. Tonawanda, N.Y. | 2/28/2009 |
| Thomas, Shannon N | 1336-A Emerson St, Rochester, N.Y. 14606 | 2/28/2007 |
| Weber, Eric S | 2726 Aldercreek North, North Tonawanda, NY 14120 | 5/31/2009 |
| Yaeger, Sean C | 1847 Dryden Rd, Freeville, N.Y. 13068 | 9/30/2009 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-32

DOC ID: 1803

Notice to Bidders - Police Vehicles

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Seven (7) New and Unused 2007 Police Patrol Vehicles by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Times; and it is further

RESOLVED, that sealed bids will be received on the 31st day of January, 2007 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held by the Town Clerk in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on January 31st, 2007 at 11:00 A.M. at the Town Clerk's Office, Town Hall, corner of Broadway and Union Roads, for the purchase of seven (7) new and unused police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of seven (7) 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 or 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.

Dated: January 16, 2007

Mary F. Holtz
Town Clerk

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], James Jankowiak, Supervisor, James Rogowski, Councilmember, Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel)



RESOLUTION 2007-33

DOC ID: 1793

Notice to Bidders for Rodent Control

Sponsored By: Magierski, Jaworowicz, Jankowiak

WHEREAS, the Town of Cheektowaga is experiencing a significant rodent infestation problem in our neighborhoods, and

WHEREAS, in order to combat the problem in 2004, 2005 and 2006, the Town hired professional rodent control companies to assist the Town in reducing the rodent population, and

WHEREAS, it is anticipated that the rodent problem will continue in 2007, and

WHEREAS, moneys are available in the 2007 Town budget for this purpose, and

WHEREAS, due to the expected cost of rat control in 2007, it is necessary that a notice to bidders be issued for this purpose, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish the attached Notice to Bidders in the Cheektowaga Times, and BE IT FURTHER

RESOLVED, that sealed bids will be received until February 1, 2007 at 11:00 A.M. at the Town Clerk's Office, at which time, the Town Clerk will publicly open same in the Town Hall Council Chambers.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 1, 2007 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the provision of rodent control services for the Town of Cheektowaga.

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

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

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

MARY F. HOLTZ
Town Clerk

Dated: January 16, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-34**

DOC ID: 1809

Publish Notice to Bidders - Tower Aerial Device

Sponsored By: Jankowiak, Rogowski, Johnson Jr.

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of One (1) New Truck Mounted Platform Tower Aerial Device by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Times; and it is further

RESOLVED, that sealed bids will be received on the 31st day of January, 2007 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held by the Town Clerk in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on January 31, 2007 at 11:00 A.M. at the Town Clerk's Office, Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new truck mounted platform tower aerial device 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 one (1) new truck mounted platform tower aerial device 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.

Dated: January 16, 2007

Mary F. Holtz
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-35**

DOC ID: 1794

Support Internet Sex Offender Legislation

Sponsored By: Rogowski, Johnson Jr., Magierski

WHEREAS, many sex offenders utilize computers and the internet to anonymously communicate with children using fictitious identities in order to entice children to meet with them with the ultimate goal of engaging in sex with children, and

WHEREAS, the incidence of this illegal and immoral crime against our children has increased dramatically, and

WHEREAS, something must be done to protect our children from this type of criminal behavior, and

WHEREAS, State Assemblyman Mark Schroeder, D-Buffalo, has sponsored a bill in the State Assembly (A. 12114) which would enact a new law (Article 495 - Computer Sex Crimes Against Children) to make it a separate crime to use the internet to commit a sex crime against a child and to deem such crime to be subject to a more severe criminal penalty, and

WHEREAS, this Board feels that this proposed legislation is worthwhile and would add an additional deterrent to sex offenders in New York State, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Legislature and Governor to enact Assembly Bill No. 12114 to mandate stricter penalties who use the internet to commit sex crimes against children, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to send certified copies of this resolution to Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski and Governor Elliot Spitzer, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is further directed to forward certified copies of this resolution to all municipalities in Erie County.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-36**

DOC ID: 1814

**Auhorize Supervisor to Execute Contract with Erie County
for Van Service**

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga is operating a transportation program for the elderly, and

WHEREAS, an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of said transportation program for the year 2007, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreement on behalf of the Town.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-37**

DOC ID: 1815

Renew Lease for Records Center

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga entered into a certain lease agreement dated December 6, 2000 with 2775 Broadway, Inc. for the Town Records Center at 2727 Broadway, and

WHEREAS, the term of the lease will expire on January 21, 2007, and

WHEREAS, the Town of Cheektowaga is in the process of renovating the former North Branch Library on Maryvale Drive for use as the Town Records Center, but such renovations will not be completed until after January 21, 2007, and

WHEREAS, the owner of 2727 Broadway has agreed to permit the Town of Cheektowaga to continue to lease 2727 Broadway on a month-to-month basis until the new Town Records Center is completed, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Second Amendment to Lease with 2775 Broadway, Inc. for the lease of 2727 Broadway for the Town Records Center on a month-to-moth basis.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-38**

DOC ID: 1813

Subordination Agreements

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga has previously provided Housing Rehabilitation Loans to the owners of the property at 15 Ravenswood Terrace, Cheektowaga, New York 14225 and 154 Lou Ann Drive, Depew, New York 14043, said loans secured by mortgages on said properties, and

WHEREAS, the owner of 15 Ravenswood Terrace has applied for a mortgage from Greater Buffalo Savings Bank and the owner of 154 Lou Ann Drive has applied for a mortgage from JP Morgan Chase Bank, said banks having conditioned their mortgage approval on the subordination of the Town's mortgages to each of their mortgages, and

WHEREAS, the Director of Community Development has recommended approval of the subordination request, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor/Deputy Supervisor be and hereby is authorized to execute Subordination Agreements with the Greater Buffalo Savings Bank, 2421 Main Street, Buffalo, New York 14214 for the Town's mortgage on 15 Ravenswood Terrace and with JP Morgan Chase Bank, NA, c/o Chase Home Finance, LLC, Doraville, Georgia, 30362 for the Town's mortgage on 154 Lou Ann Drive.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-39

DOC ID: 1795

October 2006 Storm Clean-Up / 10 Vera Avenue

Sponsored By: Magierski, Jankowiak, Swiatek

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 10 Vera Avenue, Cheektowaga, New York SBL# 101.28-10-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Frank N. Jemison, 10 Vera Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 10 Vera Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-40

DOC ID: 1796

October 2006 Storm Clean-Up / 56 Meaford Road

Sponsored By: Magierski, Jankowiak, Swiatek

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 56 Meaford Road, Cheektowaga, New York SBL# 79.20-9-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Denine L. Reese, 56 Meaford Road, Buffalo, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 56 Meaford Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-41**

DOC ID: 1801

**Extension of Residency Requirement (Debra M. Sadowski,
Court Clerk)**

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, Debra M. Sadowski was appointed to the position of Court Clerk by Town Board Resolution July 12, 2006; AND

WHEREAS, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Debra M. Sadowski, was ordered to obtain residency within the Town of Cheektowaga within six (6) months from the date of her appointment; AND

WHEREAS, present real estate market conditions have made it difficult for Debra M. Sadowski to sell her present home and take residence in the Town; NOW, THEREFORE, BE IT

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Debra M. Sadowski is hereby granted an additional six (6) months from the expiration of the prior resolution until July 12, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-42**

DOC ID: 1797 C

Appointment of Part Time Seasonal Employees/Termination

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

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:

SENIOR SERVICES - Van Driver - \$8.25/hour
Shawn Liegl, Cheektowaga, NY
Effective 1/01/07

LAW DEPARTMENT - Clerk - \$10/hour
Patricia A. Wiles, Cheektowaga, NY
Effective 1/23/07

SANITATION DEPARTMENT - Pest Control Worker - \$10/hour - effective 1/17/07
James Sala, Cheektowaga, NY
Debbie Kubiak, Cheektowaga, NY

PARKS DIVISION - Laborer - \$7.25/hour
Robert O'Sullivan, Cheektowaga, NY
Effective 12/18/06

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:

SANITATION DEPARTMENT - Laborer - \$7.50/hour
David Saskowski, Cheektowaga, NY
Effective 10/20/06

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

SANITATION DEPARTMENT - effective 12/30/06
Jerrod Chojnicki
Allen Gates
Cory Herr
Christopher Miller
Keith Pheasant
Patrick Santoro

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-43**

DOC ID: 1791

Prys Terminations**Sponsored By:** Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are terminated from the Department of Parks, Recreation & Youth Services, effective as indicated:

--Christopher Hannel
8/31/06

--Mike Collins
3/3/06

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-44

DOC ID: 1792

Prys Girl Power Club Campout

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, members of the Department of Parks, Recreation & Youth Services' Girl Power Club have requested permission to conduct a sleep-over at the Dartwood Community Center in early-2007, and

WHEREAS, the Director of Parks, Recreation and Youth Services has informed this Board that accommodations can be made for such group to utilize this Town building for a sleep-over, 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 Department of Parks, Recreation & Youth Services, BE IT

RESOLVED, that this Town Board hereby authorizes the Department of Parks, Recreation & Youth Services' Adapted Recreation Program to utilize the Dartwood Community Center for a sleep-over in early-2007, BE IT

RESOLVED, that the Director of Parks, Recreation and Youth Services is hereby directed to schedule such sleep-over for a date when such building is available, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-45

DOC ID: 1805

Prys Adapted Recreation Camp Out - Alexander

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, members of the Department of Parks, Recreation & Youth Services' Adapted Recreation Program has requested permission to conduct a sleep-over at the Alexander Community Center in 2007, and

WHEREAS, the Director of Parks, Recreation and Youth Services has informed this Board that accommodations can be made for such group to utilize this Town building for a sleep-over, 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 Department of Parks, Recreation & Youth Services, BE IT

RESOLVED, that this Town Board hereby authorizes the Department of Parks, Recreation & Youth Services Adapted Recreation Program to utilize the Alexander Community Center for a sleep-over in 2007, BE IT

RESOLVED, that the Director of Parks, Recreation and Youth Services is hereby directed to schedule such sleepover for a date when such building is available, BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-46

DOC ID: 1811

Prys Hire

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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

7180.1803

Lifeguard - Level 2 - \$7.91

Regular Part-time

Hannah Welch 14225

7140.1654/7140.1627

Recreation Attendant

Regular Part-time - \$8.00

Matthew Maciejewski 14227

7140.1611

Recreation Aides

Part-time - \$7.15

Jayson Selbert 14225

Liza Fiorello 14225

Anthony Lattuca 14227

Nicole Horton 14227

RESULT: ADOPTED [UNANIMOUS]

MOVER: James Jankowiak, Supervisor

SECONDER: Alice Magierski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



RESOLUTION 2007-47

DOC ID: 1808

Appointments/Reappointments to Conservation Advisory Council

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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

WHEREAS, pursuant to such law, the Cheektowaga Town Board appointed voting members to such Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, the terms of such members of the CCAC expired on October 15, 2006, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed/re-appointed to the CCAC, effective October 15, 2006 to October 15, 2008:

Frederic Beaman, AIA Architect, Chairman
 Raymond Unger, Member
 Lawrence Watson, Member
 Lorraine Aloisio, Member
 Rosalia Becker, Member
 Patricia Goodwin, Member
 Kelly Robinson, Member

and BE IT FURTHER

RESOLVED, that the following individuals be and hereby are appointed as non-voting members of the CCAC, effective from October 15, 2006 to October 15, 2008:

Mary F. Holtz, Town Clerk/Town Historian
 Earl Loder, Emergency Response Coordinator
 Jane Wiercioch, Member, Zoning Board of Appeals
 Daniel Ulatowski, Zoning Inspector
 John Marriott, Member, Planning Board

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-48**

DOC ID: 1800

**Appointment of Pump Operator (Temporary) Jeffrey P. Pijacki
- Main Pump Station**

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

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

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

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

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

WHEREAS, a current Civil Service list does not exist; AND

WHEREAS, Jeffrey P. Pijacki applied for said position and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE BE IT

RESOLVED, that Jeffrey P. Pijacki of Cheektowaga, New York, be and hereby is appointed to the temporary position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 22, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-49**

DOC ID: 1799

Appointment of Police Officers (Jason M. Sajdak, Mark T. Zimmerman and Jeffrey T. Fial)

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, three (3) vacancies exist in the position of Police Officer in the Town of Cheektowaga; AND

WHEREAS, the Civil Service eligible list for Police Officer has been canvassed and candidates have been interviewed; NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed to the position of Police Officer at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club:

Jason M. Sajdak of Cheektowaga, NY
Mark T. Zimmerman of Cheektowaga, NY
Jeffrey T. Fial of Cheektowaga, NY; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective January 18, 2007, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-50**

DOC ID: 1798

Appointment of Acting Detective (Police Officer Robert J. Laskowski)

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

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

WHEREAS, Police Officers assigned to the Detective Bureau must fulfill a six (6) month probationary period and complete an Intern Program; NOW, THEREFORE BE IT

RESOLVED, that Robert J. Laskowski of Lancaster, New York, be and hereby is assigned to the rank of Acting Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective January 16, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Communications

A. Departmental Communications

1. Town of Cheektowaga Emergency Services - Quarterly Report - October - December 2006
2. Minutes - Cheektowaga Planning Board - December 14, 2006

B. General Communications

1. Notice of Claim - James E. Cavanaugh Vs. Town of Cheektowaga
2. Notice of Claim: Neil Held Vs. Town of Cheektowaga
3. Notice of Claim - Tombra Solomon Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Suspension of Rules

Motion by Councilmember Johnson; Seconded by Councilmember Magierski to Suspend the Rules to include the following resolutions: and the vote was unanimous.



RESOLUTION 2007-51

DOC ID: 1819

Call for Public Hearing to Amend Zoning Law

Sponsored By: Magierski, Johnson Jr., Rogowski

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

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to permit exterior dining in the C-Retail Zoning District, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 5th day of February, 2007 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 Notice of Hearing below 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 5th day of February, 2007 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. 2007-2 of the Year 2007, entitled "A Local Law to Amend A Local Law Relating to Zoning". Following is a synopsis of the proposed Local Law Intro No. 2007-2:

Local Law Intro No. 2007-2

A Local Law to Amend a Local Law Relating to Zoning

A new Section 260-48.1, entitled "Exterior Dining", shall be added to Article VI, Supplemental Regulations, to permit exterior dining in the C-Retail Business District, subject to certain guidelines and restrictions.

The complete text of Local Law Intro No. 2007-2 is on file in the Town Clerk's Office where the same may be examined during regular business hours.

Dated: January 16, 2007

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

MARY F. HOLTZ
Town Clerk

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-52**

DOC ID: 1816

Authorization to Attend Association of Towns**Sponsored By:** Supervisor Jankowiak, Councilmember Rogowski

Whereas the Association of Town's Training School will be held in New York City on February 18th -21st, 2007, and

WHEREAS, said training meeting and annual school covers numerous municipal topics of interest to town officials, and

WHEREAS, it is advantageous to the Town to have certain town officials attend such meeting, NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and hereby is authorized to attend the 2007 Training School and Annual Meeting of the Association of Towns:

Clerk to the Town Justices / Stephanie Lewandowski

And BE IT FURTHER

RESOLVED, that the Town shall reimburse the above named individual for the reasonable and necessary expenses incurred in attending such meeting out of budget line number 100-1110-4082.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-53

DOC ID: 1818

Grant License for Access to Town Property

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED, that this Town Board hereby grants the immediate right and license to Tru Commercial Development, 140 North Street, Buffalo, New York (herein "Developer"), its agents, employees, contractors, and representatives, for access to lands commonly known as Walden Commerce Exchange, Walden and Pine Ridge Avenues, Cheektowaga, New York, and to go upon same to inspect, test, and perform environmental and geological studies to determine whether said property is suitable for Developer's anticipated purpose; and BE IT FURTHER

RESOLVED, that Developer may also make such other investigations during its inspection as it deems necessary or desirable to determine whether adequate drainage, water, or other utilities are or will be readily available or accessible for Developer's anticipated purpose, or to determine any adverse environmental conditions that may exist on said property; and the Developer is hereby permitted to make inquiries of Town authorities as it deems necessary.

Motioned by Councilmember Johnson; seconded by Supervisor Jankowiak to amend this resolution and the voting was unanimous.

BE IT RESOLVED, that this Town Board hereby grants the immediate right and license to Tru Commercial Development, 140 North Street, Buffalo, New York (herein "Developer"), its agents, employees, contractors, and representatives, for access to lands commonly known as Walden Commerce Exchange, Walden and Pine Ridge Avenues, Cheektowaga, New York, and to go upon same to inspect, test, and perform environmental and geological studies to determine whether said property is suitable for Developer's anticipated purpose; and BE IT FURTHER

RESOLVED, that Developer may also make such other investigations during its inspection as it deems necessary or desirable to determine whether adequate drainage, water, or other utilities are or will be readily available or accessible for Developer's anticipated purpose, or to determine any adverse environmental conditions that may exist on said property; and the Developer is hereby permitted to make inquiries of Town authorities as it deems necessary and BE IT FURTHER

RESOLVED, that the Town Engineer receive all documents and recommendations for review.

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED AS AMENDED [UNANIMOUS], Thomas Johnson Jr., Councilmember, James Jankowiak, Supervisor, Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel)

**RESOLUTION 2007-54**

DOC ID: 1817

Re-Appoint Planning Board Member

Sponsored By: Johnson Jr., Magierski, Rogowski

WHEREAS, the term of John Marriott as Member of the Planning Board expired as of December 31, 2006, and

WHEREAS, John Marriott has expressed an interest in continuing to serve as a Member of the Planning Board, and

WHEREAS, John Marriott has satisfactorily served on the Planning Board and merits reappointment, NOW, THEREFORE, BE IT

RESOLVED, that John Marriott be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2007 and terminating on December 31, 2013.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

Mary F. Holtz
(716) 686-3434

Monday, February 5, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 5, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Deputy Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
Brian Hess, Assessor
Kenneth J. Kopacz, Executive Director of Parks, Recreation & Youth Services
Anthony Sisti, Chairman, Cheektowaga Planning Board
John Jaroszewski, Working Crew Chief

II. Public Hearings at 7:00 P.M.

1. Public Hearing to Amend Zoning Law

This being the time and place advertised for a public hearing to consider and discuss an Amendment to the Zoning Law, a new Section 260-48.1 entitled "Exterior Dining" to be added to Article VI, Supplemental Regulations, to permit exterior dining in the C-Retail Business District. 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.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

2. Public Hearing on Local Law Intro No. 2007-1

This being the time and place advertised for a Public Hearing to consider and discuss the enactment of Local Law Intro No. 2007-1, entitles "A Local Law for Converted Condominium Taxation Assessment Exclusion". 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.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

III. Public Comment Period

IV. Resolutions

**RESOLUTION 2007-55**

DOC ID: 1832

Transfer of Funds**Sponsored By:** Supervisor Jankowiak, Councilmember Jaworowicz**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;HUD CDBG

| | | | |
|-------|---------------|----------------------|-------------|
| FROM: | 700-1098-2200 | Acquisition | \$11,000.00 |
| TO: | 700-1098-0602 | Clearance/Demolition | \$11,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-56

DOC ID: 1833

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 26, 2007 are hereby approved and made a part hereof;

| | |
|------------------------|-----------------------|
| General Fund | \$2,564,800.02 |
| Risk Retention Fund | 140,962.91 |
| Debt Service Fund | 559,247.95 |
| HUD Housing Rehab Fund | 31,855.50 |
| Special Districts Fund | 795,813.00 |
| Highway Fund | 496,632.76 |
| Capital Fund | 8,977.15 |
| Trust & Agency Fund | 10,561.66 |
| HUD CDBG Fund | 40,392.74 |
| Part Town Fund | 119,100.90 |
| NYS Affordable Housing | 24,404.00 |
| | <u>\$4,792,748.59</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-57

DOC ID: 1822

Work Uniforms - Award of Bid

Sponsored By: Councilmember Jaworowicz, Supervisor Jankowiak

WHEREAS, bids were received and publicly opened on January 10, 2007 for the furnishing of work uniforms to Town of Cheektowaga employees. Said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

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

Dival Safety Equipment, Inc.
1721 Niagara Street
Buffalo, New York 14207

BID ITEM I

| | | |
|---------|--|---------|
| ITEM 1A | Work Pants (sizes to 44) | \$13.50 |
| ITEM 1B | Work Pants (sizes 46-50) | \$15.30 |
| ITEM 1C | Work Pants (sizes 52-60) | \$15.30 |
| ITEM 2A | Shirts (long sleeve, sizes up to 17-1/2) | \$12.00 |
| ITEM 2B | Shirts (long sleeve, sizes 18 and up) | \$13.10 |
| ITEM 3A | Chambray Shirts (long sleeve, sizes up to 17-1/2) | \$11.35 |
| ITEM 3B | Chambray Shirts (long sleeve, sizes 18 and up) | \$12.35 |
| ITEM 4A | Shirts (short sleeve, sizes up to 17-1/2) | \$11.35 |
| ITEM 4B | Shirts (short sleeve, sizes 18 and up) | \$12.35 |
| ITEM 5A | Chambray Shirts (short sleeve, sizes up to 17-1/2) | \$10.09 |
| ITEM 5B | Chambray Shirts (short sleeve, sizes 18 and up) | \$11.09 |
| ITEM 6A | Coveralls (long sleeve, sizes 36-46, short - X long) | \$22.49 |
| ITEM 6B | Coveralls (long sleeve, sizes 48-50, short - X long) | \$24.65 |
| ITEM 6C | Coveralls (long sleeve, sizes 52-60, regular - tall) | \$26.89 |

| | | |
|---------|----------------------------------|---------|
| ITEM 7A | Denim Jeans (sizes to 42) | \$10.55 |
| ITEM 7B | Denim Jeans (sizes 44-50) | \$11.49 |
| ITEM 7C | Denim Jeans (sizes 52-56) | \$14.49 |
| ITEM 8A | Bib Overalls (sizes to 44) | \$17.89 |
| ITEM 8B | Bib Overalls (sizes 46-50) | \$19.49 |
| ITEM 8C | Bib Overalls (sizes 52-60) | \$21.49 |
| ITEM 9A | Women's Work Pants (sizes 4-20) | \$13.69 |
| ITEM 9B | Women's Work Pants (sizes 22-28) | \$15.49 |

Cintas
5740 Genesee Street
Lancaster, New York 14086

BID ITEM II

| | | |
|---------|----------------------------------|---------|
| ITEM 1A | Carhartt Jacket (M - 2XL) Reg | \$54.00 |
| ITEM 1B | Carhartt Jacket (3XL - 4XL) Reg | \$59.00 |
| ITEM 1C | Carhartt Jacket (M - 2XL) Tall | \$59.00 |
| ITEM 1D | Carhartt Jacket (3XL - 4XL) Tall | \$59.00 |
| ITEM 2A | Carhartt Bib Overall (34 - 48) | \$63.50 |
| ITEM 2B | Carhartt Bib Overall (50) | \$63.50 |
| | Text (Town of Cheektowaga) | \$ 3.25 |
| | Text (Employee Name) | \$ 3.25 |

Eagle Point Sportswear
4501 Southwestern Blvd

Hamburg, New York 14075

BID ITEM III

ITEM 1 - HOODED PULLOVER SWEATSHIRT

| | | | | REGULAR COLORS | SAFETY GREEN |
|---------|------|-------|-------------|----------------|--------------|
| ITEM 1A | 1 | Dozen | Size S - XL | \$13.55 | \$12.05 |
| | 2-4 | Dozen | Size S - XL | \$13.25 | \$11.75 |
| | 5-12 | Dozen | Size S - XL | \$13.15 | \$11.65 |
| ITEM 1B | 1 | Dozen | Size XXL | \$16.75 | \$15.25 |
| | 2-4 | Dozen | Size XXL | \$16.45 | \$14.95 |
| | 5-12 | Dozen | Size XXL | \$16.30 | \$14.80 |
| ITEM 1C | 1 | Dozen | Size XXXL | \$17.95 | \$16.45 |
| | 2-4 | Dozen | Size XXXL | \$17.65 | \$16.15 |
| | 5-12 | Dozen | Size XXXL | \$17.50 | \$16.00 |

ITEM 2 - HOODED ZIPPER SWEATSHIRT

| | | | | REGULAR COLORS |
|---------|------|-------|-------------|----------------|
| ITEM 2A | 1 | Dozen | Size M - XL | \$17.55 |
| | 2-4 | Dozen | Size M - XL | \$17.25 |
| | 5-12 | Dozen | Size M - XL | \$17.15 |
| ITEM 2B | 1 | Dozen | Size XXL | \$19.50 |
| | 2-4 | Dozen | Size XXL | \$19.20 |
| | 5-12 | Dozen | Size XXL | \$19.10 |
| ITEM 2C | 1 | Dozen | Size XXXL | \$21.50 |
| | 2-4 | Dozen | Size XXXL | \$21.20 |
| | 5-12 | Dozen | Size XXXL | \$21.10 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-58**

DOC ID: 1834

Notice to Bidders - Imaging/Microfilming Maps/Plan

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town Clerk's Office has received a Local Government Records Management Improvement Fund Grant from the New York State Archives and Records Administration for the purpose of imaging and microfilming town Maps and Plans, NOW, THEREFORE, BE IT

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

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on Wednesday, February 21, 2007 in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS**TOWN OF CHEEKTOWAGA, NEW YORK**

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Clerk on Wednesday, February 21, 2007, at a public bid opening at 11:00 A.M. at the Town Hall located at 3301 Broadway, Town of Cheektowaga, New York, for the purpose of imaging and microfilming services for the Town of Cheektowaga Maps and Plans.

Specifications for imaging and microfilm services may be picked up at the office of the Town Clerk located at 3301 Broadway, Town of Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED

AND SUBMITTED WITH EACH BID.

DATED: January 30, 2007

ATTACHMENTS:

NOTICE TO BIDDERS (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Alice Magierski, Councilmember

SECONDER: James Jankowiak, Supervisor

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



RESOLUTION 2007-59

DOC ID: 1829

Notice to Bidders - Three (3) Medium Size Sedans for the Motor Pool

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, it is in order that bids be advertised for the purchase of three (3) 2006 model, medium size sedans for the motor pool, NOW, THEREFORE, BE IT

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

RESOLVED, that sealed bids will be received on the 21st day of February, 2007 at 11:00 A.M., Eastern Standard Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on February 21, 2007 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of three (3) 2006 medium size sedans (program vehicles) for the motor pool.

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: February 5, 2007

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], James Jankowiak, Supervisor, Alice Magierski, Councilmember, Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel)



RESOLUTION 2007-60

DOC ID: 1837

Notice to Bidders - Pick-Up Truck

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Sewer Maintenance Department is in need of a new pick-up truck,
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 for the Sewer Maintenance Department, 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
February 21, 2007 at 11:00 A.M., Eastern Standard 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 February 21,
2007 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and
Union Roads, for the purchase of one (1) 2007, 3/4 ton pick-up truck for the Sewer
Maintenance Department.

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

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

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

Mary F. Holtz
Town Clerk

DATED: February 5, 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-61

DOC ID: 1839

Notice to Bidders - Truck with Refuse Packer Body

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Sanitation Department is in need of one (1) Truck with a 32 Cubic Yard Refuse Packer Body, AND

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

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

RESOLVED, that sealed bids will be received on the 21st day of February, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on February 21, 2007 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2007 Truck with Refuse Packer Body for the Sanitation Department.

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

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

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

Mary F. Holtz
Town Clerk

DATED: February 5, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-62

DOC ID: 1846

Call for Public Hearing to Amend Vehicle and Traffic Law

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on February 26, 2007 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 February, 2007, 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 February 26, 2007 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

Como Park Boulevard - north and south sides: from the east curblineline of Union Road to the west curblineline of Countryside Lane.

Smallwood Terrace - west side: from the south curblineline of Genesee Street to a point 65± south.

ARTICLE V, Schedules, Section 235-50, Schedule XI: Standing Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-35, no person shall stand a vehicle at any time upon any of the following described streets or parts of streets:

LOSSON ROAD - south side: from the west curblineline of Transit Road to the east curblineline of Benz Drive.

LOSSON ROAD - south side: from the west curblineline of Benz Drive to a point 215± west.

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

Dated: February 5, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-63

DOC ID: 1852

Call for Public Hearing to Amend Towing Law

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to incorporate changes instituted by the NYS Department of Motor Vehicles and to increase the fee schedules and rates to bring them into equity with local and national recommendations, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 26th day of February, 2007 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga, and BE IT FURTHER

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 26th day of February, 2007 at 7:00 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon the proposed local law entitled "A Local Law to Amend A Local Law relating to Vehicles, Removal and Storage". An abstract of this local law is as follows:

LOCAL LAW INTRO NO. 2007-3

A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO
VEHICLES, REMOVAL AND STORAGE

Local Law No. 2 of the Year 1986, entitled "A Local law relating to Vehicles,

Removal and Storage” is proposed to be amended as follows:

1. Section 241-2, Definitions, shall be amended to revise the definition for “Authorized Tow Truck”.
2. Section 241-3.1, Emergency services, shall be amended to revise the rental rates for wreckers, flatbeds and extra persons needed.
3. Section 241-9, Required minimum equipment, shall be amended to provide for additional or substitute equipment to be used on tow trucks.
4. Section 241-15, Fee Schedule, shall be amended to increase fees to bring them into equity with local and national recommendations.

A copy of the entire text of the proposed Local law Intro No. 2007-3 of the Town of Cheektowaga will be available in the Town Clerk’s Office for public inspection during regular business hours.

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

Dated: February 5, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-64

DOC ID: 1835

Adopt Local Law No. 1 of 2007 Converted Condominium Taxation Assessment Exclusion

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, throughout New York State, there has been an increase in the conversion of dwelling units into condominiums in order to obtain assessment tax reductions under the State's Condominium Law, and

WHEREAS, State law permits municipalities to enact local laws to exclude these converted condominiums from reduced condominium assessment, and

WHEREAS, the Town Attorney's Office has drafted a proposed Local Law Intro No. 2007-1 of the Year 2007, entitled "A Local Law for Converted Condominium Taxation Assessment Exclusion", and

WHEREAS, a public hearing was held on the 5th day of February, 2007, at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 2007-1 of the Year 2007, entitled " A Local Law for Converted Condominium Taxation Assessment Exclusion", and

WHEREAS, it is in the public interest to adopt "A Local Law for Converted Condominium Taxation Assessment Exclusion", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2007, entitled "A Local law for Converted Condominium Taxation Exclusion" be and hereby is adopted and enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) 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. 1 of the Year 2007 shall take effect upon filing with the Secretary of State.

TOWN OF CHEEKTOWAGA
CONVERTED CONDOMINIUM TAXATION ASSESSMENT EXCLUSION
LOCAL LAW NO. 1 OF THE YEAR 2007

1. Title

This Local Law shall be known as the "Town of Cheektowaga Converted Condominium Taxation Assessment Exclusion" Local Law.

2. Purpose

The purpose of this law is to exclude converted condominium units from assessment

under Real Property Law Section 339-y.

3. Definitions.

CONVERTED CONDOMINIUM UNIT - a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership, and has not been previously subject to the provisions of paragraph (b) of Section 339-y of the Real Property Law.

The words and terms used in this Local Law shall have the same meaning as in Article 9-B of the Real Property Law of the State of New York, and Article 5 of the Real Property Tax Law of the State of New York.

4. Assessment of converted condominiums.

The provisions of paragraph (b) of Section 339-y of the Real Property Law shall not apply to a converted condominium unit in the Town of Cheektowaga.

5. Statutory authority; applicability.

A. This Local Law is subject and subordinate to all the conditions and provisions contained in New York State Real Property Law, Article 9-B, Section 339-y(1)(f) and Article 5 of the New York State Real Property Tax Law, Article 5, Section 581(1)(c), and amendments thereto, and any and all rules and regulations and opinions adopted or to be adopted by the State of New York.

B. This Local Law shall apply to Real Property situate within the bounds of the Town of Cheektowaga.

6. When effective.

This Local Law shall take effect immediately upon filing with the Secretary of State, and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such effective date.

7. Inconsistency.

All resolutions, ordinances or local laws or portions thereof of the Town of Cheektowaga not consistent with this local law in whole or in part shall be repealed.

8. Severability

If any provisions of this Local Law or the application thereof to any person or circumstances shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this local law or the application thereof to other persons or circumstances shall not be affected thereby, and the Town Board hereby declares that it would have enacted this local law without the invalid provision or application, as the case may be, had such invalidity been apparent.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-65**

DOC ID: 1836

Adopt Local Law No. 2 of 2007 A Local Law to Amend a Local Law Relating to Zoning**Sponsored By:** Magierski, Johnson Jr., Rogowski

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

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to permit exterior dining in the C-Retail Zoning District, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 5th day of February, 2007 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, the Environmental Advisory Committee has reviewed this matter, and has recommended a determination of non-significance under SEQRA for this amendment to the Zoning Law, and

WHEREAS, it is in the public interest to adopt the proposed amendments to the Zoning Law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the aforementioned amendment to the Zoning Law will not have a significant effect on the environment, and therefore issues a Negative Declaration for purposes of SEQRA, and BE IT FURTHER

RESOLVED, that Local Law No. 1 of the Year 2007, entitled "A Local Law to Amend A Local Law Relating to Zoning", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 1 of the Year 2007 shall take effect upon filing with the Secretary of State.

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| RESULT: | WITHDRAWN |
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**RESOLUTION 2007-66**

DOC ID: 1830

**Authorize Sewer Maintenance Department to Purchase
Backhoe From State Bid**

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2007 New Holland B95 Backhoe with selected options as specified in the New York State OGS 2006-2010 NYS Contract 40601, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2550-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the Sewer Maintenance Department to purchase one (1) 2007 New Holland B95 Backhoe, less trade-in of one (1) Ford 555C TLB in the amount of \$43,300.00 from:

Niagara Frontier Equipment Sales, Inc.
4060 Lake Avenue
Lockport, New York 14094

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-67**

DOC ID: 1848

Authorize Supervisor to Execute Grant Application

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, the Town of Cheektowaga Cultural Center is the site of numerous musical and theatrical events attended by tens of thousands of patrons annually, and

WHEREAS, Cultural Center patrons are frequently subjected to inclement weather, and

WHEREAS, Grant monies may be available through United States Congressman Brian Higgins to purchase and install roofing material at the Town's Cultural Center; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultants, be authorized and directed to complete the necessary application, forms, etc. to Congressman Higgins for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-68**

DOC ID: 1849

Authorize Supervisor to Execute Grant Application

Sponsored By: Jankowiak, Magierski, Johnson Jr.

WHEREAS, the Town of Cheektowaga Police Department, in partnership with the New York State Division of Criminal Justice Services, the New York State Police, and other law enforcement agencies, in an effort to raise awareness about child safety, desires to participate in "Operation Safe Child" which will provide identification cards of minor children, free of charge, to those parents or guardians who wish to participate in this voluntary initiative, which cards will provide the parent and authorities with vital information concerning the child; and

WHEREAS, grant monies of approximately \$15,000.00 may be available through the State of New York Division of Criminal Justice Services; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultants, be authorized and directed to complete the necessary application, forms, etc. the State of New York Division of Criminal Justice Services for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-69

DOC ID: 1854

Grant Application for Dingens Street Storm Sewer Extension

Sponsored By: Johnson Jr., Jankowiak, Rogowski

WHEREAS, in 1998, the Town of Cheektowaga bonded the installation of a storm sewer trunkline from Harlem Road at Dingens Street and outletting into the Buffalo River, as a betterment to the NYSDOT Harlem Road reconstruction project, and

WHEREAS, it is planned to extend said trunkline westerly along Dingens Street, an Erie County highway, to be supplemented by additional storm outlet capacity connecting south under the New York State Thruway to the Buffalo River, then construct storm sewer extensions in subsequent phases within Town streets running to Dingens Street, where no storm drainage or outlet capacity now exists, and

WHEREAS, the total cost for the entire foregoing project is estimated at \$2.5 million, and the cost for the first phase is estimated at \$800,000 and

WHEREAS, Federal moneys may be available through the efforts of Congressman Brian Higgins to pay up to a maximum of 55% of the cost of this sewer work, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to United States Congressman Brian Higgins for the purpose of securing a grant for the first phase portion of this project, and BE IT FURTHER

RESOLVED, that the Town's matching funds for this grant shall be appropriated from a future bond resolution in the event this grant is approved, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-70**

DOC ID: 1821

Approve Phillips & Burns, LLC Relocation to City of Buffalo Empire Zone

Sponsored By: Supervisor Jankowiak, Councilmember Johnson Jr.

WHEREAS, Phillips & Burns LLC, a small collection agency, currently rents space at 575 Ludwig Avenue in the Town of Cheektowaga for its business, and

WHEREAS, Phillips & Burns LLC needs to expand its operations and the existing building is inadequate to accommodate its present and future growth needs, and

WHEREAS, Phillips & Burns LLC has looked at other properties in the Town of Cheektowaga for its expansion, but cannot afford to locate in any of these properties, and

WHEREAS, Phillips & Burns LLC desires to relocate into Buffalo's Empire Zone, an economic development zone created in the City of Buffalo, to avail itself of other tax breaks and incentives for operating within an economic development zone, and

WHEREAS, Article 18-B and Section 959(a)(iii) of the General Municipal Law allow for the certification of a business enterprise that has shifted its operation from an area within the State into an economic development zone, and

WHEREAS, a public hearing was held on June 20, 2005 in the Cheektowaga Town Hall for the purpose of soliciting comments from the public concerning this relocation, and at such public hearing representatives from Phillips & Burns LLC stated that extraordinary circumstances exist to warrant the relocation of Phillips & Burns LLC to the City of Buffalo Empire Zone; NOW THEREFORE BE IT

RESOLVED, that, based upon the foregoing, this Town Board hereby consents to the relocation of Phillips & Burns, LLC from the Town of Cheektowaga to the City of Buffalo Empire Zone, said consent having been given as of June 20, 2005.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-71**

DOC ID: 1827

Nutrition Contracts for 2007

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, the Town of Cheektowaga operates nutrition programs for the elderly at the following facilities in the Town of Cheektowaga:

Infant of Prague Parish, 921 Cleveland Drive
Cayuga Village Apartments Community Center, 100 Hutchens Drive
Maryvale East Apartments, 100 Moorman Drive
Bell Tower Senior Apartments, 893 French Road/42 Haley Lane
Southwind Landing Senior Apartments, 5074 Transit Road

and,

WHEREAS, agreements between the Town of Cheektowaga and the owners of the above facilities have been granted relative to the continuation of the operation of said nutrition programs for the year 2007, and

WHEREAS, the County of Erie provides financing for such nutrition programs; and an agreement between the Town of Cheektowaga and the County of Erie has been drafted relative to the operation of such nutrition programs for the year 2007, **NOW, THEREFORE, BE IT**

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the above referenced agreements on behalf of the Town.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-72**

DOC ID: 1851

Housing Rehabilitation Program Guidelines

Sponsored By: Jankowiak, Magierski, Johnson Jr.

WHEREAS, the Town Board has previously adopted guidelines governing the Town's Housing Rehabilitation Loan Programs, and

WHEREAS, the Director of Community Development has recommended updating said Guidelines in order to continue to provide for the effective administration and implementation of said Programs, and to assure achievement of program goals, NOW, THEREFORE, BE IT

RESOLVED, that the updated Guidelines for the Community Development and HOME Investment Partnership Housing Rehabilitation Programs are hereby adopted, effective as of February 1, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-73

DOC ID: 1825

Fire Hydrant Installation #834 George Urban Boulevard

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Erie County Water Authority has prepared plans and specifications for the replacement of the water main on George Urban Boulevard between Petan Drive and Cherokee Drive, identified as Project No. 200600181, and proposes the installation of an additional hydrant at the western property line of #834 George Urban Boulevard to provide for the uniform spacing of hydrants having a maximum separation of 500 L.F., AND

WHEREAS, the Board of Fire Commissioners of the U-Crest Fire District No. 4 have reviewed the referenced project plans and by letter dated January 23, 2007 to the Town Engineer have approved the location of the proposed new hydrant, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby requested and authorized to install one (1) new hydrant as part of the water main replacement project at the aforesaid location, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for the subject new hydrant, with said charge being levied against the respective Hydrant District, AND, BE IT FURTHER

RESOLVED, that a copy of this resolution shall be forwarded by the Town Clerk to:

Mr. Wes Dust, P.E.
Executive Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-74**

DOC ID: 1826

Installation of Two (2) Hydrants on Aero Drive

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Board of Fire Commissioners of the U-Crest Fire District No. 4 have requested the installation of two (2) new hydrants on Aero Drive as detailed in a letter and map submitted to the Town Engineer dated January 23, 2007, attached hereto and made a part of this resolution, AND

WHEREAS, the proposed locations of the requested hydrants are as follows:

- (1) South side of Aero Drive, opposite the Youngs Road intersection
- (2) South side of Aero Drive just west of the Amherst Villa Road intersection

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby requested and authorized to install two (2) hydrants on Aero Drive at the above referenced locations, AND, BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible for the payment of annual hydrant rental charges to the Erie County Water Authority for the two (2) new referenced hydrants, with said charges being levied against the respective Hydrant District, AND, BE IT FURTHER

RESOLVED, that a copy of this resolution shall be forwarded by the Town Clerk to:

Mr. Wes Dust, P.E.
Executive Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-75

DOC ID: 1823

Unsafe / Unsecured: 71 Southgate Road

Sponsored By: Councilmember Magierski, Councilmember Swiatek

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 71 Southgate Road, Cheektowaga, New York SBL# 90.08-7-14 that is a danger to the safety of others, and records kept by the Assessors Office identify David Stewart and Wife, Attn: Betty Hughes, 54 Chapel Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 71 Southgate Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-76

DOC ID: 1824

October 2006 Storm Clean-Up / 230 Parker Avenue

Sponsored By: Councilmember Magierski, Councilmember Swiatek

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 230 Parker Avenue, Cheektowaga, New York SBL# 113.70-4-18 that is a danger to the safety of others, and records kept by the Assessors Office identify John Thomas, 230 Parker Avenue, Buffalo, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 230 Parker Avenue Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-77**

DOC ID: 1828

Termination of Employees In PRYS**Sponsored By:** Supervisor Jankowiak, Councilmember Magierski

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

| | | |
|------------------------------|---|-------|
| --Thomas Poules 8/11/06 | - | 14206 |
| --Joelle Brunetto 8/18/06 | - | 14043 |
| --Damion Kliber 12/16/06 | - | 14225 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-78**

DOC ID: 1838 D

Hire/Terminate of Part Time/Seasonal Employees

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

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:

SUPERVISOR'S OFFICE Clerk \$18/hour effective 2/06/07
Patricia E. Staniaszek, Cheektowaga, NY
Linda King, Cheektowaga, NY

TOWN CLERK'S OFFICE Clerk \$8/hour effective 1/16/07
Tammy J. Ciskal, Cheektowaga, NY

POLICE DEPARTMENT Student Assistant \$7.15/hour effective 2/05/07
Stephan Kolbert, Depew, NY
POLICE DEPARTMENT Dog Control Officer \$7.50/hour effective 2/19/07
Amanda Burgett, Cheektowaga, NY

JUSTICE COURT Court Officer \$14.77/hour effective 2/06/06
Harry L. Bollman, Depew, NY

BE IT RESOLVED, that the following PART-TIME EMPLOYEE'S title be and hereby is amended as follows:

POLICE DEPARTMENT from Clerk to Student Assistant effective 12/18/06
Paul Hockwater III, Cheektowaga, NY

BE IT RESOLVED, that the following employee's status be and hereby is amended as follows:

PARKS DIVISION Seasonal Laborer to Part-Time Laborer effective 6/07/06
Joseph A. Galletta, Cheektowaga, NY

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

TOWN CLERK'S OFFICE
Alicia Dziedzic
Effective 1/27/07

Amanda Burgett
Effective 2/18/07

RECORDS CENTER
Katherine Grzedzicki
Effective 8/19/06

POLICE DEPARTMENT - Part-Time Clerk
Jeff Fial
Effective 1/07/07

MAIN PUMP STATION
Leroy Linkner
Effective 7/23/06

Peter Gullo
Effective 9/16/06

Motion by Supervisor Jankowiak, seconded by Councilmember Magierski to amend the above resolution by adding the hiring of a Part-time Laborer in the Buildings & Grounds Division, and the motion carried.

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:

SUPERVISOR'S OFFICE Clerk \$18/hour effective 2/06/07
Patricia E. Staniaszek, Cheektowaga, NY
Linda King, Cheektowaga, NY

TOWN CLERK'S OFFICE Clerk \$8/hour effective 1/16/07
Tammy J. Ciskal, Cheektowaga, NY

POLICE DEPARTMENT Student Assistant \$7.15/hour effective 2/05/07
Stephan Kolbert, Depew, NY
POLICE DEPARTMENT Dog Control Officer \$7.50/hour effective 2/19/07
Amanda Burgett, Cheektowaga, NY

JUSTICE COURT Court Officer \$14.77/hour effective 2/06/06
Harry L. Bollman, Depew, NY

BUILDINGS AND GROUNDS Laborer \$7.50/hour effective 2/6/07
Margaret Kowalow, Cheektowaga, NY

BE IT RESOLVED, that the following PART-TIME EMPLOYEE'S title be and hereby is amended as follows:

POLICE DEPARTMENT from Clerk to Student Assistant effective 12/18/06
Paul Hockwater III, Cheektowaga, NY

BE IT RESOLVED, that the following employee's status be and hereby is amended as follows:

PARKS DIVISION Seasonal Laborer to Part-Time Laborer effective 6/07/06
Joseph A. Galletta, Cheektowaga, NY

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

TOWN CLERK'S OFFICE
Alicia Dziedzic
Effective 1/27/07

Amanda Burgett
Effective 2/18/07

RECORDS CENTER
Katherine Grzedzicki
Effective 8/19/06

POLICE DEPARTMENT - Part-Time Clerk
Jeff Fial
Effective 1/07/07

MAIN PUMP STATION
Leroy Linkner
Effective 7/23/06

Peter Gullo
Effective 9/16/06

| | |
|------------------|---|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-79**

DOC ID: 1831

Hire of Part-Time Employee In PRYS**Sponsored By:** Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED that the individual listed below be and hereby is hired, as indicated, in the Department of Parks, Recreation & Youth Services, effective immediately:

7140.1614/7140.1642Recreation Aide - \$7.15
(part-time)

Courtney Smith

14206

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-80**

DOC ID: 1844

**Appointment of Program Coordinator - Youth Board (Parks,
Recreation and Youth Services Department)
(Permanent/Competitive) Jillian L. Gorman****Sponsored By:** Jankowiak, Swiatek, Magierski

WHEREAS, a vacancy exists in the position of Program Coordinator - Youth Board in the Parks, Recreation and Youth Services Department; AND

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

WHEREAS, Jillian L. Gorman, currently employed as a Program Leader - Youth in the Parks, Recreation and Youth Services Department, appears on said list and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jillian L. Gorman of Depew, New York, be and hereby is appointed to the position of Program Coordinator - Youth Board in the Parks, Recreation and Youth Services Department effective February 6, 2007 at the annual salary of \$41,800.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-81**

DOC ID: 1845

Appointment of Building Maintenance Mechanic (Sewer Maintenance) (Non-Competitive/Permanent) Jerome J. Borowski**Sponsored By:** Jankowiak, Swiatek, Johnson Jr.

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

WHEREAS, said title is part of the Town of Cheektowaga Employees Association; AND

WHEREAS, employees within the department were canvassed; AND

WHEREAS, Jerome J. Borowski, currently employed as a Motor Equipment Operator - A in the Sewer Maintenance Division, expressed an interest in said vacancy, and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jerome J. Borowski of Cheektowaga, New York, be and hereby is appointed to the position of Building Maintenance Mechanic in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 5, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-82**

DOC ID: 1847

Appointment of Motor Equipment Operator -A (Sewer Maintenance Division) (Non-Competitive/Permanent) Paul J. Stallone**Sponsored By:** Jankowiak, Swiatek, Johnson Jr.

WHEREAS, a vacancy exists in the title of Motor Equipment Operator - A in the Sewer Maintenance Division; AND

WHEREAS, said title is part of the Town of Cheektowaga Employees Association; AND

WHEREAS, employees within the department were canvassed; AND

WHEREAS, Paul J. Stallone, currently employed as a Senior Sewer Maintenance Worker in the Sewer Maintenance Division, expressed an interest in said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Paul J. Stallone of Cheektowaga, New York, be and hereby is appointed to the position of Senior Sewer Maintenance Worker in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 5, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-83**

DOC ID: 1840

Travel Authorization (Police Department) “Latent Print Processing Course Level II” February 26-March 2, 2007, Rochester, NY, Detectives Christopher Chojnacki and Valentine Zimniewicz

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, “Latent Print Processing Course Level II” is being held February 26 through March 2, 2007 in Rochester, New York; AND

WHEREAS, Police Detectives Christopher Chojnacki and Valentine Zimniewicz have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba 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 \$1,287; AND

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

RESOLVED, that Detectives Christopher Chojnacki and Valentine Zimniewicz be and hereby are authorized to attend “Latent Print Processing Course Level II” being held February 26 through March 2, 2007 in Rochester, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-84**

DOC ID: 1841

Travel Authorization "Background Investigation for Police Applicants" February 20-21, 2007 In Poughkeepsie, New York, Police Officers David Mossman and David Filipski

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, a course entitled "Background Investigation for Police Applicants" is being held February 20-21, 2007 in Poughkeepsie, New York; AND

WHEREAS, Police Officers David Mossman and David Filipski have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba 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 \$2,254; AND

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

RESOLVED, that Police Officers David Mossman and David Filipski be and hereby are authorized to attend a course entitled "Background Investigation for Police Applicants" being held February 20-21, 2007 in Poughkeepsie, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-85**

DOC ID: 1842

Travel Authorization (Justice Court) "Association of Towns Annual Meeting/Conference" February 18-21, 2007 In New York City, Clerk to the Justice Court Stephanie Lewandowski**Sponsored By:** Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, the "Association of Towns Annual Meeting/Conference" is being held February 18-21, 2007 in New York City; AND

WHEREAS, Clerk to the Justice Court Stephanie Lewandowski has requested authorization to attend said conference; AND

WHEREAS, Town Justice Thomas Kolbert 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 \$1,625; AND

WHEREAS, these expenses have been budgeted by the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that Clerk to the Justice Court Stephanie Lewandowski be and hereby is authorized to attend the "Association of Towns Annual Meeting/Conference" being held February 18-21, 2007 in New York City.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-86

DOC ID: 1843

Travel Authorization - Youth Leadership Forum and Legislative Breakfast February 12-14, 2007 In Albany, New York, Parks, Recreation and Youth Services Executive Director Kenneth Kopacz

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, a Youth Leadership Forum and Legislative Breakfast is being held February 12-14, 2007 in Albany, New York; AND

WHEREAS, Parks, Recreation and Youth Services Executive Director Kenneth Kopacz has requested authorization to attend said forum and legislative breakfast; AND

WHEREAS, Mr. Kopacz 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 \$490; AND

WHEREAS, these expenses have been budgeted by the Parks, Recreation and Youth Services Department; NOW, THEREFORE, BE IT

RESOLVED, that Parks, Recreation and Youth Services Executive Director Kenneth Kopacz be and hereby is authorized to attend a Youth Leadership Forum and Legislative Breakfast being held February 12-14, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - December 2006
2. Cheektowaga Conservation Advisory Council: Minutes of January 4, 2007 Meeting
3. Cheektowaga Conservation Advisory Council: Minutes of January 20, 2007 Meeting
4. Cheektowaga Board of Ethics: Annual Report of Findings & Recommendations
5. Cheektowaga Board of Ethics: Minutes of December 11, 2006 Meeting
6. Cheektowaga Planning Board: Minutes of January 11, 2007 Meeting

7. Cheektowaga Public Library Board: Minutes of January 10, 2007 Meeting
8. Cheektowaga Public Library Board: Minutes of January 24, 2007 Meeting
9. Cheektowaga Traffic Safety Commission: Minutes of December 19, 2006 Meeting

B. General Communications

1. Notice of Claim: Michelle Pearce Vs. Town of Cheektowaga
2. Notice of Claim: Florence Przybyl Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Suspension of Rules

Motion by Supervisor Jankowiak, second by Councilmember Swiatek to suspend the rules to include the following three (3) items, and the vote was unanimous.

**RESOLUTION 2007-87**

DOC ID: 1850

Award of Bid for Purchase of Police Patrol Vehicles

Sponsored By: Supervisor James Jankowiak

WHEREAS, bids were duly received by the Town Clerk at a bid opening on January 31, 2007 for the purchase of Seven (7) New and Unused 2007 Police Patrol Vehicles by the Town of Cheektowaga Police Department, and said bids were referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, New York, 14059, for the purchase of said vehicles for the purchase price of \$149,982.00, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that funds for the purchase of these vehicles shall be appropriated to line item number 100-3120-2303.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-88

DOC ID: 1855

2007 Annual Community Development Plan Approval

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$1,006,739 in Community Development Block Grant Funds, \$362,884 in HOME Investment Partnership funds and \$6,977 in American Dream Downpayment Initiative assistance funds for the 2007 program year from the United States Department of Housing & Urban Development, and

WHEREAS, Public Hearings regarding the use of said funds were held on October 16, 2006 and January 16, 2007, and

WHEREAS, the Town Director of Community Development has submitted recommendations regarding the use of said funds, which includes activities to principally benefit low-income persons pursuant to the goals and objectives of the Housing and Community Development Act, as amended, and its governing rules and regulations, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the submission of the Town of Cheektowaga Community Development Block Grant Program Annual Action Plan for the 2007 program year to the United States Department of Housing and Urban Development which includes the projects contained in the attached CDBG, HOME and ADDI Project Summaries, and BE IT

FURTHER RESOLVED, that the Supervisor is hereby authorized to sign the required Certifications and any other Community Development Block Grant, HOME and ADDI Program related documents as may be necessary.

ATTACHMENTS:

Budget 2007 - Final (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: James Jankowiak, Supervisor

SECONDER: James Rogowski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



RESOLUTION 2007-89

DOC ID: 1856

Authorizaton to Execute Housing Rehabilitation Program Documents

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga has established a Housing Rehabilitation Program funded with federal Community Development Block Grant and HOME Partnership Act funds, and,

WHEREAS, the goals of said Housing Rehabilitation Program are to improve the quality and affordability of housing for low and moderate-income homeowners, rehabilitate and preserve the Town's housing stock and promote neighborhood preservation, and

WHEREAS, in order to accomplish these goals, low-cost, affordable secured loans are provided to eligible homeowners on a Town-wide basis to make needed repairs and improvements to their residential property, and

WHEREAS, various agreements and documents require execution by the Town Supervisor to implement said Housing Rehabilitation Program, NOW, THEREFORE, BE IT

RESOLVED, that Supervisor Jankowiak be and is hereby authorized to execute any agreements and contracts, discharges of mortgage, subordinations, and all other documents relating to said Housing Rehabilitation Programs necessary to accomplish the purposes, goals and objectives of said Housing Rehabilitation Program in compliance with applicable federal regulation governing said activity

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VIII. Adjourn

| |
|--|
| Motion by Supervisor Jankowiak, second by Councilmember Zydel to adjourn the meeting at 8:00 PM. |
|--|



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

Mary F. Holtz
(716) 686-3434

Monday, February 12, 2007

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on February 12, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Michael Stachowski, Town Attorney
Kevin Schenk, Deputy Town Attorney
Sue Barnes, Grantmakers Advantage, Inc.

II. Resolutions

**RESOLUTION 2007-90**

DOC ID: 1857

Amend Resolution 2007-69 (Dingens Street Storm Sewer Extension Project)

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, by resolution dated February 5, 2007, this Town Board adopted a resolution (resolution 2007-69) authorizing the Town's grant consultant to make application to U.S. Congressman Brian Higgins for a grant for the first phase of the Dingens Street Storm Sewer Extension project, and

WHEREAS, said resolution incorrectly stated that the cost of the first phase of the project is estimated at \$800,000, but the actual cost of phase one has been estimated by the Town Engineering at \$1,500,000, NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2007-69 be and hereby is amended to read as follows:

WHEREAS, in 1998, the Town of Cheektowaga bonded the installation of a storm sewer trunkline from Harlem Road at Dingens Street and outletting into the Buffalo River, as a betterment to the NYSDOT Harlem Road reconstruction project, and

WHEREAS, it is planned to extend said trunkline westerly along Dingens Street, an Erie County highway, to be supplemented by additional storm outlet capacity connecting south under the New York State Thruway to the Buffalo River, then construct storm sewer extensions in subsequent phases within Town streets running to Dingens Street, where no storm drainage or outlet capacity now exists, and

WHEREAS, the total cost for the foregoing project is estimated at \$2.5 million, and the cost for the first phase is estimated at \$1,500,000.00, and

WHEREAS, Federal moneys may be available through the efforts of Congressman Brian Higgins to pay up to a maximum of 55% of the cost of this sewer work, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to United States Congressman Brian Higgins for the purpose of securing a grant for the first phase portion of this project, and BE IT FURTHER

RESOLVED, that the Town's matching funds for this grant shall be appropriated from a future bond resolution in the event this grant is approved, and BE IT FURTHER

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

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

III. Executive Session

A Motion was made by Supervisor Jankowiak, seconded by Councilmember Johnson at 7:25 PM to move the Town Board into Executive Session, to discuss personnel issues, and the motion carried.

After discussion, a motion was made by Supervisor Jankowiak and seconded by Councilmember Johnson at 7:45 PM to exit the Executive Session, and resume the Regular Special Meeting, and the motion carried.

IV. Resume Resolutions

**RESOLUTION 2007-91**

DOC ID: 1858

Amend Personnel Policy for Exempt Employees**Sponsored By:** Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

BE IT RESOLVED, that the Personnel Policy for Exempt Employees, adopted on April 19, 2004, be amended to read as follows:

Paragraph 13 (a) shall be amended to read as follows:

“(a) The employee discontinues Town service and retires into the New York State Retirement System (not including as a result of disciplinary action), and at the time of discontinuance of service has ten (10) years of vested service with the New York State Retirement System and five (5) years of service with the Town;”

Paragraph 13(b) shall be amended to read as follows:

“(b) The employee shall have discontinued service (not as a result of disciplinary action) before qualifying for such pension benefits and shall have completed at least ten (10) years of service with the Town.”

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Closing

Motion by Councilmember Johnson, seconded by Councilmember Magierski to adjourn the meeting at 7:50 PM.



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

Mary F. Holtz
(716) 686-3434

Monday, February 12, 2007

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on February 12, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Michael Stachowski, Town Attorney
Kevin Schenk, Deputy Town Attorney
Sue Barnes, Grantmakers Advantage, Inc.

II. Resolutions

**RESOLUTION 2007-90**

DOC ID: 1857

Amend Resolution 2007-69 (Dingens Street Storm Sewer Extension Project)

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, by resolution dated February 5, 2007, this Town Board adopted a resolution (resolution 2007-69) authorizing the Town's grant consultant to make application to U.S. Congressman Brian Higgins for a grant for the first phase of the Dingens Street Storm Sewer Extension project, and

WHEREAS, said resolution incorrectly stated that the cost of the first phase of the project is estimated at \$800,000, but the actual cost of phase one has been estimated by the Town Engineering at \$1,500,000, NOW, THEREFORE, BE IT

RESOLVED, that Resolution 2007-69 be and hereby is amended to read as follows:

WHEREAS, in 1998, the Town of Cheektowaga bonded the installation of a storm sewer trunkline from Harlem Road at Dingens Street and outletting into the Buffalo River, as a betterment to the NYSDOT Harlem Road reconstruction project, and

WHEREAS, it is planned to extend said trunkline westerly along Dingens Street, an Erie County highway, to be supplemented by additional storm outlet capacity connecting south under the New York State Thruway to the Buffalo River, then construct storm sewer extensions in subsequent phases within Town streets running to Dingens Street, where no storm drainage or outlet capacity now exists, and

WHEREAS, the total cost for the foregoing project is estimated at \$2.5 million, and the cost for the first phase is estimated at \$1,500,000.00, and

WHEREAS, Federal moneys may be available through the efforts of Congressman Brian Higgins to pay up to a maximum of 55% of the cost of this sewer work, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to United States Congressman Brian Higgins for the purpose of securing a grant for the first phase portion of this project, and BE IT FURTHER

RESOLVED, that the Town's matching funds for this grant shall be appropriated from a future bond resolution in the event this grant is approved, and BE IT FURTHER

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

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

III. Executive Session

A Motion was made by Supervisor Jankowiak, seconded by Councilmember Johnson at 7:25 PM to move the Town Board into Executive Session, to discuss personnel issues, and the motion carried.

After discussion, a motion was made by Supervisor Jankowiak and seconded by Councilmember Johnson at 7:45 PM to exit the Executive Session, and resume the Regular Special Meeting, and the motion carried.

IV. Resume Resolutions

**RESOLUTION 2007-91**

DOC ID: 1858

Amend Personnel Policy for Exempt Employees

Sponsored By: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

BE IT RESOLVED, that the Personnel Policy for Exempt Employees, adopted on April 19, 2004, be amended to read as follows:

Paragraph 13 (a) shall be amended to read as follows:

“(a) The employee discontinues Town service and retires into the New York State Retirement System (not including as a result of disciplinary action), and at the time of discontinuance of service has ten (10) years of vested service with the New York State Retirement System and five (5) years of service with the Town;”

Paragraph 13(b) shall be amended to read as follows:

“(b) The employee shall have discontinued service (not as a result of disciplinary action) before qualifying for such pension benefits and shall have completed at least ten (10) years of service with the Town.”

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Closing

Motion by Councilmember Johnson, seconded by Councilmember Magierski to adjourn the meeting at 7:50 PM.



Town of Cheektowaga

Executive Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

Mary F. Holtz
(716) 686-3434

Thursday, February, 22, 2007

6:30 PM

Council Office

I. Call to Order

6:30 PM Meeting called to order on February 22, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Absent | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Deputy Town Attorney
Brian Krause, Director of Finance and Administration
Anthony Romano, Director of Employee Relations

3. Motion to Move into Executive Session

Motion by Councilmember Johnson, second by Councilmember Swiatek to move into Executive Session and the motion carried.

II. Resolutions

**RESOLUTION 2007-92**

DOC ID: 1887

Approve Settlement of Article 7 Proceeding**Sponsored By:** Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Upstate Farm Cooperatives, Inc., commenced Article 7 proceedings against the Town for Tax Years 2002 - 2006 seeking a reduction in the assessments of properties owned by them at 1730 Dale Road, 90 Anderson Road, 25 Anderson Road, and 37 Anderson Road, Cheektowaga, New York; and

WHEREAS, the Town Attorney and Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioners' attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceedings.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-93**

DOC ID: 1889

Approve Settlement of Article 7 Proceeding

Sponsored By: Councilmember Magierski, Councilmember Zydel

WHEREAS, Advantage US Holdings III, LLC, commenced an Article 7 proceeding against the Town for Tax Years 2005 - 2006 seeking a reduction in the assessment of property owned by them at 2938 Walden Avenue, Cheektowaga, New York; and

WHEREAS, the Town Attorney and Town Assessor have reviewed the petition and after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-94**

DOC ID: 1886

**Personnel Policy for Exempt Employees/Department Heads
and Those Who Are Not Department Heads**

Sponsored By: Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

BE IT RESOLVED that the Cheektowaga Town Board hereby adopts a Personnel Policy for Exempt Employees that are Department Heads, AND, BE IT

FURTHER RESOLVED that the Cheektowaga Town Board hereby adopts a Personnel Policy for Exempt Employees that are not Department Heads, AND, BE IT

FURTHER RESOLVED that these Personnel Policies shall be established, effective immediately, AND, BE IT

FURTHER RESOLVED that these Policies shall supersede all previously adopted policies.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

III. Closing

Motion by Councilmember Magierski, seconded by Councilmember Swiatek to move out of Executive Session at 7:15 PM, and the motion carried.



Town of Cheektowaga

Executive Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

Mary F. Holtz
(716) 686-3434

Thursday, February, 22, 2007

6:30 PM

Council Office

I. Call to Order

6:30 PM Meeting called to order on February 22, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Absent | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Deputy Town Attorney
Brian Krause, Director of Finance and Administration
Anthony Romano, Director of Employee Relations

3. Motion to Move into Executive Session

Motion by Councilmember Johnson, second by Councilmember Swiatek to move into Executive Session and the motion carried.

II. Resolutions

**RESOLUTION 2007-92**

DOC ID: 1887

Approve Settlement of Article 7 Proceeding**Sponsored By:** Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Upstate Farm Cooperatives, Inc., commenced Article 7 proceedings against the Town for Tax Years 2002 - 2006 seeking a reduction in the assessments of properties owned by them at 1730 Dale Road, 90 Anderson Road, 25 Anderson Road, and 37 Anderson Road, Cheektowaga, New York; and

WHEREAS, the Town Attorney and Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioners' attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceedings.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-93**

DOC ID: 1889

Approve Settlement of Article 7 Proceeding

Sponsored By: Councilmember Magierski, Councilmember Zydel

WHEREAS, Advantage US Holdings III, LLC, commenced an Article 7 proceeding against the Town for Tax Years 2005 - 2006 seeking a reduction in the assessment of property owned by them at 2938 Walden Avenue, Cheektowaga, New York; and

WHEREAS, the Town Attorney and Town Assessor have reviewed the petition and after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town Attorney be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-94**

DOC ID: 1886

**Personnel Policy for Exempt Employees/Department Heads
and Those Who Are Not Department Heads**

Sponsored By: Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

BE IT RESOLVED that the Cheektowaga Town Board hereby adopts a Personnel Policy for Exempt Employees that are Department Heads, AND, BE IT

FURTHER RESOLVED that the Cheektowaga Town Board hereby adopts a Personnel Policy for Exempt Employees that are not Department Heads, AND, BE IT

FURTHER RESOLVED that these Personnel Policies shall be established, effective immediately, AND, BE IT

FURTHER RESOLVED that these Policies shall supersede all previously adopted policies.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

III. Closing

Motion by Councilmember Magierski, seconded by Councilmember Swiatek to move out of Executive Session at 7:15 PM, and the motion carried.



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

~ Minutes ~

Mary F. Holtz
(716) 686-3434

Monday, February 26, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 26, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Absent | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

- Michael Stachowski, Town Attorney
- Kevin G. Schenk, Deputy Town Attorney
- William Pugh, Town Engineer
- Brian Krause, Director of Finance and Administration
- Thomas Adamczak, Supervising Building and Plumbing Inspector
- Jerry Gabryszak, Director of Community Development
- Christine Ziemba, Chief of Police
- Patricia Wojcik, Senior Services Director
- John Jaroszewski, General Crew Chief
- Kerry Switalski, Senior Citizens Director
- Anthony Romano, Coordinator of Employee Relations
- Al Blachowski, Junior Civil Engineer

II. Public Comment Period

III. Public Hearings

1. Amend Towing Law

This being the time and place advertised for a public hearing to consider and discuss the Local Law Intro 2007-3, "A Local Law to Amend a Local Law relating to Vehicles, Removal and Storage", hereinafter more particularly described. The Deputy Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Deputy Supervisor such proof was duly filed.

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

RESULT: CLOSED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: James Jankowiak

2. Amend Vehicle and Traffic Law

This being the time and place advertised for a public hearing to consider and discuss the Traffic Ordinance, Article V, Schedules, Section 235-49, Schedule X, Parking, Como Park Blvd and Smallwood Terrace and

Article V, Schedules, Section 235-50, Schedule XI, Standing Prohibited in Designated Locations, Losson Rd. hereinafter more particularly described. The Deputy Supervisor directed the Town Clerk to present proof that such notice has been duly published and posted, and upon the order of the Deputy Supervisor such proof was filed.

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

RESULT: CLOSED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: James Jankowiak

IV. Resolutions



RESOLUTION 2007-95

DOC ID: 1884

2006 - Transfer of Funds

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

GENERAL FUND

| | | |
|---------------------|---------------------------|-------------|
| FROM: 100-1110-2655 | Justice Misc Revenues | \$ 3,873.00 |
| 100-1640-4165 | Gasoline Allocated | 61,508.00 |
| 100-1640-4167 | Diesel Allocated | 30,866.00 |
| 100-1010-1931 | Vacation Sellback | 121.00 |
| 100-1010-4088 | Travel Training & Conf | 546.00 |
| 100-1010-4100 | Repairs & Maintenance | 93.00 |
| 100-1010-4188 | Equipment Rental | 379.00 |
| 100-1110-1901 | Regular Payroll | 13,502.00 |
| 100-1110-4013 | Law Books | 332.00 |
| 100-1220-2201 | Office Equipment | 108.00 |
| 100-1315-4001 | Office Supplies | 97.00 |
| 100-1315-4011 | Printed Forms | 1,561.00 |
| 100-1320-4506 | Outside Acctg & Auditing | 3,933.00 |
| 100-1355-1901 | Regular Payroll | 1,397.00 |
| 100-1355-1901 | Regular Payroll | 5.00 |
| 100-1355-1901 | Regular Payroll | 5.00 |
| 100-1355-1901 | Regular Payroll | 11,240.00 |
| 100-1355-4431 | Maintenance Agreement | 17.00 |
| 100-1410-1902 | Overtime Payroll | 1,390.00 |
| 100-1410-1911 | Longevity | 20.00 |
| 100-1410-1917 | Clothing Allowance | 125.00 |
| 100-1410-1931 | Vacation Sellback | 39.00 |
| 100-1410-1971 | PT Regular | 724.00 |
| 100-1410-4431 | Equipment Maintenance | 669.00 |
| 100-1420-1901 | Regular Payroll | 120.00 |
| 100-1420-1901 | Regular Payroll | 7,490.00 |
| 100-1420-1971 | PT Regular | 4,791.00 |
| 100-1420-2201 | Office Equipment | 144.00 |
| 100-1420-4001 | Office Supplies | 40.00 |
| 100-1420-4012 | Printed Briefs | 1,422.00 |
| 100-1420-4013 | Law Books | 1,012.00 |
| 100-1420-4014 | Misc. Filing & Legal Fees | 2,040.00 |
| 100-1420-4188 | Equipment Rental | 1,993.00 |
| 100-1430-4011 | Printing Contracts | 906.00 |
| 100-1430-4502 | Legal Personnel | 6,077.00 |
| 100-1440-1990 | Other Pay | 1,200.00 |
| 100-1440-4042 | Maps | 1,500.00 |
| 100-1440-4191 | Misc. Expenses | 466.00 |
| 100-1450-1950 | Election Salaries | 137,793.00 |

| | | |
|---------------|--------------------------|------------|
| 100-1450-4342 | Polling Place Rental | 22,200.00 |
| 100-1450-4343 | Records Storage Space | 2,949.34 |
| 100-1450-4551 | Moving Machines | 8,250.00 |
| 100-1625-1951 | Seasonal Regular | 6,800.00 |
| 100-1625-1971 | PT Regular | 1,811.00 |
| 100-1625-4202 | Telephone Townwide | 13,293.00 |
| 100-1625-4432 | Repairs & Maintenance | 8,481.00 |
| 100-1640-1901 | Regular Payroll | 46,321.00 |
| 100-1640-1911 | Longevity | 4,280.00 |
| 100-1640-1917 | Clothing Allowance | 2,730.00 |
| 100-1640-1971 | PT Regular | 331.00 |
| 100-1640-4001 | Office Supplies | 1,168.00 |
| 100-1640-4021 | Maintenance Supplies | 1,170.00 |
| 100-1640-4447 | Collision Repairs | 2,237.00 |
| 100-1670-1902 | Overtime Payroll | 1.00 |
| 100-1680-1901 | Regular Payroll | 4,497.00 |
| 100-1680-4001 | Office Supplies | 757.00 |
| 100-1680-4147 | Computer Recycling | 1,000.00 |
| 100-1680-4204 | Communications | 1,084.00 |
| 100-1680-4206 | Internet Services | 6,333.00 |
| 100-1680-4321 | Software Licensing | 23,487.00 |
| 100-1680-4431 | Hardware Maintenance | 2,852.00 |
| 100-1685-1971 | PT Regular | 3,134.00 |
| 100-1910-4082 | Municipal Assn Dues | 915.00 |
| 100-1910-4082 | Govt Business Travel | 2,090.00 |
| 100-1910-4261 | Postage | 9,485.00 |
| 100-1910-4709 | Management Studies | 4,411.00 |
| 100-1910-4711 | Contingency | 92,973.00 |
| 100-1910-4711 | Contingency | 12,451.00 |
| 100-3020-1907 | Court Time | 410.00 |
| 100-3020-1908 | Training | 7,596.00 |
| 100-3020-1914 | Shift Differential | 358.00 |
| 100-3020-1990 | Other Pay | 700.00 |
| 100-3020-2513 | Communication Equipment | 32.00 |
| 100-3020-4029 | Supplies | 3,839.00 |
| 100-3020-4093 | Dispatcher Training | 1,177.00 |
| 100-3020-4203 | Cellular Phones | 6,623.00 |
| 100-3120-1901 | Regular Payroll | 115,646.00 |
| 100-3120-1901 | Regular Payroll | 8,132.00 |
| 100-3120-1901 | Regular Payroll | 14,811.00 |
| 100-3120-1901 | Regular Payroll | 8,000.00 |
| 100-3120-1901 | Regular Payroll | 24,413.00 |
| 100-3120-1901 | Regular Payroll | 2,835.00 |
| 100-3120-1908 | Training | 21,304.00 |
| 100-3120-2501 | Other Equipment | 1,129.00 |
| 100-3310-1971 | PT Regular | 9,142.00 |
| 100-3310-4093 | Training | 1,571.00 |
| 100-3310-4185 | Flashers/Barricades | 250.00 |
| 100-3310-4217 | Traffic Utility Cost | 6,686.00 |
| 100-3310-4471 | Traffic Signs/Street M | 1,945.00 |
| 100-3310-4472 | Traffic Signs/Street Mrk | 292.00 |
| 100-3310-4476 | Traffic Signal Repairs | 1,105.00 |
| 100-3510-1902 | Overtime Payroll | 381.00 |
| 100-3510-1917 | Clothing Allowance | 141.00 |
| 100-3510-1971 | PT Regular | 1,199.00 |

| | | | |
|-----|--------------------|--------------------------|-------------|
| | 100-3510-1990 | Other Pay | 1,200.00 |
| | 100-3510-4030 | Supplies | 13.00 |
| | 100-3510-4221 | Gas | 193.00 |
| | 100-3610-4001 | Office Supplies | 1.00 |
| | 100-5010-1931 | Vacation Sellback | 3,413.00 |
| | 100-5132-4211 | Electric | 7,274.00 |
| | 100-5132-4231 | Water | 1,100.00 |
| | 100-5132-4431 | Radio Repair | 1,890.00 |
| | 100-5132-4432 | Repairs & Maint | 2,009.00 |
| | 100-6410-4195 | Events | 375.00 |
| | 100-7110-1901 | Regular Payroll | 37,654.00 |
| | 100-7110-1914 | Shift Differential | 234.00 |
| | 100-7110-1951 | Seasonal Regular | 4,710.00 |
| | 100-7110-2304 | Park Equipment | 12,029.00 |
| | 100-7110-4106 | Wildlife Maint Costs | 5,197.00 |
| | 100-7140-1902 | Overtime Payroll | 3,679.00 |
| | 100-7140-1971-1613 | PT Regular | 7,852.00 |
| | 100-7140-1971-1631 | PT Regular | 4,806.00 |
| | 100-7310-1902 | Overtime Payroll | 16.00 |
| | 100-7620-1901 | Regular Payroll | 1,356.00 |
| | 100-7620-4624 | Senior Center Programs | 375.00 |
| | 100-9499-1901 | Regular Payroll | 195.00 |
| | 100-9499-1971 | PT Regular | 1,289.00 |
| TO: | 100-1110-4592 | Contracted Clerical | \$ 3,873.00 |
| | 100-1640-4161 | Gasoline | 64,149.00 |
| | 100-1640-4163 | Deisel | 28,225.00 |
| | 100-1010-1901 | Regular Payroll | 4.00 |
| | 100-1010-1990 | Other Pay | 1,200.00 |
| | 100-1010-4001 | Office Supply | 32.00 |
| | 100-1110-1902 | Overtime Payroll | 12,782.00 |
| | 100-1110-1911 | Longevity | 20.00 |
| | 100-1110-1990 | Other Pay | 700.00 |
| | 100-1110-4001 | Office Supply | 332.00 |
| | 100-1220-1931 | Vacation Sellback | 108.00 |
| | 100-1220-4008 | Disaster Coord Expense | 1,561.00 |
| | 100-1355-1931 | Vacation Sellback | 1,397.00 |
| | 100-1355-1932 | Sick Sellback | 5.00 |
| | 100-1355-4001 | Office Supply | 5.00 |
| | 100-1355-4575 | Contracted Appraisals | 11,257.00 |
| | 100-1410-1901 | Regular Payroll | 2,830.00 |
| | 100-1410-1932 | Sick Sellback | 106.00 |
| | 100-1410-4111 | Publishing Notices | 31.00 |
| | 100-1420-1911 | Longevity | 120.00 |
| | 100-1420-4501 | Contracted Legal Service | 28,942.00 |
| | 100-1430-4752 | Pre-Employment Physical | 906.00 |
| | 100-1440-1902 | Overtime Payroll | 3,166.00 |
| | 100-1625-1901 | Regular Payroll | 1,032.00 |
| | 100-1625-1902 | Overtime Payroll | 5,718.00 |
| | 100-1625-1911 | Longevity | 1,050.00 |
| | 100-1625-1932 | Sick Sellback | 811.00 |
| | 100-1625-4217 | Utilities | 21,774.00 |
| | 100-1640-1902 | Overtime Payroll | 11,613.00 |
| | 100-1640-1914 | Shift Differential | 385.00 |
| | 100-1640-1932 | Sick Sellback | 1,815.00 |

| | | |
|--------------------|--------------------------------|------------|
| 100-1640-2502 | Pool Cars | 1,616.00 |
| 100-1640-4072 | Uniform Cleaning | 251.00 |
| 100-1640-4161 | Gasoline | 14,632.00 |
| 100-1640-4441 | Equipment Repair Police | 37,182.00 |
| 100-1640-4442 | Equipment Repair Sewer | 954.00 |
| 100-1640-4443 | Equipment Repair Sanitation | 41,381.00 |
| 100-1640-4445 | Equipment Repair Parks | 2,615.00 |
| 100-1640-4446 | Motor Equipment Repair | 9,184.00 |
| 100-1640-4448 | Auto Washing | 10.00 |
| 100-1640-4449 | Equipment Repair Senior Center | 2,238.00 |
| 100-1670-1932 | Sick Sellback | 1.00 |
| 100-1680-1902 | Overtime Payroll | 4,497.00 |
| 100-1680-2202 | Network Hardware | 6,676.00 |
| 100-1680-2204 | Computer Hardware | 25,644.00 |
| 100-1680-4088 | Travel Training & Conferences | 655.00 |
| 100-1680-4434 | Software Maintenance | 2,538.00 |
| 100-1685-1901 | Regular Payroll | 3,134.00 |
| 100-1910-2200 | Property Purchases | 31,981.00 |
| 100-1910-4083 | Private Vehicle Reimb | 591.00 |
| 100-1910-4322 | Contracted Services HEAP | 11,663.00 |
| 100-9950-8729 | Transfer to Capital | 171,192.34 |
| 100-3020-1901 | Regular Payroll | 13,183.00 |
| 100-3020-1902 | Overtime Payroll | 6,753.00 |
| 100-3020-1932 | Sick Sellback | 800.00 |
| 100-3120-1902 | Overtime Payroll | 115,646.00 |
| 100-3120-1907 | Court Time | 8,132.00 |
| 100-3120-1914 | Shift Differential | 14,811.00 |
| 100-3120-1917 | Clothing Allowance | 8,000.00 |
| 100-3120-2204 | Computer Equipment | 1,129.00 |
| 100-3120-2303 | Police Vehicles | 21,300.00 |
| 100-3120-4321 | Data Processing Services | 4.00 |
| 100-3310-1901 | Regular Payroll | 26,420.00 |
| 100-3310-1902 | Overtime Payroll | 15,571.00 |
| 100-3310-1911 | Longevity | 850.00 |
| 100-3310-1914 | Shift Differential | 1,548.00 |
| 100-3310-1932 | Sick Sellback | 1,015.00 |
| 100-3510-1901 | Regular Payroll | 4,605.00 |
| 100-3510-4211 | Electric | 3.00 |
| 100-3510-4432 | Repairs & Maintenance | 154.00 |
| 100-3610-1971 | PT Payroll | 1.00 |
| 100-5132-4221 | Gas | 15,686.00 |
| 100-6410-4194 | Media Publicity | 375.00 |
| 100-7110-1902 | Overtime Payroll | 41,149.00 |
| 100-7110-1911 | Longevity | 645.00 |
| 100-7110-1932 | Sick Sellback | 903.00 |
| 100-7110-1971 | PT Payroll | 17,127.00 |
| 100-7140-1914 | Shift Differential | 416.00 |
| 100-7140-1971-1614 | Playground Attendants | 3,530.00 |
| 100-7140-1971-1627 | Volleyball Salaries | 677.00 |
| 100-7140-1971-1630 | Gymnastics Salaries | 269.00 |
| 100-7140-1971-1633 | Softball Salaries | 3,580.00 |
| 100-7140-1971-1636 | Soccer Salaries | 4,534.00 |
| 100-7140-1971-1654 | Basketball Salaries | 6,316.00 |
| 100-7140-4999 | Credit Card Expense | 545.00 |
| 100-7310-1931 | Vacation Sellback | 9.00 |

| | | |
|---------------|-------------------------|----------|
| 100-7310-1932 | Sick Sellback | 7.00 |
| 100-7550-4374 | Polish Festival | 8,406.00 |
| 100-7550-4382 | Firemen Recognition Day | 405.00 |
| 100-7620-1902 | Overtime Payroll | 545.00 |
| 100-7620-1914 | Shift Differential | 119.00 |
| 100-7620-1932 | Sick Sellback | 692.00 |
| 100-7620-4028 | Ceramics & Crafts | 375.00 |
| 100-9499-1902 | Overtime Payroll | 2,785.00 |
| 100-9499-1931 | Vacation Sellback | 8.00 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-96

DOC ID: 1875

2007 - Transfer of Funds

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007

GENERAL FUND

FROM: 100-1910-3088 Miscellaneous State Aid \$ 1,000.00

TO: 100-7620-4624 Senior Center Programs \$ 1,000.00

HUD CDBG FUND

FROM: 140-8668-4910 Program Funds \$ 9,708.18

900-8600-4910 NYS AHC Revenues 75,000.00

TO: 140-5006-0500 Depew Sanitary Sewer \$ 9,708.18

900-8668-4005 AHC Expenses 75,000.00

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-97

DOC ID: 1874

Warrant

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 23, 2007 are hereby approved and made a part hereof;

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|---------------------------------|-------------------------|
| GENERAL FUND | \$ 2,566,979.18 |
| RISK RETENTION FUND | 113,018.48 |
| DEBT SERVICE FUND | 60,472.25 |
| HUD HOUSING REHABILITATION FUND | 37,265.68 |
| SPECIAL DISTRICT FUND | 1,279,708.93 |
| HIGHWAY FUND | 507,061.29 |
| CAPITAL FUND | 26,295.56 |
| TRUST & AGENCY FUND | 6,082,826.76 |
| HUD CDBG FUND | 348,801.79 |
| PART TOWN FUND | 101,524.35 |
| NYS AFFORDABLE HOUSING FUND | 8,755.50 |
| | <u>\$ 11,132,709.77</u> |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-98

DOC ID: 1869

Adopt Local Law No. 2 of 2007 (Solid Waste)

Sponsored By: Rogowski, Magierski, Johnson Jr.

WHEREAS, by Local Law No. 5 of the Year 1992, the Cheektowaga Town Board enacted a Solid Waste Law (now known as Chapter 206 of the Code of the Town of Cheektowaga), and

WHEREAS, this Town Board wishes to amend Chapter 206 of the Town Code, and

WHEREAS, Local Law Intro No. 2006-6 was prepared to so amend Chapter 206 of the Town Code, and

WHEREAS, a public hearing was held on the 4th day of December, 2006 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local Law Intro No. 2006-6, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", and

WHEREAS, it is in the public interest to enact "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 2 of the Year 2007, entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that 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. 2 of the Year 2007 shall take effect upon filing with the Secretary of State.

**LOCAL LAW NO. 2007-2 OF THE YEAR 2007
A LOCAL LAW TO AMEND THE SOLID WASTE LAW OF THE TOWN OF CHEEKTOWAGA**

1. Section 206-3, Definitions, is amended by revising the definition of "GARBAGE CONTAINER" to read as follows:

GARBAGE CONTAINER -

(1) Either:

- (a) A galvanized metal container with handles and not exceeding 40 pounds in weight when full; or

(b) A container made of heavy-duty cold resistant plastic/vinyl sufficient to withstand severe weather, with handles, and not exceeding 40 pounds in weight when full.

(2) A garbage container shall have a tight-fitting cover when used for storage on the premises. A tight-fitting cover is strongly recommended when the garbage container is placed at the curb for collection.

2. Section 206-3, Definitions, is amended by revising the definition of "NONRECYCLABLE REFUSE AND RUBBISH" to read as follows:

NONRECYCLABLE REFUSE AND RUBBISH - Waste material discarded as useless or worthless trash, including but not limited to rags, sweepings, rubber, leather, crockery, shells, clothing and straw.

3. Section 206-3, Definitions, is amended by revising the definition of "RECYCLABLE CONTAINER" to read as follows:

RECYCLABLE CONTAINER - A rigid plastic container, or bin, provided to the residents by the Town of Cheektowaga. An open-topped metal or rigid plastic container with drainage holes not exceeding 40 pounds in weight when filled.

4. Section 206-4.C, Separation and preparation, is amended by revising subsection C.(#0 to read as follows:

C. (3) A recyclable container, when filled, shall not exceed 40 pounds. Glass, metal and plastic recyclables shall have their contents removed, be thoroughly drained of liquid and rinsed prior to being deposited for collection. Caps and rims shall be removed from glass and plastic recyclables.

5. Section 206-6, Placement of containers for collection, shall be amended by revising subsection C to read as follows:

C. Containers or receptacles shall be removed from the curblines within 12 hours after being emptied to a place at the rear of the premises,.

6. Section 206-8, Prohibited deposits or accumulations, shall be revised to amend subsection G to read as follows:

G. The Town of Cheektowaga shall not collect or accept waste oils.

7. Section 206-10, Penalties for offenses, shall be revised to amend subsection A to read as follows:

A. The penalties for violation of any provision of this article, except unauthorized dumping and unauthorized scavenging, shall be as follows after an informational notice is delivered by mail, or posting, that a violation exists:

(1) A warning notification for the first violation;

(2) A fine of \$25 for the second violation;

(3) A fine of \$50 for the third violation;

(4) A fine of \$100 for the fourth violation.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-99**

DOC ID: 1853

Award Bid for Tower Aerial Device

Sponsored By: Swiatek, Rogowski, Johnson Jr.

WHEREAS, bids were duly received by the Town Clerk at a bid opening on January 31, 2007 for the purchase of a new Truck Mounted Platform Tower Aerial Device by the Town of Cheektowaga Police Department, and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to Bison Truck Center, 2370 Walden Avenue, Cheektowaga, New York, 14225, for the purchase of said new Truck Mounted Platform Tower Aerial Device for the purchase price of \$90,683.77, said bid being the lowest responsible bid meeting specifications; and be it further

RESOLVED, that funds for the purchase of this device shall be appropriated from line item number 100-3120-2303.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-100

DOC ID: 1870

Notice to Bidders - Natural Gas Fired Generator Set

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Engineering Department has been requested to prepare specifications for the purchase of one (1) 125 kw natural gas fired generator set and associated transfer switch to be installed by Town crews at the Central Garage, 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 125 kw natural gas fired generator set and associated transfer switch, 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 March, 2007 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 14, 2007 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) 125 kw Natural Gas Fired Generator Set and Associated Transfer Switch.

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

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

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

Mary F. Holtz
Town Clerk

DATED: February 26, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-101

DOC ID: 1873

Notice to Bidders - Boring of a 48" Culvert Under Walden Avenue

Sponsored By: Councilmember Johnson Jr., Councilmember Jaworowicz

WHEREAS, this Town Board has authorized the preparation of plans and specifications for the boring of a 48" culvert under Walden Avenue for future drainage improvements to Anderson Road, AND

WHEREAS, the Town Engineer advises that plans and specifications prepared by William Schutt & Associates, P.C. have been completed and the project is ready for bidding, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the boring of a 48" culvert under Walden Avenue in THE CHEEKTOWAGA TIMES, and THE BUFFALO NEWS, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 14th day of March, 2007 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 14th day of March, 2007 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York, for furnishing all labor, tools, equipment, materials and incidentals required for the boring of a 48" culvert under Walden Avenue, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by William Schutt & Associates, P.C. 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 and Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Two checks, each for one-half the amount of the deposit, shall be made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening

will also be classed as non-bidders. Any bidders requesting more than one set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and marked "Boring of a 48" Culvert Under Walden Avenue".

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.

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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: February 26, 2007

PUBLISHED: March 1, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-102

DOC ID: 1883

Notice to Bidders - Ice Rink Resurfacing Machine

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Parks Department desires to purchase an ice rink resurfacing machine for the Cheektowaga Recreation Center, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of an ice rink resurfacing machine, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on March 14, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on March 14, 2007 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) 2007 Ice Rink Resurfacer.

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: February 26, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-103**

DOC ID: 1868

Authorization to Purchase Three Pick-Up Trucks From State Bid

Sponsored By: Councilmember Johnson Jr., Councilmember Jaworowicz

WHEREAS, the Sewer Maintenance and Engineering Department have requested authorization to purchase three (3) 1/2 ton, 4 X 4 pick-up trucks as specified in the New York State OGS Contract No. 40401, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2550-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of three (3) 2007 Chevrolet 1/2 ton, 4 X 4 pick-up trucks (extended cab) in the amount of \$21,556.02 each for a total of \$64,668.06 from:

Hoselton Chevrolet, Inc.
909 Fairport Road
East Rochester, New York 14445

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-104**

DOC ID: 1871

Accept Donation of Defibrillator

Sponsored By: Magierski, Rogowski, Johnson Jr.

WHEREAS, the Town of Cheektowaga through the Department of Parks, Recreation & Youth Services operates the Recreation Center at Cheektowaga Town Park, and

WHEREAS, the Family of Jeffrey B. Scott and the Madison McCarthy Cardiac Care Coalition for Children have donated an automatic external defibrillator to the Town of Cheektowaga for use at the Recreation Center, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned donation of an automatic defibrillator for use at the Recreation Center, and BE It FURTHRE

RESOLVED, that this Town Board hereby expresses its gratitude and thanks to the Family of Jeffrey B. Scott and the Madison McCarthy Cardiac Care Coalition for Children for its generous donation.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-105**

DOC ID: 1872

Authorize Supervisor to Execute Grant Application

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Council on the Arts to fund cultural components of the annual Polish-American Festival; NOW, THEREFORE BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grants consultant, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Council on the Arts for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-106

DOC ID: 1878

Merging of Parks Division and Buildings and Grounds Division Into Facilities Department

Sponsored By: Councilmember Swiatek, Councilmember Magierski

WHEREAS, after careful review and thorough study and deliberation, the members of this Town Board believe that bona fide financial benefits and economies will result in the merging of operations and administration of the Parks Division and the Buildings and Grounds Division into one department, the Facilities Department; AND

WHEREAS, the General Crew Chief of the Parks Division, who will oversee the new department, has informed the Town Board that he is able to perform the additional duties and responsibilities, including the general supervision and control required by the merging of the divisions, including but not limited to, general planning and implementation of work projects, general supervision of staff, maintenance of appropriate records, certifying payroll, developing and enforcement of work rules and procedures, and maintenance of discipline; AND

WHEREAS, the identified General Crew Chief has assured the Town Board that the aforementioned merger will not interfere with his current Parks Division duties under General Municipal Law, laws and rules promulgated by the Town Board; NOW, THEREFORE, BE IT

RESOLVED as follows:

1. The Parks Division and the Buildings and Grounds Division are hereby merged into the Facilities Department effective today, February 26, 2007;
2. The General Crew Chief of the Parks Division is hereby the General Crew Chief of the newly created Facilities Department and will report to the Town Board;
3. The formal title of the Parks, Recreation & Youth Department is hereby revised to the Youth & Recreation Department.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-107

DOC ID: 1860

Part-Time/Seasonal Appointments

Sponsored By: Councilmember Swiatek, Councilmember Magierski

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:

TOWN CLERK Clerk \$8/hour
Ian Trapper, Cheektowaga, NY
Effective 6/01/07

SANITATION DEPARTMENT Laborer \$7.75/hour effective 2/05/07
Christopher Ahrens, Cheektowaga, NY
Jerrod Chojnicki, Cheektowaga, NY
Darren Kazmierczak, Cheektowaga, NY

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:

FACILITIES DEPARTMENT Laborer \$8/hour effective 2/27/07
Peter Kreavy, Cheektowaga, NY

BE IT RESOLVED, that the following **PART-TIME** Court Officer's appointment date be and hereby is amended as follows:

Harry L. Bollman, Depew, NY
Effective 2/06/07

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-108**

DOC ID: 1861

Creation of Zoning Inspector (Part Time)**Sponsored By:** Councilmember Swiatek, Councilmember Magierski

BE IT RESOLVED, the Town Board hereby creates the position of Zoning Inspector (Part Time) pursuant to Civil Service Laws and Rules effective February 27, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-109

DOC ID: 1880

Appointment of Town Attorney (Kevin G. Schenk)

Sponsored By: Swiatek, Magierski, Johnson Jr., Jaworowicz, Rogowski, Zydel

WHEREAS, there is a vacancy in the position of Town Attorney as a result of the resignation/retirement of Michael J. Stachowski; AND

WHEREAS, Kevin G. Schenk has expressed an interest in serving as Town Attorney;
AND

WHEREAS, Kevin G. Schenk has served as Deputy Town Attorney since 1985 and is fully familiar with the operation of the Town Attorney's Office; AND

WHEREAS, this Board finds that Kevin G. Schenk is fully qualified for the position of Town Attorney; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the resignation/retirement of Michael J. Stachowski from his position as Town Attorney, effective February 26, 2007; AND, BE IT FURTHER

RESOLVED, that Kevin G. Schenk of Cheektowaga, New York be and hereby is terminated from his position as Deputy Town Attorney and is appointed to the position of Town Attorney effective February 27, 2007 and terminating on December 31, 2007, at a weekly salary of \$1,315.92; AND, BE IT FURTHER

RESOLVED, that May 21, 1985, the date Kevin G. Schenk initiated his employment with the Town Attorney's Office, shall be utilized for the computation of benefits outlined in the Personnel Policy for Exempt Employees.

Motioned by Unanimous; Seconded by Unanimous

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-110**

DOC ID: 1881

Appointment of Deputy Town Attorney (Jeffrey L. Whiting)

Sponsored By: Swiatek, Magierski, Johnson Jr., Jaworowicz, Rogowski, Zydel

WHEREAS, there is a vacancy in the position of Deputy Town Attorney as a result of the promotion of Kevin G. Schenk as Town Attorney; AND

WHEREAS, Jeffrey L. Whiting, Esq. has applied for such position; AND

WHEREAS, Jeffrey L. Whiting has served as Deputy Town Attorney/Prosecutor for the Town of Cheektowaga for a number of years; AND

WHEREAS, Jeffrey L. Whiting meets all of the qualifications for such position; NOW, THEREFORE, BE IT

RESOLVED, that Jeffrey L. Whiting be and hereby is terminated from his position as Deputy Town Attorney (Prosecutor), effective February 26, 2007; AND, BE IT FURTHER

RESOLVED, that Jeffrey L. Whiting of Cheektowaga, New York be and hereby is appointed to the position of Deputy Town Attorney effective February 27, 2007, at a weekly salary of \$769.24; AND, BE IT FURTHER

RESOLVED, that, as Deputy Town Attorney, Jeffrey L. Whiting shall not be entitled to any of the benefits outlined in the Personnel Policy for Exempt Employees other than salary.

Motioned by Unanimous; Seconded by Unanimous.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-111

DOC ID: 1879

Appointment of Deputy Town Attorney (Prosecutors) (2) Kathleen M. McDonald and Paul S. Piotrowski

Sponsored By: Swiatek, Magierski, Johnson Jr., Jaworowicz, Rogowski, Zydel

WHEREAS, there are two (2) vacancies in the position of Deputy Town Attorney (Prosecutor) as a result of the election of James M. Vallone to the position of Town Justice and the appointment of Jeffrey L. Whiting to the position of Deputy Town Attorney in the Town Attorney's Office; AND

WHEREAS, this Board has interviewed applicants for the position of Deputy Town Attorney/Prosecutor; AND

WHEREAS, Kathleen M. McDonald and Paul S. Piotrowski applied for such positions, and meet all of the requirements for such position; NOW, THEREFORE, BE IT

RESOLVED, that Kathleen M. McDonald of Depew, New York be and hereby is appointed to the position of Deputy Town Attorney (Prosecutor), effective February 27, 2007, at a weekly salary of \$342.54; AND, BE IT FURTHER

RESOLVED, that Paul S. Piotrowski, of Cheektowaga, New York, be and hereby is appointed to the position of Deputy Town Attorney (Prosecutor), effective February 27, 2007, at a weekly salary of \$342.54; AND, BE IT FURTHER

RESOLVED, that Kathleen M. McDonald and Paul S. Piotrowski shall not be entitled to receive any of the benefits outlined in the Personnel Policy for Exempt Employees other than salary.

Motioned by Unanimous; Seconded by Unanimous.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-112**

DOC ID: 1863 A

Appointment of Program Leader - Youth (Youth and Recreation) (Competitive/Temporary) Timothy M. White

Sponsored By: Councilmember Swiatek, Councilmember Magierski

WHEREAS, a temporary vacancy exists in the position of Program Leader - Youth in the Youth and Recreation Department; AND

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current civil service list is not in existence for said title; AND

WHEREAS, said title is part of the Town of Cheektowaga Employees Association; AND

WHEREAS, employees within the department were canvassed; AND

WHEREAS, Timothy M. White, currently employed as a Recreation Leader in the Youth and Recreation Department bid on said vacancy and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Timothy M. White of Depew, New York be and hereby is appointed to the temporary position of Program Leader - Youth the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective March 5, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-113**

DOC ID: 1882

Reassignment of General Crew Chief (John J. Jaroszewski, Jr.) to Facilities Department

Sponsored By: Swiatek, Magierski, Johnson Jr.

WHEREAS, this Town Board merged the former Parks Division and Buildings and Grounds Division into the Facilities Department effective today, February 26, 2007; AND

WHEREAS, the General Crew Chief of the former Parks Division, John J. Jaroszewski, Jr., has expressed an interest in said position and meets the necessary qualifications for reassignment from the Parks Division to the newly created Facilities Department; NOW, THEREFORE, BE IT

RESOLVED, that John J. Jaroszewski, Jr. of Sloan, New York be and hereby is reassigned to the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit, at an additional annual stipend of \$5,000, effective February 27, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-114

DOC ID: 1864

Amend Appointment of Motor Equipment Operator-A (Sewer Maintenance Division) (Non-Competitive/Permanent) Paul J. Stallone

Sponsored By: Swiatek, Magierski, Johnson Jr.

WHEREAS, a vacancy exists in the title of Motor Equipment Operator - A in the Sewer Maintenance Division; AND

WHEREAS, said title is part of the Town of Cheektowaga Employees Association; AND

WHEREAS, employees within the department were canvassed; AND

WHEREAS, Paul J. Stallone, currently employed as a Senior Sewer Maintenance Worker in the Sewer Maintenance Division, expressed an interest in said vacancy and meets the necessary qualifications for appointment; AND

WHEREAS, Mr. Stallone was to be appointed to this vacancy by this Town Board at the February 5, 2007 Town Board meeting; AND

WHEREAS, Mr. Stallone was erroneously appointed to the position of Senior Sewer Maintenance Worker; AND

WHEREAS, the Town Board wishes to correct this action; NOW, THEREFORE, BE IT

RESOLVED, that Paul J. Stallone of Cheektowaga, New York, be and hereby is appointed to the position of Motor Equipment Operator - A in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 5, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

**RESOLUTION 2007-115**

DOC ID: 1866

Travel Authorization (Accounting Department) "New York State Government Finance Officers Association Annual Conference" Brian Krause and Kathleen Travers

Sponsored By: Councilmember Swiatek, Councilmember Magierski

WHEREAS, the New York State Government Finance Officers Association Annual Conference is being held March 29-30, 2007 in Albany, New York; AND

WHEREAS, Director of Administration of Finance Brian Krause and Accountant Kathleen Travers have requested authorization to attend said conference; AND

WHEREAS, Mr. Krause 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 \$863; AND

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

RESOLVED, that of Administration of Finance Brian Krause and Accountant Kathleen Travers be and hereby are authorized to attend the New York State Government Finance Officers Association Annual Conference being held from March 29-30, 2007 in Albany, New York.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-116

DOC ID: 1867

Travel Authorization (Police Department) “Search Warrant Training” (Lieutenants David Zack and William Nagel)

Sponsored By: Councilmember Swiatek, Councilmember Magierski

WHEREAS, Search Warrant Training is being held March 8-9, 2007 in Albany, New York;
AND

WHEREAS, Police Lieutenants David Zack and William Nagel have requested authorization to attend said training; AND

WHEREAS, Police Chief Christine Ziemba 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 \$919.76; AND

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

RESOLVED, that Police Lieutenants David Zack and William Nagel be and hereby are authorized to attend Search Warrant Training being held March 8-9, 2007 in Albany, New York.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-117

DOC ID: 1865

Travel Authorization (Police Department) “Crime Scene Reconstruction” (Lieutenant David Zack and Detective Robert Mullen)

Sponsored By: Councilmember Swiatek, Councilmember Magierski

WHEREAS, a course entitled “Crime Scene Reconstruction” is scheduled to be held April 9-13, 2007 in Charlotte, North Carolina; AND

WHEREAS, Police Lieutenant David Zack and Detective Robert Mullen have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba 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 \$2,500.47; AND

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

RESOLVED, that Police Lieutenant David Zack and Detective Robert Mullen be and hereby are authorized to attend a course entitled “Crime Scene Reconstruction” scheduled to be held April 9-13, 2007 in Charlotte, North Carolina.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

V. Communications

A. Departmental Communications

1. Supervisor’s Statement of Funds - January 2007
2. Town of Cheektowaga Annual Budget 2007
3. Building Permits - January 2007
4. Cheektowaga Conservation Advisory Council - February 1, 2007
5. Minutes - Cheektowaga Traffic Safety Commission - January 16, 2007
6. Minutes - Town Environmental Advisory Committee - February 7, 2007

B. General Communications

1. Summons: HSBC Mortgage Corp. Vs. Christopher & Megan DeSabio & Town of Cheektowaga & Etal
2. Notice of Claim: Rita Buczynski Vs. Town of Cheektowaga
3. Notice of Claim: Ronald G. Carlisle Vs. Town of Cheektowaga
4. Notice of Claim: Michael Ferraraccio Vs. Town of Cheektowaga
5. Notice of Claim: Bruce Mansfield Vs. Town of Cheektowaga
6. Notice of Claim: Christine Olsen Vs. Town of Cheektowaga
7. Notice of Claim: Cuong Pham Vs. Town of Cheektowaga
8. Notice of Claim: Mary Ellen Prell Vs. Town of Cheektowaga

VI. Comments***A. Supervisor's /Deputy Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****VII. Suspension of Rules**

Motion by Councilmember Swiatek; Seconded by Councilmember Rogowski to Suspend the Rules to include the following Resolutions. And the Vote was Unanimous.



RESOLUTION 2007-118

DOC ID: 1885

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Councilmember Swiatek, Councilmember Magierski

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|-----------------------|--|------------------------|
| Arquette, Michael P | 21 Park Ave, Holland, N.Y. 14080 | 8/31/2009 |
| Benstead, Timothy S | 522 Linden Avenue, East Aurora, N.Y. 14052 | 12/31/2009 |
| Dash, Kevin M | 128 Circle Lane, Lackawanna, N.Y. 14218 | 2/28/2009 |
| Ganz, David G | 5668 Leete Rd, Lockport, N.Y. 14094 | 9/30/2009 |
| Harrison, Randy S | P O Box 64, Niagara Falls, N.Y. 14302 | 10/31/2009 |
| Kullerkupp, Peace | P O Box 425/ 311 Vulcan, Buffalo, N.Y. 14207 | 3/31/2008 |
| Leuer, Michael P | 322 Gold St, Buffalo, N.Y. 14206 | 9/30/2009 |
| Luscher, Donald E Jr | 1337 Tanglewood Dr, N Tonawanda, N.Y. 14120 | 10/31/2009 |
| Marshall, Matthew E | 4745 Broadway, Depew, N.Y. 14043 | 1/31/2008 |
| Measer, David C | 179 E Main St, Hamburg, N.Y. 14075 | 9/30/2009 |
| Mondschein, Keith D | 170 Westbrook Drive, Cheektowaga, N.Y. 14225 | 8/31/2009 |
| Pfeiffer, Joseph B | 415 Ortner, Darien Center, N.Y. 14040 | 10/31/2009 |
| Rivers, Edward A | 2663 Ferchen St, Wheatfield, N.Y. 14304 | 10/31/2009 |
| Roth, Randy J | 13167 Vaughn St, Springville, N.Y. 14141 | 11/30/2009 |
| Salt, Curt L | 9 Francis St, Middleport, N.Y. 14105 | 9/30/2009 |
| Schweickert, Alisha M | 30 Regan St, Delevan, N.Y. 14042 | 1/31/2010 |
| Smeal, Lance E | 5746 Locust St Ext, Lockport, N.Y. 14094 | 8/31/2009 |

| | | |
|-----------------------|--|------------|
| Wilger, Dennis R | 34 West Falls Rd, West Falls, N.Y. 14170 | 8/31/2009 |
| Yung, Donald | 3311 Hess, Lockport, N.Y. 14094 | 10/31/2009 |
| Yusuf, Hajara | 2191 N. French Rd. Apt. 5, Getzville, N.Y. 14068 | 9/30/2009 |
| Zemrac, Christopher E | 95 Ivanhoe Rd, Buffalo, N.Y. 14215 | 10/31/2009 |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-119

DOC ID: 1888

Amend Award of Bid for Clean Up of Properties

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, by resolution dated February 6, 2006 (resolution 2006-77), this Town Board awarded a bid for the clean up of various properties for 2006-2008, and

WHEREAS, the first RESOLVED paragraph of such resolution stated that the bid was awarded "based on its total maximum price not to exceed \$224,403.25", which dollar amount was actually based on a maximum price per year cost utilizing the estimated quantities projected by the Building Inspections Department, and

WHEREAS, this RESOLVED paragraph should have stated that the bid was awarded "as per the bid proposal of \$224,403.25 per year which proposal was based on the estimates listed in the bid specifications", and

WHEREAS, there is a need to correct such error in the wording of the resolution, NOW, THEREFORE, BE IT

RESOLVED, that the first RESOLVED clause of the aforementioned resolution be and hereby is amended to read as follows:

"RESOLVED, that the bid for Furnishing Equipment and Operators for the Clean-Up of Various Properties for 2006-2008 be and hereby is awarded to Benson's Site Services, Inc. as per the bid proposal of \$224,403.25 per year which proposal was based on the estimates listed in the bid specifications."

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |



RESOLUTION 2007-120

DOC ID: 1894

Personnel Policy - Exempt Employees/Department Heads and Those Who Are Not Department Heads

Sponsored By: Councilmember Swiatek, Councilmember Johnson Jr.

WHEREAS, the Town Board at its Work Session on February 22, 2007 considered and adopted modifications to the personal policies that apply to certain employees and officers of the Town of Cheektowaga who are not represented by a union, AND

WHEREAS, the Town Board wishes to ratify and confirm the action taken at February 22, 2007 Work Session, NOW THEREFORE BE IT

RESOLVED that the Town Board hereby ratifies the action taken at the February 22, 2007 work session and approves, as presented, the Town Exempt Employees/Department Head Policy and the Town Exempt Employees Non-Department Head Policy, to be effective February 22, 2007, and copies of which are available for review in the Town Clerk's office.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | James Jankowiak |

VIII. Adjournment

Motion by Councilmember Johnson; Seconded by Councilmember Rogowski to adjourn the meeting in Memory of George Burst, former Forman of the Central Garage, Past President of the Supervisory Unit .



Board
Regular Meeting
~ Minutes ~

Mary Holtz

Monday, March, 5, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 5, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|----------------------|---------------------|---------------|---------------|----------------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Kerry Switalski, Senior Services Director
John Jaroszewski, Working Crew Chief
Anthony Romano, Coordinator of Employee Relations
Emil Lennert, Planning Board Member
Kenneth Kopacz, Executive Director of Youth & Recreation Services

II. Public Comment Period

III. Resolutions



RESOLUTION 2007-121

DOC ID: 1890

2006 - Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

GENERAL FUND

| | | | |
|-------|----------------------------------|----|--------|
| FROM: | 100-1430-4013 Reference Library | \$ | 156.00 |
| TO: | 100-1430-4011 Printing Contracts | \$ | 156.00 |

SPECIAL DISTRICTS FUND

| | | | |
|-------|---|----|------------|
| FROM: | 150-8160-1901 Regular Payroll | \$ | 65,055.00 |
| | 255-8125-1901 Regular Payroll | | 84,762.00 |
| | 255-8125-1911 Longevity | | 1,385.00 |
| | 255-8125-1917 Clothing Allowance | | 470.00 |
| | 255-8125-1932 Sick Sellback | | 1,361.00 |
| | 255-8125-1951 Seasonal Regular | | 7,943.00 |
| | 255-8125-2550 Over the Road Vehicles | | 2,193.00 |
| | 255-8125-4217 Utilities | | 35,512.00 |
| | 255-8125-4352 Erie County Chargebacks | | 5,206.00 |
| | 255-8125-4431 Equipment Repairs | | 1,342.00 |
| | 255-8125-4438 Sewer Repairs | | 11,347.00 |
| | 255-8125-4453 Building Repairs | | 81.00 |
| | 255-8125-4543 Contracted Sewer Repairs | | 3,418.00 |
| | 255-8125-4545 Telemetry | | 1,847.00 |
| | 255-8125-4550 Photography & Mapping | | 1,500.00 |
| | 255-8125-4581 Consulting Engineers | | 20,324.00 |
| | 255-8125-8141 Medical Insurance | | 23,027.00 |
| | 255-8135-1917 Clothing Allowance | | 235.00 |
| | 255-8135-1951 Seasonal Regular | | 9,819.00 |
| | 255-8135-2512 Building Improvements | | 12,475.00 |
| | 255-8135-4021 Maintenance Supplies | | 1,660.00 |
| | 255-8135-4217 Utilities | | 14,544.00 |
| | 660-8356-4339 Hydrant Rental | | 704.00 |
| TO: | 150-8160-1902 Overtime Payroll | \$ | 30,740.00 |
| | 150-8160-1932 Sick Sellback | | 36.00 |
| | 150-8160-1951 Seasonal Regular | | 33,580.00 |
| | 150-8160-1971 PT Regular | | 699.00 |
| | 255-8125-1902 Overtime Payroll | | 25,333.00 |
| | 255-8125-1914 Shift Differential | | 1,735.00 |
| | 255-8125-1990 Other Pay | | 1,100.00 |
| | 255-8125-2505 Office Equipment | | 174.00 |
| | 255-8125-4353 Erie County Sewer Dist #4 | | 163,798.00 |
| | 255-8125-4543 Contracted Sewer Repairs | | 81.00 |

| | | |
|---------------|----------------------------|-----------|
| 255-8125-4702 | Buffalo Sewer Charges | 1,484.00 |
| 255-8125-8143 | Medical Insurance Retirees | 23,027.00 |
| 255-8135-1901 | Regular Payroll | 11,054.00 |
| 255-8135-1902 | Overtime Payroll | 10,926.00 |
| 255-8135-1914 | Shift Differential | 1,689.00 |
| 255-8135-1932 | Sick Sellback | 50.00 |
| 660-8356-4352 | Erie County Chargebacks | 704.00 |

HIGHWAY FUND

| | | | |
|-------|---------------|--------------------|-------------|
| FROM: | 300-5110-4178 | Blacktop | \$ 9,427.00 |
| | 300-5141-1901 | Regular Payroll | 149,265.00 |
| | 300-5141-1951 | Seasonal Regular | 15,035.00 |
| TO: | 300-5110-4162 | Gasoline & Oil | \$ 8,578.00 |
| | 300-5110-4185 | Barricades | 849.00 |
| | 300-5141-1902 | Overtime Payroll | 152,467.00 |
| | 300-5141-1914 | Shift Differential | 10,533.00 |
| | 300-5141-1990 | Other Pay | 1,300.00 |

PART TOWN FUND

| | | | |
|-------|---------------|-------------------|--------------|
| FROM: | 800-1910-4711 | Contingency | \$ 16,398.00 |
| | 800-3620-1902 | Overtime Payroll | 3,536.00 |
| | 800-3620-1971 | PT Regular | 16,438.00 |
| | 800-9010-8143 | Retirees Medical | 2,069.00 |
| TO: | 800-3620-1901 | Regular Payroll | \$ 20,491.00 |
| | 800-3620-1932 | Sick Sellback | 3,289.00 |
| | 800-9010-8141 | Medical Insurance | 14,661.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-122

DOC ID: 1891

2007 - Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007

GENERAL FUND

| | | | | |
|-------|--------------------|----------------------|----|------------|
| FROM: | 100-1415-3500 | State Aid Archive | \$ | 149,144.00 |
| TO: | 100-1415-1971-1001 | PT Regular | \$ | 5,208.00 |
| | 100-1415-4001-1001 | Contractual Services | | 59,442.00 |
| | 100-1415-4088-1001 | Travel Expenses | | 97.00 |
| | 100-1415-8000-1001 | Employee Benefits | | 424.00 |
| | 100-1415-2000-1001 | Equipment | | 9,025.00 |
| | 100-1415-4088-1002 | Travel Expenses | | 89.00 |
| | 100-1415-4003-1002 | Minor Remodeling | | 74,859.00 |

HUD CDBG FUND

| | | | | |
|-------|---------------|----------------------------|----|----------|
| FROM: | 700-5005-0793 | Depew-Senior Citizen Staff | \$ | 7,011.15 |
| | 700-1006-0600 | Housing Rehabilitation | | 8,300.00 |
| TO: | 700-5005-0780 | Depew-Senior Van Driver | \$ | 7,011.15 |
| | 700-1006-0606 | Disposition | | 8,300.00 |

SPECIAL DISTRICTS FUND

| | | | | |
|-------|---------------|---------------------------|----|-----------|
| FROM: | 255-1910-2655 | Minor Sales/Miscellaneous | \$ | 12,500.00 |
| TO: | 255-8125-2550 | Over The Road Vehicles | \$ | 12,500.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-123

DOC ID: 1895

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 2, 2007 are hereby approved and made a part hereof;

| | |
|------------------------|------------------------|
| GENERAL FUND | \$ 570,835.00 |
| RISK RETENTION FUND | 32,747.35 |
| SPECIAL DISTRICTS FUND | 176,432.36 |
| HIGHWAY FUND | 215,151.60 |
| CAPITAL FUND | 60,300.00 |
| TRUST & AGENCY | 9,227.32 |
| HUD CDBG FUND | 20,932.19 |
| PART TOWN FUND | 22,646.06 |
| | <u>\$ 1,108,271.88</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-124**

DOC ID: 1913

Decision on Amendments to Vehicle & Traffic Law

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, this Town Board held a public hearing on February 26, 2007 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, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

Como Park Boulevard - north and south sides: from the east curblineline of Union Road to the west curblineline of Countryside Lane.

Smallwood Terrace - west side: from the south curblineline of Genesee Street to a point 65± feet south.

ARTICLE V, Schedules, Section 235-50, Schedule XI: Standing Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-35, no person shall stand a vehicle at any time upon any of the following described streets or parts of streets:

LOSSON ROAD - south side: from the west curblineline of Transit Road to the east curblineline of Benz Drive.

LOSSON ROAD - south side: from the west curblineline of Benz Drive to a point 215± feet west.

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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-125

DOC ID: 1914

Decision on Local Law No. 3 of 2007 (Vehicles, Removal and Storage)

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to incorporate changes instituted by the NYS Department of Motor Vehicles and to increase the fee schedules and rates to bring them into equity with local and national recommendations, and

WHEREAS, a public hearing was held on the 26th day of February, 2007 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga, and

WHEREAS, it is in the public interest to enact "A Local Law to Amend Local Law No. 2 of the Year 1986 entitled "Vehicles, Removal and Storage" , NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2007, entitled "A Local Law to Amend a Local Law Relating to Vehicles, Removal and Storage", which is attached hereto and made a part hereof, be and the same is hereby enacted, AND BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in 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 2007 shall take effect upon filing with the Secretary of State.

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

LOCAL LAW NO. 3 of the YEAR 2007

A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO
VEHICLES, REMOVAL AND STORAGE

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

Section 241-2, Definitions, is amended as follows to revise the definition of Authorized Tow Truck to read as follows:

AUTHORIZED TOW TRUCK - a specially equipped vehicle designed for the towing or pushing of disabled vehicles and which is in compliance with New York State Vehicle and Traffic Law.

- A. Must have a minimum manufacturers gross vehicle weight rating (GVWR) of at least 10,000 pounds.
- B. Must have a commercially built wrecker body with hydraulically extendable boom with a minimum rating of 4 ton and wheel lift rating of 2 ton.
- C. Equipped as set forth in 241-9 of this chapter.
- D. Registered as a tow truck vehicle with the New York State Department of Motor Vehicles.

Section 241-2, Definitions, is amended as follows to delete the definition of "Heavy Tow Truck".

Section 241-3.1, Emergency Services, is amended to revise subsection B to read as follows:

B. The rental rates will be as follows:

- (1) Wrecker/flatbed including operator to restore any vehicle
Up to 10,000 lbs GVWR.....\$95.00 per hour
- (2) Wrecker, including operator to restore any vehicle
10,001 -25,999 lbs. GVWR.....\$150.00 per hour
- (3) Wrecker, including operator to restore any vehicle
26,000 lbs. - 80,000 lbs GVWR.....\$250.00 per hour
- (4) An extra person on the wrecker, when requested by the
Cheektowaga Police.....\$75.00 per hour

Section 241-9, Required Minimum Equipment, is revised to read as follows:

Authorized tow trucks and flatbed tow trucks shall have the following minimum equipment on board at all times:

- A. Emergency amber lights, as defined in 375, subdivision 41(3) of the Vehicle and Traffic Law of the State of New York.
- B. A carbon dioxide or dry powder fire extinguisher with a minimum capacity of 10 pounds.
- C. One dozen red railroad-type flares (thirty-minute duration.)
- D. A safety chain.
- E. A shovel.
- F. A broom.
- G. A set of dolly wheels.
- H. Scotch block(s) and snatch block(s).
- I. A trailer for motorcycles, all-terrain vehicles, snowmobiles (a flatbed would satisfy this requirement).
- J. Trucks must be clearly marked with the name, address and telephone number of the towing company in three-inch letters on both doors of the truck.
- K. Work lights directed to the rear of the vehicle to illuminate the area behind the tow truck.
- L. Authorized town towers will equip a truck at their expense with designated radio equipment, as specified by the Chief of Police.

Section 241-15, Fee Schedule,

Authorized town towers shall not charge more than the following fees for the following respective services:

- A. Passenger vehicles and light trucks:
 - (1) Standard tow (vehicles up to ten thousand (10,000) pounds) \$85.00

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| (2) Flat bed | \$105.00 |
| (3) Additional fees for labor, recovery and towing: | |
| (a) Truck with driver hourly rate | \$85.00 |
| ¼ hour increments | \$23.75 |
| (b) Dolly wheels | \$20.00 |
| (c) Trailer for motorcycle, ATV/C, snowmobile | \$20.00 |
| (d) Winching [per one-fourth (1/4) hour] | \$20.00 |
| (4) Storage (per 24 hour day) | \$30.00 |
| B. Medium Duty Tow - (10,001-25,999 GVW) | |
| (1) Hook up and tow vehicle | \$150.00 |
| (2) Additional skilled/licensed labor [hourly, per person] | \$75.00 |
| (3) Storage: (per twenty-four-hour-day) | \$40.00 |
| C. Heavy Duty Tow - (26,000 lbs. and up GVW) | |
| (1) Hook up and tow vehicle | \$250.00 |
| (2) Additional skilled/licensed labor [hourly, per person] | \$75.00 |
| (3) Storage: (per twenty-four-hour-day): | \$40.00 |
| D. Clean up debris from roadway for major accidents/incidents | |
| (1) Labor (per ½ hour) | \$25.00 |
| (2) Speedy dry/Dry-all (per bag) | \$ 9.95 |
| (3) Disposal of contaminated material 20% above market price (if exceeding 3 bags) | |
| E. After hour release | |
| (1) Releasing (vehicles or belongings) after 5 PM weekdays or other than required business hours on Saturday, Sunday and Holidays. | \$50.00 per hour (1 hrs. minimum) |

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-126**

DOC ID: 1924 A

Award of Bid - Truck with 32 Cubic Yard Refuse Packer Body

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) truck with 32 cubic yard refuse packer for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) truck with 32 cubic yard refuse packer body be awarded to:

Bison Truck Center, Inc.
2370 Walden Avenue
Cheektowaga, New York 14225

for their total bid in the amount of \$158,684.00 for one (1) 2007 Peterbilt Truck with McNeilus Refuse Packer Body; said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #1500-8160-2306.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-127**

DOC ID: 1923 A

Award of Bid - Three (3) 2006 Pool Cars

Sponsored By: Supervisor Jankowiak, Councilmember Johnson Jr.

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of three (3) 2006 pool cars for the Central Garage, which bids were duly received and opened at a public meeting held on February 21, 2007 at 11:00 a.m., AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of three (3) 2006 pool cars be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225 for their bid in the amount of \$32,700.00 for three (3) vehicles, said bid being the lowest bid meeting the specifications for the Central Garage.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-128**

DOC ID: 1921 A

Award of Bid - 2007 Model 4-Wheel Drive 3/4 Ton Pick-Up Truck

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, this Town Board invited sealed bids for one (1) 2007 model 4-wheel drive 3/4 ton pick-up truck, AND

WHEREAS, bids were received and opened at a public bid opening held on February 21, 2007 at 11:00 a.m. and said proposals were referred to the Central Garage General Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that after said analysis, it has been recommended that the bid for one (1) 2007 4-wheel drive 3/4 ton pick-up truck be and hereby is awarded to Basil Chevrolet, 5111 Transit Road, Depew, New York 14043 in the amount of \$23,556.00, said being the lowest bidder meeting all the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #2550-8125-2550.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-129

DOC ID: 1859

Notice to Bidders: Topsoil for Various Departments

Sponsored By: Councilmember Jaworowicz, Councilmember Johnson Jr.

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of TOPSOIL by Cheektowaga Highway Department and various departments in the Town.

Information for bidders and specifications may be obtained from the Office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00AM and 4:30PM, Monday through Friday, NOW
THEREFORE BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, March 21, 2007, at 11:00AM, in the Council Chambers of the Cheektowaga Town Hall.

NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on March 21, 2007 at a public bid opening at 11:00 AM, at the Town Hall located on Broadway and Union Roads, Cheektowaga, NY, for the purpose of furnishing TOPSOIL for use by various departments in the Town of Cheektowaga.

Specifications may be picked up at the Office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, NY, between the hours of 9:00 AM and 4:30 PM, Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

MARY HOLTZ
TOWN CLERK
TOWN OF CHEEKTOWAGA

DATED:

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



RESOLUTION 2007-130

DOC ID: 1930

Notice to Bidders for Purchase of Police Vehicles

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Two Unmarked Police Vehicles by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Times; and it is further

RESOLVED, that sealed bids will be received on the 21st day of March, 2007 at 11:00 A.M., at a public bid opening by the Town Clerk to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on the 21st day of March, 2007 at 11:00 A.M., at the Council Chambers, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of two (2) police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of two unmarked Ford Taurus's or equivalent 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 Holtz
Town Clerk

Dated: March 5, 2005

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-131**

DOC ID: 1892

Appropriate Moneys for Demolition

Sponsored By: Rogowski, Johnson Jr., Zydell, Jaworowicz

WHEREAS, the Supervising Code Enforcement Officer has identified buildings within the Town of Cheektowaga which are in disrepair, unsafe and in need of demolition, and

WHEREAS, under the Unsafe Buildings Law, in order to proceed with the demolition of buildings, the Building Inspections Department must notify the owner(s) of the property, and, if no response is had, the Town may proceed with the demolition and assess the cost of same to the property, and

WHEREAS, if the owner of the property does not remit payment, the amount will be added onto his/her property tax bill, and the County will reimburse the Town for all amounts owing on the tax bill, and

WHEREAS, moneys need to be appropriated to fund the demolition of these properties up front, and

WHEREAS, moneys are available in the fund balance (outside villages) because revenues from building permits have been in excess of what was estimated, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of \$120,000.00 from the fund balance (outside villages) into an account to be established by the Director of Administration and Finance to be used solely for "Building Demolition".

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| RESULT: | WITHDRAWN |
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**RESOLUTION 2007-132**

DOC ID: 1893

**Negative SEQR Declaration Greater Buffalo Savings Bank -
2801 Union Road**

Sponsored By: Councilmember Johnson Jr., 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 James Mulka of the Greater Buffalo Savings Bank for the construction of a one story, 2,950 square foot bank building at 2801 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 7, 2007 recommended a determination of non-significance as shown on the attached memorandum dated February 9, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of January 11, 2007, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals has reviewed an area variance request for relief from the minimum parking setback requirements, AND

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

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

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Zoning Board of Appeals granting the necessary area variance.
2. The Town Engineer reviewing and approving the drainage plan.

ATTACHMENTS:

Pages from EAC-February 7, 2007 minutes (PDF)

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-133**

DOC ID: 1925

Negative SEQR Declaration - 105 Kenville Road

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Andrew Terragnoli, P.E. for Chason Development for the construction of 15,765 s.f. community building with an accessory pool for an existing apartment complex at 105 Kenville Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 28, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 8, 2007, AND

WHEREAS, the applicant has indicated that they desire to enter into a Payment in Lieu of Taxes (PILOT) agreement with the Town for this new facility as shown on the attached correspondence, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage and grading plan.
2. Provisions being made for an accessible pedestrian route from the existing public walk to the proposed walk.
3. The applicant meeting with the Town Board to discuss a proposed PILOT agreement.

ATTACHMENTS:

Kensington TOCNY PILOT LETTER (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: James Rogowski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-134**

DOC ID: 1922

Negative SEQR Declaration - 3815-3823 Union Road

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 McDonald's USA, LLC for the construction of a 5,659 s.f. restaurant which will replace two existing restaurants at 3815-3825 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 28, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 8, 2007, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has reviewed an area variance request for parking lot setbacks and parking dimensional standards, which is still pending, AND

WHEREAS, the applicant has modified his/her original site plan to address concerns for impacts to the neighboring residential apartment complex, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Zoning Board of Appeals granting the necessary area variances
2. The Town Engineer reviewing and approving the drainage/grading plan.
3. The applicant providing a letter of commitment that its operations including refuse collection activities will observe the noise limits as established by Chapter 166 of the Town Code.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-135**

DOC ID: 1927

Negative SEQR Declaration - 4900-4908 Transit Road

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Benderson Development Company, LLC for the construction of a 24,885 s.f. retail plaza at 4900-4908 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 7, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of January 11, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage/grading plan.
2. All H.V.A.C. and similar mechanical equipment be roof mounted and on points furthest to the East, away from the neighboring residences.
3. The applicant erect a fence similar in style and height along the west property line as constructed for the neighboring "Target Plaza" and obtain an area variance to establish such fence height.
4. The applicant provide a letter of commitment to require his/her tenants to observe the limits placed on the generation of noise for all tenant operations including refuse collection as required by Chapter 166 of the Town Code.
5. The applicant provide a photometric plan for all exterior lighting, establishing no net increase in lumen levels at the westerly and southerly property lines

opposite any existing residential uses.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-136**

DOC ID: 1928

Negative SEQR Declaration- 3770 Union Road

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Nicholas F. Sardina of Rosa's Home Stores for the construction of a 5,450 s.f. retail building at 3770 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 28, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 10, 2006, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The applicant providing an accessible pedestrian route to the public walk along Union Road.
2. The Town Engineer reviewing and approving the drainage and grading plan.
3. No future consideration by this Town Board for a drive thru window for a restaurant tenant, AND BE IT

FURTHER RESOLVED, that this Town Board does not support any future Zoning Board of Appeals variance request by the applicant, or future land owners for relief from the off street parking requirements as a consequence of the applicant subject project.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-137

DOC ID: 1929

Negative SEQR Declaration - 1750 Walden Avenue

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Richard Pearson for Target Corporation for the construction of a 11,586 s.f. building addition to an existing retail store at 1750 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on November 22, 2006 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of July 13, 2006, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage/grading plan.
2. The applicant committing to providing additional shade trees/landscaping.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-138**

DOC ID: 1926

Authorize Supervisor to Execute Polish Festival Contracts

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements between the Town of Cheektowaga and performers and vendors for the 29th Annual Polish American Arts Festival, to be held on July 20th, 21st, and 22nd, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-139

DOC ID: 1917

Approve Cultural Group Agreements for 2007 for Patriotic Commission and Historical Association

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, the Town, in its 2007 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 2006 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):

| Cultural/Not-For-Profit Organization | Funding Approved |
|--------------------------------------|------------------|
| Cheektowaga Patriotic Commission | \$16,500.00 |
| Cheektowaga Historical Association | \$ 1,350.00 |

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 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-140

DOC ID: 1897

Snow Removal / 3466 Genesee Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3466 Genesee Street, Cheektowaga, New York SBL# 91.16-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify The Doro Family Trust LLC, PO Box 348 Ellicottville, New York 14731, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3466 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-141

DOC ID: 1898

Snow Removal / 3063 Genesee Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3063 Genesee Street, Cheektowaga, New York SBL# 91.18-7-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Huge Inc., Attn: Henry Fumerelle, 1815 Eggert Road, Amherst, New York 14226, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3063 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-142

DOC ID: 1899

Snow Removal / 3705 Harlem Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3705 Harlem Road, Cheektowaga, New York SBL# 80.17-8-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Atlantic Refining & Market, Tax Department, 1735 Market Street, Suite LL, Philadelphia, PA 19103, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3705 Harlem Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-143

DOC ID: 1901

Snow Removal / 86 Cayuga Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 86 Cayuga Road, Cheektowaga, New York SBL# 92.09-4-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Donald Boye, 192 Gates Street, Sloan, New York 14212, as the owner AND

WHEREAS, an inspection of such premises was conducted at 86 Cayuga Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-144

DOC ID: 1902

Snow Removal / Harlem, South Corner of Abeles

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at Harlem, South corner of Abeles, Cheektowaga, New York SBL# 102.54-4-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Henry & Vivian Tran, 8791 Millcreek, East Amherst, New York 14051, as the owner AND

WHEREAS, an inspection of such premises was conducted at Harlem Road, South corner of Abeles, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-145

DOC ID: 1903

Snow Removal / 2 Sandy Lane

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2 Sandy Lane, Cheektowaga, New York SBL# 113.34-2-50 that is a danger to the safety of others, and records kept by the Assessors Office identify Susan Thomas, 2 Sandy Lane, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2 Sandy Lane, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-146

DOC ID: 1904

Snow Removal / 3336 Genesee Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3336 Genesee Street, Cheektowaga, New York SBL# 91.15-11-30 that is a danger to the safety of others, and records kept by the Assessors Office identify Jennie Iacona, 3340 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3336 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-147

DOC ID: 1905

Snow Removal / 3577 Harlem Road

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3577 Harlem Road, Cheektowaga, New York SBL# 91.05-4-1.1 that is a danger to the safety of others, and records kept by the Assessors Office identify Subramanian Girija, 3577 Harlem Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3577 Harlem Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-148

DOC ID: 1906

Snow Removal / 2185 Walden Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2185 Walden Avenue, Cheektowaga, New York SBL# 102.04-1-24 that is a danger to the safety of others, and records kept by the Assessors Office identify 2185 Walden Partners, LLC, Chrysler Realty Company LLC, 1000 Chrysler Drive, Auburn Hills, MI 48326, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2185 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-149

DOC ID: 1907

Snow Removal / 1097 Walden Avenue

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1097 Walden Avenue, Cheektowaga, New York SBL# 101.60-8-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Pilgrim Baptist Church, 796 North Clinton Avenue, Rochester, New York 14605, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1097 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-150

DOC ID: 1908

Snow Removal / 2371 Genesee Street

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2371 Genesee Street, Cheektowaga, New York SBL# 101.28-8-6.1 that is a danger to the safety of others, and records kept by the Assessors Office identify James Nowaczewski, 2371 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2371 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-151

DOC ID: 1909

Snow Removal / 1112 Walden Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1112 Walden Avenue, Cheektowaga, New York SBL# 101.60-5-25 that is a danger to the safety of others, and records kept by the Assessors Office identify Camille Witkowski, 2298 Gowanda Zoar Road, Gowanda, New York 14070, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1112 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-152

DOC ID: 1911

Clean-Up / 3466 Genesee Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3466 Genesee Street, Cheektowaga, New York SBL# 91.16-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify the Doro Family Trust LLC, PO Box Ellicottville, New York 14731, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3466 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-153

DOC ID: 1910

Unsafe-Unsecured / 1112 Walden Avenue

Sponsored By: Magierski, Johnson Jr., Zydell, Rogowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1112 Walden Avenue, Cheektowaga, New York SBL# 101.60-5-25 that is a danger to the safety of others, and records kept by the Assessors Office identify Camille Witkowski, 2298 Gowanda Zoar Road, Gowanda, New York 14070, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1112 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-154

DOC ID: 1912

Unsafe-Unsecured / 74 Barbara Place

Sponsored By: Magierski, Johnson Jr., Zydell, Rogowski

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 74 Barbara Place, Cheektowaga, New York SBL# 90.84-1-9 that is a danger to the safety of others, and records kept by the Assessors Office identify Gradie Mcduffie & Estel, 74 Barbara Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 74 Barbara Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

**RESOLUTION 2007-155**

DOC ID: 1916

Appointment of Seasonal Employee**Sponsored By:** Councilmember Magierski, Councilmember Swiatek

BE IT RESOLVED, that the following individual be and hereby is hired as a **SEASONAL EMPLOYEE**, not to exceed five months in a calendar year, in the 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:

POLICE DEPARTMENT (Sign Maintenance) Laborer \$7.15/hour
Sean M. Trapper, Cheektowaga, NY
Effective 3/05/07`

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-156**

DOC ID: 1915

Appoint Civil Officer for Civil Actions

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town Board of the Town of Cheektowaga, a duly constituted Town of the First Class, deems it necessary and proper to have a Civil Officer appointed possessing the powers and duties of a Constable in civil actions and proceedings only; and

WHEREAS, The Town has a police department duly established pursuant to law;
NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the authority granted by Town Law Section (20(1)(a), Frank Krisnosky, 2194 Colvin Boulevard, Tonawanda, New York 14150, be and is hereby appointed a Civil Officer of the Town, possessing all the powers of a Constable in civil actions and proceedings only; and BE IT FURTHER

RESOLVED, that said Frank Krisnosky shall be paid no salary but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings; and BE IT FURTHER

RESOLVED, that this appointment shall take effect on March 12, 2007 and shall continue for a term ending December 31, 2008.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-157**

DOC ID: 1918

Appointment of Sewer Maintenance Worker (Sewer Maintenance Division) (Non-Competitive/Permanent) (James R. Wozniak)

Sponsored By: Magierski, Swiatek, Johnson Jr.

WHEREAS, a vacancy exists in the title of Sewer Maintenance Worker in the Sewer Maintenance Division; AND

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

WHEREAS, James R. Wozniak, currently employed as a Motor Equipment Operator - A in the Highway Department, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that James R. Wozniak of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 5, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-158**

DOC ID: 1862

**Appointment of Recreation Leader (Senior Services)
(Competitive/Temporary) Camille Russell**

Sponsored By: Councilmember Magierski, Councilmember Swiatek

WHEREAS, a temporary vacancy exists in the position of Recreation Leader in the Senior Services 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, a current civil service list is not in existence for said title; AND

WHEREAS, said vacancy was duly advertised and interviews were conducted; AND

WHEREAS, Camille Russell applied for said vacancy and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Camille Russell of Cheektowaga, New York be and hereby is appointed to the temporary position of Recreation Leader in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 6, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-159**

DOC ID: 1919

**Reappointment of General Mechanic (Facilities Department)
to Cleaner (Central Garage) (David Gallmeyer)****Sponsored By:** Councilmember Magierski, Councilmember Swiatek

BE IT RESOLVED, that David A. Gallmeyer of Cheektowaga, New York, be and hereby is reappointed from the title of General Mechanic in the Facilities Department to the title of Cleaner in the Central Garage pursuant to the Memorandum of Agreement between the Town and the Town of Cheektowaga Employees Association effective March 5, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

IV. Suspension of Rules

Motion by Councilmember Swiatek, second by Councilmember Magierski to suspend the rules to include the following three (3) resolutions, and the motion carried.

**RESOLUTION 2007-160**

DOC ID: 1920

Appointment of Recreation Leader (Youth & Recreation Department) (Competitive/Temporary) (Craig T. Jaskier)

Sponsored By: Councilmember Magierski, Councilmember Swiatek

WHEREAS, a temporary vacancy exists in the position of Recreation Leader in the Youth and Recreation 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, a current civil service list is not in existence for said title; AND

WHEREAS, said vacancy was duly advertised and interviews were conducted; AND

WHEREAS, Craig T. Jaskier applied for said vacancy and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Craig T. Jaskier of Cheektowaga, New York be and hereby is appointed to the temporary position of Recreation Leader in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 6, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-161**

DOC ID: 1931

Retain Law Firm

Sponsored By: Swiatek, Jankowiak, Johnson Jr., Jaworowicz, Magierski, Rogowski, Zydel

BE IT RESOLVED, that the Town hereby retains the services of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C., to represent the Town relative to an Arbitration Hearing brought against it by the Cheektowaga Police Club, Inc.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-162

DOC ID: 1933

Approve Cultural Group Agreements for 2007 for Cheektowaga Community Chorus, Cheektowaga Community Symphony Orchestra, Cheektowaga Art Guild & Cheektowaga Garden Club

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, the Town, in its 2007 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 2006 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 Chorus, Inc. | \$11,000.00 |
| Cheektowaga Community Symphony Orchestra | \$14,000.00 |
| Cheektowaga Art Guild | \$ 1,100.00 |
| Cheektowaga Garden Club | \$ 500.00 |

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Communications

A. Departmental Communications

1. Cheektowaga Conservation Advisory Council: Minutes of February 17, 2007 Meeting
2. Building Permits - February 2007

B. General Communications

1. Notice of Claim: Lisa A. Schulz Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmen's Comments

C. Public Comments

VII. Closing

| |
|---|
| Motion by Councilmember Johnson, second by Councilmember Swiatek to adjourn the meeting at 8:10 PM. |
|---|



Board

Meeting: 03/05/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Kathy Travers
Initiator: Kathy Travers

ADOPTED

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

RESOLUTION 2007-121

DOC ID: 1890

2006 - Transfer of Funds

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

GENERAL FUND

| | | | | |
|-------|---------------|--------------------|----|--------|
| FROM: | 100-1430-4013 | Reference Library | \$ | 156.00 |
| TO: | 100-1430-4011 | Printing Contracts | \$ | 156.00 |

SPECIAL DISTRICTS FUND

| | | | | |
|-------|---------------|---------------------------|----|------------|
| FROM: | 150-8160-1901 | Regular Payroll | \$ | 65,055.00 |
| | 255-8125-1901 | Regular Payroll | | 84,762.00 |
| | 255-8125-1911 | Longevity | | 1,385.00 |
| | 255-8125-1917 | Clothing Allowance | | 470.00 |
| | 255-8125-1932 | Sick Sellback | | 1,361.00 |
| | 255-8125-1951 | Seasonal Regular | | 7,943.00 |
| | 255-8125-2550 | Over the Road Vehicles | | 2,193.00 |
| | 255-8125-4217 | Utilities | | 35,512.00 |
| | 255-8125-4352 | Erie County Chargebacks | | 5,206.00 |
| | 255-8125-4431 | Equipment Repairs | | 1,342.00 |
| | 255-8125-4438 | Sewer Repairs | | 11,347.00 |
| | 255-8125-4453 | Building Repairs | | 81.00 |
| | 255-8125-4543 | Contracted Sewer Repairs | | 3,418.00 |
| | 255-8125-4545 | Telemetry | | 1,847.00 |
| | 255-8125-4550 | Photography & Mapping | | 1,500.00 |
| | 255-8125-4581 | Consulting Engineers | | 20,324.00 |
| | 255-8125-8141 | Medical Insurance | | 23,027.00 |
| | 255-8135-1917 | Clothing Allowance | | 235.00 |
| | 255-8135-1951 | Seasonal Regular | | 9,819.00 |
| | 255-8135-2512 | Building Improvements | | 12,475.00 |
| | 255-8135-4021 | Maintenance Supplies | | 1,660.00 |
| | 255-8135-4217 | Utilities | | 14,544.00 |
| | 660-8356-4339 | Hydrant Rental | | 704.00 |
| TO: | 150-8160-1902 | Overtime Payroll | \$ | 30,740.00 |
| | 150-8160-1932 | Sick Sellback | | 36.00 |
| | 150-8160-1951 | Seasonal Regular | | 33,580.00 |
| | 150-8160-1971 | PT Regular | | 699.00 |
| | 255-8125-1902 | Overtime Payroll | | 25,333.00 |
| | 255-8125-1914 | Shift Differential | | 1,735.00 |
| | 255-8125-1990 | Other Pay | | 1,100.00 |
| | 255-8125-2505 | Office Equipment | | 174.00 |
| | 255-8125-4353 | Erie County Sewer Dist #4 | | 163,798.00 |

| | | |
|---------------|----------------------------|-----------|
| 255-8125-4543 | Contracted Sewer Repairs | 81.00 |
| 255-8125-4702 | Buffalo Sewer Charges | 1,484.00 |
| 255-8125-8143 | Medical Insurance Retirees | 23,027.00 |
| 255-8135-1901 | Regular Payroll | 11,054.00 |
| 255-8135-1902 | Overtime Payroll | 10,926.00 |
| 255-8135-1914 | Shift Differential | 1,689.00 |
| 255-8135-1932 | Sick Sellback | 50.00 |
| 660-8356-4352 | Erie County Chargebacks | 704.00 |

HIGHWAY FUND

| | | | |
|-------|---------------|--------------------|-------------|
| FROM: | 300-5110-4178 | Blacktop | \$ 9,427.00 |
| | 300-5141-1901 | Regular Payroll | 149,265.00 |
| | 300-5141-1951 | Seasonal Regular | 15,035.00 |
| TO: | 300-5110-4162 | Gasoline & Oil | \$ 8,578.00 |
| | 300-5110-4185 | Barricades | 849.00 |
| | 300-5141-1902 | Overtime Payroll | 152,467.00 |
| | 300-5141-1914 | Shift Differential | 10,533.00 |
| | 300-5141-1990 | Other Pay | 1,300.00 |

PART TOWN FUND

| | | | |
|-------|---------------|-------------------|--------------|
| FROM: | 800-1910-4711 | Contingency | \$ 16,398.00 |
| | 800-3620-1902 | Overtime Payroll | 3,536.00 |
| | 800-3620-1971 | PT Regular | 16,438.00 |
| | 800-9010-8143 | Retirees Medical | 2,069.00 |
| TO: | 800-3620-1901 | Regular Payroll | \$ 20,491.00 |
| | 800-3620-1932 | Sick Sellback | 3,289.00 |
| | 800-9010-8141 | Medical Insurance | 14,661.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
 Department: Accounting/Payroll
 Category: Transfer of Funds
 Prepared By: Kathy Travers
 Initiator: Kathy Travers

ADOPTED

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

RESOLUTION 2007-122

DOC ID: 1891

2007 - Transfer of Funds

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007

GENERAL FUND

| | | |
|------------------------|----------------------|---------------|
| FROM: 100-1415-3500 | State Aid Archive | \$ 149,144.00 |
| TO: 100-1415-1971-1001 | PT Regular | \$ 5,208.00 |
| 100-1415-4001-1001 | Contractual Services | 59,442.00 |
| 100-1415-4088-1001 | Travel Expenses | 97.00 |
| 100-1415-8000-1001 | Employee Benefits | 424.00 |
| 100-1415-2000-1001 | Equipment | 9,025.00 |
| 100-1415-4088-1002 | Travel Expenses | 89.00 |
| 100-1415-4003-1002 | Minor Remodeling | 74,859.00 |

HUD CDBG FUND

| | | |
|---------------------|----------------------------|-------------|
| FROM: 700-5005-0793 | Depew-Senior Citizen Staff | \$ 7,011.15 |
| 700-1006-0600 | Housing Rehabilitation | 8,300.00 |
| TO: 700-5005-0780 | Depew-Senior Van Driver | \$ 7,011.15 |
| 700-1006-0606 | Disposition | 8,300.00 |

SPECIAL DISTRICTS FUND

| | | |
|---------------------|---------------------------|--------------|
| FROM: 255-1910-2655 | Minor Sales/Miscellaneous | \$ 12,500.00 |
| TO: 255-8125-2550 | Over The Road Vehicles | \$ 12,500.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
Department: Accounting/Payroll
Category: Warrant List
Prepared By: Kathy Travers
Initiator: Kathy Travers

ADOPTED

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz
DOC ID: 1895

RESOLUTION 2007-123

Warrant

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 2, 2007 are hereby approved and made a part hereof;

| | |
|------------------------|------------------------|
| GENERAL FUND | \$ 570,835.00 |
| RISK RETENTION FUND | 32,747.35 |
| SPECIAL DISTRICTS FUND | 176,432.36 |
| HIGHWAY FUND | 215,151.60 |
| CAPITAL FUND | 60,300.00 |
| TRUST & AGENCY | 9,227.32 |
| HUD CDBG FUND | 20,932.19 |
| PART TOWN FUND | 22,646.06 |
| | <u>\$ 1,108,271.88</u> |

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Patricia Jaworowicz, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM
 Department: Town Attorney
 Category: Adoption/Decision
 Prepared By: Kevin Schenk
 Initiator: Kevin Schenk

ADOPTED

Sponsors: Councilmember Johnson Jr., Councilmember Zydel

RESOLUTION 2007-124

DOC ID: 1913

Decision on Amendments to Vehicle & Traffic Law

WHEREAS, this Town Board held a public hearing on February 26, 2007 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, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

Como Park Boulevard - north and south sides: from the east curblineline of Union Road to the west curblineline of Countryside Lane.

Smallwood Terrace - west side: from the south curblineline of Genesee Street to a point 65± feet south.

ARTICLE V, Schedules, Section 235-50, Schedule XI: Standing Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-35, no person shall stand a vehicle at any time upon any of the following described streets or parts of streets:

LOSSON ROAD - south side: from the west curblineline of Transit Road to the east curblineline of Benz Drive.

LOSSON ROAD - south side: from the west curblineline of Benz Drive to a point 215± feet west.

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.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
Department: Town Attorney
Category: Adoption/Decision
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

ADOPTED

Sponsors: Supervisor Jankowiak, Councilmember Rogowski

RESOLUTION 2007-125

DOC ID: 1914

Decision on Local Law No. 3 of 2007 (Vehicles, Removal and Storage)

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

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to incorporate changes instituted by the NYS Department of Motor Vehicles and to increase the fee schedules and rates to bring them into equity with local and national recommendations, and

WHEREAS, a public hearing was held on the 26th day of February, 2007 at 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of amending Chapter 241 of the Code of the Town of Cheektowaga, and

WHEREAS, it is in the public interest to enact "A Local Law to Amend Local Law No. 2 of the Year 1986 entitled "Vehicles, Removal and Storage" , NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2007, entitled "A Local Law to Amend a Local Law Relating to Vehicles, Removal and Storage", which is attached hereto and made a part hereof, be and the same is hereby enacted, AND BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in 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 2007 shall take effect upon filing with the Secretary of State.

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

LOCAL LAW NO. 3 of the YEAR 2007

A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO

VEHICLES, REMOVAL AND STORAGE

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

Section 241-2, Definitions, is amended as follows to revise the definition of Authorized Tow Truck to read as follows:

AUTHORIZED TOW TRUCK - a specially equipped vehicle designed for the towing or pushing of disabled vehicles and which is in compliance with New York State Vehicle and Traffic Law.

- A. Must have a minimum manufacturers gross vehicle weight rating (GVWR) of at least 10,000 pounds.
- B. Must have a commercially built wrecker body with hydraulically extendable boom with a minimum rating of 4 ton and wheel lift rating of 2 ton.
- C. Equipped as set forth in 241-9 of this chapter.
- D. Registered as a tow truck vehicle with the New York State Department of Motor Vehicles.

Section 241-2, Definitions, is amended as follows to delete the definition of "Heavy Tow Truck".

Section 241-3.1, Emergency Services, is amended to revise subsection B to read as follows:

B. The rental rates will be as follows:

- (1) Wrecker/flatbed including operator to restore any vehicle
Up to 10,000 lbs GVWR.....\$95.00 per hour
- (2) Wrecker, including operator to restore any vehicle
10,001 -25,999 lbs. GVWR.....\$150.00 per hour
- (3) Wrecker, including operator to restore any vehicle
26,000 lbs. - 80,000 lbs GVWR.....\$250.00 per hour
- (4) An extra person on the wrecker, when requested by the
Cheektowaga Police.....\$75.00 per hour

Section 241-9, Required Minimum Equipment, is revised to read as follows:

Authorized tow trucks and flatbed tow trucks shall have the following minimum equipment on board at all times:

- A. Emergency amber lights, as defined in 375, subdivision 41(3) of the Vehicle and Traffic Law of the State of New York.
- B. A carbon dioxide or dry powder fire extinguisher with a minimum capacity of 10 pounds.
- C. One dozen red railroad-type flares (thirty-minute duration.)
- D. A safety chain.
- E. A shovel.
- F. A broom.
- G. A set of dolly wheels.
- H. Scotch block(s) and snatch block(s).
- I. A trailer for motorcycles, all-terrain vehicles, snowmobiles (a flatbed would satisfy this requirement).
- J. Trucks must be clearly marked with the name, address and telephone number of the towing company in three-inch letters on both doors of the truck.
- K. Work lights directed to the rear of the vehicle to illuminate the area behind the tow truck.
- L. Authorized town towers will equip a truck at their expense with designated radio equipment, as specified by the Chief of Police.

Section 241-15, Fee Schedule,

Authorized town towers shall not charge more than the following fees for the following respective services:

A. Passenger vehicles and light trucks:

- | | |
|--|----------------|
| (1) Standard tow (vehicles up to ten thousand (10,000) pounds) | \$85.00 |
| (2) Flat bed | \$105.00 |
| (3) Additional fees for labor, recovery and towing: | |
| (a) Truck with driver hourly rate | \$85.00 |
| ¼ hour increments | \$23.75 |
| (b) Dolly wheels | \$20.00 |
| (c) Trailer for motorcycle, ATV/C, snowmobile | \$20.00 |
| (d) Winching [per one-fourth (1/4) hour] | \$20.00 |
| (4) Storage (per 24 hour day) | \$30.00 |

B. Medium Duty Tow - (10,001-25,999 GVW)

- | | |
|--|----------|
| (1) Hook up and tow vehicle | \$150.00 |
| (2) Additional skilled/licensed labor [hourly, per person] | \$75.00 |
| (3) Storage: (per twenty-four-hour-day) | \$40.00 |

C. Heavy Duty Tow - (26,000 lbs. and up GVW)

- | | |
|--|----------|
| (1) Hook up and tow vehicle | \$250.00 |
| (2) Additional skilled/licensed labor [hourly, per person] | \$75.00 |
| (3) Storage: (per twenty-four-hour-day): | \$40.00 |

D. Clean up debris from roadway for major accidents/incidents

- | | |
|--|---------|
| (1) Labor (per ½ hour) | \$25.00 |
| (2) Speedy dry/Dry-all (per bag) | \$ 9.95 |
| (3) Disposal of contaminated material 20% above market price (if exceeding 3 bags) | |

E. After hour release

- (1) Releasing (vehicles or belongings) after 5 PM weekdays or other than required business hours on Saturday, Sunday and Holidays.

\$50.00 per hour
(1 hrs. minimum)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM
 Department: Engineering
 Category: Award of Bid
 Prepared By: Diane Swiatek
 Initiator: William Pugh

ADOPTED

Sponsors: Councilmember Johnson Jr., Supervisor Jankowiak

RESOLUTION 2007-126

DOC ID: 1924 A

Award of Bid - Truck with 32 Cubic Yard Refuse Packer Body

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) truck with 32 cubic yard refuse packer for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) truck with 32 cubic yard refuse packer body be awarded to:

Bison Truck Center, Inc.
 2370 Walden Avenue
 Cheektowaga, New York 14225

for their total bid in the amount of \$158,684.00 for one (1) 2007 Peterbilt Truck with McNeilus Refuse Packer Body; said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #1500-8160-2306.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
Department: Engineering
Category: Award of Bid
Prepared By: Diane Swiatek
Initiator: William Pugh

ADOPTED

Sponsors: Supervisor Jankowiak, Councilmember Johnson Jr.

RESOLUTION 2007-127

DOC ID: 1923 A

Award of Bid - Three (3) 2006 Pool Cars

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of three (3) 2006 pool cars for the Central Garage, which bids were duly received and opened at a public meeting held on February 21, 2007 at 11:00 a.m., AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of three (3) 2006 pool cars be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225 for their bid in the amount of \$32,700.00 for three (3) vehicles, said bid being the lowest bid meeting the specifications for the Central Garage.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
Department: Engineering
Category: Award of Bid
Prepared By: Diane Swiatek
Initiator: William Pugh

ADOPTED

Sponsors: Councilmember Johnson Jr., Supervisor Jankowiak

RESOLUTION 2007-128

DOC ID: 1921 A

Award of Bid - 2007 Model 4-Wheel Drive 3/4 Ton Pick-Up Truck

WHEREAS, this Town Board invited sealed bids for one (1) 2007 model 4-wheel drive 3/4 ton pick-up truck, AND

WHEREAS, bids were received and opened at a public bid opening held on February 21, 2007 at 11:00 a.m. and said proposals were referred to the Central Garage General Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that after said analysis, it has been recommended that the bid for one (1) 2007 4-wheel drive 3/4 ton pick-up truck be and hereby is awarded to Basil Chevrolet, 5111 Transit Road, Depew, New York 14043 in the amount of \$23,556.00, said being the lowest bidder meeting all the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #2550-8125-2550.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
Department: Highway
Category: Notice to Bidders
Prepared By: Judy Golas
Initiator: Christopher Kowal

ADOPTED

Sponsors: Councilmember Jaworowicz, Councilmember Johnson Jr.

RESOLUTION 2007-129

DOC ID: 1859

Notice to Bidders: Topsoil for Various Departments

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of TOPSOIL by Cheektowaga Highway Department and various departments in the Town.

Information for bidders and specifications may be obtained from the Office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00AM and 4:30PM, Monday through Friday, NOW THEREFORE BE IT

RESOLVED, that the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday, March 21, 2007, at 11:00AM, in the Council Chambers of the Cheektowaga Town Hall.

NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on March 21, 2007 at a public bid opening at 11:00 AM, at the Town Hall located on Broadway and Union Roads, Cheektowaga, NY, for the purpose of furnishing TOPSOIL for use by various departments in the Town of Cheektowaga.

Specifications may be picked up at the Office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Road, Cheektowaga, NY, between the hours of 9:00 AM and 4:30 PM, Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED AND SUBMITTED WITH EACH BID.

MARY HOLTZ
TOWN CLERK
TOWN OF CHEEKTOWAGA

DATED:

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM
 Department: Town Attorney
 Category: Notice to Bidders
 Prepared By: Connie Paoletti
 Initiator: Connie Paoletti

ADOPTED

Sponsors: Councilmember Jaworowicz, Councilmember Rogowski

RESOLUTION 2007-130

DOC ID: 1930

Notice to Bidders for Purchase of Police Vehicles

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Two Unmarked Police Vehicles by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Times; and it is further

RESOLVED, that sealed bids will be received on the 21st day of March, 2007 at 11:00 A.M., at a public bid opening by the Town Clerk to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on the 21st day of March, 2007 at 11:00 A.M., at the Council Chambers, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of two (2) police vehicles as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of two unmarked Ford Taurus's or equivalent 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 Holtz
 Town Clerk

Dated: March 5, 2005

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

WITHDRAWN

RESOLUTION 2007-131

Meeting: 03/05/07 06:45 PM

Department: Town Attorney

Category: Financial

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Rogowski, Johnson Jr., Zydell, Jaworowicz

DOC ID: 1892

Appropriate Moneys for Demolition

WHEREAS, the Supervising Code Enforcement Officer has identified buildings within the Town of Cheektowaga which are in disrepair, unsafe and in need of demolition, and

WHEREAS, under the Unsafe Buildings Law, in order to proceed with the demolition of buildings, the Building Inspections Department must notify the owner(s) of the property, and, if no response is had, the Town may proceed with the demolition and assess the cost of same to the property, and

WHEREAS, if the owner of the property does not remit payment, the amount will be added onto his/her property tax bill, and the County will reimburse the Town for all amounts owing on the tax bill, and

WHEREAS, moneys need to be appropriated to fund the demolition of these properties up front, and

WHEREAS, moneys are available in the fund balance (outside villages) because revenues from building permits have been in excess of what was estimated, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of \$120,000.00 from the fund balance (outside villages) into an account to be established by the Director of Administration and Finance to be used solely for "Building Demolition".

RESULT: WITHDRAWN



Board

Meeting: 03/05/07 06:45 PM

Department: Building

Category: SEQR/Site Plan Recommendations

Prepared By: Daniel Ulatowski

Initiator: Daniel Ulatowski

Sponsors: Councilmember Johnson Jr., Councilmember Magierski

ADOPTED

RESOLUTION 2007-132

DOC ID: 1893

Negative SEQR Declaration Greater Buffalo Savings Bank - 2801 Union Road

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 James Mulka of the Greater Buffalo Savings Bank for the construction of a one story, 2,950 square foot bank building at 2801 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 7, 2007 recommended a determination of non-significance as shown on the attached memorandum dated February 9, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of January 11, 2007, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals has reviewed an area variance request for relief from the minimum parking setback requirements, AND

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

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

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Zoning Board of Appeals granting the necessary area variance.
2. The Town Engineer reviewing and approving the drainage plan.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

The Town of Cheektowaga



- Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490
- Neighborhood Preservation Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 897-7281
- Fire Inspection Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 961-6501

MEMORANDUM

TO: Supervisor James J. Jankowiak
Honorable Town Board Members
Mary Holtz, Town Clerk
Michael Stachowski, Town Attorney

FROM: Thomas Adamczak
Supervising Code Enforcement Officer

DATE: February 9, 2007

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on February 7, 2007 in the Town Hall Council Office Conference Room. (Absent: Traffic Safety Representative)

ITEM I 2801 Union Road - Proposed 2,950 Sq. Ft. Bank Building

Applicant: Greater Buffalo Savings Bank

The site plan had been re-configured to provide safer access points to the site from the internal road network of the Appletree Business Park. This has been reviewed by the Traffic Safety Commission and the only further recommendation is that "one-way" signage or "do not enter" signage be placed at the driveway closest to Union Road.

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

ITEM II 2815-3823 Union Road - Proposed McDonald's (demolition of existing McDonald's & Boston Market)

Applicant: McDonald's Corporation

The site, located at the southeast corner of Union Road, would require a number of variances in order to be approved in its present configuration. The applicant's representative was told that 10 feet must be provided along the easterly property line with the apartment buildings. Within this 10 feet would be located an 8 foot board-on-board fence and plantings primarily of Colorado spruce. In addition the dumpster must be moved further west away from the apartment buildings and re-configured to provide access for the refuse people. Part of the curb system by the drive thru would be mountable curb to allow for fire apparatus to completely drive around the building.



Board

Meeting: 03/05/07 06:45 PM

Department: Building

Category: SEQR/Site Plan Recommendations

Prepared By: Daniel Ulatowski

Initiator: Daniel Ulatowski

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

DOC ID: 1925

ADOPTED

RESOLUTION 2007-133

Negative SEQR Declaration - 105 Kenville Road

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 Andrew Terragnoli, P.E. for Chason Development for the construction of 15,765 s.f. community building with an accessory pool for an existing apartment complex at 105 Kenville Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 28, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 8, 2007, AND

WHEREAS, the applicant has indicated that they desire to enter into a Payment in Lieu of Taxes (PILOT) agreement with the Town for this new facility as shown on the attached correspondence, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

- 1. The Town Engineer reviewing and approving the drainage and grading plan.
2. Provisions being made for an accessible pedestrian route from the existing public walk to the proposed walk.
3. The applicant meeting with the Town Board to discuss a proposed PILOT agreement.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



March 2, 2007

Town Of Cheektowaga
3301 Broadway
Cheektowaga, NY
142217

Dear Town Board of Cheektowaga:

Kensington Village Apartments (the "Project") is in the process of being acquired by a Delaware not for profit limited liability company (the "LLC") The LLC has been accepted by the Internal Revenue Service as an IRS Section 501 (c) (3) tax exempt entity and will qualify in New York State as tax exempt under the New York State Charities Registration Act. Therefore, it is exempt from paying real property taxes (other than special district or other use fees).

As part of this Project, the LLC will be constructing a community center on a portion of the Kensington Village property. Instead of electing real property tax-exempt status with the Town of Cheektowaga, the LLC desires to enter into a PILOT agreement with the town.

The LLC is proposing to have the newly constructed community center assessed at full value, with full property taxes to be phased in on a pro-rata basis over a twenty-year period. In other words, in year one the LLC would pay 1/20th of the taxes, in year two the LLC would pay 2/20th of the taxes and so on until the obligation to pay 100% of the taxes kicks in during year 20.

The LLC will continue to pay full real property taxes and Special District charges on the current assessed value of the balance of the Project, i.e., Kensington Village Apartments and appurtenances.

Sincerely:

A handwritten signature in blue ink, appearing to read "Mark Chason".

Mark Chason
As "Secretary"
Ken-Vil Corporation
General Partner of
Ken-Vil Associates, LP

Renewal Housing Corp., Managing Agent
105 Kenville Road • Buffalo, New York • 14215 (716) 833-3727 • Fax (716) 832-6247



Board

Meeting: 03/05/07 06:45 PM

Department: Building

Category: Town Clerk

Prepared By: Daniel Ulatowski

Initiator: Daniel Ulatowski

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

ADOPTED

RESOLUTION 2007-134

DOC ID: 1922

Negative SEQR Declaration - 3815-3823 Union Road

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 McDonald's USA, LLC for the construction of a 5,659 s.f. restaurant which will replace two existing restaurants at 3815-3825 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 28, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 8, 2007, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals has reviewed an area variance request for parking lot setbacks and parking dimensional standards, which is still pending, AND

WHEREAS, the applicant has modified his/her original site plan to address concerns for impacts to the neighboring residential apartment complex, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Zoning Board of Appeals granting the necessary area variances
2. The Town Engineer reviewing and approving the drainage/grading plan.
3. The applicant providing a letter of commitment that its operations including

refuse collection activities will observe the noise limits as established by Chapter 166 of the Town Code.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM

Department: Building

Category: SEQR/Site Plan Recommendations

Prepared By: Daniel Ulatowski

Initiator: Daniel Ulatowski

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

ADOPTED

RESOLUTION 2007-135

DOC ID: 1927

Negative SEQR Declaration - 4900-4908 Transit Road

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 Benderson Development Company, LLC for the construction of a 24,885 s.f. retail plaza at 4900-4908 Transit Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 7, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of January 11, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage/grading plan.
2. All H.V.A.C. and similar mechanical equipment be roof mounted and on points furthest to the East, away from the neighboring residences.
3. The applicant erect a fence similar in style and height along the west property line as constructed for the neighboring "Target Plaza" and obtain an area variance to establish such fence height.
4. The applicant provide a letter of commitment to require his/her tenants to observe the limits placed on the generation of noise for all tenant operations including refuse collection as required by Chapter 166 of the Town Code.
5. The applicant provide a photometric plan for all exterior lighting, establishing

no net increase in lumen levels at the westerly and southerly property lines opposite any existing residential uses.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM

Department: Building

Category: SEQR/Site Plan Recommendations

Prepared By: Daniel Ulatowski

Initiator: Daniel Ulatowski

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

ADOPTED

RESOLUTION 2007-136

DOC ID: 1928

Negative SEQR Declaration- 3770 Union Road

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 Nicholas F. Sardina of Rosa's Home Stores for the construction of a 5,450 s.f. retail building at 3770 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 28, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 10, 2006, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The applicant providing an accessible pedestrian route to the public walk along Union Road.
2. The Town Engineer reviewing and approving the drainage and grading plan.
3. No future consideration by this Town Board for a drive thru window for a restaurant tenant, AND BE IT

FURTHER RESOLVED, that this Town Board does not support any future Zoning Board of Appeals variance request by the applicant, or future land owners for relief from the off street parking requirements as a consequence of the applicant subject project.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

ADOPTED

RESOLUTION 2007-137

Meeting: 03/05/07 06:45 PM

Department: Building

Category: SEQR/Site Plan Recommendations

Prepared By: Daniel Ulatowski

Initiator: Daniel Ulatowski

Sponsors: Councilmember Johnson Jr., Councilmember Rogowski

DOC ID: 1929

Negative SEQR Declaration - 1750 Walden Avenue

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 Richard Pearson for Target Corporation for the construction of a 11,586 s.f. building addition to an existing retail store at 1750 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on November 22, 2006 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of July 13, 2006, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage/grading plan.
2. The applicant committing to providing additional shade trees/landscaping.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

ADOPTED

RESOLUTION 2007-138

Meeting: 03/05/07 06:45 PM
Department: Town Attorney
Category: Agreements, Bonds, Contracts
Prepared By: Connie Paoletti
Initiator: Connie Paoletti
Sponsors: Supervisor Jankowiak, Councilmember Rogowski
DOC ID: 1926

Authorize Supervisor to Execute Polish Festival Contracts

BE IT RESOLVED, that the Supervisor is hereby authorized to execute contracts and agreements between the Town of Cheektowaga and performers and vendors for the 29th Annual Polish American Arts Festival, to be held on July 20th, 21st, and 22nd, 2007.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

ADOPTED

RESOLUTION 2007-139

Meeting: 03/05/07 06:45 PM
 Department: Town Attorney
 Category: Agreements, Bonds, Contracts
 Prepared By: Kevin Schenk
 Initiator: Kevin Schenk
 Sponsors: Councilmember Rogowski, Councilmember Johnson Jr.
 DOC ID: 1917

Approve Cultural Group Agreements for 2007 for Patriotic Commission and Historical Association

WHEREAS, the Town, in its 2007 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 2006 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):

| Cultural/Not-For-Profit Organization | Funding Approved |
|--------------------------------------|------------------|
| Cheektowaga Patriotic Commission | \$16,500.00 |
| Cheektowaga Historical Association | \$ 1,350.00 |

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 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



Board

ADOPTED

RESOLUTION 2007-140

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1897

Snow Removal / 3466 Genesee Street

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3466 Genesee Street, Cheektowaga, New York SBL# 91.16-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify The Doro Family Trust LLC, PO Box 348 Ellicottville, New York 14731, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3466 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

ADOPTED

RESOLUTION 2007-141

Meeting: 03/05/07 06:45 PM

Department: Youth & Recreation

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Angela Ruchalski

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1898

Snow Removal / 3063 Genesee Street

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3063 Genesee Street, Cheektowaga, New York SBL# 91.18-7-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Huge Inc., Attn: Henry Fumerelle, 1815 Eggert Road, Amherst, New York 14226, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3063 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1899

ADOPTED

RESOLUTION 2007-142

Snow Removal / 3705 Harlem Road

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3705 Harlem Road, Cheektowaga, New York SBL# 80.17-8-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Atlantic Refining & Market, Tax Department, 1735 Market Street, Suite LL, Philadelphia, PA 19103, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3705 Harlem Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1901

ADOPTED

RESOLUTION 2007-143

Snow Removal / 86 Cayuga Road

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 86 Cayuga Road, Cheektowaga, New York SBL# 92.09-4-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Donald Boye, 192 Gates Street, Sloan, New York 14212, as the owner AND

WHEREAS, an inspection of such premises was conducted at 86 Cayuga Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

ADOPTED

RESOLUTION 2007-144

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1902

Snow Removal / Harlem, South Corner of Abeles

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at Harlem, South corner of Abeles, Cheektowaga, New York SBL# 102.54-4-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Henry & Vivian Tran, 8791 Millcreek, East Amherst, New York 14051, as the owner AND

WHEREAS, an inspection of such premises was conducted at Harlem Road, South corner of Abeles, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1903

ADOPTED

RESOLUTION 2007-145

Snow Removal / 2 Sandy Lane

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2 Sandy Lane, Cheektowaga, New York SBL# 113.34-2-50 that is a danger to the safety of others, and records kept by the Assessors Office identify Susan Thomas, 2 Sandy Lane, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2 Sandy Lane, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

ADOPTED

RESOLUTION 2007-146

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1904

Snow Removal / 3336 Genesee Street

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3336 Genesee Street, Cheektowaga, New York SBL# 91.15-11-30 that is a danger to the safety of others, and records kept by the Assessors Office identify Jennie Iacona, 3340 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3336 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1905

ADOPTED

RESOLUTION 2007-147

Snow Removal / 3577 Harlem Road

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3577 Harlem Road, Cheektowaga, New York SBL# 91.05-4-1.1 that is a danger to the safety of others, and records kept by the Assessors Office identify Subramanian Girija, 3577 Harlem Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3577 Harlem Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1906

ADOPTED

RESOLUTION 2007-148

Snow Removal / 2185 Walden Avenue

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2185 Walden Avenue, Cheektowaga, New York SBL# 102.04-1-24 that is a danger to the safety of others, and records kept by the Assessors Office identify 2185 Walden Partners, LLC, Chrysler Realty Company LLC, 1000 Chrysler Drive, Auburn Hills, MI 48326, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2185 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

ADOPTED

RESOLUTION 2007-149

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1907

Snow Removal / 1097 Walden Avenue

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1097 Walden Avenue, Cheektowaga, New York SBL# 101.60-8-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Pilgrim Baptist Church, 796 North Clinton Avenue, Rochester, New York 14605, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1097 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

ADOPTED

RESOLUTION 2007-150

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1908

Snow Removal / 2371 Genesee Street

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2371 Genesee Street, Cheektowaga, New York SBL# 101.28-8-6.1 that is a danger to the safety of others, and records kept by the Assessors Office identify James Nowaczewski, 2371 Genesee Street, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2371 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1909

ADOPTED

RESOLUTION 2007-151

Snow Removal / 1112 Walden Avenue

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1112 Walden Avenue, Cheektowaga, New York SBL# 101.60-5-25 that is a danger to the safety of others, and records kept by the Assessors Office identify Camille Witkowski, 2298 Gowanda Zoar Road, Gowanda, New York 14070, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1112 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1911

ADOPTED

RESOLUTION 2007-152

Clean-Up / 3466 Genesee Street

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3466 Genesee Street, Cheektowaga, New York SBL# 91.16-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify the Doro Family Trust LLC, PO Box Ellicottville, New York 14731, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3466 Genesee Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

Meeting: 03/05/07 06:45 PM
Department: Housing
Category: Building/Housing
Prepared By: Sue Sanscrainte
Initiator: Sue Sanscrainte

ADOPTED

Sponsors: Magierski, Johnson Jr., Zydel, Rogowski

RESOLUTION 2007-153

DOC ID: 1910

Unsafe-Unsecured / 1112 Walden Avenue

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1112 Walden Avenue, Cheektowaga, New York SBL# 101.60-5-25 that is a danger to the safety of others, and records kept by the Assessors Office identify Camille Witkowski, 2298 Gowanda Zoar Road, Gowanda, New York 14070, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1112 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

ADOPTED

RESOLUTION 2007-154

Meeting: 03/05/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel, Rogowski

DOC ID: 1912

Unsafe-Unsecured / 74 Barbara Place

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 74 Barbara Place, Cheektowaga, New York SBL# 90.84-1-9 that is a danger to the safety of others, and records kept by the Assessors Office identify Gradie Mcduffie & Estel, 74 Barbara Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 74 Barbara Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Councilmember Swiatek

DOC ID: 1916

ADOPTED

RESOLUTION 2007-155

Appointment of Seasonal Employee

BE IT RESOLVED, that the following individual be and hereby is hired as a SEASONAL EMPLOYEE, not to exceed five months in a calendar year, in the 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:

POLICE DEPARTMENT (Sign Maintenance) Laborer \$7.15/hour
Sean M. Trapper, Cheektowaga, NY
Effective 3/05/07

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Jeff Swiatek, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

ADOPTED

RESOLUTION 2007-156

Meeting: 03/05/07 06:45 PM
 Department: Town Attorney
 Category: Appointments/Reappointments
 Prepared By: Kevin Schenk
 Initiator: Kevin Schenk
 Sponsors: Councilmember Johnson Jr., Councilmember Rogowski
 DOC ID: 1915

Appoint Civil Officer for Civil Actions

WHEREAS, the Town Board of the Town of Cheektowaga, a duly constituted Town of the First Class, deems it necessary and proper to have a Civil Officer appointed possessing the powers and duties of a Constable in civil actions and proceedings only; and

WHEREAS, The Town has a police department duly established pursuant to law;
 NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the authority granted by Town Law Section (20(1)(a), Frank Krisnosky, 2194 Colvin Boulevard, Tonawanda, New York 14150, be and is hereby appointed a Civil Officer of the Town, possessing all the powers of a Constable in civil actions and proceedings only; and BE IT FURTHER

RESOLVED, that said Frank Krisnosky shall be paid no salary but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings; and BE IT FURTHER

RESOLVED, that this appointment shall take effect on March 12, 2007 and shall continue for a term ending December 31, 2008.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Magierski, Swiatek, Johnson Jr.

DOC ID: 1918

ADOPTED

RESOLUTION 2007-157

Appointment of Sewer Maintenance Worker (Sewer Maintenance Division) (Non-Competitive/Permanent) (James R. Wozniak)

WHEREAS, a vacancy exists in the title of Sewer Maintenance Worker in the Sewer Maintenance Division; AND

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

WHEREAS, James R. Wozniak, currently employed as a Motor Equipment Operator - A in the Highway Department, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE BE IT

RESOLVED, that James R. Wozniak of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 5, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Councilmember Swiatek

DOC ID: 1862

ADOPTED

RESOLUTION 2007-158

Appointment of Recreation Leader (Senior Services) (Competitive/Temporary) Camille Russell

WHEREAS, a temporary vacancy exists in the position of Recreation Leader in the Senior Services 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, a current civil service list is not in existence for said title; AND

WHEREAS, said vacancy was duly advertised and interviews were conducted; AND

WHEREAS, Camille Russell applied for said vacancy and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Camille Russell of Cheektowaga, New York be and hereby is appointed to the temporary position of Recreation Leader in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 6, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Councilmember Swiatek

DOC ID: 1919

ADOPTED

RESOLUTION 2007-159

**Reappointment of General Mechanic (Facilities Department)
to Cleaner (Central Garage) (David Gallmeyer)**

BE IT RESOLVED, that David A. Gallmeyer of Cheektowaga, New York, be and hereby is reappointed from the title of General Mechanic in the Facilities Department to the title of Cleaner in the Central Garage pursuant to the Memorandum of Agreement between the Town and the Town of Cheektowaga Employees Association effective March 5, 2007.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Councilmember Swiatek

DOC ID: 1920

ADOPTED

RESOLUTION 2007-160

Appointment of Recreation Leader (Youth & Recreation Department) (Competitive/Temporary) (Craig T. Jaskier)

WHEREAS, a temporary vacancy exists in the position of Recreation Leader in the Youth and Recreation 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, a current civil service list is not in existence for said title; AND

WHEREAS, said vacancy was duly advertised and interviews were conducted; AND

WHEREAS, Craig T. Jaskier applied for said vacancy and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Craig T. Jaskier of Cheektowaga, New York be and hereby is appointed to the temporary position of Recreation Leader in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 6, 2007.

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Board

Meeting: 03/05/07 06:45 PM
Department: Town Attorney
Category: Attorney & Legal Matters
Prepared By: Connie Paoletti
Initiator: Connie Paoletti
Sponsors: Swiatek, Jankowiak, Johnson Jr., Jaworowicz, Magierski, Rogowski, Zydel
DOC ID: 1931

ADOPTED

RESOLUTION 2007-161

Retain Law Firm

BE IT RESOLVED, that the Town hereby retains the services of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C., to represent the Town relative to an Arbitration Hearing brought against it by the Cheektowaga Police Club, Inc.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Board

ADOPTED

RESOLUTION 2007-162

Meeting: 03/05/07 06:45 PM

Department: Town Attorney

Category: Agreements, Bonds, Contracts

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Rogowski, Councilmember Johnson Jr.

DOC ID: 1933

Approve Cultural Group Agreements for 2007 for Cheektowaga Community Chorus, Cheektowaga Community Symphony Orchestra, Cheektowaga Art Guild & Cheektowaga Garden Club

WHEREAS, the Town, in its 2007 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 2006 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 Chorus, Inc. | \$11,000.00 |
| Cheektowaga Community Symphony Orchestra | \$14,000.00 |
| Cheektowaga Art Guild | \$ 1,100.00 |
| Cheektowaga Garden Club | \$ 500.00 |

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Work Session

~ Minutes ~

Mary Holtz

Tuesday, March, 13, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on March 13, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Absent | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Absent | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Absent | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Christine Ziembra, Chief of Police
Beth Lipczynski, Administrative Clerk

II. Resolutions

1. Motion To: Move into Executive Session at 6:10 PM

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |



RESOLUTION 2007-163

DOC ID: 1957

Settlement of Litigation - Loffredo V. Town

Sponsored By: Jankowiak, Rogowski, Jaworowicz, Zydel

WHEREAS, on or about June 17, 2004, an action (Loffredo v. Town of Cheektowaga, Index No. 2004-5845 and 2004-5846) was commenced against the Town; and

WHEREAS, the law firm of Chelus, Herdzik, Speyer, Monte & Pajak, P.C. (Arthur A. Herdzik, Esq., of counsel) was retained to represent the Town; vigorously defended the interests of the Town with regard to this claim; and has recommended a settlement with the claimants' attorney; and

WHEREAS, this settlement is in the best interest of the Town of Cheektowaga;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement in accord with the Stipulation of Discontinuance and General Releases signed by the plaintiffs, and the Town Attorney and/or Chelus, Herdzik, Speyer, Monte & Pajak, P.C. be and hereby are authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim in accordance with the terms of the General Releases and Stipulation of Discontinuance.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |

3. Motion To: Move out of Executive Session and return to Work Session at 6:15 PM

COMMENTS - Current Meeting:

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |

4. Motion To: Return to Executive Session re: Personnel Issues at 6:20 PM

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel
ABSENT: Thomas Johnson Jr., Jeff Swiatek, Alice Magierski

**RESOLUTION 2007-164**

DOC ID: 1958

Prefer Disciplinary Charges Against Police Officer**Sponsored By:** Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that, pursuant to Section 75 of the Civil Service Law, Section 155 of the Town Law and the Rules for the Government and Discipline of the Cheektowaga Police Department, this Town Board hereby prefers disciplinary charges against a certain Town of Cheektowaga Police Officer, and directs that such Officer be served with the charges and that a disciplinary hearing be held on such matter according to law.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |



RESOLUTION 2007-165

DOC ID: 1959

Appoint Hearing Officer

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that, pursuant to Section 75 of the New York State Civil Service Law and Section 155 of the New York State Town Law, Deputy Town Attorney Jeffrey L. Whiting is hereby appointed to act as Hearing Officer to hear charges and report and recommend to the Town Board proposed disciplinary action, upon charges preferred against a certain Town of Cheektowaga Police Officer.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |

7. Motion To: Move out of Executive Session and return to Work Session at 7:15 PM

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |

III. Adjourn

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|---|
| Motion by Supervisor Jankowiak, seconded by Councilmember Zydel to adjourn the Work Session at 8:45 PM. |
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Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-163

Meeting: 03/13/07 06:00 PM
Department: Town Attorney
Category: Attorney & Legal Matters
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Jankowiak, Rogowski, Jaworowicz, Zydel
DOC ID: 1957

Settlement of Litigation - Loffredo V. Town

WHEREAS, on or about June 17, 2004, an action (Loffredo v. Town of Cheektowaga, Index No. 2004-5845 and 2004-5846) was commenced against the Town; and

WHEREAS, the law firm of Chelus, Herdzik, Speyer, Monte & Pajak, P.C. (Arthur A. Herdzik, Esq., of counsel) was retained to represent the Town; vigorously defended the interests of the Town with regard to this claim; and has recommended a settlement with the claimants' attorney; and

WHEREAS, this settlement is in the best interest of the Town of Cheektowaga;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves of the above settlement in accord with the Stipulation of Discontinuance and General Releases signed by the plaintiffs, and the Town Attorney and/or Chelus, Herdzik, Speyer, Monte & Pajak, P.C. be and hereby are authorized to execute and procure all papers necessary to effectuate said settlement and compromise of the above mentioned claim in accordance with the terms of the General Releases and Stipulation of Discontinuance.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/13/07 06:00 PM

Department: Town Attorney

Category: Personnel Miscellaneous

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1958

ADOPTED

RESOLUTION 2007-164

Prefer Disciplinary Charges Against Police Officer

BE IT RESOLVED, that, pursuant to Section 75 of the Civil Service Law, Section 155 of the Town Law and the Rules for the Government and Discipline of the Cheektowaga Police Department, this Town Board hereby prefers disciplinary charges against a certain Town of Cheektowaga Police Officer, and directs that such Officer be served with the charges and that a disciplinary hearing be held on such matter according to law.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/13/07 06:00 PM

Department: Town Attorney

Category: Personnel Miscellaneous

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1959

ADOPTED

RESOLUTION 2007-165

Appoint Hearing Officer

BE IT RESOLVED, that, pursuant to Section 75 of the New York State Civil Service Law and Section 155 of the New York State Town Law, Deputy Town Attorney Jeffrey L. Whiting is hereby appointed to act as Hearing Officer to hear charges and report and recommend to the Town Board proposed disciplinary action, upon charges preferred against a certain Town of Cheektowaga Police Officer.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | James Jankowiak, Patricia Jaworowicz, James Rogowski, Richard Zydel |
| ABSENT: | Thomas Johnson Jr., Jeff Swiatek, Alice Magierski |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227

Mary Holtz
(716) 686-3400

Monday, March 19, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 19, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
John Jaroszewski, General Crew Chief, Facilities Department
Brian Hess, Assessor
Patricia E. Staniaszek, Supervisor's Office

II. Pledge of Allegiance

III. Public Comment Period

IV. Resolutions



RESOLUTION 2007-166

DOC ID: 1934

2006 - Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

HIGHWAY FUND

| | | | |
|-------|---------------|----------------------|---------------|
| FROM: | 300-5110-1701 | General Repairs | \$ 194,208.87 |
| | 300-5130-1701 | Highway Machinery | 13,970.40 |
| | 300-5141-1734 | Labor Allocation | 12,533.00 |
| | 300-5141-1735 | Labor Allocation | 178,668.94 |
| | 300-5148-1701 | Other Governments | 24,207.70 |
| | 300-5150-1701 | Highway Improvements | 23,908.49 |
| TO: | 300-5141-1731 | Labor Allocation | \$ 194,208.87 |
| | 300-5141-1733 | Labor Allocation | 13,970.40 |
| | 300-5140-1379 | Brush & Weed | 1,007.10 |
| | 300-5140-1701 | Brush & Weed | 11,525.90 |
| | 300-5142-1701 | Snow Removal | 178,668.94 |
| | 300-5141-1736 | Labor Allocation | 24,207.70 |
| | 300-5141-1737 | Labor Allocation | 23,908.49 |

SPECIAL DISTRICTS FUND

| | | | |
|-------|---------------|-------------------|-------------|
| FROM: | 255-8125-4163 | Gas, Oil & Grease | \$ 3,850.00 |
| | 400-8140-9201 | Bond Interest | 2,700.00 |
| TO: | 255-8125-4217 | Utilities | \$ 3,850.00 |
| | 400-8140-9101 | Bond Principal | 2,700.00 |

RISK RETENTION FUND

| | | | |
|-------|---------------|---------------------------|-------------|
| FROM: | 101-1710-4528 | Loss Control WC | \$ 1,636.00 |
| | 101-1932-4703 | Judgment & Claims General | 25,257.00 |
| | 101-1710-4101 | Insurance Premiums | 17,128.00 |
| TO: | 101-1710-4527 | Admin Claims Liability | \$ 1,636.00 |
| | 101-1937-4703 | Dental & Vision | 25,257.00 |
| | 101-1710-4523 | Claims Admin WC | 17,128.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-167**

DOC ID: 1962

2007 - Transfer of Funds**Sponsored By:** Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007HUD CDBG FUND

| | | | | |
|-------|---------------|----------------------------|----|----------|
| FROM: | 700-1006-0600 | Housing Rehabilitation | \$ | 663.66 |
| | 700-5006-0793 | Depew Senior Citizen Staff | | 4,000.00 |
| TO: | 700-1006-0606 | Disposition | \$ | 663.66 |
| | 700-5006-0780 | Depew Senior Van Driver | | 4,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-168

DOC ID: 1956

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED. That the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 16, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 3,252,744.95 |
| RISK RETENTION FUND | 428,313.75 |
| DEBT SERVICE FUND | 171,915.63 |
| HUD HOUSING REHABILITATION FUND | 16,439.00 |
| SPECIAL DISTRICT FUND | 848,602.99 |
| HIGHWAY FUND | 460,318.81 |
| CAPITAL FUND | 398,276.17 |
| TRUST & AGENCY FUND | 103.69 |
| HUD CDBG FUND | 2,809.73 |
| PART TOWN FUND | 103,978.41 |
| NYS AFFORDABLE HOUSING FUND | 3,000.00 |
| | <u>\$ 5,686,503.13</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-169**

DOC ID: 1936

Supervisor's Facsimile Signature**Sponsored By:** Councilmember Johnson Jr., Councilmember Swiatek

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of the Town Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Dick Road-George Urban Boulevard Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Buffalo Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon maybe affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Town Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-170

DOC ID: 1938

Notice to Bidders - Athletic White Stripe 2007

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, Facilities Department requires Athletic White Stripe for the purpose of lining athletic fields, NOW, THEREFORE, BIT 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 28th day of March, 2007 at 11:00 AM at a public bid opening to be held in the council Chambers at Cheektowaga Town Hall.

=====

Notice to Bidders

Sealed proposals will be received by the Town Clerk on March 28, 2007 at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2007.

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

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-171

DOC ID: 1939

Notice to Bidders - Pool Maintenance Chemicals 2007

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Facilities Department, annually requires Pool Maintenance Chemicals for 2007, NOW, THEREFORE 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 28th day of March, 2007 at 11:00 AM at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

=====

Sealed proposals will be received by the Town Clerk on March 28, 2007 at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2007.

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

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-172

DOC ID: 1955

Notice to Bidders - Refinishing of Two Swimming Pools At 735 Maryvale Drive

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, it is in order that bids be advertised for the refinishing of two (2) metal swimming pools located at 735 Maryvale Drive in the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the refinishing of two (2) metal swimming pools, said notice to be published in THE CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on April 11, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 11, 2007 at 11:00 A.M., Local Time, at the Town Hall, corner of Broadway and Union Roads, for the refinishing of two (2) metal swimming pools located at 735 Maryvale Drive in the Town of Cheektowaga.

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

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

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

Contract must be completed in its entirety (both pools) by June 1, 2007.

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

Mary F. Holtz

Town Clerk

DATED: March 19, 2007

| |
|---|
| <p>RESULT: ADOPTED [UNANIMOUS] MOVER: James Rogowski, Councilmember SECONDER: James Jankowiak, Supervisor AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel</p> |
|---|



RESOLUTION 2007-173

DOC ID: 1950

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

Table with 3 columns: Name, Address, Expiration Date. Lists 18 individuals with their respective addresses and license expiration dates.

| | | |
|-----------------------|---|------------|
| McNierney, Corey G | 27 1/2 Madison Avenue, Blasdell, N.Y. 14219 | 7/31/2009 |
| Mondo, Jeffrey C | 75 Grant Blvd, Lackawanna, N.Y. 14218 | 2/28/2009 |
| Pepper, Stephan D | 250 Huth Rd Apt H, Cheektowaga, N.Y. 14225 | 8/31/2009 |
| Porter, Amy M | 5660 S Park, Apt. 116, Hamburg, N.Y. 14075 | 3/31/2009 |
| Seychew, Nicole L | 3929 Caitlin Terrace, Blasdell, N.Y. 14219 | 8/31/2009 |
| Shantel, Nancy S | 5110 Bradford St, PO Box 674, Hamburg, N.Y. 14075 | 2/28/2010 |
| Siegel, David L | 13259 Broadway, Alden, N.Y. 14004 | 8/31/2009 |
| Stauffiger, Jeffrey S | 16 Barton Court, Kenmore, N.Y. 14217 | 9/30/2009 |
| Stuckey, James P | 10 Bourbon Ct, West Seneca, N.Y. 14224 | 8/31/2009 |
| Wall, John T | 35 Mitchell Pl, Lackawanna, N.Y. 14218 | 10/31/2009 |
| Walsh, William D | 198 Claremont Avenue, Buffalo, N.Y. 14222 | 9/30/2009 |
| Whitmeyer, Michael J | 6822 Minuteman Trail, Derby, N.Y. 14047 | 10/31/2009 |
| Wilsman, Eric C | 11 Campus Dr E Apt. 4, Buffalo, N.Y. 14226 | 6/30/2009 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-174**

DOC ID: 1948

Memorialize NYS to Enact Bill to Keep St. Joseph's Hospital Open

Sponsored By: Jankowiak, Magierski, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.

WHEREAS, in 2005, New York State created the "New York State Commission on Health Care Facilities in the 21st Century" (hereinafter referred to as "Commission") to reorganize the hospital system in New York State, and to make recommendations for the health care system, which has been plagued by financial difficulties, and

WHEREAS, on November 28, 2006, the Commission made its recommendations to Governor Pataki, and

WHEREAS, one of the recommendations of the Commission was to close St. Joseph Hospital in Cheektowaga, and

WHEREAS, residents in the Town of Cheektowaga rely heavily upon the accessibility of St. Joseph Hospital, and, without this hospital in our Town, the lives and health of our residents would be severely jeopardized by requiring them to travel long distances to access the emergency room and health care, and

WHEREAS, the closing of St. Joseph Hospital would have a devastating effect on the local economy by the loss of jobs and the loss of business in the area, and

WHEREAS, St. Joseph Hospital is vital to preserving quality health care and access to health care for Town of Cheektowaga residents, and

WHEREAS, the loss of St. Joseph Hospital would severely affect the poor and uninsured in this area, and

WHEREAS, this Town Board, by resolution dated December 4, 2006 went on record urging the State to reject the recommendation of the Commission to close St. Joseph Hospital, and

WHEREAS, since the State Legislature did not reject the recommendations of the Commission in their entirety by December 31, 2006, they will be carried out by 2008, and

WHEREAS, State Assemblyman Dennis H. Gabryszak is sponsoring a bill (A.5382) in the Assembly; and Senators Dale M. Volker and William T. Stachowski are sponsoring a bill in the State Senate (S.2942) to direct that the New York State Commissioner of Health not to implement the recommendation of the Commission with regard to St. Joseph Hospital, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly supports Assembly Bill No. 5383/Senate Bill No. 2942 and memorializes the State Legislature to enact same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak, Senator Dale M. Volker, Senator William T. Stachowski, all other State legislative delegates from Western New

York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward copies of this resolution to the Town of Lancaster, Town of Elma, Town of West Seneca, Village of Depew, Village of Sloan and Village of Lancaster with a request that they enact similar resolutions

MOTIONED BY COUNCILMEMBER MAGIERSKI; SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE RESOLUTION, AND THE VOTE WAS UNANIMOUS.

WHEREAS, in 2005, New York State created the "New York State Commission on Health Care Facilities in the 21st Century" (hereinafter referred to as "Commission") to reorganize the hospital system in New York State, and to make recommendations for the health care system, which has been plagued by financial difficulties, and

WHEREAS, on November 28, 2006, the Commission made its recommendations to Governor Pataki, and

WHEREAS, one of the recommendations of the Commission was to close St. Joseph Hospital in Cheektowaga, and

WHEREAS, residents in the Town of Cheektowaga rely heavily upon the accessibility of St. Joseph Hospital, and, without this hospital in our Town, the lives and health of our residents would be severely jeopardized by requiring them to travel long distances to access the emergency room and health care, and

WHEREAS, the closing of St. Joseph Hospital would have a devastating effect on the local economy by the loss of jobs and the loss of business in the area, and

WHEREAS, St. Joseph Hospital is vital to preserving quality health care and access to health care for Town of Cheektowaga residents, and

WHEREAS, the loss of St. Joseph Hospital would severely affect the poor and uninsured in this area, and

WHEREAS, this Town Board, by resolution dated December 4, 2006 went on record urging the State to reject the recommendation of the Commission to close St. Joseph Hospital, and

WHEREAS, since the State Legislature did not reject the recommendations of the Commission in their entirety by December 31, 2006, they will be carried out by 2008, and

WHEREAS, State Assemblyman Dennis H. Gabryszak is sponsoring a bill (A.5382) in the Assembly; and Senators Dale M. Volker and William T. Stachowski are sponsoring a bill in the State Senate (S.2942) to direct that the New York State Commissioner of Health not to implement the recommendation of the Commission with regard to St. Joseph Hospital, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly supports Assembly Bill No. 5383/Senate Bill No. 2942 and memorializes the State Legislature to enact same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak, Senator Dale M. Volker, Senator William T. Stachowski, all other State legislative delegates from Western New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward copies of this resolution to the all Towns and Villages in Erie County with a request that they enact similar resolutions.

| | |
|------------------|---|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-175**

DOC ID: 1963

Oppose Change In Assessment Dates

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the taxable status date for assessments in the Town of Cheektowaga and other towns in Erie County is presently May 1st of each year, and

WHEREAS, seniors and others filing for exemptions from taxes must file their applications with the Town Assessor by May 1st, and

WHEREAS, currently, taxpayers have until the first Tuesday in June to file grievances concerning their assessments, and

WHEREAS, it has been proposed that the taxable status date be changed from May 1st to March 1st, and the grievance date from the first Tuesday in June to the fourth Tuesday in May, and

WHEREAS, this Board feels that the aforesaid proposed changes in the taxable status and grievance dates will negatively affect the Town and its taxpayers, especially senior citizens, for the following and other reasons:

- a number of senior citizens are out of town until springtime and would be unable to file their applications before March 1st
- residents, especially senior citizens, are accustomed to filing their applications by May 1st and may not understand that the date has changed
- the Assessor's Office would have less time to process building permits and, as such, new construction may not be placed on the rolls until the subsequent year, resulting in a loss of tax revenue to the Town of Cheektowaga
- Grievance day would take place around Memorial Day when many plan their vacations

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its opposition to any proposal to change the taxable status date and the grievance date for towns in Erie County, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Erie County Legislators serving the Town of Cheektowaga, the Chairperson of the Erie County Legislature and the Clerk of the Legislature, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward certified copies of this resolution to Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-176**

DOC ID: 1877

Authorize Supervisor to Execute Concert Agreements**Sponsored By:** Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that subject to approval by the Town Attorney, Supervisor James J. Jankowiak be and hereby is authorized to sign contracts between the Town of Cheektowaga, performers and recurring vendors for concerts and special events to be held during the year 2007.

FUNDING SOURCE: 0100-7140-4503
 0100-7140-4491
 0100-7620-4491
 0100-7620-4685
 0100-7550-4374

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-177

DOC ID: 1954

Approve Agreements with Arts Society and Friends of the Woods

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, the Town, in its 2007 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 2006 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreement(s) 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 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> |
|---|-------------------------|
| Arts Society of Cheektowaga | \$1,000.00 |
| Friends of the Woods, Ltd | \$ 800.00 |

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 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-178**

DOC ID: 1935

Appropriate Moneys for Demolition

Sponsored By: Rogowski, Jaworowicz, Zydel, Johnson Jr., Magierski, Jankowiak, Swiatek

WHEREAS, the Supervising Code Enforcement Officer has identified buildings within the Town of Cheektowaga which are in disrepair, unsafe and in need of demolition, and

WHEREAS, under the Unsafe Buildings Law, in order to proceed with the demolition of buildings, the Building Inspections Department must notify the owner(s) of the property, and, if no response is had, the Town may proceed with the demolition and assess the cost of same to the property, and

WHEREAS, if the owner of the property does not remit payment, the amount will be added onto his/her property tax bill, and the County will reimburse the Town for all amounts owing on the tax bill, and

WHEREAS, moneys need to be appropriated to fund the demolition of these properties up front, and

WHEREAS, moneys are available in the fund balance (outside villages) because revenues from building permits have been in excess of what was estimated, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of \$120,000.00 from the fund balance (outside villages) into an account to be established by the Director of Administration and Finance to be used solely for "Building Demolition".

| | |
|----------------|------------------|
| RESULT: | WITHDRAWN |
|----------------|------------------|



RESOLUTION 2007-179

DOC ID: 1960

Unsafe-Unsecured / 83 Pinehurst Avenue

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 83 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-40 that is a danger to the safety of others, and records kept by the Assessors Office identify John Weiner & Carl Weiner, 83 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 83 Pinehurst Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-180

DOC ID: 1961

Unsafe - Unsecured / 34 Cedar Road

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 34 Cedar Road, Cheektowaga, New York SBL# 90.08-7-69 that is a danger to the safety of others, and records kept by the Assessors Office identify Bankers Trust Company of CA, 7105 Corporate Drive, Plano, TX 75024, as the owner AND

WHEREAS, an inspection of such premises was conducted at 34 Cedar Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

**RESOLUTION 2007-181**

DOC ID: 1964

Open Burning/ 3325 Genesee Street

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the New Creation Fellowship to conduct a open fire on March 27, 2007 on the property located at 3325 Genesee Street, Cheektowaga, New York AND

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

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

WHEREAS, this Town Board has reviewed the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-182**

DOC ID: 1941

Creation of Two (2) Maintenance Worker Positions**Sponsored By:** Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates two (2) Maintenance Worker positions pursuant to Civil Service Laws and Rules effective March 20, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-183**

DOC ID: 1876

Reappointments to Youth Board

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS the Constitution and By-Laws of the Cheektowaga Youth Board allow for up to three (3) one-year re-appointments for members; and

WHEREAS Camille Brandon, Diane Panasiewicz and Lisa Melin have expressed an interest in continuing to serve on the voluntary board; NOW, THEREFORE, BE IT

RESOLVED that Camille Brandon and Diane Panasiewicz be and, hereby, are re-appointed to the Cheektowaga Youth Board, for an additional one-year term with an expiration date of January 17, 2008 and Lisa Melin is re-appointed for an additional one-year term with an expiration date of March 19, 2008.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-184**

DOC ID: 1937

Appoint Member to Veterans Affairs Committee**Sponsored By:** Zydel, Johnson Jr., Rogowski

WHEREAS, by resolution dated January 2, 2007, this Town Board appointed members to the Veterans Affairs Committee , and

WHEREAS, a vacancy exists on such Veterans Affairs Committee, and

WHEREAS, Stanley Blake has volunteered to serve on such Committee NOW, THEREFORE, BE IT

RESOLVED, that Stanley Blake of Lancaster, New York be and hereby is appointed as a member of the Veterans Affairs Committee, effective immediately and terminating on December 31, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Richard Zydel |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-185**

DOC ID: 1940

Appointment of Recreation Leader (Change Status From Temporary to Provisional) (Senior Services) Camille Russell

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Camille Russell was appointed by this Town Board to the temporary position of Recreation Leader in the Senior Services Department effective March 6, 2007; AND

WHEREAS, Dawn Bellere, also an employee of the Senior Services Department, was appointed to the contingent permanent position of Recreation Supervisor effective December 19, 2006; AND

WHEREAS, Ms. Bellere has completed her ninety-day (90) probationary period in the position and therefore the nature of her contingent permanent position has changed; AND

WHEREAS, Ms. Russell's appointment in the position of Recreation Leader in the Senior Services Department needs to be revised from temporary to provisional; NOW, THEREFORE, BE IT

RESOLVED, that Camille Russell of Cheektowaga, New York, be and hereby is appointed provisionally to the position of Recreation Leader in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective March 19, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-186**

DOC ID: 1942

**Amend Appointment Date of Sewer Maintenance Worker -
James R. Wozniak**

Sponsored By: Magierski, Jankowiak, Johnson Jr.

WHEREAS, James R. Wozniak was appointed to the position of Sewer Maintenance Worker effective March 5, 2007; AND

WHEREAS, Mr. Wozniak's effective date was erroneous; NOW, THEREFORE, BE IT

RESOLVED, that James R. Wozniak of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 8, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-187**

DOC ID: 1943

**Amend Appointment Date of Recreation Leader (Temporary)
(Craig T. Jaskier)**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Craig T. Jaskier was appointed to the temporary position of Recreation Leader effective March 6, 2007; AND

WHEREAS, Mr. Jaskier's effective date was erroneous; NOW, THEREFORE, BE IT

RESOLVED, that Craig T. Jaskier of Cheektowaga, New York, be and hereby is appointed to the temporary position of Recreation Leader in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 13, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-188

DOC ID: 1949

Amend Termination Date for Part-Time/Seasonal

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the following PART-TIME/SEASONAL employees' termination dates hereby be and are amended as follows:

MAIN PUMP STATION

Leroy Linkner effective 7/23/05

Peter Gullo effective 9/16/05

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-189**

DOC ID: 1951

**Transfer of General Mechanic (Building Maintenance -
Facilities Department) John E. Rogowski**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a temporary General Mechanic position existed in the Traffic Maintenance Division of the Police Department; AND

WHEREAS, John E. Rogowski was appointed to this temporary position; AND

WHEREAS, this temporary position no longer exists; NOW, THEREFORE, BE IT

RESOLVED, that John E. Rogowski of West Seneca, New York, be and hereby is transferred to his former position of General Mechanic in the Building Maintenance Division of the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 13, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-190**

DOC ID: 1953

**Permanent Appointment of Detectives In Police Department
(David M. Stevens and Valentine T. Zimniewicz)**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, David M. Stevens and Valentine T. Zimniewicz were assigned to the rank of Acting Detective in the Detective Bureau on September 19, 2006; AND

WHEREAS, the aforementioned employees have completed the Intern Program and satisfactorily served the six (6) month probationary period; NOW, THEREFORE, BE IT

RESOLVED, that David M. Stevens of Depew, New York, and Valentine T. Zimniewicz of Cheektowaga, New York, be and hereby are assigned to the rank of Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective March 19, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-191**

DOC ID: 1947

Travel Authorization (Police Department) (Police Detectives Joseph Crean and Terrance Griffin)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the New York State Police Sex Offense Seminar is being held May 21-25, 2007 in Albany, New York; AND

WHEREAS, Police Detectives Joseph Crean and Terrance Griffin have requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziembra 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 \$638; AND

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

RESOLVED, that Police Detectives Joseph Crean and Terrance Griffin be and hereby are authorized to attend New York State Police Sex Offense Seminar being held May 21-25, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-192**

DOC ID: 1946

Travel Authorization (Police Department) New York Tactical Expo and Conference (Police Sergeants Lawrence Bauer and Scott Pilat)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the New York Tactical Expo and Conference is being held May 8-10, 2007 in Poughkeepsie, New York; AND

WHEREAS, Police Sergeants Lawrence Bauer and Scott Pilat have requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziembra 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 \$1,567.18; AND

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

RESOLVED, that Police Sergeants Lawrence Bauer and Scott Pilat be and hereby are authorized to attend New York Tactical Expo and Conference being held May 8-10, 2007 in Poughkeepsie, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-193**

DOC ID: 1945

**Travel Authorization (Police Department) New York State
Truck Safety and Education Conference (Police Officer
Michael McDonough)**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the New York State Truck Safety and Education Conference is being held April 11-12, 2007 in Albany, New York; AND

WHEREAS, Police Officer Michael McDonough has requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziemba 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 \$500; AND

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

RESOLVED, that Police Officer Michael McDonough be and hereby is authorized to attend the New York State Truck Safety and Education Conference being held April 11-12, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-194

DOC ID: 1944

Travel Authorization (Police Department) (DARE Conference) Police Officer James Reeb

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the 20th Annual DARE International Training Conference is being held July 17-19, 2007 in Nashville, Tennessee; AND

WHEREAS, Police Officer James Reeb has requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziemba 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 \$1,362; AND

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

RESOLVED, that Police Officer James Reeb be and hereby is authorized to attend the 20th Annual DARE International Training Conference being held July 17-19, 2007 in Nashville, Tennessee.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Suspension of Rules

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|---|
| Motioned by Councilmember Johnson; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions and the Vote was Unanimous. |
|---|



RESOLUTION 2007-195

DOC ID: 1965

Award of Bid for Rodent Control Services

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the provision of rodent control services for the Town of Cheektowaga, and

WHEREAS, bid proposals for such services were duly received and opened, and

WHEREAS, the Supervising Code Enforcement Officer has submitted his analysis, tabulation and report with respect to such bid proposals, NOW, THEREFORE, BE IT

RESOLVED, that the contracts for the furnishing of rodent control services for 2007 be awarded to the following companies as follows:

| | |
|-------------------------|----------|
| Buffalo Exterminating | \$ 98.00 |
| Good Riddance | \$100.00 |
| Pugliese Pest Solutions | \$104.00 |
| Suburban Pest Control | \$120.00 |

, and BE IT FUTRHER

RESOLVED, that the Housing and Neighborhood Preservation Office shall utilize said companies in areas of the Town chosen by same, and BE IT FURTHER

RESOLVED, that funds are available in the Town budget for this purpose.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-196

DOC ID: 1966

Appointment to Board of Assessment Review

Sponsored By: Rogowski, Swiatek, Zydell, Jaworowicz, Jankowiak, Magierski, Johnson Jr.

WHEREAS, the term of Rudy Santa Maria as member of the Board of Assessment Review for the Town of Cheektowaga expired on September 30, 2006 , and

WHEREAS, Mr. Santa Maria is unable to perform the duties of member of Board of Assessment Review for another term, and

WHEREAS, the Chairman of the Board of Assessment Review has recommended that Richard E. Owczarzak be appointed to the Board of Assessment Review, and

WHEREAS, this Board wishes to fill this vacancy on the Board of Assessment Review with another individual, NOW, THEREFORE, BE IT

RESOLVED, that Richard E. Owczarzak, of Cheektowaga, New York be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2011.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

VI. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - February 2007
2. Minutes - Cheektowaga Planning Board - February 8, 2007
3. Minutes - Town Environmental Advisory Committee - February 28, 2007
4. Minutes - Cheektowaga Conservation Advisory Council - March 1, 2007
5. Minutes: Cheektowaga Traffic Safety Commission - February 20, 2007

B. General Communications

1. Notice of Claim: Kenneth A. Carlucci Vs. Town of Cheektowaga
2. Notice of Claim: Jennifer Davis Vs. Town of Cheektowaga
3. Notice of Claim: Kimberly M. Lawson Vs. Town of Cheektowaga

4. Notice of Claim: Harold W. Parks Vs. Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Closing

Motion by Councilmember Johnson; Seconded by Councilmember Zydel to adjourn the meeting at 7:15 PM.

**Town of Cheektowaga**3301 Broadway
Cheektowaga, NY 14227Meeting: 03/19/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Kathy Travers
Initiator: Kathy Travers

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1934

ADOPTED**RESOLUTION 2007-166****2006 - Transfer of Funds**

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006**HIGHWAY FUND**

| | | | |
|-------|---------------|----------------------|---------------|
| FROM: | 300-5110-1701 | General Repairs | \$ 194,208.87 |
| | 300-5130-1701 | Highway Machinery | 13,970.40 |
| | 300-5141-1734 | Labor Allocation | 12,533.00 |
| | 300-5141-1735 | Labor Allocation | 178,668.94 |
| | 300-5148-1701 | Other Governments | 24,207.70 |
| | 300-5150-1701 | Highway Improvements | 23,908.49 |

| | | | |
|-----|---------------|------------------|---------------|
| TO: | 300-5141-1731 | Labor Allocation | \$ 194,208.87 |
| | 300-5141-1733 | Labor Allocation | 13,970.40 |
| | 300-5140-1379 | Brush & Weed | 1,007.10 |
| | 300-5140-1701 | Brush & Weed | 11,525.90 |
| | 300-5142-1701 | Snow Removal | 178,668.94 |
| | 300-5141-1736 | Labor Allocation | 24,207.70 |
| | 300-5141-1737 | Labor Allocation | 23,908.49 |

SPECIAL DISTRICTS FUND

| | | | |
|-------|---------------|-------------------|-------------|
| FROM: | 255-8125-4163 | Gas, Oil & Grease | \$ 3,850.00 |
| | 400-8140-9201 | Bond Interest | 2,700.00 |

| | | | |
|-----|---------------|----------------|-------------|
| TO: | 255-8125-4217 | Utilities | \$ 3,850.00 |
| | 400-8140-9101 | Bond Principal | 2,700.00 |

RISK RETENTION FUND

| | | | |
|-------|---------------|---------------------------|-------------|
| FROM: | 101-1710-4528 | Loss Control WC | \$ 1,636.00 |
| | 101-1932-4703 | Judgment & Claims General | 25,257.00 |
| | 101-1710-4101 | Insurance Premiums | 17,128.00 |

| | | | |
|-----|---------------|------------------------|-------------|
| TO: | 101-1710-4527 | Admin Claims Liability | \$ 1,636.00 |
| | 101-1937-4703 | Dental & Vision | 25,257.00 |
| | 101-1710-4523 | Claims Admin WC | 17,128.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Kathy Travers
Initiator: Kathy Travers

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1962

ADOPTED

RESOLUTION 2007-167

2007 - Transfer of Funds

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007

HUD CDBG FUND

| | | | | |
|-------|---------------|----------------------------|----|----------|
| FROM: | 700-1006-0600 | Housing Rehabilitation | \$ | 663.66 |
| | 700-5006-0793 | Depew Senior Citizen Staff | | 4,000.00 |
| TO: | 700-1006-0606 | Disposition | \$ | 663.66 |
| | 700-5006-0780 | Depew Senior Van Driver | | 4,000.00 |

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: Patricia Jaworowicz, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Accounting/Payroll
Category: Warrant List
Prepared By: Kathy Travers
Initiator: Kathy Travers

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz
DOC ID: 1956

ADOPTED

RESOLUTION 2007-168

Warrant

BE IT RESOLVED. That the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 16, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 3,252,744.95 |
| RISK RETENTION FUND | 428,313.75 |
| DEBT SERVICE FUND | 171,915.63 |
| HUD HOUSING REHABILITATION FUND | 16,439.00 |
| SPECIAL DISTRICT FUND | 848,602.99 |
| HIGHWAY FUND | 460,318.81 |
| CAPITAL FUND | 398,276.17 |
| TRUST & AGENCY FUND | 103.69 |
| HUD CDBG FUND | 2,809.73 |
| PART TOWN FUND | 103,978.41 |
| NYS AFFORDABLE HOUSING FUND | 3,000.00 |
| | <u>\$ 5,686,503.13</u> |

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: Patricia Jaworowicz, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: Financial
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Johnson Jr., Councilmember Swiatek

DOC ID: 1936

ADOPTED

RESOLUTION 2007-169

Supervisor's Facsimile Signature

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Walden Avenue Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Depew Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office), as designated depositories of the Town of Cheektowaga, be and they are hereby requested, authorized and directed to honor checks, notes and other instruments for the payment of moneys against Town funds on deposit therein, including those payable to the individual order of the person whose name appears thereon as signer, when bearing or purporting to bear the facsimile signature of the Town Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Dick Road-George Urban Boulevard Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Buffalo Office), Citibank (Cheektowaga Office), Citizens Bank (Cheektowaga Office), Evans National Bank and Manufacturers and Traders Trust Company (Airport Plaza Office) shall be entitled to honor and to charge the proper bank account of the Town of Cheektowaga for such checks, notes and other instruments, regardless of by whom or by what means the actual purported facsimile signature thereon maybe affixed thereto, if such signature resembles the facsimile specimen or specimens, duly certified to or filed with said banks by the Town Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-170

Meeting: 03/19/07 06:45 PM
Department: Facilities Department
Category: Notice to Bidders
Prepared By: Maureen MacDonald
Initiator: John Jaroszewski
Sponsors: Supervisor Jankowiak, Councilmember Rogowski
DOC ID: 1938

Notice to Bidders - Athletic White Stripe 2007

WHEREAS, Facilities Department requires Athletic White Stripe for the purpose of lining athletic fields, NOW, THEREFORE, BIT 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 28th day of March, 2007 at 11:00 AM at a public bid opening to be held in the council Chambers at Cheektowaga Town Hall.

=====

Notice to Bidders

Sealed proposals will be received by the Town Clerk on March 28, 2007 at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe for the year 2007.

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

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-171

Meeting: 03/19/07 06:45 PM
Department: Facilities Department
Category: Notice to Bidders
Prepared By: Maureen MacDonald
Initiator: John Jaroszewski
Sponsors: Supervisor Jankowiak, Councilmember Rogowski
DOC ID: 1939

Notice to Bidders - Pool Maintenance Chemicals 2007

WHEREAS, the Town of Cheektowaga Facilities Department, annually requires Pool Maintenance Chemicals for 2007, NOW, THEREFORE 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 28th day of March, 2007 at 11:00 AM at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

=====

Sealed proposals will be received by the Town Clerk on March 28, 2007 at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals for the year 2007.

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

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Engineering
Category: Notice to Bidders
Prepared By: Diane Swiatek
Initiator: William Pugh
Sponsors: Councilmember Rogowski, Supervisor Jankowiak
DOC ID: 1955

ADOPTED

RESOLUTION 2007-172

**Notice to Bidders - Refinishing of Two Swimming Pools At
735 Maryvale Drive**

WHEREAS, it is in order that bids be advertised for the refinishing of two (2) metal swimming pools located at 735 Maryvale Drive in the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the refinishing of two (2) metal swimming pools, said notice to be published in THE CHEEKTOWAGA TIMES, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on April 11, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 11, 2007 at 11:00 A.M., Local Time, at the Town Hall, corner of Broadway and Union Roads, for the refinishing of two (2) metal swimming pools located at 735 Maryvale Drive in the Town of Cheektowaga.

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

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

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

Contract must be completed in its entirety (both pools) by June 1, 2007.

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

Resolution 2007-172

Meeting of March 19, 2007

Mary F. Holtz
Town Clerk

DATED: March 19, 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Town Clerk's Office
Category: E M S
Prepared By: Sharon Styborski
Initiator: Mary Holtz
Sponsors: Supervisor Jankowiak, Councilmember Magierski
DOC ID: 1950

ADOPTED

RESOLUTION 2007-173

New/Renewal Ambulance Driver/Attendant Licenses

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|------------------------|--|------------------------|
| Billings, Sandi R | 2244 Ontario Ave, Lower, Niagara Falls, N.Y. 14305 | 10/31/2009 |
| Blair, Lawrence Vito | 204 Ransom Rd, Lancaster, N.Y. 14086 | 8/31/2009 |
| Brown, Denise M | 2344 Colvin Ext. Apt. 8, Tonawanda, N.Y. 14150 | 1/31/2008 |
| Cleveland, Robert E | 1480 E Park Rd, Grand Island, N.Y. 14072 | 10/31/2008 |
| Colatosti, Paul M II | 34 Coit St, Buffalo, N.Y. 14206 | 9/30/2009 |
| Franquet, Julius C | 8 Holly Lane, Apt. 9, Tonawanda, N.Y. 14150 | 4/30/2009 |
| Hallett, Chad A | 5660 South Park Ave, Apt 123, Hamburg, N.Y. 14075 | 7/31/2009 |
| Hess, John H | 2005 Four Rod Road, East Aurora, N.Y. 14052 | 2/28/2010 |
| Hockenberry, William J | 7720 Simms Rd, Lockport, N.Y. 14094 | 5/31/2009 |
| Jennetti, Diona L | 1121 Schopper Rd, East Aurora, N.Y. 14052 | 2/28/2010 |
| Karaszewski, Scott T | 72Oakridge Drive Apt 8, West Seneca, N.Y. 14224 | 8/31/2008 |
| Kelleher, Anita H | 2266 William St. Apt. A, Cheektowaga, N.Y. 14206 | 2/28/2008 |
| Koeppel, Charles R | 1540 Center Rd, West Seneca, N.Y. 14224 | 9/30/2009 |
| Lightcap, Dale R | 25 Colonial Dr. Apt. 5B, Springville, N.Y. 14141 | 10/31/2009 |
| Luke, Jeffrey K | 3655 Harrison St, Blasdell, N.Y. 14219 | 8/31/2009 |
| McCafferty, Peter T | 35 Portland, Buffalo, N.Y. 14220 | 4/30/2009 |

| | | |
|----------------------|---|------------|
| McMahon, Susan M | 48 Latona Ct #2, Buffalo, N.Y. 14220 | 10/31/2009 |
| McNierney, Corey G | 27 1/2 Madison Avenue, Blasdell, N.Y. 14219 | 7/31/2009 |
| Mondo, Jeffrey C | 75 Grant Blvd, Lackawanna, N.Y. 14218 | 2/28/2009 |
| Pepper, Stephan D | 250 Huth Rd Apt H, Cheektowaga, N.Y. 14225 | 8/31/2009 |
| Porter, Amy M | 5660 S Park, Apt. 116, Hamburg, N.Y. 14075 | 3/31/2009 |
| Seychew, Nicole L | 3929 Caitlin Terrace, Blasdell, N.Y. 14219 | 8/31/2009 |
| Shantel, Nancy S | 5110 Bradford St, PO Box 674, Hamburg, N.Y. 14075 | 2/28/2010 |
| Siegel, David L | 13259 Broadway, Alden, N.Y. 14004 | 8/31/2009 |
| Stauffer, Jeffrey S | 16 Barton Court, Kenmore, N.Y. 14217 | 9/30/2009 |
| Stuckey, James P | 10 Bourbon Ct, West Seneca, N.Y. 14224 | 8/31/2009 |
| Wall, John T | 35 Mitchell Pl, Lackawanna, N.Y. 14218 | 10/31/2009 |
| Walsh, William D | 198 Claremont Avenue, Buffalo, N.Y. 14222 | 9/30/2009 |
| Whitmeyer, Michael J | 6822 Minuteman Trail, Derby, N.Y. 14047 | 10/31/2009 |
| Wilsman, Eric C | 11 Campus Dr E Apt. 4, Buffalo, N.Y. 14226 | 6/30/2009 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

Sponsors: Jankowiak, Magierski, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.

RESOLUTION 2007-174

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: New York State
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
DOC ID: 1948

Memorialize NYS to Enact Bill to Keep St. Joseph's Hospital Open

WHEREAS, in 2005, New York State created the "New York State Commission on Health Care Facilities in the 21st Century" (hereinafter referred to as "Commission") to reorganize the hospital system in New York State, and to make recommendations for the health care system, which has been plagued by financial difficulties, and

WHEREAS, on November 28, 2006, the Commission made its recommendations to Governor Pataki, and

WHEREAS, one of the recommendations of the Commission was to close St. Joseph Hospital in Cheektowaga, and

WHEREAS, residents in the Town of Cheektowaga rely heavily upon the accessibility of St. Joseph Hospital, and, without this hospital in our Town, the lives and health of our residents would be severely jeopardized by requiring them to travel long distances to access the emergency room and health care, and

WHEREAS, the closing of St. Joseph Hospital would have a devastating effect on the local economy by the loss of jobs and the loss of business in the area, and

WHEREAS, St. Joseph Hospital is vital to preserving quality health care and access to health care for Town of Cheektowaga residents, and

WHEREAS, the loss of St. Joseph Hospital would severely affect the poor and uninsured in this area, and

WHEREAS, this Town Board, by resolution dated December 4, 2006 went on record urging the State to reject the recommendation of the Commission to close St. Joseph Hospital, and

WHEREAS, since the State Legislature did not reject the recommendations of the Commission in their entirety by December 31, 2006, they will be carried out by 2008, and

WHEREAS, State Assemblyman Dennis H. Gabryszak is sponsoring a bill (A.5382) in the Assembly; and Senators Dale M. Volker and William T. Stachowski are sponsoring a bill in the State Senate (S.2942) to direct that the New York State Commissioner of Health not to implement the recommendation of the Commission with regard to St. Joseph Hospital, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly supports Assembly Bill No. 5383/Senate Bill No. 2942 and memorializes the State Legislature to enact same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak, Senator Dale M.

Volker, Senator William T. Stachowski, all other State legislative delegates from Western New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward copies of this resolution to the Town of Lancaster, Town of Elma, Town of West Seneca, Village of Depew, Village of Sloan and Village of Lancaster with a request that they enact similar resolutions

MOTIONED BY COUNCILMEMBER MAGIERSKI; SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE RESOLUTION, AND THE VOTE WAS UNANIMOUS.

WHEREAS, in 2005, New York State created the "New York State Commission on Health Care Facilities in the 21st Century" (hereinafter referred to as "Commission") to reorganize the hospital system in New York State, and to make recommendations for the health care system, which has been plagued by financial difficulties, and

WHEREAS, on November 28, 2006, the Commission made its recommendations to Governor Pataki, and

WHEREAS, one of the recommendations of the Commission was to close St. Joseph Hospital in Cheektowaga, and

WHEREAS, residents in the Town of Cheektowaga rely heavily upon the accessibility of St. Joseph Hospital, and, without this hospital in our Town, the lives and health of our residents would be severely jeopardized by requiring them to travel long distances to access the emergency room and health care, and

WHEREAS, the closing of St. Joseph Hospital would have a devastating effect on the local economy by the loss of jobs and the loss of business in the area, and

WHEREAS, St. Joseph Hospital is vital to preserving quality health care and access to health care for Town of Cheektowaga residents, and

WHEREAS, the loss of St. Joseph Hospital would severely affect the poor and uninsured in this area, and

WHEREAS, this Town Board, by resolution dated December 4, 2006 went on record urging the State to reject the recommendation of the Commission to close St. Joseph Hospital, and

WHEREAS, since the State Legislature did not reject the recommendations of the Commission in their entirety by December 31, 2006, they will be carried out by 2008, and

WHEREAS, State Assemblyman Dennis H. Gabryszak is sponsoring a bill (A.5382) in

the Assembly; and Senators Dale M. Volker and William T. Stachowski are sponsoring a bill in the State Senate (S.2942) to direct that the New York State Commissioner of Health not to implement the recommendation of the Commission with regard to St. Joseph Hospital, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly supports Assembly Bill No. 5383/Senate Bill No. 2942 and memorializes the State Legislature to enact same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak, Senator Dale M. Volker, Senator William T. Stachowski, all other State legislative delegates from Western New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward copies of this resolution to the all Towns and Villages in Erie County with a request that they enact similar resolutions.

| | |
|------------------|---|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-175

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: Assessment
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Supervisor Jankowiak, Councilmember Rogowski

DOC ID: 1963

Oppose Change In Assessment Dates

WHEREAS, the taxable status date for assessments in the Town of Cheektowaga and other towns in Erie County is presently May 1st of each year, and

WHEREAS, seniors and others filing for exemptions from taxes must file their applications with the Town Assessor by May 1st, and

WHEREAS, currently, taxpayers have until the first Tuesday in June to file grievances concerning their assessments, and

WHEREAS, it has been proposed that the taxable status date be changed from May 1st to March 1st, and the grievance date from the first Tuesday in June to the fourth Tuesday in May, and

WHEREAS, this Board feels that the aforesaid proposed changes in the taxable status and grievance dates will negatively affect the Town and its taxpayers, especially senior citizens, for the following and other reasons:

- a number of senior citizens are out of town until springtime and would be unable to file their applications before March 1st
- residents, especially senior citizens, are accustomed to filing their applications by May 1st and may not understand that the date has changed
- the Assessor's Office would have less time to process building permits and, as such, new construction may not be placed on the rolls until the subsequent year, resulting in a loss of tax revenue to the Town of Cheektowaga
- Grievance day would take place around Memorial Day when many plan their vacations

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its opposition to any proposal to change the taxable status date and the grievance date for towns in Erie County, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Erie County Legislators serving the Town of Cheektowaga, the Chairperson of the Erie County Legislature and the Clerk of the Legislature, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is also directed to forward certified copies of this resolution to Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Youth & Recreation

Category: Agreements, Bonds, Contracts

Prepared By: Linda Porter

Initiator: Linda Porter

Sponsors: Councilmember Jaworowicz, Councilmember Magierski

ADOPTED

RESOLUTION 2007-176

DOC ID: 1877

Authorize Supervisor to Execute Concert Agreements

BE IT RESOLVED that subject to approval by the Town Attorney, Supervisor James J. Jankowiak be and hereby is authorized to sign contracts between the Town of Cheektowaga, performers and recurring vendors for concerts and special events to be held during the year 2007.

FUNDING SOURCE: 0100-7140-4503
 0100-7140-4491
 0100-7620-4491
 0100-7620-4685
 0100-7550-4374

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Town Attorney

Category: Agreements, Bonds, Contracts

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Rogowski, Councilmember Johnson Jr.

ADOPTED

RESOLUTION 2007-177

DOC ID: 1954

Approve Agreements with Arts Society and Friends of the Woods

WHEREAS, the Town, in its 2007 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 2006 funding to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves agreement(s) 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 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> |
|---|-------------------------|
| Arts Society of Cheektowaga | \$1,000.00 |
| Friends of the Woods, Ltd | \$ 800.00 |

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 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: Building/Housing
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
DOC ID: 1935

WITHDRAWN

Sponsors: Rogowski, Jaworowicz, Zydel, Johnson Jr., Magierski, Jankowiak, Swiatek

RESOLUTION 2007-178

Appropriate Moneys for Demolition

WHEREAS, the Supervising Code Enforcement Officer has identified buildings within the Town of Cheektowaga which are in disrepair, unsafe and in need of demolition, and

WHEREAS, under the Unsafe Buildings Law, in order to proceed with the demolition of buildings, the Building Inspections Department must notify the owner(s) of the property, and, if no response is had, the Town may proceed with the demolition and assess the cost of same to the property, and

WHEREAS, if the owner of the property does not remit payment, the amount will be added onto his/her property tax bill, and the County will reimburse the Town for all amounts owing on the tax bill, and

WHEREAS, moneys need to be appropriated to fund the demolition of these properties up front, and

WHEREAS, moneys are available in the fund balance (outside villages) because revenues from building permits have been in excess of what was estimated, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of \$120,000.00 from the fund balance (outside villages) into an account to be established by the Director of Administration and Finance to be used solely for "Building Demolition".

RESULT: WITHDRAWN



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1960

ADOPTED

RESOLUTION 2007-179

Unsafe-Unsecured / 83 Pinehurst Avenue

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 83 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-40 that is a danger to the safety of others, and records kept by the Assessors Office identify John Weiner & Carl Weiner, 83 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 83 Pinehurst Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Housing

Category: Building/Housing

Prepared By: Sue Sanscrainte

Initiator: Sue Sanscrainte

Sponsors: Magierski, Johnson Jr., Zydel

DOC ID: 1961

ADOPTED

RESOLUTION 2007-180

Unsafe - Unsecured / 34 Cedar Road

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 34 Cedar Road, Cheektowaga, New York SBL# 90.08-7-69 that is a danger to the safety of others, and records kept by the Assessors Office identify Bankers Trust Company of CA, 7105 Corporate Drive, Plano, TX 75024, as the owner AND

WHEREAS, an inspection of such premises was conducted at 34 Cedar Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Housing
Category: Building/Housing
Prepared By: Sue Sanscrainte
Initiator: Sue Sanscrainte

Sponsors: Supervisor Jankowiak, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-181

DOC ID: 1964

Open Burning/ 3325 Genesee Street

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

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

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

WHEREAS, an application for a permit was submitted by the New Creation Fellowship to conduct a open fire on March 27, 2007 on the property located at 3325 Genesee Street, Cheektowaga, New York AND

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

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

WHEREAS, this Town Board has reviewed the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-182

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Personnel Miscellaneous

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1941

Creation of Two (2) Maintenance Worker Positions

BE IT RESOLVED, the Town Board hereby creates two (2) Maintenance Worker positions pursuant to Civil Service Laws and Rules effective March 20, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Youth & Recreation

Category: Appointments/Reappointments

Prepared By: Linda Porter

Initiator: Linda Porter

Sponsors: Councilmember Jaworowicz, Councilmember Magierski

ADOPTED

RESOLUTION 2007-183

DOC ID: 1876

Reappointments to Youth Board

WHEREAS the Constitution and By-Laws of the Cheektowaga Youth Board allow for up to three (3) one-year re-appointments for members; and

WHEREAS Camille Brandon, Diane Panasiewicz and Lisa Melin have expressed an interest in continuing to serve on the voluntary board; NOW, THEREFORE, BE IT

RESOLVED that Camille Brandon and Diane Panasiewicz be and, hereby, are re-appointed to the Cheektowaga Youth Board, for an additional one-year term with an expiration date of January 17, 2008 and Lisa Melin is re-appointed for an additional one-year term with an expiration date of March 19, 2008.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-184

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: Appointments/Reappointments
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Zydel, Johnson Jr., Rogowski
DOC ID: 1937

Appoint Member to Veterans Affairs Committee

WHEREAS, by resolution dated January 2, 2007, this Town Board appointed members to the Veterans Affairs Committee , and

WHEREAS, a vacancy exists on such Veterans Affairs Committee, and

WHEREAS, Stanley Blake has volunteered to serve on such Committee NOW, THEREFORE, BE IT

RESOLVED, that Stanley Blake of Lancaster, New York be and hereby is appointed as a member of the Veterans Affairs Committee, effective immediately and terminating on December 31, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Richard Zydel |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1940

ADOPTED

RESOLUTION 2007-185

Appointment of Recreation Leader (Change Status From Temporary to Provisional) (Senior Services) Camille Russell

WHEREAS, Camille Russell was appointed by this Town Board to the temporary position of Recreation Leader in the Senior Services Department effective March 6, 2007; AND

WHEREAS, Dawn Bellere, also an employee of the Senior Services Department, was appointed to the contingent permanent position of Recreation Supervisor effective December 19, 2006; AND

WHEREAS, Ms. Bellere has completed her ninety-day (90) probationary period in the position and therefore the nature of her contingent permanent position has changed; AND

WHEREAS, Ms. Russell's appointment in the position of Recreation Leader in the Senior Services Department needs to be revised from temporary to provisional; NOW, THEREFORE, BE IT

RESOLVED, that Camille Russell of Cheektowaga, New York, be and hereby is appointed provisionally to the position of Recreation Leader in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective March 19, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Magierski, Jankowiak, Johnson Jr.

DOC ID: 1942

ADOPTED

RESOLUTION 2007-186

**Amend Appointment Date of Sewer Maintenance Worker -
James R. Wozniak**

WHEREAS, James R. Wozniak was appointed to the position of Sewer Maintenance Worker effective March 5, 2007; AND

WHEREAS, Mr. Wozniak's effective date was erroneous; NOW, THEREFORE, BE IT

RESOLVED, that James R. Wozniak of Cheektowaga, New York, be and hereby is appointed to the position of Sewer Maintenance Worker in the Sewer Maintenance Division in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 8, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1943

ADOPTED

RESOLUTION 2007-187

**Amend Appointment Date of Recreation Leader (Temporary)
(Craig T. Jaskier)**

WHEREAS, Craig T. Jaskier was appointed to the temporary position of Recreation Leader effective March 6, 2007; AND

WHEREAS, Mr. Jaskier's effective date was erroneous; NOW, THEREFORE, BE IT

RESOLVED, that Craig T. Jaskier of Cheektowaga, New York, be and hereby is appointed to the temporary position of Recreation Leader in the Youth and Recreation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 13, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1949

ADOPTED

RESOLUTION 2007-188

Amend Termination Date for Part-Time/Seasonal

BE IT RESOLVED, the following PART-TIME/SEASONAL employees' termination dates hereby be and are amended as follows:

MAIN PUMP STATION

Leroy Linkner effective 7/23/05

Peter Gullo effective 9/16/05

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1951

ADOPTED

RESOLUTION 2007-189

**Transfer of General Mechanic (Building Maintenance -
Facilities Department) John E. Rogowski**

WHEREAS, a temporary General Mechanic position existed in the Traffic Maintenance Division of the Police Department; AND

WHEREAS, John E. Rogowski was appointed to this temporary position; AND

WHEREAS, this temporary position no longer exists; NOW, THEREFORE, BE IT

RESOLVED, that John E. Rogowski of West Seneca, New York, be and hereby is transferred to his former position of General Mechanic in the Building Maintenance Division of the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 13, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1953

ADOPTED

RESOLUTION 2007-190

**Permanent Appointment of Detectives In Police Department
(David M. Stevens and Valentine T. Zimniewicz)**

WHEREAS, David M. Stevens and Valentine T. Zimniewicz were assigned to the rank of Acting Detective in the Detective Bureau on September 19, 2006; AND

WHEREAS, the aforementioned employees have completed the Intern Program and satisfactorily served the six (6) month probationary period; NOW, THEREFORE, BE IT

RESOLVED, that David M. Stevens of Depew, New York, and Valentine T. Zimniewicz of Cheektowaga, New York, be and hereby are assigned to the rank of Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective March 19, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Personnel Miscellaneous

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1947

ADOPTED

RESOLUTION 2007-191

Travel Authorization (Police Department) (Police Detectives Joseph Crean and Terrance Griffin)

WHEREAS, the New York State Police Sex Offense Seminar is being held May 21-25, 2007 in Albany, New York; AND

WHEREAS, Police Detectives Joseph Crean and Terrance Griffin have requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziembra 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 \$638; AND

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

RESOLVED, that Police Detectives Joseph Crean and Terrance Griffin be and hereby are authorized to attend New York State Police Sex Offense Seminar being held May 21-25, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-192

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Personnel Miscellaneous

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1946

Travel Authorization (Police Department) New York Tactical Expo and Conference (Police Sergeants Lawrence Bauer and Scott Pilat)

WHEREAS, the New York Tactical Expo and Conference is being held May 8-10, 2007 in Poughkeepsie, New York; AND

WHEREAS, Police Sergeants Lawrence Bauer and Scott Pilat have requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziemba 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 \$1,567.18; AND

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

RESOLVED, that Police Sergeants Lawrence Bauer and Scott Pilat be and hereby are authorized to attend New York Tactical Expo and Conference being held May 8-10, 2007 in Poughkeepsie, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Personnel Miscellaneous

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1945

ADOPTED

RESOLUTION 2007-193

**Travel Authorization (Police Department) New York State
Truck Safety and Education Conference (Police Officer
Michael McDonough)**

WHEREAS, the New York State Truck Safety and Education Conference is being held April 11-12, 2007 in Albany, New York; AND

WHEREAS, Police Officer Michael McDonough has requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziemba 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 \$500; AND

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

RESOLVED, that Police Officer Michael McDonough be and hereby is authorized to attend the New York State Truck Safety and Education Conference being held April 11-12, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-194

Meeting: 03/19/07 06:45 PM

Department: Personnel

Category: Personnel Miscellaneous

Prepared By: Beth Lipczynski

Initiator: Beth Lipczynski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1944

**Travel Authorization (Police Department) (DARE Conference)
Police Officer James Reeb**

WHEREAS, the 20th Annual DARE International Training Conference is being held July 17-19, 2007 in Nashville, Tennessee; AND

WHEREAS, Police Officer James Reeb has requested authorization to attend said conference; AND

WHEREAS, Police Chief Christine Ziembra 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 \$1,362; AND

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

RESOLVED, that Police Officer James Reeb be and hereby is authorized to attend the 20th Annual DARE International Training Conference being held July 17-19, 2007 in Nashville, Tennessee.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: Award of Bid
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Magierski, Councilmember Johnson Jr.

ADOPTED

RESOLUTION 2007-195

DOC ID: 1965

Award of Bid for Rodent Control Services

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the provision of rodent control services for the Town of Cheektowaga, and

WHEREAS, bid proposals for such services were duly received and opened, and

WHEREAS, the Supervising Code Enforcement Officer has submitted his analysis, tabulation and report with respect to such bid proposals, NOW, THEREFORE, BE IT

RESOLVED, that the contracts for the furnishing of rodent control services for 2007 be awarded to the following companies as follows:

| | |
|-------------------------|----------|
| Buffalo Exterminating | \$ 98.00 |
| Good Riddance | \$100.00 |
| Pugliese Pest Solutions | \$104.00 |
| Suburban Pest Control | \$120.00 |

, and BE IT FUTRHER

RESOLVED, that the Housing and Neighborhood Preservation Office shall utilize said companies in areas of the Town chosen by same, and BE IT FURTHER

RESOLVED, that funds are available in the Town budget for this purpose.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/19/07 06:45 PM
Department: Town Attorney
Category: Appointments/Reappointments
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Rogowski, Swiatek, Zydel, Jaworowicz, Jankowiak, Magierski, Johnson Jr.
DOC ID: 1966

ADOPTED

RESOLUTION 2007-196

Appointment to Board of Assessment Review

WHEREAS, the term of Rudy Santa Maria as member of the Board of Assessment Review for the Town of Cheektowaga expired on September 30, 2006 , and

WHEREAS, Mr. Santa Maria is unable to perform the duties of member of Board of Assessment Review for another term, and

WHEREAS, the Chairman of the Board of Assessment Review has recommended that Richard E. Owczarzak be appointed to the Board of Assessment Review, and

WHEREAS, this Board wishes to fill this vacancy on the Board of Assessment Review with another individual, NOW, THEREFORE, BE IT

RESOLVED, that Richard E. Owczarzak, of Cheektowaga, New York be and hereby is appointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2011.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Jeff Swiatek, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, March, 27, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on March 27, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations

II. Resolutions

**RESOLUTION 2007-197**

DOC ID: 1977

Retain Outside Counsel for Article 7 Proceedings

Sponsored By: Councilmember Jeff Swiatek

WHEREAS, each year, various Real Property Tax Law Article 7 proceedings are commenced against the Town of Cheektowaga and the Town of Cheektowaga Assessor, and

WHEREAS, there is a need to retain legal counsel to represent the Town's interests in certain of these proceedings in order to protect the integrity of the Town's assessment base, and

WHEREAS, moneys have been budgeted by the Town for this purpose, and

WHEREAS, the Town Attorney's Office has received proposals from outside counsel to handle these matters, NOW, THEREFORE, BE IT

RESOLVED, that Hughes & Wray, Attorneys at Law, be and hereby is retained as outside counsel to represent the Town of Cheektowaga and the Town Assessor in Article 7 proceedings, pursuant to direction from the Town Attorney, as per the proposal submitted by said outside counsel, and BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 100-1355-4561.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-198**

DOC ID: 1980

Authorize Claims Administrator to Settle Claims

Sponsored By: Councilmember Swiatek, Councilmember Johnson Jr.

WHEREAS, the Town of Cheektowaga, in 1986, elected to become a self-insurer for liabilities formerly covered by policies of automobile, general, police, public officials and excess umbrella liability insurance, and

WHEREAS, the Town of Cheektowaga has retained First Niagara Risk Management, Inc. ("First Niagara") to administer the Town's self-insured liability program, and

WHEREAS, 15+ years ago, this Town Board authorized First Niagara (formerly known as Allied Claims Service) to, after advance notice and discussion with outside counsel and the Town Attorney, settle claims against the Town of Cheektowaga for amounts not to exceed \$5,000 without having to come back to this Town Board, and

WHEREAS, due to inflation and other factors, it is time to update the monetary limits for which First Niagara is authorized to settle claims against the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, First Niagara (or any subsequent self-insured liability claims administrator) be and hereby is authorized to settle claims against the Town of Cheektowaga in an amount not to exceed \$10,000 without the formal approval of the Town Board of the Town of Cheektowaga, provided that advance notice is provided to the Town of such settlement and further provided that First Niagara, outside counsel and the Town Attorney agree that it is in the best interest of the Town to so settle the claim.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-197

Meeting: 03/27/07 06:00 PM
Department: Town Attorney
Category: Attorney & Legal Matters
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember Jeff Swiatek
DOC ID: 1977

Retain Outside Counsel for Article 7 Proceedings

WHEREAS, each year, various Real Property Tax Law Article 7 proceedings are commenced against the Town of Cheektowaga and the Town of Cheektowaga Assessor, and

WHEREAS, there is a need to retain legal counsel to represent the Town's interests in certain of these proceedings in order to protect the integrity of the Town's assessment base, and

WHEREAS, moneys have been budgeted by the Town for this purpose, and

WHEREAS, the Town Attorney's Office has received proposals from outside counsel to handle these matters, NOW, THEREFORE, BE IT

RESOLVED, that Hughes & Wray, Attorneys at Law, be and hereby is retained as outside counsel to represent the Town of Cheektowaga and the Town Assessor in Article 7 proceedings, pursuant to direction from the Town Attorney, as per the proposal submitted by said outside counsel, and BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 100-1355-4561.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 03/27/07 06:00 PM

Department: Town Attorney

Category: Attorney & Legal Matters

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Swiatek, Councilmember Johnson Jr.

ADOPTED

RESOLUTION 2007-198

DOC ID: 1980

Authorize Claims Administrator to Settle Claims

WHEREAS, the Town of Cheektowaga, in 1986, elected to become a self-insurer for liabilities formerly covered by policies of automobile, general, police, public officials and excess umbrella liability insurance, and

WHEREAS, the Town of Cheektowaga has retained First Niagara Risk Management, Inc. ("First Niagara") to administer the Town's self-insured liability program, and

WHEREAS, 15+ years ago, this Town Board authorized First Niagara (formerly known as Allied Claims Service) to, after advance notice and discussion with outside counsel and the Town Attorney, settle claims against the Town of Cheektowaga for amounts not to exceed \$5,000 without having to come back to this Town Board, and

WHEREAS, due to inflation and other factors, it is time to update the monetary limits for which First Niagara is authorized to settle claims against the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, First Niagara (or any subsequent self-insured liability claims administrator) be and hereby is authorized to settle claims against the Town of Cheektowaga in an amount not to exceed \$10,000 without the formal approval of the Town Board of the Town of Cheektowaga, provided that advance notice is provided to the Town of such settlement and further provided that First Niagara, outside counsel and the Town Attorney agree that it is in the best interest of the Town to so settle the claim.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, April, 2, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 2, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
John Jaroszewski, General Crew Chief
Kenneth J. Kopacz, Director of Youth & Recreational Services
Brian Hess, Assessor
Anthony Romano, Coordinator of Employee Relations
Dennis Gabryszak, New York State Assemblyman

II. Public Comment Period

III. Resolutions



RESOLUTION 2007-199

DOC ID: 1974

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

General Fund

| | | | |
|-------|---------------|-------------------------------|-----------|
| From: | 100-1680-4431 | Hardware Maintenance | \$ 310.00 |
| | 100-1450-4343 | Voting Machine Space Rental | 18,656.66 |
| | 100-9010-8141 | Medical Insurance | 11,130.00 |
| | 100-1910-4261 | Postage | 29.00 |
| | 100-1910-4589 | Federal Emergency Aid | 48,618.00 |
| | 100-1910-3589 | State Emergency Aid | 16,206.00 |
| To: | 100-1680-4147 | Computer Recycling | \$ 310.00 |
| | 100-9950-8729 | Transfers Out To Capital Fund | 18,656.66 |
| | 100-9010-8975 | Retirement Buyout | 11,130.00 |
| | 100-1910-4083 | Private Vehicle Reimbursement | 29.00 |
| | 100-1910-4911 | Emergency Costs | 64,824.00 |

Highway Fund

| | | | |
|-------|---------------|-----------------------|--------------|
| From: | 300-1910-4589 | Federal Emergency Aid | \$201,127.50 |
| | 300-1910-3589 | State Emergency Aid | 67,042.50 |
| To: | 300-1910-4911 | Emergency Costs | \$268,170.00 |

Special Districts Fund

| | | | |
|-------|---------------|---------------------------|-------------|
| From: | 150-8160-8141 | Medical Insurance | \$35,074.00 |
| | 150-1910-4589 | Federal Emergency Aid | 41,811.00 |
| | 150-1910-3589 | State Emergency Aid | 13,937.00 |
| | 255-8125-8141 | Medical Insurance | 1,395.00 |
| | 255-8135-8141 | Medical Insurance | 1,335.00 |
| | 255-8125-8141 | Medical Insurance | 568.00 |
| | 255-1910-4589 | Federal Emergency Aid | 14,052.00 |
| | 255-1910-3589 | State Emergency Aid | 4,684.00 |
| | 400-1910-4589 | Federal Emergency Aid | 21,066.00 |
| | 400-1910-3589 | State Emergency Aid | 7,022.00 |
| | 400-1910-2799 | Appropriated Fund Balance | 20,585.00 |
| To: | 150-8160-8975 | Retirement Buyout | \$32,584.00 |
| | 150-8160-8121 | Social Security | 2,490.00 |
| | 150-1910-4911 | Emergency Costs | 55,748.00 |
| | 255-8125-8121 | Social Security | 1,395.00 |
| | 255-8135-8121 | Social Security | 1,335.00 |

| | | |
|---------------|---------------------------|-----------|
| 255-8125-8143 | Retiree Medical Insurance | 568.00 |
| 255-1910-4911 | Emergency Costs | 18,736.00 |
| 400-1910-4911 | Emergency Costs | 28,088.00 |
| 400-8140-4543 | Ditch & Creek Maintenance | 20,585.00 |

Part Town Fund

| | | | | |
|-------|---------------|---------------------------|----|-------|
| From: | 800-9010-8141 | Medical Insurance | \$ | 26.00 |
| To: | 800-9010-8143 | Retiree Medical Insurance | \$ | 26.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-200

DOC ID: 1975

Transfer of Funds 2007

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007

General Fund

| | | | |
|-------|---------------|--|-----------|
| From: | 100-3310-4471 | Signs & Markings | \$ 360.00 |
| | 100-3120-4001 | Office Supplies | 50.00 |
| | 100-1910-2799 | Appropriated Fund Balance | 7,105.00 |
| To: | 100-3310-1917 | Traffic Maintenance Clothing Allowance | \$ 360.00 |
| | 100-3120-4081 | Membership Dues | 50.00 |
| | 100-1110-2105 | Equipment | 7,105.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-201

DOC ID: 1978 A

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 30, 2007 are hereby approved and made a part hereof;

| | |
|-----------------------------|-----------------------|
| General Fund | \$ 967,425.81 |
| Risk Retention Fund | 140,457.78 |
| HUD Rehabilitation Fund | 650.00 |
| Special Districts Fund | 981,643.61 |
| Highway Fund | 110,699.96 |
| Capital Fund | 92,052.96 |
| Trust & Agency Fund | 22,650.16 |
| CDBG HUD Fund | 20,394.22 |
| Part Town Fund | 19,096.63 |
| NYS Affordable Housing Fund | <u>154.05</u> |
| | \$2,355,225.18 |

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: James Jankowiak, Supervisor

SECONDER: Patricia Jaworowicz, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-202**

DOC ID: 1976

Award of Bid - Ice Rink Resurfacing Machine

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, as a result of advertisement, bids were received on March 14, 2007 for the furnishing of one (1) ice rink resurfacing machine for the Cheektowaga Recreation Center, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) ice rink resurfacing machine be awarded to Charles R. Mueller & Sons, Inc., 75 Lafayette Street, Mt. Clemens, MI 48043 for submission of the lowest bid, including trade-in of one (1) 1986 zamboni, and meeting the requirements of the specifications in the amount of \$63,040.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said ice rink resurfacer in Account No. 0100-7110-2304.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-203**

DOC ID: 1968

Award of Bid - Boring of a 48" Culvert Under Walden Avenue

Sponsored By: Councilmember Johnson Jr., Councilmember Jaworowicz

WHEREAS, as a result of advertisement, three (3) bids were duly received and opened on March 14, 2007 by the Town Clerk for the boring of a 48" culvert under Walden Avenue, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the boring of a 48" culvert under Walden Avenue be awarded to Donald J. Braasch Construction, Inc., 1661 Lakeview Road, Lakeview, New York 14085 for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$196,502.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the agreement with Donald J. Braasch Construction, Inc. for the referenced project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #500-1440-9910-5527.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-204

DOC ID: 1973

Award of Topsoil Bid

Sponsored By: Councilmember Zydel, Councilmember Magierski

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 21, 2007 for TOPSOIL for use by the Town of Cheektowaga as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and reports, AND

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

RESOLVED, that there was only one bidder for TOPSOIL, so the bid shall be awarded to Leo Brenon Topsoil, 5530 Killian Road, North Tonawanda 14120, for regular, screened or shredded as per bid 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 #0300-5110-4186.

TABULATION FOR TOPSOIL
2007

Leo Brenon Topsoil
5530 Killian Road
North Tonawanda, NY 14120 .

| | | |
|----------|------------------------|-------------------|
| Regular | \$13.20 Per Yd. Deliv. | \$11.20 Picked-up |
| Screened | \$17.10 Per Yd. Deliv. | \$14.00 Picked-up |
| Shredded | \$17.10 Per Yd. Deliv. | \$14.00 Picked-up |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-205**

DOC ID: 1984

Award of Bid for Police Vehicles

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, a Notice to Bidders was duly advertised for the purchase of two unmarked police vehicles, and

WHEREAS, one sole bid was duly received by the Town Clerk at a bid opening on March 21, 2007 for the purchase of two unmarked police vehicles by the Town of Cheektowaga Police Department, and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, New York, 14059, for the purchase of said two unmarked police vehicles for the purchase price of \$24,890.00, said sole bid meeting specifications; and be it further

RESOLVED, that funds for the purchase of this device shall be appropriated from line item number 100-3120-2303.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-206**

DOC ID: 1987

Award of Bid - Imaging and Microfilming Services

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Furnishing of Imaging and Microfilming Services. Bids were duly received and opened at a public bid opening held on February 21, 2007, as a result of advertisement, AND

WHEREAS, said bids were referred to the Records Manager for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Furnishing of Imaging and Microfilming Services for the Town of Cheektowaga Maps and Plans be and hereby is awarded to Lason, 3543 Winton Place, PO Box 23858-14692, Rochester, NY 14623 at a bid cost of \$.06/map size A & B, \$1.15/map size C & D, and \$1.35/map size E, indexing charges of \$.01/keystroke, \$10.00/DVD, \$4.00/roll shipping for Quality Control Inspection, and \$40.00/trip transportation, and BE IT FURTHER,

RESOLVED, that any purchase resulting from the award of this contract will be funded through the State Archives Local Government Records Management Improvement Fund grant.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-207**

DOC ID: 1970

Special Event for Stingrays Swim Club

Sponsored By: Councilmember Rogowski, Supervisor 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 Stingrays Swim Club has made application to hold its swim meet at the Cheektowaga Town Park Swimming Pool on July 13 - 15, 2007, from 7:00 A.M. to 4:00 P.M., and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Stingrays Swim Club for the aforementioned swim meet to be held at the swimming pool in Cheektowaga Town Park from July 13 - 15, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

**RESOLUTION 2007-208**

DOC ID: 1971

Special Event Cultural Society Family Days

Sponsored By: Councilmember Rogowski, Supervisor 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 Cheektowaga Art Guild and Cheektowaga Cultural Society have made application to hold their Family Days in Cheektowaga Town Park on July 7 - 8, 2007, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Art Guild and Cheektowaga Cultural Society for the aforementioned Family Days to be held in Cheektowaga Town Park on July 7 - 8, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-209

DOC ID: 1972

Special Event - March of Dimes Walk

Sponsored By: Councilmember Rogowski, Supervisor 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, March of Dimes has made application to hold a Walk to raise community awareness about its organization on Saturday, April 28, 2007 beginning at 9:00 A.M. along the following route:

Beginning at JFK Middle School on Cayuga Creek Road; then west on Cayuga Creek Road to Harlem Road; then north on Harlem Road to Stradtman Street; then east on Stradtman Street to Kennedy Road ; then south on Kennedy Road to Columbus Street; then east on Columbus Street to Standard Parkway; then south on Standard Parkway to William Street; then west on William Street to Henry Street; then south on Henry Street to JFK Middle School.

, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Department of Recreation and Youth Services and the Police Department, and has no objection to same, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of March of Dimes for the aforementioned Walk to be held on April 28, 2007, 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.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-210**

DOC ID: 1985

Special Event- Police Department, Crime Resistance Unit/Crime Prevention Association of WNY

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

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

WHEREAS, the Cheektowaga Police Department, Crime Resistance Unit/Crime Prevention Association of W.N.Y., has requested permission to conduct a pre-National Night Out kick-off event in a symbolic effort to emphasize themes of crime and drug prevention awareness on August 6, 2007 from 3:30 to 6:30 P.M. in the Town Park Amphitheater; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department and the Youth and 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 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 Cheektowaga Police Department, Crime Resistance Unit/Crime Prevention Association of W.N.Y. for the aforementioned event; 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 Youth and Recreation.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-211**

DOC ID: 1967

Open Burning / 233 Bennett Road

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the Bellevue Fire District # 9 to conduct a open fire on April 28, 2007 on the property located at 233 Bennett Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to open burning of this structure for training of a structure that is scheduled for demolition, AND

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

WHEREAS, this Town Board has reviewed the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-212**

DOC ID: 1979

“Middle Class STAR”

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, Governor Spitzer proposed Real Property Tax reform in the Executive Budget for years 2007-2008 by providing relief from School District Taxes, known as "Middle Class STAR", AND

WHEREAS, such proposal is welcome and needed, AND

WHEREAS, such proposal contains provisions of confidentiality that will impose costly requirements of altering assessment and Real Property Tax Collection Programs, and of additional personnel, and dislocation and confusion in furnishing tax collection records, AND

WHEREAS, such needed program of Tax Relief can be implemented through a direct credit against State Income Taxes, NOW THEREFORE BE IT

RESOLVED, that Governor Spitzer and the Legislature are urged to amend the "Middle Class STAR" proposal by eliminating the costly confidentiality provisions, or in the alternative that the program be revised by providing a credit against the State Income Tax, AND BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak, Senator Dale M. Volker, Senator William T. Stachowski, All other State legislative delegates from Western New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-213**

DOC ID: 1969

Terminate Records Center Lease

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga leases a portion of property at 2727 Broadway in the Town of Cheektowaga for our Records Center, and

WHEREAS, the former North Branch Library at 735 Maryvale Drive is being converted to the new Records Center and should be completed and ready for use as the Records Center as of April 30, 2007, and

WHEREAS, pursuant to the terms of the lease of 2727 Broadway, the Town of Cheektowaga must give notice to the owner of such property of the termination of the lease at least 30 days in advance, and

WHEREAS, the Supervisor, by letter dated March 26, 2007, notified the owner of 2727 Broadway that the Town desired to terminate such lease as of April 30, 2007, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby ratifies and confirms the aforementioned notice dated March 26, 2007 to terminate the lease for 2727 Broadway as of April 30, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-214

DOC ID: 1983

Support Empire Zone Status for French Road Properties

Sponsored By: Swiatek, Johnson Jr., Magierski, Rogowski, Jankowiak, Jaworowicz, Zydel

WHEREAS, New York State has created the Empire Zone Program, formerly known as the Economic Development Zone Program, to encourage industrial and commercial development in select municipalities across the State, and

WHEREAS, the City of Buffalo, as a municipality eligible to participate in the Empire Zone Program, received designation of certain areas within its municipal borders as an Empire Zone; and

WHEREAS, New York State has amended the Empire Zones Program to increase benefits and allow additional areas to be deemed eligible for Empire Zone benefits as Regionally Significant Projects, and

WHEREAS, on March 20, 2007, the City of Buffalo Common Council resolved to amend the City of Buffalo Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Cheektowaga for a Regionally Significant Project, and

WHEREAS, Multisorb Technologies, Inc., headquartered at 325 Harlem Road, West Seneca, New York, and expanding its operations to 10-20, 30, and 50 French Road, Cheektowaga, New York, meets the criteria of Section 957 (d) of the New York General Municipal Law as a Regionally Significant Project by projecting the creation of 95 new manufacturing jobs for inclusion within the City of Buffalo Empire Zone in an area outside of the City of Buffalo's Empire Zones existing separate and distinct contiguous areas, and

WHEREAS, the Town of Cheektowaga wishes to support and concur with the City of Buffalo's designation of 10-20 French Road - SBL Number 124.02-2-19, 30 French Road - SBL Number 124.02-2-18, and 50 French Road B SBL Number 124.02-2-16, in the Town of Cheektowaga, as a Regionally Significant Project. NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Town Board, in its capacity as governing body of the Town of Cheektowaga, does hereby support and concur with the City of Buffalo to include 10-20 French Road - SBL Number 124.02-2-19, 30 French Road - SBL Number 124.02-2-18, and 50 French Road B SBL Number 124.02-2-16, in the Town of Cheektowaga, into the Buffalo Empire Zone.

This resolution was motioned by Councilmember Swiatek and a Unanimous second

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-215**

DOC ID: 1982

Youth & Recreation - Terminations**Sponsored By:** Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Youth & Recreation Department, effective as indicated:

Jeffrey Spencer
(Regular Part time) 12/10/06

Pamela Szefer
(Regular Part time) 08/11/06

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-216**

DOC ID: 1981

Youth & Recreation Department - Title Correction

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, at the February 26, 2007 meeting of the Town Board, a resolution was adopted to re-establish the Facilities Department, and

WHEREAS, the designation given to the department overseeing recreation and youth matters did not revert to the correct title adopted by the Town Board in 1990, BE IT FURTHER

RESOLVED that the formal title of the Parks, Recreation & Youth Services Department is hereby revised to the Department of Youth & Recreational Services.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-217

DOC ID: 1988

Part-Time/Seasonal Appointments

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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>FACILITIES DEPARTMENT - Laborer - \$7.25 per hour</u> Aaron Gorski Depew, NY | 04/09/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$8.00 per hour</u> Nicholas Schanne Cheektowaga, NY Daniel Lysiak Cheektowaga, NY Daniel Wegner Cheektowaga, NY | 04/10/07 05/13/07 04/10/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$8.75 per hour</u> Edward Pozdyn Cheektowaga, NY | 04/11/07 |

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 (Detention Officer) - \$15.25 per hour</u> Joseph D. Schanne Cheektowaga, NY | 03/19/07 |
| <u>TOWN CLERK'S OFFICE - Student Assistant - \$7.15 per hour</u> Christopher Hannel Cheektowaga, NY | 03/22/07 |
| <u>MAIN PUMP STATION - Laborer - \$7.75 per hour</u> Jacob T. Wodowski Cheektowaga, NY | 04/03/07 |
| <u>SENIOR SERVICES - Van Driver - \$8.25 per hour</u> John F. Lumadue Cheektowaga, NY | 04/02/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$7.75 per hour</u> Paul Taylor Depew, NY | 04/10/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$8.50 per hour</u> Donald Larkman Cheektowaga, NY | 04/10/07 |

AND, BE IT RESOLVED, that Robert Swiatkowski, of Cheektowaga, NY, who is currently a regular part-time Recreation Attendant in the Youth and Recreation Department at the rate of \$8.40 per hour, be upgraded to the new rate of \$9.00 per hour, effective April 3, 2007; AND

BE IT RESOLVED, that Police Department (Sign Maintenance Division) employee Sean M. Trapper, who was hired March 5, 2007, as a seasonal laborer at the incorrect rate of \$7.15 per hour, have his hourly rate corrected to be \$7.75 per hour, effective March 5, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-218**

DOC ID: 1986

Maintenance Worker, Facilities, Permanent, Jeffrey Pijacki

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department; AND

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

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, Jeffrey Pijacki, currently employed as a temporary Pump Operator in the Main Pump Station, applied for said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Jeffrey Pijacki of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 9, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

IV. Suspension of Rules

Motioned by Councilmember Johnson; Seconded by Councilmember Magierski to Suspend the Rules to Include the following Resolutions. And the Vote was Unanimous.

**RESOLUTION 2007-219**

DOC ID: 1637

Re-Appoint Board of Ethics Member

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted A Local Law Establishing a Board of Ethics (Local Law No.1 of the year 1993), which was amended by the adoption, on April 4, 1994, of A Local Law Amending the Board of Ethics Law (Local Law No.1 of the year 1994); and

WHEREAS, pursuant to such law, this Town Board appointed five members to serve on the Board of Ethics Committee; and

WHEREAS, the term of member Jeanne Pawlik expired on August 1, 2006, and she has expressed interest in continuing to serve on said Committee; and

WHEREAS, the Board of Ethics has recommended that Jeanne Pawlik be reappointed for another term,

NOW, THEREFORE, BE IT

RESOLVED, that Jeanne Pawlik of Depew, New York, be and hereby is re-appointed to the Board of Ethics of the Town of Cheektowaga, retroactive to August 1, 2006 and terminating on August 1, 2011.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-220**

DOC ID: 1989

Revise Fees for Use of Town Pools

Sponsored By: Councilmember Rogowski, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga Youth And Recreational Services Department operates a recreation program for the Town, and

WHEREAS, said recreation program includes the use of town parks, playgrounds and amenities, including the Town Park Pool, Dingens Street Pool and Maryvale Pool, and

WHEREAS, residents of the Town of Cheektowaga are able to purchase resident discount cards to utilize town pools at a cost of \$7.00 (\$5.00 for children 7-15 years old) for a two-year period, and

WHEREAS, residents who choose not to obtain resident discount cards and non-residents accompanied by residents with resident discount cards, in 2006, were charged a fee of \$2.00- \$4.00 per day for the use of the pools, and

WHEREAS, there is a need to increase fees currently charged to non-residents (accompanied by residents with valid resident discount cards) and residents who fail to obtain the resident discount card for the use of town pools, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the fee for non-residents (accompanied by residents with valid residents discount cards) and residents who fail or neglect to obtain the resident discount cards to utilize town pools shall be \$7.00 per day.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-221**

DOC ID: 1990

Authorize National Grid to Remove Street Lights on Harlem Road**Sponsored By:** Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the New York State Department of Transportation's ongoing project for the reconstruction of Harlem Road (PIN 5268.32.306) from Genesee Street northward to Yorktown Road in the Town of Amherst necessitates the removal of street lighting facilities in conflict with construction owned by National Grid, the annual operation of which is funded by the Town for that portion of the project located within the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that National Grid be and hereby is authorized to remove utility owned street lighting facilities on Harlem Road where necessary which are impacted by said highway reconstruction project at no cost to the Town with subsequent utility billing adjustment to reflect the removal of said facilities, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be directed to furnish a copy of this resolution to the attention of:

Ms. Frances Porpiglia
Consumer Representative
National Grid
144 Kensington Avenue
Buffalo, NY 14214

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-222**

DOC ID: 1991

Award of Bid - Gas Fired Generator

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the purchase of one (1) 125 kw Natural Gas Fired Generator Set and Associated Transfer Switch to be installed by Town forces at the Central Garage, which bids were duly received and opened at a public bid opening conducted on March 14, 2007, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report which is attached hereto, dated March 30, 2007 and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) 125 kw Natural Gas Fired Generator Set and Associated Transfer Switch be and hereby is awarded to:

Penn Power Systems
350 Bailey Avenue
Buffalo, NY 14210-1737

for their bid in the amount of \$28,469.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funding is available in Account #500-1640-9304-5301 for the purchase of the subject Standby Emergency Generator and Transfer Switch Equipment.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-223

DOC ID: 1992

Approve Proposal of Kideney Architects for Preparation of a Master Facility Study

Sponsored By: Jankowiak, Magierski, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.

WHEREAS, the Town operates and maintains in excess of twenty five (25) buildings and facilities associated with governmental administration and support services, recreational and public works functions, AND

WHEREAS, this Town Board supports the recommendations of the Town's Capital Improvements Committee, whom has recommended that a long term Capital Improvement Plan for Public Facility and Equipment needs be prepared based on an evaluation of its current facilities and the current and future needs of its numerous departments and divisions, AND

WHEREAS, a Master Facility Study will further identify opportunities to maximize the utilization of existing Town Facilities, prioritize capital project maintenance and construction needs, and set forth a basis for the development of future financing projections and options, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Kideney Architects, P.C., 200 John James Audubon Parkway, Buffalo, New York 14228, dated March 29, 2007 for professional services associated with the preparation of a Master Facility Study of Town buildings and related department needs is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Kideney Architects, P.C. for the provision of said professional services in an amount not to exceed \$41,300.00 which shall be chargeable to Account #500-1440-9340-5312.

This resolution was motioned by Unanimous; Seconded by Unanimous.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-224**

DOC ID: 1993

Assumption for Liability for Trees In Stiglmeier Park

Sponsored By: Councilmember James Rogowski

WHEREAS, a significant ice storm affected the Town of Cheektowaga in October of 2006 and caused significant damage to trees in the Town, and

WHEREAS, FEMA and the County of Erie assisted the Town of Cheektowaga in removing damaged trees in Stiglmeier Park, and

WHEREAS, an arborist from the Erie County Department of Public Works, Division of Highways, evaluated trees in Stiglmeier Park and identified same for removal, and

WHEREAS, the Director of the Facilities Department requested that some of the trees identified by the arborist for Erie County for removal should not be removed, and

WHEREAS, the Erie County Department of Public Works, Division of Highways has requested that the Town of Cheektowaga indicate in writing that it will assume the responsibility and liability should there be any future damage from the trees that the Town requested to remain, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby commits that the Town of Cheektowaga will assume the responsibility and any associated liabilities should there be any future damage from the aforementioned trees in Stiglmeier Park that were evaluated by the arborist for Erie County for removal but that the Director of the Town Facilities Department requested not be removed.

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| RESULT: | WITHDRAWN |
|----------------|------------------|

V. Communications***A. Departmental Communications***

1. Building Permit List March - 2007
2. Minutes: Cheektowaga Public Library Board of Trustees - February 21, 2007
3. Minutes: Cheektowaga Conservation Advisory Council - March 17, 2007
4. Minutes: Town Environmental Advisory Committee - March 21, 2007

B. General Communications

1. Notice of Claim: Richard Arne Vs. Town of Cheektowaga
2. Notice of Claim: Douglas Giles Vs. Town of Cheektowaga
3. Notice of Claim: Joan T. Moores Vs. County of Erie,

- 4. Notice of Claim: Francis R. Wesolowski Vs. Town of Cheektowaga
- 5. Letter From Patricia Levorchick

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjourn

Motion by Councilmember Johnson; Seconded by Councilmember Rogowski to adjourn the meeting at 7:30 PM

MARY F. HOLTZ

TOWN CLERK

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-199**

Meeting: 04/02/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Rachel Hupkowicz
Initiator: Rachel Hupkowicz

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1974

Transfer of Funds

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

General Fund

| | | | |
|-------|---------------|-------------------------------|-----------|
| From: | 100-1680-4431 | Hardware Maintenance | \$ 310.00 |
| | 100-1450-4343 | Voting Machine Space Rental | 18,656.66 |
| | 100-9010-8141 | Medical Insurance | 11,130.00 |
| | 100-1910-4261 | Postage | 29.00 |
| | 100-1910-4589 | Federal Emergency Aid | 48,618.00 |
| | 100-1910-3589 | State Emergency Aid | 16,206.00 |
| To: | 100-1680-4147 | Computer Recycling | \$ 310.00 |
| | 100-9950-8729 | Transfers Out To Capital Fund | 18,656.66 |
| | 100-9010-8975 | Retirement Buyout | 11,130.00 |
| | 100-1910-4083 | Private Vehicle Reimbursement | 29.00 |
| | 100-1910-4911 | Emergency Costs | 64,824.00 |

Highway Fund

| | | | |
|-------|---------------|-----------------------|--------------|
| From: | 300-1910-4589 | Federal Emergency Aid | \$201,127.50 |
| | 300-1910-3589 | State Emergency Aid | 67,042.50 |
| To: | 300-1910-4911 | Emergency Costs | \$268,170.00 |

Special Districts Fund

| | | | |
|-------|---------------|---------------------------|-------------|
| From: | 150-8160-8141 | Medical Insurance | \$35,074.00 |
| | 150-1910-4589 | Federal Emergency Aid | 41,811.00 |
| | 150-1910-3589 | State Emergency Aid | 13,937.00 |
| | 255-8125-8141 | Medical Insurance | 1,395.00 |
| | 255-8135-8141 | Medical Insurance | 1,335.00 |
| | 255-8125-8141 | Medical Insurance | 568.00 |
| | 255-1910-4589 | Federal Emergency Aid | 14,052.00 |
| | 255-1910-3589 | State Emergency Aid | 4,684.00 |
| | 400-1910-4589 | Federal Emergency Aid | 21,066.00 |
| | 400-1910-3589 | State Emergency Aid | 7,022.00 |
| | 400-1910-2799 | Appropriated Fund Balance | 20,585.00 |
| To: | 150-8160-8975 | Retirement Buyout | \$32,584.00 |
| | 150-8160-8121 | Social Security | 2,490.00 |
| | 150-1910-4911 | Emergency Costs | 55,748.00 |
| | 255-8125-8121 | Social Security | 1,395.00 |

| | | |
|---------------|---------------------------|-----------|
| 255-8135-8121 | Social Security | 1,335.00 |
| 255-8125-8143 | Retiree Medical Insurance | 568.00 |
| 255-1910-4911 | Emergency Costs | 18,736.00 |
| 400-1910-4911 | Emergency Costs | 28,088.00 |
| 400-8140-4543 | Ditch & Creek Maintenance | 20,585.00 |

Part Town Fund

| | | | | |
|-------|---------------|---------------------------|----|-------|
| From: | 800-9010-8141 | Medical Insurance | \$ | 26.00 |
| To: | 800-9010-8143 | Retiree Medical Insurance | \$ | 26.00 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-200**

Meeting: 04/02/07 06:45 PM
Department: Accounting/Payroll
Category: Transfer of Funds
Prepared By: Rachel Hupkowicz
Initiator: Rachel Hupkowicz

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1975

Transfer of Funds 2007

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2007

General Fund

| | | | |
|-------|---------------|--|-----------|
| From: | 100-3310-4471 | Signs & Markings | \$ 360.00 |
| | 100-3120-4001 | Office Supplies | 50.00 |
| | 100-1910-2799 | Appropriated Fund Balance | 7,105.00 |
| To: | 100-3310-1917 | Traffic Maintenance Clothing Allowance | \$ 360.00 |
| | 100-3120-4081 | Membership Dues | 50.00 |
| | 100-1110-2105 | Equipment | 7,105.00 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Accounting/Payroll
Category: Warrant List
Prepared By: Rachel Hupkowitz
Initiator: Rachel Hupkowitz

Sponsors: Supervisor Jankowiak, Councilmember Jaworowicz

DOC ID: 1978 A

ADOPTED

RESOLUTION 2007-201

Warrant

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 30, 2007 are hereby approved and made a part hereof;

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|-----------------------------|-----------------------|
| General Fund | \$ 967,425.81 |
| Risk Retention Fund | 140,457.78 |
| HUD Rehabilitation Fund | 650.00 |
| Special Districts Fund | 981,643.61 |
| Highway Fund | 110,699.96 |
| Capital Fund | 92,052.96 |
| Trust & Agency Fund | 22,650.16 |
| CDBG HUD Fund | 20,394.22 |
| Part Town Fund | 19,096.63 |
| NYS Affordable Housing Fund | <u>154.05</u> |
| | <u>\$2,355,225.18</u> |

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: Patricia Jaworowicz, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Engineering
Category: Award of Bid
Prepared By: Diane Swiatek
Initiator: William Pugh

Sponsors: Councilmember Rogowski, Supervisor Jankowiak

DOC ID: 1976

ADOPTED

RESOLUTION 2007-202

Award of Bid - Ice Rink Resurfacing Machine

WHEREAS, as a result of advertisement, bids were received on March 14, 2007 for the furnishing of one (1) ice rink resurfacing machine for the Cheektowaga Recreation Center, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) ice rink resurfacing machine be awarded to Charles R. Mueller & Sons, Inc., 75 Lafayette Street, Mt. Clemens, MI 48043 for submission of the lowest bid, including trade-in of one (1) 1986 zamboni, and meeting the requirements of the specifications in the amount of \$63,040.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said ice rink resurfacer in Account No. 0100-7110-2304.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Engineering
Category: Award of Bid
Prepared By: Diane Swiatek
Initiator: William Pugh

ADOPTED

Sponsors: Councilmember Johnson Jr., Councilmember Jaworowicz

RESOLUTION 2007-203

DOC ID: 1968

Award of Bid - Boring of a 48" Culvert Under Walden Avenue

WHEREAS, as a result of advertisement, three (3) bids were duly received and opened on March 14, 2007 by the Town Clerk for the boring of a 48" culvert under Walden Avenue, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the boring of a 48" culvert under Walden Avenue be awarded to Donald J. Braasch Construction, Inc., 1661 Lakeview Road, Lakeview, New York 14085 for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$196,502.00, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the agreement with Donald J. Braasch Construction, Inc. for the referenced project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #500-1440-9910-5527.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Highway
Category: Award of Bid
Prepared By: Judy Golas
Initiator: Christopher Kowal
Sponsors: Councilmember Zydel, Councilmember Magierski
DOC ID: 1973

ADOPTED

RESOLUTION 2007-204

Award of Topsoil Bid

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 21, 2007 for TOPSOIL for use by the Town of Cheektowaga as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, tabulation and reports, AND

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

RESOLVED, that there was only one bidder for TOPSOIL, so the bid shall be awarded to Leo Brenon Topsoil, 5530 Killian Road, North Tonawanda 14120, for regular, screened or shredded as per bid specifications and picked up by Town of Cheektowaga vehicles, or to be delivered, AND

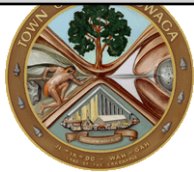
BE IT FURTHER RESOLVED, that payment of topsoil for Highway Department is charged to the line item #0300-5110-4186.

TABULATION FOR TOPSOIL
2007

Leo Brenon Topsoil
5530 Killian Road
North Tonawanda, NY 14120 .

| | | |
|----------|------------------------|-------------------|
| Regular | \$13.20 Per Yd. Deliv. | \$11.20 Picked-up |
| Screened | \$17.10 Per Yd. Deliv. | \$14.00 Picked-up |
| Shredded | \$17.10 Per Yd. Deliv. | \$14.00 Picked-up |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Award of Bid
Prepared By: Connie Paoletti
Initiator: Connie Paoletti

Sponsors: Councilmember Jaworowicz, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-205

DOC ID: 1984

Award of Bid for Police Vehicles

WHEREAS, a Notice to Bidders was duly advertised for the purchase of two unmarked police vehicles, and

WHEREAS, one sole bid was duly received by the Town Clerk at a bid opening on March 21, 2007 for the purchase of two unmarked police vehicles by the Town of Cheektowaga Police Department, and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, New York, 14059, for the purchase of said two unmarked police vehicles for the purchase price of \$24,890.00, said sole bid meeting specifications; and be it further

RESOLVED, that funds for the purchase of this device shall be appropriated from line item number 100-3120-2303.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-206**

Meeting: 04/02/07 06:45 PM

Department: Records

Category: Award of Bid

Prepared By: Lisa Bolognese

Initiator: Lisa Bolognese

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1987

Award of Bid - Imaging and Microfilming Services

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Furnishing of Imaging and Microfilming Services. Bids were duly received and opened at a public bid opening held on February 21, 2007, as a result of advertisement, AND

WHEREAS, said bids were referred to the Records Manager for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for Furnishing of Imaging and Microfilming Services for the Town of Cheektowaga Maps and Plans be and hereby is awarded to Lason, 3543 Winton Place, PO Box 23858-14692, Rochester, NY 14623 at a bid cost of \$.06/map size A & B, \$1.15/map size C & D, and \$1.35/map size E, indexing charges of \$.01/keystroke, \$10.00/DVD, \$4.00/roll shipping for Quality Control Inspection, and \$40.00/trip transportation, and BE IT FURTHER,

RESOLVED, that any purchase resulting from the award of this contract will be funded through the State Archives Local Government Records Management Improvement Fund grant.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Rogowski, Supervisor Jankowiak

DOC ID: 1970

ADOPTED

RESOLUTION 2007-207

Special Event for Stingrays Swim Club

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 Stingrays Swim Club has made application to hold its swim meet at the Cheektowaga Town Park Swimming Pool on July 13 - 15, 2007, from 7:00 A.M. to 4:00 P.M., and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Stingrays Swim Club for the aforementioned swim meet to be held at the swimming pool in Cheektowaga Town Park from July 13 - 15, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Rogowski, Supervisor Jankowiak

DOC ID: 1971

ADOPTED

RESOLUTION 2007-208

Special Event Cultural Society Family Days

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 Art Guild and Cheektowaga Cultural Society have made application to hold their Family Days in Cheektowaga Town Park on July 7 - 8, 2007, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Art Guild and Cheektowaga Cultural Society for the aforementioned Family Days to be held in Cheektowaga Town Park on July 7 - 8, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Rogowski, Supervisor Jankowiak

DOC ID: 1972

ADOPTED

RESOLUTION 2007-209

Special Event - March of Dimes Walk

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, March of Dimes has made application to hold a Walk to raise community awareness about its organization on Saturday, April 28, 2007 beginning at 9:00 A.M. along the following route:

Beginning at JFK Middle School on Cayuga Creek Road; then west on Cayuga Creek Road to Harlem Road; then north on Harlem Road to Stradtman Street; then east on Stradtman Street to Kennedy Road ; then south on Kennedy Road to Columbus Street; then east on Columbus Street to Standard Parkway; then south on Standard Parkway to William Street; then west on William Street to Henry Street; then south on Henry Street to JFK Middle School.

, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Department of Recreation and Youth Services and the Police Department, and has no objection to same, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of March of Dimes for the aforementioned Walk to be held on April 28, 2007, 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**Town of Cheektowaga**

3301 Broadway
Cheektowaga, NY 14227

ADOPTED**RESOLUTION 2007-210**

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Youth & Recreation
Prepared By: Connie Paoletti
Initiator: Connie Paoletti
Sponsors: Councilmember Jaworowicz, Councilmember Swiatek
DOC ID: 1985

Special Event- Police Department, Crime Resistance Unit/Crime Prevention Association of WNY

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 Police Department, Crime Resistance Unit/Crime Prevention Association of W.N.Y., has requested permission to conduct a pre-National Night Out kick-off event in a symbolic effort to emphasize themes of crime and drug prevention awareness on August 6, 2007 from 3:30 to 6:30 P.M. in the Town Park Amphitheater; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department and the Youth and 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 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 Cheektowaga Police Department, Crime Resistance Unit/Crime Prevention Association of W.N.Y. for the aforementioned event; 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 Youth and Recreation.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Housing
Category: Building/Housing
Prepared By: Sue Sanscrainte
Initiator: Sue Sanscrainte

Sponsors: Supervisor Jankowiak, Councilmember Rogowski

ADOPTED

RESOLUTION 2007-211

DOC ID: 1967

Open Burning / 233 Bennett Road

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

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

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

WHEREAS, an application for a permit was submitted by the Bellevue Fire District # 9 to conduct a open fire on April 28, 2007 on the property located at 233 Bennett Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to open burning of this structure for training of a structure that is scheduled for demolition, AND

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

WHEREAS, this Town Board has reviewed the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Taxes & Assessments
Category: Miscellaneous
Prepared By: Nancy McNally
Initiator: Mary Holtz
Sponsors: Councilmember Rogowski, Supervisor Jankowiak
DOC ID: 1979

ADOPTED

RESOLUTION 2007-212

“Middle Class STAR”

WHEREAS, Governor Spitzer proposed Real Property Tax reform in the Executive Budget for years 2007-2008 by providing relief from School District Taxes, known as "Middle Class STAR", AND

WHEREAS, such proposal is welcome and needed, AND

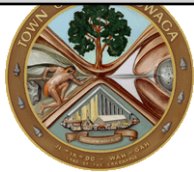
WHEREAS, such proposal contains provisions of confidentiality that will impose costly requirements of altering assessment and Real Property Tax Collection Programs, and of additional personnel, and dislocation and confusion in furnishing tax collection records, AND

WHEREAS, such needed program of Tax Relief can be implemented through a direct credit against State Income Taxes, NOW THEREFORE BE IT

RESOLVED, that Governor Spitzer and the Legislature are urged to amend the "Middle Class STAR" proposal by eliminating the costly confidentiality provisions, or in the alternative that the program be revised by providing a credit against the State Income Tax, AND BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak, Senator Dale M. Volker, Senator William T. Stachowski, All other State legislative delegates from Western New York.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM

Department: Town Attorney

Category: Agreements, Bonds, Contracts

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1969

ADOPTED

RESOLUTION 2007-213

Terminate Records Center Lease

WHEREAS, the Town of Cheektowaga leases a portion of property at 2727 Broadway in the Town of Cheektowaga for our Records Center, and

WHEREAS, the former North Branch Library at 735 Maryvale Drive is being converted to the new Records Center and should be completed and ready for use as the Records Center as of April 30, 2007, and

WHEREAS, pursuant to the terms of the lease of 2727 Broadway, the Town of Cheektowaga must give notice to the owner of such property of the termination of the lease at least 30 days in advance, and

WHEREAS, the Supervisor, by letter dated March 26, 2007, notified the owner of 2727 Broadway that the Town desired to terminate such lease as of April 30, 2007, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby ratifies and confirms the aforementioned notice dated March 26, 2007 to terminate the lease for 2727 Broadway as of April 30, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

Sponsors: Swiatek, Johnson Jr., Magierski, Rogowski, Jankowiak, Jaworowicz, Zydel

RESOLUTION 2007-214

Meeting: 04/02/07 06:45 PM

Department: Town Attorney

Category: Empire Zone

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

DOC ID: 1983

Support Empire Zone Status for French Road Properties

WHEREAS, New York State has created the Empire Zone Program, formerly known as the Economic Development Zone Program, to encourage industrial and commercial development in select municipalities across the State, and

WHEREAS, the City of Buffalo, as a municipality eligible to participate in the Empire Zone Program, received designation of certain areas within its municipal borders as an Empire Zone; and

WHEREAS, New York State has amended the Empire Zones Program to increase benefits and allow additional areas to be deemed eligible for Empire Zone benefits as Regionally Significant Projects, and

WHEREAS, on March 20, 2007, the City of Buffalo Common Council resolved to amend the City of Buffalo Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Cheektowaga for a Regionally Significant Project, and

WHEREAS, Multisorb Technologies, Inc., headquartered at 325 Harlem Road, West Seneca, New York, and expanding its operations to 10-20, 30, and 50 French Road, Cheektowaga, New York, meets the criteria of Section 957 (d) of the New York General Municipal Law as a Regionally Significant Project by projecting the creation of 95 new manufacturing jobs for inclusion within the City of Buffalo Empire Zone in an area outside of the City of Buffalo's Empire Zones existing separate and distinct contiguous areas, and

WHEREAS, the Town of Cheektowaga wishes to support and concur with the City of Buffalo's designation of 10-20 French Road - SBL Number 124.02-2-19, 30 French Road - SBL Number 124.02-2-18, and 50 French Road B SBL Number 124.02-2-16, in the Town of Cheektowaga, as a Regionally Significant Project. NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Town Board, in its capacity as governing body of the Town of Cheektowaga, does hereby support and concur with the City of Buffalo to include 10-20 French Road - SBL Number 124.02-2-19, 30 French Road - SBL Number 124.02-2-18, and 50 French Road B SBL Number 124.02-2-16, in the Town of Cheektowaga, into the Buffalo Empire Zone.

COMMENTS - Current Meeting:

This resolution was motioned by Councilmember Swiatek and a Unanimous second

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM

Department: Youth & Recreation

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Linda Porter

Initiator: Linda Porter

Sponsors: Councilmember Jaworowicz, Councilmember Magierski

DOC ID: 1982

ADOPTED

RESOLUTION 2007-215

Youth & Recreation - Terminations

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Youth & Recreation Department, effective as indicated:

Jeffrey Spencer 12/10/06
(Regular Part time)

Pamela Szeffler 08/11/06
(Regular Part time)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Youth & Recreation
Category: Youth & Recreation
Prepared By: Linda Porter
Initiator: Kenneth Kopacz

Sponsors: Councilmember Jaworowicz, Councilmember Magierski

ADOPTED

RESOLUTION 2007-216

DOC ID: 1981

Youth & Recreation Department - Title Correction

WHEREAS, at the February 26, 2007 meeting of the Town Board, a resolution was adopted to re-establish the Facilities Department, and

WHEREAS, the designation given to the department overseeing recreation and youth matters did not revert to the correct title adopted by the Town Board in 1990, BE IT FURTHER

RESOLVED that the formal title of the Parks, Recreation & Youth Services Department is hereby revised to the Department of Youth & Recreational Services.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

ADOPTED

RESOLUTION 2007-217

Meeting: 04/02/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Michelle Kaminski

Initiator: Michelle Kaminski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1988

Part-Time/Seasonal Appointments

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>FACILITIES DEPARTMENT - Laborer - \$7.25 per hour</u> Aaron Gorski Depew, NY | 04/09/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$8.00 per hour</u> Nicholas Schanne Cheektowaga, NY | 04/10/07 |
| Daniel Lysiak Cheektowaga, NY | 05/13/07 |
| Daniel Wegner Cheektowaga, NY | 04/10/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$8.75 per hour</u> Edward Pozdyn Cheektowaga, NY | 04/11/07 |

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 (Detention Officer) - \$15.25 per hour</u> Joseph D. Schanne Cheektowaga, NY | 03/19/07 |
| <u>TOWN CLERK'S OFFICE - Student Assistant - \$7.15 per hour</u> Christopher Hannel Cheektowaga, NY | 03/22/07 |
| <u>MAIN PUMP STATION - Laborer - \$7.75 per hour</u> Jacob T. Wodowski Cheektowaga, NY | 04/03/07 |
| <u>SENIOR SERVICES - Van Driver - \$8.25 per hour</u> John F. Lumadue Cheektowaga, NY | 04/02/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$7.75 per hour</u> Paul Taylor Depew, NY | 04/10/07 |
| <u>FACILITIES DEPARTMENT - Laborer - \$8.50 per hour</u> Donald Larkman Cheektowaga, NY | 04/10/07 |

AND, BE IT RESOLVED, that Robert Swiatkowski, of Cheektowaga, NY, who is currently a regular part-time Recreation Attendant in the Youth and Recreation Department at the rate of \$8.40 per hour, be upgraded to the new rate of \$9.00 per hour, effective April 3, 2007; AND

BE IT RESOLVED, that Police Department (Sign Maintenance Division) employee Sean M. Trapper, who was hired March 5, 2007, as a seasonal laborer at the incorrect rate of \$7.15 per hour, have his hourly rate corrected to be \$7.75 per hour, effective March 5, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM

Department: Personnel

Category: Hire/Retain/Transfer/Upgrade/Termination

Prepared By: Michelle Kaminski

Initiator: Michelle Kaminski

Sponsors: Councilmember Magierski, Supervisor Jankowiak

DOC ID: 1986

ADOPTED

RESOLUTION 2007-218

Maintenance Worker, Facilities, Permanent, Jeffrey Pijacki

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department; AND

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

WHEREAS, no full-time bargaining unit member bid on said vacancy; AND

WHEREAS, Jeffrey Pijacki, currently employed as a temporary Pump Operator in the Main Pump Station, applied for said vacancy, and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Jeffrey Pijacki of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 9, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM

Department: Town Attorney

Category: Appointments/Reappointments

Prepared By: Connie Paoletti

Initiator: Connie Paoletti

Sponsors: Councilmember Swiatek, Councilmember Rogowski

DOC ID: 1637

ADOPTED

RESOLUTION 2007-219

Re-Appoint Board of Ethics Member

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted A Local Law Establishing a Board of Ethics (Local Law No.1 of the year 1993), which was amended by the adoption, on April 4, 1994, of A Local Law Amending the Board of Ethics Law (Local Law No.1 of the year 1994); and

WHEREAS, pursuant to such law, this Town Board appointed five members to serve on the Board of Ethics Committee; and

WHEREAS, the term of member Jeanne Pawlik expired on August 1, 2006, and she has expressed interest in continuing to serve on said Committee; and

WHEREAS, the Board of Ethics has recommended that Jeanne Pawlik be reappointed for another term,

NOW, THEREFORE, BE IT

RESOLVED, that Jeanne Pawlik of Depew, New York, be and hereby is re-appointed to the Board of Ethics of the Town of Cheektowaga, retroactive to August 1, 2006 and terminating on August 1, 2011.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Youth & Recreation
Prepared By: Kevin Schenk
Initiator: Kevin Schenk

Sponsors: Councilmember Rogowski, Councilmember Jaworowicz

ADOPTED

RESOLUTION 2007-220

DOC ID: 1989

Revise Fees for Use of Town Pools

WHEREAS, the Town of Cheektowaga Youth And Recreational Services Department operates a recreation program for the Town, and

WHEREAS, said recreation program includes the use of town parks, playgrounds and amenities, including the Town Park Pool, Dingens Street Pool and Maryvale Pool, and

WHEREAS, residents of the Town of Cheektowaga are able to purchase resident discount cards to utilize town pools at a cost of \$7.00 (\$5.00 for children 7-15 years old) for a two-year period, and

WHEREAS, residents who choose not to obtain resident discount cards and non-residents accompanied by residents with resident discount cards, in 2006, were charged a fee of \$2.00- \$4.00 per day for the use of the pools, and

WHEREAS, there is a need to increase fees currently charged to non-residents (accompanied by residents with valid resident discount cards) and residents who fail to obtain the resident discount card for the use of town pools, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the fee for non-residents (accompanied by residents with valid residents discount cards) and residents who fail or neglect to obtain the resident discount cards to utilize town pools shall be \$7.00 per day.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Engineering
Category: Engineering Misc.
Prepared By: Diane Swiatek
Initiator: William Pugh

Sponsors: Councilmember Johnson Jr., Supervisor Jankowiak

DOC ID: 1990

ADOPTED

RESOLUTION 2007-221

Authorize National Grid to Remove Street Lights on Harlem Road

WHEREAS, the New York State Department of Transportation's ongoing project for the reconstruction of Harlem Road (PIN 5268.32.306) from Genesee Street northward to Yorktown Road in the Town of Amherst necessitates the removal of street lighting facilities in conflict with construction owned by National Grid, the annual operation of which is funded by the Town for that portion of the project located within the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that National Grid be and hereby is authorized to remove utility owned street lighting facilities on Harlem Road where necessary which are impacted by said highway reconstruction project at no cost to the Town with subsequent utility billing adjustment to reflect the removal of said facilities, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be directed to furnish a copy of this resolution to the attention of:

Ms. Frances Porpiglia
Consumer Representative
National Grid
144 Kensington Avenue
Buffalo, NY 14214

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Engineering
Category: Award of Bid
Prepared By: Diane Swiatek
Initiator: William Pugh

Sponsors: Supervisor Jankowiak, Councilmember Rogowski

DOC ID: 1991

ADOPTED

RESOLUTION 2007-222

Award of Bid - Gas Fired Generator

WHEREAS, a Notice to Bidders was published for the receipt of bids for the purchase of one (1) 125 kw Natural Gas Fired Generator Set and Associated Transfer Switch to be installed by Town forces at the Central Garage, which bids were duly received and opened at a public bid opening conducted on March 14, 2007, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report which is attached hereto, dated March 30, 2007 and made a part hereof, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) 125 kw Natural Gas Fired Generator Set and Associated Transfer Switch be and hereby is awarded to:

Penn Power Systems
350 Bailey Avenue
Buffalo, NY 14210-1737

for their bid in the amount of \$28,469.00, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funding is available in Account #500-1640-9304-5301 for the purchase of the subject Standby Emergency Generator and Transfer Switch Equipment.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/02/07 06:45 PM
Department: Engineering
Category: Miscellaneous
Prepared By: Diane Swiatek
Initiator: William Pugh
Sponsors: Jankowiak, Magierski, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.
DOC ID: 1992

ADOPTED

RESOLUTION 2007-223

Approve Proposal of Kideney Architects for Preparation of a Master Facility Study

WHEREAS, the Town operates and maintains in excess of twenty five (25) buildings and facilities associated with governmental administration and support services, recreational and public works functions, AND

WHEREAS, this Town Board supports the recommendations of the Town's Capital Improvements Committee, whom has recommended that a long term Capital Improvement Plan for Public Facility and Equipment needs be prepared based on an evaluation of its current facilities and the current and future needs of its numerous departments and divisions, AND

WHEREAS, a Master Facility Study will further identify opportunities to maximize the utilization of existing Town Facilities, prioritize capital project maintenance and construction needs, and set forth a basis for the development of future financing projections and options, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Kideney Architects, P.C., 200 John James Audubon Parkway, Buffalo, New York 14228, dated March 29, 2007 for professional services associated with the preparation of a Master Facility Study of Town buildings and related department needs is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Kideney Architects, P.C. for the provision of said professional services in an amount not to exceed \$41,300.00 which shall be chargeable to Account #500-1440-9340-5312.

COMMENTS - Current Meeting:

This resolution was motioned by Unanimous; Seconded by Unanimous.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

WITHDRAWN

RESOLUTION 2007-224

Meeting: 04/02/07 06:45 PM
Department: Town Attorney
Category: Miscellaneous
Prepared By: Kevin Schenk
Initiator: Kevin Schenk
Sponsors: Councilmember James Rogowski
DOC ID: 1993

Assumption for Liability for Trees In Stiglmeier Park

WHEREAS, a significant ice storm affected the Town of Cheektowaga in October of 2006 and caused significant damage to trees in the Town, and

WHEREAS, FEMA and the County of Erie assisted the Town of Cheektowaga in removing damaged trees in Stiglmeier Park, and

WHEREAS, an arborist from the Erie County Department of Public Works, Division of Highways, evaluated trees in Stiglmeier Park and identified same for removal, and

WHEREAS, the Director of the Facilities Department requested that some of the trees identified by the arborist for Erie County for removal should not be removed, and

WHEREAS, the Erie County Department of Public Works, Division of Highways has requested that the Town of Cheektowaga indicate in writing that it will assume the responsibility and liability should there be any future damage from the trees that the Town requested to remain, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby commits that the Town of Cheektowaga will assume the responsibility and any associated liabilities should there be any future damage from the aforementioned trees in Stiglmeier Park that were evaluated by the arborist for Erie County for removal but that the Director of the Town Facilities Department requested not be removed.

RESULT: WITHDRAWN



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, April, 10, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on April 10, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Absent | |

2. Additional Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations
Kenneth J. Kopacz, Director of Recreation and Youth Services
John Jaroszewski, General Crew Chief

II. Resolutions



RESOLUTION 2007-225

DOC ID: 1997

Amend Agreement with Johnson Controls

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, there exists a Performance Contracting Project Agreement between the Town of Cheektowaga and Johnson Controls, Inc., and an Amendment A to said Agreement, to implement cost and energy savings measures in the Town; and

WHEREAS, in order to provide for the replacement and/or substitution of solar lights and gas lights with electric lighting, this Town Board, by resolution dated December 27, 2006, authorized the Supervisor to execute a further amendment to the Agreement with Johnson Controls; and

WHEREAS, negotiations have been had between representatives of the Town of Cheektowaga and Johnson Controls, Inc. to refine the terms of Amendment B to the aforementioned agreement; and

WHEREAS, the Town of Cheektowaga has acquired numerous easements from property owners for the purpose on installing electric street lights on streets where solar lights and/or gas lights exist; NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the attached Amendment B to the Performance Contracting Project Agreement (and Amendment A) with Johnson Controls, Inc.; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned attached Amendment B with Johnson Controls, Inc. and any and all other documents that may be required hereunder to effectuate the terms of said Amendment B; and BE IT FURTHER

RESOLVED, that the entry into this amendment agreement shall be subject, however, to the Town successfully obtaining any other necessary easements from property owners for the installation of electric lines.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski |
| ABSENT: | Patricia Jaworowicz, Richard Zydel |



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 04/10/07 06:00 PM

Department: Town Attorney

Category: Agreements, Bonds, Contracts

Prepared By: Kevin Schenk

Initiator: Kevin Schenk

Sponsors: Councilmember Johnson Jr., Councilmember Magierski

ADOPTED

RESOLUTION 2007-225

DOC ID: 1997

Amend Agreement with Johnson Controls

WHEREAS, there exists a Performance Contracting Project Agreement between the Town of Cheektowaga and Johnson Controls, Inc., and an Amendment A to said Agreement, to implement cost and energy savings measures in the Town; and

WHEREAS, in order to provide for the replacement and/or substitution of solar lights and gas lights with electric lighting, this Town Board, by resolution dated December 27, 2006, authorized the Supervisor to execute a further amendment to the Agreement with Johnson Controls; and

WHEREAS, negotiations have been had between representatives of the Town of Cheektowaga and Johnson Controls, Inc. to refine the terms of Amendment B to the aforementioned agreement; and

WHEREAS, the Town of Cheektowaga has acquired numerous easements from property owners for the purpose on installing electric street lights on streets where solar lights and/or gas lights exist; NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby approves the attached Amendment B to the Performance Contracting Project Agreement (and Amendment A) with Johnson Controls, Inc.; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned attached Amendment B with Johnson Controls, Inc. and any and all other documents that may be required hereunder to effectuate the terms of said Amendment B; and BE IT FURTHER

RESOLVED, that the entry into this amendment agreement shall be subject, however, to the Town successfully obtaining any other necessary easements from property owners for the installation of electric lines.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski |
| ABSENT: | Patricia Jaworowicz, Richard Zydel |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, April, 16, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 16, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydell | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
John Jaroszewski, Working Crew Chief
Anthony Romano, Coordinator of Employee Relations
Brian Hess, Assessor

II. Public Comment Period

III. Resolutions



RESOLUTION 2007-226

DOC ID: 1995

Transfer of Funds 2006

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

2006

Highway Fund

| | | | |
|-------|---------------|--------------------------|--------------|
| From: | 300-1910-4589 | Federal Emergency Aid | \$100,000.00 |
| | 300-5141-1735 | Highway Labor Allocation | 100,000.00 |
| To: | 300-5141-1902 | Highway Overtime Labor | \$100,000.00 |
| | 300-5142-1701 | Highway Snow Labor | 100,000.00 |

Risk Retention Fund

| | | | |
|-------|---------------|--|--------------|
| From: | 101-1930-4703 | Judgements & Claims, Workers Comp. | \$284,000.00 |
| To: | 101-1932-4703 | Judgements & Claims, General Liability | \$284,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-227

DOC ID: 1996

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 13, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|-----------------|
| General Fund | \$3,325,759.54 |
| Risk Retention Fund | 525,233.50 |
| Debt Service Fund | 1,700.00 |
| HUD Housing Rehabilitation Fund | 30,529.00 |
| Special Districts Fund | 1,295,029.79 |
| Highway Fund | 948,876.49 |
| Capital Fund | 582,521.71 |
| Trust & Agency Fund | 12,240.61 |
| CDBG HUD Fund | 1,895.00 |
| Part Town Fund | 126,355.79 |
| NYS Affordable Housing Fund | <u>3,000.00</u> |
| | \$6,853,141.43 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-228**

DOC ID: 2002 A

Award of Bid - Refinishing of Two Metal Swimming Pools

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, as a result of advertisement, bids were received on April 11, 2007 for refinishing two (2) metal swimming pools located at 735 Maryvale Drive in the Town of Cheektowaga, AND

WHEREAS, said bids were referred to the Town Engineer and Facilities Director for analysis and tabulation, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the refinishing of two (2) metal swimming pools be awarded to:

Atlas Painting and Sheeting Corporation
465 Creekside Drive
Amherst, New York 14228

for submission of the lowest bid meeting the requirements of the specifications in the amount of \$79,000.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said refinishing work in Account #500-7180-0010-5019 (\$29,000) and Account #100-7110-4451 (\$50,000).

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-229**

DOC ID: 2008

Award of Bid for Bus Transportation

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, in accordance with the policies and procedures adopted by the Cheektowaga Town Board for the procurement of goods and services, the Department of Youth and Recreational Services solicited proposals for transportation for its 2007 summer camp programs, AND

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

WHEREAS, Laidlaw Education Services 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 \$5,310.00 for the Department of Youth & Recreational Services' day camp programs to:

--Laidlaw Education Services
45 Anderson Road
Cheektowaga, New York 14225

Line Item Nos.: 7140.4517
7140.4518
7310.4691

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-230

DOC ID: 2020

**Call for Public Hearing - Rezoning of 2555-2563 Union Road
and SBL No. 113.20-2-1.111**

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Benderson Development Co., LLC has made application and requested the rezoning of 2555 - 2563 Union Road & SBL No. 113.20-2-1.111 from NS & R to CM- General Commercial for a single story 7,291 square foot retail building, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 7, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 7th day of May, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Benderson Development Co., LLC

for the rezoning of 2555 - 2563 Union Road & SBL No. 113.20-2-1.111 from NS & R to CM- General Commercial for a single story 7,291 square foot retail building.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY

Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO BENDERSON DEVELOPMENT COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE

IN LIBER 11095 OF DEEDS AT PAGE 8098, SAID POINT BEING IN THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT;

THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 97 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT RIGHT ANGLES A DISTANCE OF 45 FEET MORE OR LESS TO A POINT;

THENCE WESTERLY AT RIGHT ANGLES A DISTANCE OF 105 FEET MORE OR LESS TO A POINT IN THE SAID EASTERLY LINE OF UNION ROAD;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID UNION ROAD A DISTANCE OF 46 FEET MORE OR LESS TO THE POINT OR PLACE OF BEGINNING, CONTAINING 4,536 SQUARE FEET OF LAND MORE OR LESS.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LANDS CONVEYED BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11095 OF DEEDS AT PAGE 8098, DISTANT 220.69 FEET EAST OF THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT, SAID LINE AS MEASURED ALONG THE NORTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE SOUTHERLY ALONG AN EASTERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 135.67 FEET TO A POINT IN SAID EASTERLY LINE OF LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE EASTERLY AT AN EXTERNAL ANGLE OF 95°35'36" A DISTANCE OF 15.00 FEET TO A POINT IN AN EASTERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE A DISTANCE OF 73.48 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 37 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT AN INTERIOR ANGLE OF 104°-26'-48" A DISTANCE OF 204 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF SAID LIBER 11095, OF DEEDS AT PAGE 8098;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 45 FEET MORE OR LESS TO THE POINT OR PLACE OF BEGINNING, CONTAINING 7,917 SQUARE FEET OF LAND MORE OR LESS.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-231

DOC ID: 1994 A

Assumption of Liability for Trees In Stiglmeier Park

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, a significant ice storm affected the Town of Cheektowaga in October of 2006 and caused significant damage to trees in the Town, and

WHEREAS, FEMA and the County of Erie assisted the Town of Cheektowaga in removing damaged trees in Stiglmeier Park, and

WHEREAS, an arborist from the Erie County Department of Public Works, Division of Highways, evaluated trees in Stiglmeier Park and identified same for removal, and

WHEREAS, the Director of the Facilities Department requested that some of the trees identified by the arborist for Erie County for removal should not be removed, and

WHEREAS, the Erie County Department of Public Works, Division of Highways has requested that the Town of Cheektowaga indicate in writing that it will assume the responsibility and liability should there be any future damage from the trees that the Town requested to remain, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby commits that the Town of Cheektowaga will assume the responsibility and any associated liabilities should there be any future damage from the aforementioned trees in Stiglmeier Park that were evaluated by the arborist for Erie County for removal but that the Director of the Town Facilities Department requested not be removed.

Motion by Councilmember Swiatek, second by Councilmember Johnson to amend the above resolution to include the following paragraph, and the amendment carried.

AND, BE IT FURTHER RESOLVED, that the Town Attorney, upon consultation with Holfoth Risk Management, shall issue a letter on behalf of the Town to the Erie County Department of Public Works, Division of Highways, to set forth the extent to which the Town shall assume such responsibility and liability.

AMENDED RESOLUTION

WHEREAS, a significant ice storm affected the Town of Cheektowaga in October of 2006 and caused significant damage to trees in the Town, and

WHEREAS, FEMA and the County of Erie assisted the Town of Cheektowaga in removing damaged trees in Stiglmeier Park, and

WHEREAS, an arborist from the Erie County Department of Public Works, Division of Highways, evaluated trees in Stiglmeier Park and identified same for removal, and

WHEREAS, the Director of the Facilities Department requested that some of the trees

identified by the arborist for Erie County for removal should not be removed, and

WHEREAS, the Erie County Department of Public Works, Division of Highways has requested that the Town of Cheektowaga indicate in writing that it will assume the responsibility and liability should there be any future damage from the trees that the Town requested to remain, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby commits that the Town of Cheektowaga will assume the responsibility and any associated liabilities should there be any future damage from the aforementioned trees in Stiglmeier Park that were evaluated by the arborist for Erie County for removal but that the Director of the Town Facilities Department requested not be removed, AND

BE IT FURTHER RESOLVED, that the Town Attorney, upon consultation with Holfoth Risk Management, shall issue a letter on behalf of the Town to the Erie County Department of Public Works, Division of Highways, to set forth the extent to which the Town shall assume such responsibility and liability.

This resolution was taken out of order, and acted upon at the end of Section III, Resolutions.

RESULT: **ADOPTED AS AMENDED [UNANIMOUS]**
MOVER: James Rogowski, Councilmember
SECONDER: Richard Zydell, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell



RESOLUTION 2007-232

DOC ID: 2015

Retain Engineering Consultant for GIS System

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Wendel Duchscherer, Architects and Engineers, has submitted a proposal to the Town of Cheektowaga to provide the following referenced professional services to the Town for a Geographic Information System ("GIS") for the Town of Cheektowaga:

1. Field Verification Plan and Training - create and document a field verification plan for use by Engineering, Sewer and Highway Department personnel, and provide training to such departments;
2. Internet Mapping System, Site Development & Data Conversion - convert sanitary and storm sewer atlas maps in the pilot project area (Cleveland Hill section of Town); develop an Internet Mapping System accessible by Town personnel; and provide training to Town staff;
3. GIS/GPS Training & Support Services - provide online, on-site and telephone support services for Engineering and Sewer Departments;
4. GIS Implementation Plan Update - conduct an inventory and assessment of the existing network infrastructure; review hardware and software upgrades; create a summary of the Town network infrastructure and short-term and long-term GIS recommendations; and prepare a Request for Proposals for professional GIS consulting services; AND

WHEREAS, the Town Engineer has recommended that the Town engage Wendel Duchscherer to perform the above services, NOW, THEREFORE, BE IT

RESOLVED, that Wendel Duchscherer be and hereby is retained to provide the above referenced professional services at a cost not to exceed \$27,500.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a letter of agreement with Wendel Duchscherer for the above services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from the Town-Wide Drainage and Sanitary Sewer District budgets.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-233

DOC ID: 2001

Request State Legislators to Submit Bill to Permit Town to Grant License and Easement Over Golf Course

Sponsored By: Jaworowicz, Magierski, Jankowiak, Rogowski, Swiatek, Zydel, Johnson Jr.

WHEREAS, the Town of Cheektowaga is the owner in fee of park lands located on the east side of Sonwil Drive and the north side of Rehm Road in the Town, said lands also known as the Diamond Hawk Golf Course, and

WHEREAS, said lands have been leased to Garrett, LLC for the construction and operation of a public golf course, and

WHEREAS, the developer of a patio home subdivision known as The Patio Homes at Diamond Hawk has requested a license from the Town over a 30 foot-wide portion of the Diamond Hawk in order to construct a sanitary sewer line, and

WHEREAS, after construction of said sanitary sewer line, it will be dedicated to the Town of Cheektowaga and Town of Cheektowaga Sanitary Sewer District No. 8 will thereafter maintain said sewer line; a permanent easement from the Town to Sanitary Sewer District must also be approved, and

WHEREAS, since the aforementioned land is considered dedicated parkland, special State legislation must be submitted and approved before the Town can enter into any license or easement agreement on this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests State Assemblyman Dennis H. Gabryszak and State Senator William T. Stachowski to prepare and submit a bill (in a form similar to the form attached to this resolution) to the State Legislature to authorize the Town of Cheektowaga to convey the aforementioned license and easement over Diamond Hawk Golf Course, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Gabryszak and Senator Stachowski.

ATTACHMENTS:

Golf Course alienation for sewer (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-234**

DOC ID: 2010

Authorize Supervisor to Sign Voice Telecommunications Contract

Sponsored By: Magierski, Jankowiak, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.

WHEREAS, the Town contracted with Troy & Banks to review our telecommunications billings and assist in negotiating a new contract as the current contract was expiring, and

WHEREAS, Troy & Banks has obtained a new 3 year contract from Level 3 communications for voice communication only and has presented a summary of the contract with estimated savings of \$1,910 per month, NOW, THEREFORE, BE IT

RESOLVED, that subject to approval by the Town Attorney, Supervisor James J. Jankowiak be and hereby is authorized to sign a contract between the Town of Cheektowaga and Level 3 Communications for voice communications for Town buildings for a 3 year term.

ATTACHMENTS:

new level 3 contract and cover letter (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-235**

DOC ID: 2022

Authorize Supervisor to Sign Fair Housing Impediments Study Agreement with Erie County

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga, previously adopted a Resolution authorizing the Supervisor to execute an agreement with Erie County for the preparation of Fair Housing Impediments Study that will include the Town of Cheektowaga in the amount not to exceed \$9,500, AND

WHEREAS, due to modifications to the proposed contract, the cost of said study has increased by the amount of \$1,500 for each of the three HOME Consortium communities, of which Cheektowaga is a member, AND

WHEREAS, the Director of Community Development has indicated that such a Fair Housing Impediments Study is required by the Department of Housing & Urban Development, AND

WHEREAS, the Director of Community Development has recommended acceptance of the additional cost, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with the County of Erie, 95 Franklin Street, Buffalo, New York 14202 to conduct a Fair Housing Impediments Study to include the Town of Cheektowaga for the amended cost not to exceed \$11,000.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-236**

DOC ID: 2016

Authorize Supervisor to Sign Agreement with Cheektowaga Central

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Department of Youth & Recreational Services has requested use of the Pine Hill Primary Center playground for the summer of 2007, and

WHEREAS, the Cheektowaga Central School District requires proof of insurance coverage and an agreement indemnifying the school district against any loss, liability, or damage that may occur as a result of such use by the Town, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor is hereby authorized and directed to execute an indemnification agreement subject, however, to approval by the Town Attorney's office, and provide any proof of insurance that may be required by the Cheektowaga Central School District by reason of the use of its facilities as aforesaid.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-237**

DOC ID: 2023

Authorize Supervisor to Sign Lead and Environmental Hazard Testing Agreement

Sponsored By: Councilmember Swiatek, Councilmember Johnson Jr.

WHEREAS, an agreement executed with Stohl Environmental LLC as of April 1, 2005 for lead hazard testing and consulting services for the Town's housing rehabilitation programs allows for annual extensions of said agreement, and

WHEREAS, the Director of Community Development has recommended extending said Agreement for one additional year at the same cost, terms and conditions as contained in the previous agreement, and

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount of up to \$38,000 with Stohl Environmental LLC, 4169 Allendale Parkway, Suite 100, Blasdell, New York 14219 to perform lead hazard, asbestos and mold testing services for the Town of Cheektowaga housing rehabilitation programs pursuant to said company's proposal dated April 11, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-238**

DOC ID: 2006

Authorize Supervisor to Sign Grant Application to NYSDEC

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga has been notified that the New York State Department of Environmental Conservation is prepared to award the Town \$9,000 for street tree planting, maintenance, or inventory as a result of the October 2006 snowstorm; and

WHEREAS, the Town has determined the best use of these funds will be to purchase trees for installation at Town Park and Stiglmeier Park and to purchase tools to enhance maintenance activities, NOW, THEREFORE BE IT

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

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-239**

DOC ID: 2019

Authorize Supervisor to Sign Grant Application for Buckle Up New York Program

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga seeks grant monies from the State of New York Governor's Traffic Safety Committee via the Buckle Up New York Program ("BUNY") in the approximate amount of \$7,680.00 to improve enforcement of seat belt use, and

WHEREAS, grant monies will be used to support overtime police patrols targeting motorists who fail to use seat belts; 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 State of New York Governor's Traffic Safety Committee for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-240

DOC ID: 2021

Support Conversion of Kensington Village Apartments

Sponsored By: Johnson Jr., Zydell, Jaworowicz, Swiatek, Rogowski, Jankowiak, Magierski

WHEREAS, Ken-Vil Associates, LP, owns an apartment complex located along Kenville Road in the Town of Cheektowaga known as the Kensington Village Apartments, and

WHEREAS, MSH-Kenmore, LLC, under an agreement with Capstone Chasen Development, LLC, proposes to acquire, redesign, rehabilitate and convert said apartment complex into a 1,208-bed apartment style student-only housing community to be known as University Centre - Student Housing Community, and

WHEREAS, MSH-Kenmore, LLC proposes financing the acquisition, redesign, rehabilitation and conversion of such apartment complex through the issuance of up to \$96 million in tax exempt bonds using the Village of Kenmore Housing Authority to act as issuer, and

WHEREAS, a public hearing was held by the Kenmore Housing Authority concerning the aforesaid proposed financing, and

WHEREAS, the Town of Cheektowaga has commenced review of this project under the State Environmental Quality Review Act for the project, and is in support of same, and

WHEREAS, the Kenmore Housing Authority has requested this Town Board to officially note its support of this project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby expresses its support for the above referenced project and the issuance of bonds by the Village of Kenmore Housing Authority, and BE IT FURTHER

RESOLVED, that this Town Board hereby also requests that the Village Board of the Village of Kenmore approve the invitation of the Kenmore Housing Authority by the Town of Cheektowaga to act as issuer of tax exempt bonds for this transaction, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to send a letter of support for this project and the issuance of tax-exempt bonds as indicated above to the Kenmore Housing Authority and to the Mayor and Trustees of the Village of Kenmore.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Jaworowicz, Swiatek, Magierski, Rogowski, Zydell |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

**RESOLUTION 2007-241**

DOC ID: 2013

Declare Week of the Young Child

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, The Association for the Education of Young Children (AEYC) of Western New York is celebrating the Week of the Young Child from April 22 through April 28, 2007; and

WHEREAS, the purpose of this celebration is to recognize the needs of young children and to thank educators and families who have dedicated themselves to building better futures for all children; and

WHEREAS, the Week of the Young Child is celebrated across the country by hundreds of organizations working to improve opportunities for all young children;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby joins in the support of the Week of the Young Child and its purpose in celebrating the exemplary efforts that have been made by individuals who have recognized the needs of young children in our community; and **BE IT FURTHER**

RESOLVED, that this Town Board hereby expresses its thanks and appreciation to those who have dedicated themselves to recognizing the needs of the young children in our community and to those who have made efforts to improve the future of those children; and **BE IT FURTHER**

RESOLVED, that this Town Board hereby declares that the week of April 22, 2007 through April 28, 2007 be recognized as the Week of the Young Child.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-242**

DOC ID: 2012

Establish Account for Demolitions

Sponsored By: Rogowski, Jaworowicz, Zydel, Johnson Jr., Swiatek, Jankowiak, Magierski

WHEREAS, the Supervising Code Enforcement Officer has identified buildings within the Town of Cheektowaga which are in disrepair, unsafe and in need of demolition, and

WHEREAS, under the Unsafe Buildings Law, in order to proceed with the demolition of buildings, the Building Inspections Department must notify the owner(s) of the property, and, if no response is had, the Town may proceed with the demolition and assess the cost of same to the property, and

WHEREAS, if the owner of the property does not remit payment, the amount will be added onto his/her property tax bill, and the County will reimburse the Town for all amounts owing on the tax bill, and

WHEREAS, moneys need to be appropriated to fund the demolition of these properties up front, and

WHEREAS, moneys are available in the fund balance (outside villages) because revenues from building permits have been in excess of what was estimated, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of \$120,000.00 from the fund balance (outside villages) into an account to be established by the Director of Administration and Finance to be used solely for "Building Demolition".

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-243

DOC ID: 2014

Reduce Clean-Up Charges on Tax Bills

Sponsored By: Swiatek, Rogowski, Magierski, Jankowiak, Jaworowicz, Zydel, Johnson Jr.

WHEREAS, the Town of Cheektowaga Building Inspections Department and Housing & Neighborhood Preservation Office enforces Town Codes relating to the upkeep of properties in the Town, and cites property owners who neglect to maintain their properties, and

WHEREAS, in the event the notified property owners neglect to clean up their property, the Town of Cheektowaga will utilize a contractor to perform the necessary clean-up work and bill the property owner for the cost of such clean-up, and

WHEREAS, the following property owners were assessed charges for the clean-up and removal of debris from the following respective properties for work done prior to the date they purchased said properties, and have requested relief from the payment of said charges:

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|-------------------------------|-----------------------|
| J & F Property Resource Corp. | 41 East End Avenue |
| Riva Fillmore | 762 Beach Road |
| LUCI, LLC | 33 South Colby Street |

; and

WHEREAS, a portion of said clean-up charges charged to the properties on their 2007 County tax bills included a \$200.00 administrative fee for each clean-up performed, **NOW, THEREFORE, BE IT**

RESOLVED, that, under the circumstances, this Town Board hereby waives the administrative fee portion of the clean-up charges placed on the 2007 County tax bills for the following properties in the following amounts:

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| 41 East End Avenue | \$400.00 (2 clean-ups) |
| 762 Beach Road | \$200.00 (1 clean-up) |
| 33 South Colby Street | \$200.00 (1 clean-up) |

RESOLVED, that the aforementioned administrative charges, interest, penalties, or other late charges which have accrued solely as a result of said charges for the above referenced properties, shall be removed and vacated from the tax rolls and from current and future tax bills rendered for said premises; and **BE IT FURTHER**

RESOLVED, that the Town Assessor and/or the County of Erie Department of Taxation and Finance is hereby directed to remove said administrative fee charges against the above referenced properties, together with any interest, late fees, penalties, or other charges that may have accumulated as a result of said administrative charges, from the tax rolls.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-244

DOC ID: 1998

Unsafe-Unsecured - 64 Tammy Lane

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 64 Tammy Lane, Cheektowaga, New York SBL# 92.02-3-24.1 that is a danger to the safety of others, and records kept by the Assessors Office identify R. E. Fund Sky Harbor Property, Attn: Green Courte Partners LLC, 560 Oakwood Avenue, Suite 100, Lake Forest, IL 60045, as the owner AND

WHEREAS, an inspection of such premises was conducted at 64 Tammy Lane, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Richard Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-245

DOC ID: 1999

October 2006 Storm Clean-Up - 18 Andrews Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 18 Andrews Avenue, Cheektowaga, New York SBL# 101.28-2-4 that is a danger to the safety of others, and records kept by the Assessors Office identify Dennis Harrington and Lucian Pacillo, 18 Andrews Avenue, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 18 Andrews Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Richard Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-246**

DOC ID: 2007

Creation of Six (6) Van Driver PT Positions**Sponsored By:** Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates six (6) part-time Van Driver positions pursuant to Civil Service Laws and Rules effective April 17, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-247**

DOC ID: 2000

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

FACILITIES DEPARTMENT Laborer \$7.25/hour
David Matteson, Depew, NY
Effective 4/27/07

FACILITIES DEPARTMENT Laborer \$8/hour
Michael Beyer, Cheektowaga, NY
Effective 4/21/07

Jeffrey McGill, Cheektowaga, NY
Effective 6/19/07

Jarrett Sinclair, Cheektowaga, NY
Effective 6/25/07

Kyle Lackie, Cheektowaga, NY
Effective 5/15/07

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:

SENIOR SERVICES Van Driver \$8.25/hour
Richard J. Szprygada, Cheektowaga, NY
Effective 4/16/07

TOWN CLERK Clerk \$8/hour
Andrea Purucker, Cheektowaga, NY
Effective 4/16/07

FACILITIES DEPARTMENT Laborer \$8/hour
Richard Gramza, Cheektowaga, NY
Effective 4/16/07

BE IT RESOLVED, that the following part-time employee's hourly wage be and hereby is adjusted as follows:

POLICE DEPARTMENT Police Attendant (Detention Officer) \$15/hour
Joseph D. Schanne, Cheektowaga, NY
Effective 3/19/07

BE IT RESOLVED, that the following seasonal employee's name be and hereby is amended as follows:

FACILITIES DEPARTMENT Laborer \$8/hour
Daniel Wegner to Daniel Wagner, Cheektowaga, NY
Effective 4/10/07

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

SENIOR SERVICES
Randolph Skrydlewski
Effective 4/16/07

JUSTICE COURT
John Stronka
Effective 3/30/07

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-248**

DOC ID: 2018

Hiring of Part-Time In Department of Youth & Recreation**Sponsored By:** Councilmember Jaworowicz, Councilmember Magierski

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

Regular Part-time

Recreation Specialist (Pool Director) - \$16.99

Brian Hansen

14043

Recreation Aide - \$7.15

Olivia Gmerek

14225

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-249

DOC ID: 2017

Transfer of Part-Time Individuals In Youth and Recreation

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

From Recreation Aide (part-time) to Recreation Attendant (Regular Part-time)

- Glenn M. Au
- Joseph Bodkin
- Jeff Filipski
- Kevin Finn

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-250

DOC ID: 2009

**Termination of Parks Maintenance Worker II (David R. Wass)
In Facilities Department**

Sponsored By: Magierski, Jankowiak, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.

BE IT RESOLVED, that David R. Wass, a Park Maintenance Worker II in the Facilities Department, be and hereby is terminated effective April 17, 2007.

| | |
|----------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-251**

DOC ID: 2004

Travel Authorization Police (Capt. Glascott)

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Law Enforcement Training Directors Association of New York State is meeting on May 16-20, 2007 in Lake Placid, New York; AND

WHEREAS, Police Captain John Glascott has requested authorization to attend said meeting; AND

WHEREAS, Police Chief Christine Ziemba 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 \$448; AND

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

RESOLVED, that Police Captain John Glascott be and hereby is authorized to attend the Law Enforcement Training Directors Association of New York State meeting being held May 16-20, 2007 in Lake Placid, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-252**

DOC ID: 2005

Travel Authorization Police (Det. Mark Jedd)

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Statewide Work Group is meeting April 24-26, 2007 in Albany, New York; AND

WHEREAS, Police Detective Mark Jedd has requested authorization to attend said meeting; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, no cost shall be incurred to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Police Detective Mark Jedd be and hereby is authorized to attend the Motor Vehicle Theft and Insurance Fraud Statewide Work Group meeting on April 24-26, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-253**

DOC ID: 2011

Travel Authorization DISS (Mark Orzechowski)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Hewlett Packard is sponsoring a product demonstration on April 26, 2007 in Boston, Massachusetts; AND

WHEREAS, Network Coordinator Mark Orzechowski has requested authorization to attend said demonstration; AND

WHEREAS, Director of Administration and Finance Brian Krause has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, no cost shall be incurred to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Network Coordinator Mark Orzechowski be and hereby is authorized to attend the Hewlett Packard product demonstration being held April 26, 2007 in Boston, Massachusetts.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

IV. Suspension of Rules

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|--|
| Motion by Councilmember Magierski, second by Councilmember Johnson to suspend the rules to include the following three items and the motion carried. |
|--|

**RESOLUTION 2007-254**

DOC ID: 2024

Authorize Supervisor to Execute Lease Agreement

Sponsored By: Councilmember Thomas Johnson Jr.

WHEREAS, the Town Board of the Town of Cheektowaga ("Lessee") desires to obtain certain equipment described in Energy Performance Contract Municipal Lease/Purchase Agreement (collectively, the "Lease") with Real Lease, Inc., the form of which has been available for review by this Town Board of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with Manufacturers and Traders Trust Company (the "Escrow Agent") pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with Real Lease, Inc. and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting;
NOW, THEREFORE, BE IT

RESOLVED, that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in the forms presented to this Town Board and incorporated in this Resolution are in the best interests of Lessee for the acquisition of the Equipment; and be it further

RESOLVED, that the Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved; and be it further

RESOLVED, that the Town Supervisor of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents; the Town Clerk of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same; and be it further

RESOLVED, that the Supervisor is hereby authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents; and be it further

RESOLVED, that pursuant to Section 265(b) of the Internal Revenue Code of 1986, as amended (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-

exempt obligation” for purposes of Section 265(b)(3) of the Code; and be it further

RESOLVED, that the above resolution has not been repealed or amended and remains in full force and effect and, further, that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-255

DOC ID: 2026

Authorize Supervisor to Execute Agreement to Retain Consultant

Sponsored By: Councilmember Thomas Johnson Jr.

WHEREAS, T-Mobile has made application to the Town of Cheektowaga for a tower permit to install a telecommunications tower on property owned by the Cleveland Hill Fire District at 440 Cleveland Drive, and

WHEREAS, as part of said application, T-Mobile had a propagation study prepared on its behalf, and

WHEREAS, as part of the review for the aforesaid application, the Town of Cheektowaga needs to retain a consultant to review the propagation study and other data related to the application, and

WHEREAS, the applicant has agreed to pay the cost for said consultant, and

WHEREAS, COMI Communications has expertise in this area and has agreed to review the aforesaid propagation study and data relating to the proposed telecommunications tower at 440 Cleveland Drive at a cost of \$200.00 per hour, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains COMI Communications to review the aforementioned propagation study and data relating to the proposed telecommunications tower at 440 Cleveland Drive on behalf of the Town of Cheektowaga at a cost of \$200.00 per hour, said fees to be paid from moneys deposited into an escrow/Trust & Agency Account, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with COMI Communications for said consulting services, subject to approval of the form of said agreement by the Town Attorney.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-256

DOC ID: 2025

**Call for Public Hearing - Sale/Abandonment of Kenville Road
And Portions of Betty Lane and Marc Lane**

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the following referenced town highways were previously dedicated to the Town of Cheektowaga:

- Kenville Road
- A portion of Betty Lane (between Kenville Road and Southgate Road);
- A portion of Marc Lane (between Kenville Road and the southerly boundary line extension of the Kensington Village Apartments;

and

WHEREAS, Ken-Vil Associates, LP has made application requesting the discontinuance and purchase of the above referenced town highways; and

WHEREAS, the discontinuance and sale of the above referenced town highways would not negatively affect other property owners in the area since they have other means of accessing surrounding highways, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held by the Town Board of the Town of Cheektowaga, Erie County, New York, at the Town Hall, 3301 Broadway in the said Town of Cheektowaga on May 7, 2007 at 6:30 P.M. for the purpose of discussing and, if need be, acting upon the aforesaid application of Ken-Vil Associates, LP for the abandonment and sale of Kenville Road, a portion of Betty Lane and a portion of Marc Lane, and BE IT FURTHER

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

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the owners of properties on Southgate Road that abut Betty Lane.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 7th day of May, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of Ken-Vil Associates, LP, for the abandonment and sale of Kenville Road including a portion of Betty Lane and a portion of Marc Lane by declaring the discontinuance and prohibition of the access of such road.

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

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, TOWN CLERK

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - March 2007
2. Conservation Advisory Council - Minutes of April 5, 2007 Meeting
3. Environmental Advisory Committee - Minutes of April 4, 2007 Meeting
4. Board of Ethics Committee - Minutes of February 12, 2007 Meeting
5. Planning Board - Minutes of March 8, 2007 Meeting
6. Traffic Safety Commission - Minutes of March 20, 2007 Meeting

B. General Communications

1. Notice of Claim - Mitchell Perry Vs. Town of Cheektowaga
2. Notice of Claim: Kate Swierski Vs. Town of Cheektowaga
3. Notice of Claim: Malcolm Pearson Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Closing

| |
|--|
| Motion by Supervisor Jankowiak, seconded by Councilmember Johnson to adjourn the meeting at 8:15 PM. |
|--|

LAWS OF NEW YORK, 2007
CHAPTER

AN ACT to authorize the Town of Cheektowaga to convey to Sky Harbor, Inc. a license for the installation of a sanitary sewer line, and to convey to the Town Board of the Town of Cheektowaga, as Commissioners of Town of Cheektowaga Sanitary Sewer District No. 8, a permanent easement through land located in Diamond Hawk Golf Course to be used for sanitary sewer development.

Became a law _____, 2007, with the approval of the Governor.
Passed on Home Rule request pursuant to Article IX, section 2(b) (2) of the Constitution by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Town of Cheektowaga, acting by and through its town board, is hereby authorized to convey by appropriate instruments to Sky Harbor, Inc. a license for purpose of enabling such developer to construct a sanitary sewer pipeline and appurtenances over and under the lands located in Diamond Hawk Golf Course; and a permanent easement to enable the Town Board of the Town of Cheektowaga, County of Erie and State of New York, as Commissioners of Town of Cheektowaga Sanitary Sewer District No. 8, to maintain a sanitary sewer pipe and appurtenances in and under the lands located in Diamond Hawk Golf Course described in section two of this act for the purpose of enabling such Town to operate and maintain sanitary sewer system facilities. Upon completion of construction, Sky Harbor, Inc. shall restore the surface of the lands and the lands shall continue to be used for park purposes.

Section 2. The license and easement to be conveyed by the Town of Cheektowaga pursuant to the provisions of this act are described as follows:

License A - a 30 foot wide license being

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 76 and Lot Number 77, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the southwest corner of lands of Samuel W. Tadio, as recorded in the Erie County Clerk's Office in Liber 9701 of Deeds at Page 64, said point also being on the south line of Lot Number 76 and the center line of Rehm Road (49.5 feet wide);

THENCE N-00°-49'-22"-W, along the westerly line of Liber 9701 of Deeds at Page 64, a distance of 24.75 feet to a point on the northerly line of Rehm Road (49.5 feet wide), and the POINT OF BEGINNING;

THENCE S-89°-31'-47"-W, along the northerly line of Rehm Road, a distance of 1,222.41 feet to a point on the west line of Lot Number 76 and the east line of Lot Number 77 and the easterly line of lands of the Town of Cheektowaga as recorded in the Erie County Clerk's Office in Liber 10941 of Deeds at Page 2814;

THENCE N-00°-27'-59"-E, along the easterly line of Liber 10941 of Deeds at Page 2814, a distance of 5.80 feet to the northeast corner of Liber 10941 of Deeds at Page 2814;

THENCE S-79°-33'-02"-W, along a northerly line of Liber 10941 of Deeds at Page 2814, a distance of 189.63 feet to a point on the south line of Lot Number 77;

THENCE S-88°-49'-06"-W along a northerly line of Liber 10941 of Deeds at Page 2814 and the southerly line of Lot Number 77, a distance of 27.78 feet to a point;

THENCE N-01°-10'-54"-W, a distance of 25.86 feet to a point;

THENCE N-79°-33'-02"-E, parallel to the northerly line of Liber 10941 of Deeds at Page 2814, a distance of 182.06 feet to a point;

THENCE N-89°-31'-47"-E parallel to the northerly line of Rehm Road (49.5 feet wide) and 30.00 feet northerly therefrom, a distance of 1,257.69 feet to a point on the westerly line of Liber 9701 of Deeds at Page 64;

THENCE S-00°-49'-22"-E, along the westerly line of Liber 9701 of Deeds at Page 64, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 0.99 acres, more or less.

Easement B - a 30 foot wide permanent easement being ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number 76 and Lot Number 77, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

COMMENCING at the southwest corner of lands of Samuel W. Tadio, as recorded in the Erie County Clerk's Office in Liber 9701 of Deeds at Page 64, said point also being on the south line of Lot Number 76 and the center line of Rehm Road (49.5 feet wide);

THENCE N-00°-49'-22"-W, along the westerly line of Liber 9701 of Deeds at Page 64, a distance of 24.75 feet to a point on the northerly line of Rehm Road (49.5 feet wide), and the POINT OF BEGINNING;

THENCE S-89°-31'-47"-W, along the northerly line of Rehm Road, a distance of 1,222.41 feet to a point on the west line of Lot Number 76 and the east line of Lot Number 77 and the easterly line of lands of the Town of Cheektowaga as recorded in the Erie County Clerk's Office in Liber 10941 of Deeds at Page 2814;

THENCE N-00°-27'-59"-E, along the easterly line of Liber 10941 of Deeds at Page 2814, a distance of 5.80 feet to the northeast corner of Liber 10941 of Deeds at Page 2814;

THENCE S-79°-33'-02"-W, along a northerly line of Liber 10941 of Deeds at Page 2814, a distance of 189.63 feet to a point on the south line of Lot Number 77;

THENCE S-88°-49'-06"-W along a northerly line of Liber 10941 of Deeds at Page 2814 and the southerly line of Lot Number 77, a distance of 27.78 feet to a point;

THENCE N-01°-10'-54"-W, a distance of 25.86 feet to a point;

THENCE N-79°-33'-02"-E, parallel to the northerly line of Liber 10941 of Deeds at Page 2814, a distance of 182.06 feet to a point;

THENCE N-89°-31'-47"-E parallel to the northerly line of Rehm Road (49.5 feet wide) and 30.00 feet northerly therefrom, a distance of 1,257.69 feet to a point on the westerly line of Liber 9701 of Deeds at Page 64;

THENCE S-00°-49'-22"-E, along the westerly line of Liber 9701 of Deeds at Page 64, a distance of 30.00 feet to the POINT OF BEGINNING.

Containing 0.99 acres, more or less.

Section 3. The net proceeds from the granting of the license of the lands described in Section two of this act shall be used by the Town of Cheektowaga, County of Erie for the purchase of additional parkland and/or the capital improvement to existing town parks and/or recreational facilities in the Town of Cheektowaga

Section 4. This act shall take effect immediately.

**Corporate Offices:**

BUFFALO - NEW YORK
Snyder Professional Ctr.
Suite 102
4536 Main Street
Buffalo, NY 14226
(800) 499-8599
(716) 839-4402
Telefax (716) 839-4452

Branch Offices:

CALIFORNIA
1143 M Street
Fresno, CA 93654

FLORIDA

11048 Main Sail Dr.
Ft. Lauderdale, FL 33026

GEORGIA

P.O. Box 923474
Norcross, GA 30010

NEW YORK

2121 Hillside Ave. #93
New Hyde Park, NY 11040

62 Mallock Rd.
Rochester, NY 14428

4764 Summerhurst Dr.
Liverpool, NY 13088

NORTH CAROLINA

2411 Black Wolf Run Ln.
Raleigh, NC 27604

TENNESSEE

904 Lake Haven Rd.
Knoxville, TN 37922

e-mail:

save@troybanks.com

internet address:

www.troybanks.com

Brian Krause
Town of Cheektowaga
3301 Broadway
Cheektowaga, New York 14227

April 10, 2007

Re: Costs Savings Analysis

Voice Contract Proposal and Summary for The Town of Cheektowaga

Prepared by Troy and Banks- Andrew Fioretti

The following attachments are included with this review to detail savings for the Town of Cheektowaga for a new Level 3 (formerly Telcove) contract being offered to the Town.

After many discussions it was agreed that the Town would stay with the incumbent carrier despite many issues that have transpired. Through our audit and assessment as well as discussion of issues surrounding all Telcove/Level 3 accounts, we were able to reach a point of closure on pertinent refund issues in order to secure increased savings for the Town.

A copy of the current and proposed contract is attached for the Town's review. The benefits to the Town are as follows:

1. Grand fathered low rates for all POTs lines services - Rates have clearly increased over the term of this contract.
2. Local calling for Town Hall and Police Dept to be included in the cost of the current T-1 PRI circuits.
3. Current PRI circuits included under contract terms at lower cost
4. Reduction of POTs lines in select areas of the Town as determined by our audit
5. No Penalty clause for reduction of POTs lines

For the above mentioned parameters, the estimated savings is as follows:

Local calling – Estimated savings \$1,050.00 per month
PRI Reduction - \$375.00
Reduction of POTs Lines - \$485.00

Total Estimated Savings - \$1,910.00



TROY & BANKS

Corporate Offices:

BUFFALO - NEW YORK
Snyder Professional Ctr.
Suite 102
4536 Main Street
Buffalo, NY 14226
(800) 499-8599
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Telefax (716) 839-4452

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62 Mallock Rd.
Rochester, NY 14428

4764 Summerhurst Dr.
Liverpool, NY 13088

NORTH CAROLINA
2411 Black Wolf Run Ln.
Raleigh, NC 27604

TENNESSEE
904 Lake Haven Rd.
Knoxville, TN 37922

e-mail:
save@troybanks.com

internet address:
www.troybanks.com

Please note the following additional points:

1. This is a Voice contract only – Due to numerous issues that have been uncovered regarding the Town’s voice network, we have separated the contracts and renewals in order to secure savings for voice traffic now versus a later point in time with regard to our audit.
2. Data contract – Will include a reduction in low speed remote connections such as records center and parks department not covered under the current (recently renewed) high-speed connection between town Hall and 275 Alexander.
3. We are continuing to work through our audit to secure final refunds for the Town due to past issues with the carrier.
4. An active New York State Public Service Dispute is pending for the Town of Cheektowaga regarding issues we have uncovered with this account. This matter will not be closed until we have reached complete satisfaction with regard to credits due to the Town.

We are pleased with the progress and will keep the Town apprised of our ongoing dealings.

If there are any questions regarding this summary, please contact me.

Sincerely,

Andrew Fioretti
Senior Technology Analyst

CC: Kenny Paa



General Information

Customer Name: Town of Cheektowaga BusOrg ID: 1-P8-2584 Bill to Site ID: _____
 Voice Termination Type: Voice Termination TDM TSP: _____ Customer PON: _____
 Order Action: Renew Interval: _____ CRD: _____

Contact Information

| | |
|--|-------------------------------------|
| Primary Contact: <u>Ken Paa</u> | Fraud Contact: <u>Ken Paa</u> |
| Work Phone: <u>716. 686-3536</u> | Work Phone: <u>716. 686-3536</u> |
| Email Address: <u>kpa@tocny.org</u> | Email Address: <u>kpa@tocny.org</u> |
| Technical Contact: <u>Ken Paa</u> | NOC Contact _____ |
| Work Phone: <u>716. 686-3536</u> | Work Phone: _____ |
| Email Address: <u>kpa@tocny.org</u> | Email Address: _____ |
| 24 Hour Contact: <u>Ken Paa</u> | SS7 Contact: _____ |
| Work Phone: <u>716. 686-3536</u> | Work Phone: _____ |
| Email Address: <u>kpa@tocny.org</u> | Email Address: _____ |
| 3VT T1 Testing: <u>Mark Orzcechowski</u> | Product Acceptance: <u>Ken Paa</u> |
| Work Phone: <u>716. 686-3408</u> | Work Phone: <u>716. 686-3536</u> |
| Email Address: <u>marko@tocny.org</u> | Email Address: <u>kpa@tocny.org</u> |

Product Details - TDM Only

Bandwidth: _____ Customer Handoff: _____ Connection Medium: _____
 Interface: _____ Framing: _____ Line Coding: _____

Location Information - TDM Only

| | |
|---|--|
| Site Name: <u>Town of Cheektowaga</u> | Termination Type: _____ |
| NPA/NXX: _____ | Colocate Space Code: _____ |
| Address: <u>Multi locations</u> | |
| Building: _____ Floor: _____ | Access Hours: <u>8AM - 5PM</u> |
| Suite: _____ Room: _____ | Site Contact Name: <u>Ken Paa</u> |
| City: <u>Cheektowaga</u> Country: <u>Erie</u> | Site Contact Phone: <u>716. 686-3536</u> |
| State: <u>New York</u> Zip: <u>14225</u> | Site Contact Email <u>kpa@tocny.org</u> |

Special Instructions

Detail by location:

- 100-573-1155..... 275 Alexander..... 72 Pot's lines
 - voicemail box 1 @ \$7.50
 - voicemail box 1 @ \$7.50
 - Auto Attendant 3 @ \$10.00
 - voicemail box 11 @ \$7.50
- 100-573-1988..... 275 Alexander..... 2 Pot's lines
- 100-573-1168..... 3223 Union Rd.... 2 ISDN PRI's
 - DID's (group of 20) 3 @ \$2.91
 - DID's (group of 100) 4 @ \$14.58
- 100-573-0268..... 2727 Broadway... 6 Pot's lines
- 100-573-0268..... 2727 Broadway... 6 Pot's lines
- 100-573-1160..... 171 Central Blvd.. 9 Pot's lines
- 100-573-2683..... 2600 Harlem 5 Pot's lines
- 100-573-1161..... 500 Losson Rd... 20 Pot's lines

Attachment: new level 3 contract and cover letter

- 100-573-1850..... Reverse 911..... 26 Pot's lines
- 100-573-2620..... 3223 Union Rd..... 2 Pot's lines
- 2003 0816 0656 7651..... 3223 Union Rd..... 4 Pot's lines

Measured Rate billing: Local calls on old billing system: 1st - 3minutes \$.0500per min. Add'l min..... \$\$0.0092per mn
 Local calls on new billing system: All calls billed @ \$.0150per min.

Long Distance Rates: Intralata, Intrastate..... \$.0550per min Interstate.....\$.0500per min

Numbers of Pot's lines will vary based on the Town of Cheektowaga's needs. There will be no penalty for disconnects based on needs.

| Pricing | | | | | | |
|--|--------|----------|--------|----------|---------------|-------------------|
| Product Description | Term | Quantity | NRC \$ | MRC \$ | Total NRC | Total MRC |
| Pot's lines (measured rate) | 3 year | 188 | \$0.00 | \$9.00 | \$0.00 | \$1,692.00 |
| ECUL | 3 year | 188 | \$0.00 | \$3.96 | \$0.00 | \$744.48 |
| Flat Rate - ISDN PRI (unlimited local calls) | 3 year | 2 | \$0.00 | \$595.00 | \$0.00 | \$1,190.00 |
| DID Numbers (group of 20) | 3 year | 3 | \$0.00 | \$2.91 | \$0.00 | \$8.73 |
| DID Numbers (group of 100) | 3 year | 4 | \$0.00 | \$14.58 | \$0.00 | \$43.74 |
| ECUL | 3 year | 5 | \$0.00 | \$3.96 | \$0.00 | \$58.32 |
| | | | | | | |
| Auto Attendant | 3 year | 3 | \$0.00 | \$10.00 | \$0.00 | \$30.00 |
| Voicemail | 3 year | 12 | \$0.00 | \$7.50 | \$0.00 | \$90.00 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Totals: | | | | | \$0.00 | \$3,857.27 |

Attachment: new level 3 contract and cover letter

3VT (T) 3.9.1



Customer Order Form

10/06/2006

General Information

Customer Name: _____ BusOrg ID: _____ Bill to Site ID: _____
DS3 Facility ID (for TDM only): _____ Customer PON: _____
Order Action: _____ Interval: _____ CRD: _____ Term Commitment: _____

3VT - TDM Only

Protocol Type: SS7 T1 Quantity: _____
Encoding: _____ Framing: _____ Customer Glare: _____ TCIC's: _____ Start at: _____
Customer Hunt: _____ Trunk Direction: _____ International Enabled: _____
Routing Direction: _____ Trunk Traffic Class: _____ SS7 Hub Provider: _____
Remote Switch CLLI: _____ Remote Point Code: _____ SS7 Certified: _____ A-Links Up: _____
Customer/Remote Switch Type: _____

(Additional groups if needed:) T1 Quantity: _____
Encoding: _____ Framing: _____ Customer Glare: _____ TCIC's: _____ Start at: _____
Customer Hunt: _____ Trunk Direction: _____ International Enabled: _____
Routing Direction: _____ Trunk Traffic Class: _____ SS7 Hub Provider: _____
Remote Switch CLLI: _____ Remote Point Code: _____ SS7 Certified: _____ A-Links Up: _____
Customer/Remote Switch Type: _____

(Additional groups if needed:) T1 Quantity: _____
Encoding: _____ Framing: _____ Customer Glare: _____ TCIC's: _____ Start at: _____
Customer Hunt: _____ Trunk Direction: _____ International Enabled: _____
Routing Direction: _____ Trunk Traffic Class: _____ SS7 Hub Provider: _____
Remote Switch CLLI: _____ Remote Point Code: _____ SS7 Certified: _____ A-Links Up: _____
Customer/Remote Switch Type: _____

Protocol Type: PRI T1 Quantity: _____
Encoding: _____ Framing: PRI Customer Glare: _____ D Channel: _____
Customer Hunt: _____ Trunk Direction: _____ ISDN Switch Type: _____
Routing Direction: _____ Trunk Traffic Class: _____

Terms and Conditions

Except as provided herein, the Service identified in this Customer Order is governed by and subject to the master agreement(s) and service schedule(s) (if any) between Level 3 and Customer applicable to such Service. In the event that Level 3 and Customer have not executed a master agreement and/or applicable Service Schedule(s) with respect to such Service, then Level 3's standard Master Service Agreement and Service Schedule(s) (as of the date of this Customer Order) shall govern, copies of which are available upon request. Any Customer-provided purchase order referenced in this Customer Order and/or changes to this Customer Order not expressly agreed-to by an authorized Level 3 representative shall be for Customer's internal use only and shall have no force or effect. This Customer Order Form does not constitute an offer by Level 3 to provide Service; neither Customer nor Level 3 shall be bound by this Customer Order until Level 3's delivery of the requested Service. Neither party shall be liable for any damages for loss of profits, loss of revenues, loss of goodwill, loss of anticipated savings, loss of data or cost of purchasing replacement services, or any indirect, incidental, special, consequential, exemplary or punitive damages arising out of the performance or failure to perform under this Customer Order. Customer's sole remedies for any outages, failures to deliver or defects in Service are contained in the Service Levels, if any, applicable to the affected Service. Customer shall defend and indemnify Level 3 from any liability arising out of or relating to the resale or use of the Service by third parties. If prior to expiration of the Service Term, Customer terminates Service for convenience or Level 3 terminates Service for cause, Customer will pay Level 3 a termination charge (which Customer acknowledges is a reasonable approximation of Level 3's damages and is not a penalty) as follows: (a) all unpaid amounts for Service provided through the date of termination; plus (b) all previously waived charges for the Services(s); plus (c) 100% of the remaining monthly recurring charges (if any) for months 1-12 of the Service Term; plus (d) 50% of the remaining monthly recurring charges for month 13 through the end of the Service Term; plus (e) if not recovered by the foregoing, any termination liability payable to third parties resulting from the termination.

Customer Company Name

Authorized Customer Signature

Printed Name

Title

Date Signed:

Internal Use Only

Sales Director Approval: _____ Date: _____

SWITCH SERVICE CONTRACT

| | |
|---------------------|-------------------------------|
| CLIENT BILLING I.D. | Date Submitted: 12/1/2003 |
| | Requested Due Date: 12/1/2003 |
| | Type of Service: Other |
| | Renewal |

| | |
|--------------------------|-----------------------------|
| Billing Company Name | Town of Cheektowaga |
| Contact | Gary Pao Ken Pao |
| Contact Telephone Number | 716. 686-3536 |
| Billing Contact Name | Cindy |
| Billing Phone Number | 716. 686-3404 |
| Billing Company Address | 3223 Union Rd. |
| (City, State, Zip) | Cheektowaga, New York 14225 |
| Taxable (Yes/No) | No |
| Surcharge | No |
| Federal | No |

| | |
|------------------------|-----------------------------------|
| CLIENT SERVICE ADDRESS | |
| Customer Name | Town of Cheektowaga |
| Address | 3223 Union Rd. |
| City, County, State | Cheektowaga, New York 14225 14227 |
| ZIP | 14225 |
| Technical Contact | Gary Pao Ken Pao |
| Tech Phone | 716. 686-3536 |

| | |
|-------------------|--------------------|
| ORDER INFORMATION | |
| Sales Person | Michael Flechowiak |
| Phone Number | 716. 619-2166 |
| Account Number | |
| Term/Installty | 100% |
| Term Contract | 30 month |
| SERVING NPA/NXX | 716. 686-xxxx |
| Order No. | |
| Dist PON | |
| ORING | |
| Rebate Plan | |
| Bill Group | |
| Generate OCC | YES |

| | |
|------------------|---|
| TYPE OF SERVICE: | Trunks, Pot's, Internet, PTP |
| DESCRIPTION: | Type 2 Service. Customer is using a 4 digit dnl plan between all there locations. Customer Retention Promo - Free Monthly Recurring Charges - 1st month, 13th month, 25th month |

| SPECIAL PROVISIONING AND INSTALLATION INSTRUCTIONS | | |
|---|---------------------------|---|
| The following are the existing accounts and accounts numbers: | | |
| 100-573-1168 Town Hall (22-Trunks, 62 POT's lines) | 1802 5479 - Long Distance | 523-000-0092 PTP - 256K - Union to Alexander |
| 100-573-1155 Alexander (72 POT's lines, 3-AA, 2-VM) | 1802 6805 - Long Distance | 523-000-0251 PTP - 768K - Union to Alexander |
| 100-573-1198 Alexander (2 POT's lines, 1-VM) | | 523-000-0252 PTP - 384K - Ice Rink to Alexander |
| 100-573-1850 911 Backup (26 POT's lines) | 1900 0261 - Long Distance | |
| 100-573-1181 Losson (20-POT's lines, 1-OPX, 2-VM) | | 2002 0517 1019 3838 Central - Internet - 128K |
| 100-573-1180 Central (9-POT's lines, 1-OPX) | | 2002 0517 1037 3841 Losson - Internet - 256K |
| 100-573-2683 Ice Rink (5-POT's lines) | 1802 7425 - Long Distance | 2002 0608 0359 4752 Town Hall - Internet - T1 |
| 100-573-0268 2727 Broadway (20-POT's lines) | 1802 8780 - Long Distance | 2002 0711 1531 6168 Polica - Internet - T1 |
| | | 2002 1113 1241 0573 Broadway - Internet - 128K |
| 100-573-2617 TSR Broadway (1-POT's line) | | 2003 0816 0656 7651 Justice Court - Internet - 612K |
| 100-573-2620 TSR Union Rd (2-POT's lines) | | |
| 100-573-2631 TSR Clinton (1-POT's line) | | |
| 100-573-2824 TSR Genesee (2-POT's lines) | | |
| 100-573-2621 TSR Willowlawn (1-POT's line) | | |
| 100-573-2622 TSR Senior - Broadway (1-POT's line) | | |
| | | 1802 6821 - Long Distance |
| 100-573-2629 TSR Verizon Resale lines / PTP circuits (41-POT's line, various circuits), we will be disconnecting some of these lines. | | |

| Code | Quantity | Unit Price | Discount | Total Price |
|--|------------|------------|----------|-------------|
| Trunks | 22 | \$35.27 | - | \$775.94 |
| DID numbers (block of 100) | 4 | \$14.58 | - | \$58.32 |
| Pot's | 201 | \$12.98 | - | \$2,608.98 |
| Auto Attendant | 3 | \$10.00 | - | \$30.00 |
| Volcomail | 8 | \$7.50 | - | \$45.00 |
| TSR Pot's Lines | 8 | \$21.88 | - | \$175.04 |
| PTP - 256K - Union to Alexander | 1 | \$201.00 | - | \$201.00 |
| PTP - 768K - Union to Alexander | 1 | \$383.00 | - | \$383.00 |
| PTP - 384K - Ice Rink to Alexander | 1 | \$180.00 | - | \$180.00 |
| Internet - Central | 128K | \$104.00 | - | \$104.00 |
| Internet - Losson | 256K | \$105.00 | - | \$105.00 |
| Internet - Town Hall | T1 | \$700.00 | - | \$700.00 |
| Internet - Polica | T1 | \$700.00 | - | \$700.00 |
| Internet - 2727 Broadway | 128K | \$120.00 | - | \$120.00 |
| Internet - Justice Court | 256K | \$198.00 | - | \$198.00 |
| Local Calls - 1st - 3 minutes | per minute | \$0.0500 | - | \$6,454.28 |
| Local Calls - Add'l minutes | per minute | \$0.0092 | - | |
| Long Distance - IntraState, IntraState | per minute | \$0.0500 | - | |
| Long Distance - InterState | per minute | \$0.0550 | - | |

SIGNED & APPROVED Adelpaha Business Solutions, Inc.

Name: Michael Flechowiak Title: Account Executive

Signature: *[Signature]* Date: 12-26-03

Approved: *[Signature]* Date: 12-26-03

CLIENT APPROVED & ACCEPTED (This agreement includes and incorporated the Terms and conditions on second page)

Name: Dennis H. Gebryszak Title: SUPERVISOR

Signature: *[Signature]* Date: 12-26-03



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, May, 7, 2007

6:45 PM

Council Chambers

I. Public Hearings at 6:30 PM

1. Public Hearing - Rezoning of 2555-2563 Union Road and SBL No. 113.20-2-1.111

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

2. Public Hearing - Sale/Abandonment of Kenville Road

And Portions of Betty Lane and Marc Lane

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

II. Call to Order

6:45 PM Meeting called to order on May 7, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Kerry Switalski, Senior Services Director
Christopher Kowal, Highway Superintendent
John Glascott, Captain, Police Department
Anthony Sisti, Chairman, Planning Board
Kenneth J. Kopacz, Executive Director of Youth and Recreation

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2007-257

Transfer of Funds 2006

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

FROM: 100-9785-9211 Installment Purchase Interest \$ 1,069.35

TO: 100-9785-9131 Installment Purchase Principal \$ 1,069.35

SPECIAL DISTRICTS FUND

FROM: 990-9785-9211 Installment Purchase Interest \$ 1,361.42

TO: 990-9785-9131 Installment Purchase Principal \$ 1,361.42

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-258

Transfer of Funds 2007

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | | |
|-------|---------------|-----------------------------|----|-----------|
| FROM: | 100-3120-3820 | State Aid Police | \$ | 77,317.02 |
| TO: | 100-3120-2206 | Law Enforcement Block Grant | \$ | 5,270.77 |
| | 100-3120-2207 | Jag Grant | | 72,046.25 |

PART TOWN FUND

| | | | | |
|-------|---------------|-------------------------|----|-----------|
| FROM: | 800-1910-3088 | Miscellaneous State Aid | \$ | 22,550.00 |
| TO: | 800-3620-4561 | Contracted Services | \$ | 22,550.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-259

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 4, 2007 are hereby approved and made a part hereof;

| | | |
|---------------------------------|----|---------------------|
| GENERAL FUND | \$ | 828,102.74 |
| RISK RETENTION FUND | | 75,623.94 |
| HUD HOUSING REHABILITATION FUND | | 16,240.00 |
| SPECIAL DISTRICTS FUND | | 227,612.55 |
| HIGHWAY FUND | | 129,414.90 |
| CAPITAL FUND | | 28,647.88 |
| TRUST & AGENCY FUND | | 41,241.79 |
| CDBG HUD FUND | | 3,519.02 |
| PART TOWN FUND | | 25,652.51 |
| NYS AFFORDABLE HOUSING FUND | | 16,240.00 |
| | \$ | <u>1,392,295.33</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-260

Adopt Local Law No. 4 of 2007 - a Local Law to Amend a Local Law Relating to Zoning

Sponsored By: Councilmember Alice Magierski

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

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to permit exterior dining in the C-Retail Zoning District, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 5th day of February, 2007 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, revisions were made to such proposed amendments at the request of the Chief of Police, and they have been on the desks of the Town Board members for more than seven (7) days, exclusive of Sundays, and

WHEREAS, it is in the public interest to adopt the proposed amendments to the Zoning Law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 2007, entitled "A Local Law to Amend A Local Law Relating to Zoning", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 4 of the Year 2007 shall take effect upon filing with the Secretary of State.

LOCAL LAW NO. 4 OF THE YEAR 2007 - A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO ZONING

§ 260-48.1. Exterior Dining Areas

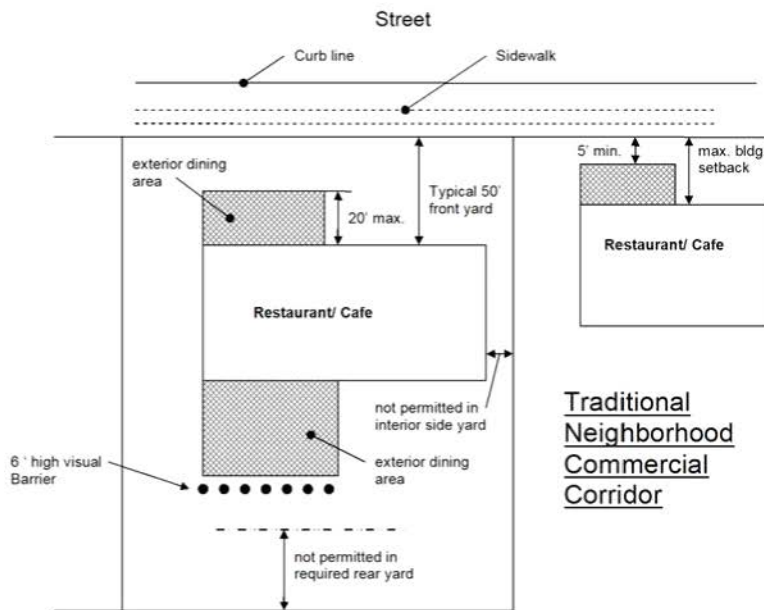
A. Legislative Intent. To permit seasonal exterior dining opportunities which are accessory to restaurants, cafés, coffee shops, ice cream establishments and similar food service enterprises located in the C-Retail Business zoning district. The intent of this section is limited to accessory dining, and not to make provisions for exterior standing room or gathering areas for the consumption of beverages or general assembly or entertainment.

B. Maximum size of exterior dining area.

- (1) Exterior dining areas may not exceed 26 percent of the seating capacity of the principal use. Seating capacity shall be based on the approved floor plan as submitted with the original approved building permit.
- (2) Ice cream establishments (principal use) which do not have interior seating may have a maximum of 10 exterior seats for dining. All other uses which do not have interior seating may not establish exterior dining areas within in the C- Retail Business Zoning District.

C. Location of Exterior Dining Areas.

- (1) Exterior dining areas may be located in a required front yard or exterior side yard but may not encroach such required yard by more that (20) feet. Within a "Traditional Neighborhood Commercial Corridor", exterior dining areas may not be closer than (5) five feet to any road right of way.
- (2) Exterior dining areas may not encroach any required interior side yard or rear yard.
- (3) Exterior dining areas may not face any yard area which is contiguous to a residential use or residential zoning district unless a visual barrier is established. Such visual barrier shall be a minimum of 6 feet in height and may be solid fencing and/or vegetative screening.



Typical Suburban Commercial Corridor

Traditional Neighborhood Commercial Corridor

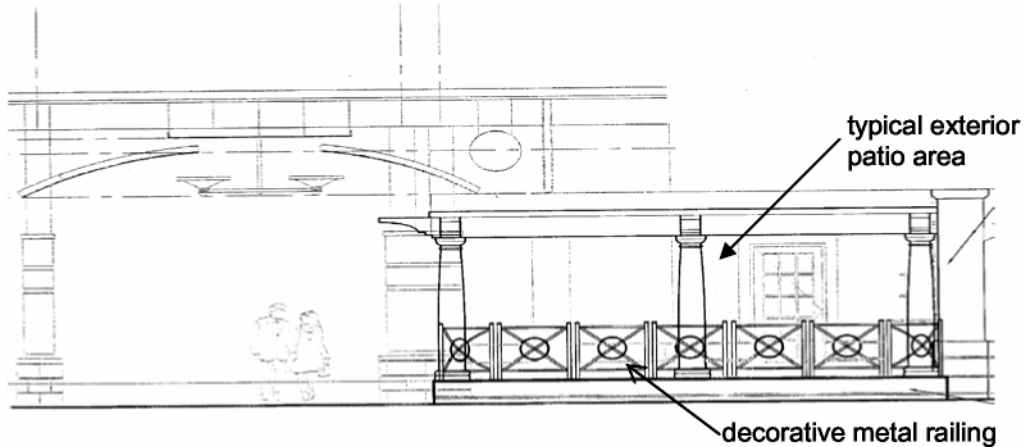
D. Limitation of Use.

- (1) All such dining areas shall be limited to the consumption of food and beverages. Live entertainment shall not be permitted. Any audio equipment utilized for music shall adhere to the maximum allowable decibel limits established in the Town Noise Ordinance. No exterior area shall have a bar area; all bars shall be maintained entirely inside the principal building.
- (2) All exterior dining areas must limit hours of operation to 7AM -11 PM if such dining area is within 500 feet of an existing residential use or zoning district.

- (3) The seating capacity of the exterior dining shall be determined by the Code Enforcement Officer as limited by section 260-48.1 B above. All such exterior dining areas shall be limited to seated dining activities; areas for standing activities shall not be permitted.

E. Public Safety/ Sanitation/ Off street Parking

- (1) All exterior dining areas must provide barrier protection to prevent pedestrian conflicts with motor vehicle use areas or other pedestrian areas. Such barriers may be in the form of fencing, railings, or hard/soft landscaping features. The Planning Board/Town Board may control the aesthetic quality of the barrier features through the site plan approval process.



Typical Metal Railing Barrier Around Exterior Patio Area

- (2) All exterior dining areas must be provided with refuse containers to manage the accumulation of waste.
- (3) Restroom facilities must be provided to accommodate the additional exterior seats. Quantity of required plumbing fixtures will be based on both interior capacity and additional exterior seats.
- (4) All exterior dining furniture must be removed from the patio area during winter months (November 1st to April 1st) and stored off premises or in an approved interior storage area.

F. Approvals Required.

Prior to establishing an exterior dining area, site plan approval must be obtained from the Town of Cheektowaga.

DEFINITIONS

Traditional Neighborhood Commercial Corridor - A road corridor, or portion of a road corridor designated by the Town of Cheektowaga which has elements that support traditional neighborhood design and/or is part of a neighborhood plan which promotes a traditional neighborhood design (TND) plan.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



5. RESOLUTION 2007-261

Award of Bid - Athletic White Stripe

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, a bid for Athletic White Stripe was received on March 28, 2007 at meeting held for said purpose, AND

WHEREAS, said bid has been reviewed for in 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:

Lakeside Sod Supply
6660 Goodrich Road
Clarence Center, NY 14032

Athletic White Stripe at \$.10 per lb.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-262

Award of Bid - Pool Maintenance Chemicals

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on March 28, 2007 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:

Bison Laboratories
100 Leslie Street
Buffalo, New York 14211

| | | | | |
|-------------|---|--------------------|---|----------------|
| Category I | - | Bromine | - | \$2.32 per lb. |
| Category II | - | Diatomaceous Earth | - | \$.29 per lb. |
| | | Sodium Bicarbonate | - | \$.25 per lb. |
| | | Soda Ash | - | \$.25 per lb. |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



7. RESOLUTION 2007-263

Notice to Bidders: One (1) New and Unused 2007 or Newer Model, Trailer Mounted, Stump Grinder

Sponsored By: Councilmember Zydel, Supervisor Jankowiak

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) New and Unused 2007 or Newer Model, Trailer Mounted, Stump Grinder by the Cheektowaga Highway Department.

Information for Bidders and specifications may be obtained from the Office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hours of 9:00 AM and 4:30 PM, Monday through Friday, NOW THEREFORE, BE IT

RESOLVED, the Town Clerk is hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on Wednesday May 23, 2007, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.

TOWN OF CHEEKTOWAGA HIGHWAY DEPARTMENT
LEGAL NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga Highway Department will receive bids for the purchase of One (1) New and Unused 2007 or Newer Model, Trailer Mounted, Stump Grinder for use by the Highway Department in the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on May 23, 2007 at 11:00 AM.

Information for bidders and specifications may be obtained from the Office of Mary Holtz, Town Clerk at her office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "BID FOR ONE (1) NEW AND UNUSED, 2007 OR NEWER MODEL, TRAILER MOUNTED, STUMP GRINDER. Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

MARY HOLTZ, TOWN CLERK

DATE:

PUBLISHED:

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-264

Call for Public Hearing - Rezoning of Vacant Land Aero Drive

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Kulback's Construction, Inc. has made application and requested the rezoning of part of SBL No. 81.04-1-12.1 (along Aero Drive) from M1- Light Manufacturing to MS-Motor Services for a 22,500 square foot, sales and service building for Cummins Diesel, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 21, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 21 day of, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Kulback's Construction, Inc./ Cummins Diesel

for the rezoning of part of SBL No. 81.04-1-12.1, vacant land on Aero Drive from M1- Light Manufacturing to MS-Motor Services for a 22,500 square foot, sales and service building for Cummins Diesel.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY

Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

All that tract or parcel of land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 81, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the centerline of Aero Drive (formerly know as Ellicott Creek Road) a distance of 322.30 feet easterly of the intersection of said centerline with the easterly line of Farm Lot 78, Township 11, Range 7, to the true point or place of beginning; Thence northerly at an interior angle of 76 degrees 29 feet 48 inches, a distance of 720.48 feet to a point; Thence easterly at an interior angle of 90 degrees 24 feet 53 inches and parallel with the northerly line of said Lot No. 81, along the southerly line of premises conveyed by deed recorded in Erie County Clerk's Office in Liber 5134 of Deeds Page 34, a distance of 318.28 feet to a point; Thence southerly at an interior angle of 89 degrees 37 feet 4 inches, a distance of 646.27 feet

to a point in the center line of Aero Drive; Thence westerly along said center line of Aero Drive at an interior angle of 103 degrees 28 feet 15 inches, a distance of 327.70 feet to the true point or place of beginning;

This parcel containing 5.00 acres more or less.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-265

Memorialize State and Federal Governments to Assist Towns

Sponsored By: Councilmember Magierski, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is a first ring suburb of the City of Buffalo, and

WHEREAS, the Town of Cheektowaga is experiencing a significant economic fallout from an aging housing stock, aging population and other general economic hardships affecting some residents and properties within the Town, and

WHEREAS, the problems being experienced by the Town of Cheektowaga are similar to those being experienced by the City of Buffalo, and

WHEREAS, the City of Buffalo and other cities generally across New York State are given special consideration when it comes to State and Federal funding to combat these problems which affect the quality of life for their residents; however, towns are not treated similarly, and must deal with their problems with less State and Federal assistance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes New York State and United States legislative officials to revise their guidelines and protocols for providing financial and other assistance to towns which are experiencing problems relating to the economic conditions in the towns with respect to housing, economic development and related issues, and BE IT FURTHER

RESOLVED, that this Town Board hereby also calls on other first-ring suburbs to Buffalo (Amherst, West Seneca, Tonawanda) to enact similar resolutions and to contact their State and Federal representatives to requests assistance to combat the same problems which the City of Buffalo is experiencing, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward copies of this resolution to Assemblyman Dennis H. Gabryszak, Senator Dale M. Volker, Congressman Brian Higgins, Senator Hillary Clinton and Senator Charles Schumer.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



10. RESOLUTION 2007-266

Memorialize State to Approve Mandate Relief

Sponsored By: Jankowiak, Magierski, Rogowski, Johnson Jr., Swiatek, Jaworowicz, Zydel

WHEREAS, Governor Eliot Spitzer and Lieutenant Governor David Patterson proposed legislation to eliminate unnecessary mandates on local governments, and

WHEREAS, said proposed legislation would make amendments to the Wicks Law, ease local government procurement procedures, provide equal treatment for localities with respect to collateral source payments, reform governing laws governing interest rates and streamline the enforcement of local housing code violations, and

WHEREAS, said proposed legislation enacts necessary measures to reduce the heavy financial burden, ease the cumbersome workload and roll back the excessive mandates imposed on local governments, and

WHEREAS, this bill will promote fiscal savings for all State taxpayers, increase flexibility for local governments and act to ensure the long-term economic stability of New York State, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the aforementioned legislation being proposed by Governor Eliot Spitzer and Lieutenant Governor David Patterson, and encourages all State legislators to vote for same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to State Assemblyman Dennis H. Gabryszak, State Senator William T. Stachowski, Governor Eliot Spitzer and Lieutenant Governor David Patterson.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-267

Establish Accounts for Consolidated Local Street and Highway Improvement Program (CHIPS)

Sponsored By: Councilmember Zydel, Supervisor Jankowiak

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

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

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

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

CHIPS State Aid (Expense) #5714-5132-0002 - \$268,404.31

CHIPS State Aid (Revenue) #5714-5132-3089 - \$268,404.31

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



12. RESOLUTION 2007-268

NYSDEC Year 4 Annual Report

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, a SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4's) was issued to the Town by the NYSDEC, which permit requires the development and implementation of a Stormwater Management Program designed to reduce the discharge of pollutants from storm sewer systems, AND

WHEREAS, the Year 4 Annual Report of activities completed to achieve measurable goals is required to be submitted to the NYSDEC following the receipt of public comment not later than June 1, 2007, AND

WHEREAS, a draft Annual Report has been prepared by the Town Engineer and is available for review and comment in the Office of the Town Clerk, AND

WHEREAS, the Town has been an active participant in the Western New York Stormwater Coalition whose members have developed a Model Stormwater Management Plan in an effort to increase public awareness and encourage involvement with stormwater pollution prevention, which plan is also available for review and comment in the Office of the Town Clerk, NOW, THEREFORE, BE IT

RESOLVED, that public comment on the subject Annual Report and Model Stormwater Management Plan shall be received until May 21, 2007 for inclusion in the final report to be filed with the NYSDEC, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute the Municipal Compliance Certification Form for submission to the NYSDEC with the Year 4 Annual Report.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-269

Acceptable Training for Planning and Zoning Board Members

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Sections 267 and 271 of the Town Law provide that, effective January 1, 2007, all Planning Board and Zoning Board of Appeals members in New York State must complete a minimum of four hours of training each year, and

WHEREAS, pursuant to said laws, a Planning Board or Zoning Board of Appeals member shall not be eligible for reappointment to such board if he/she has not completed the training required by law, and

WHEREAS, the aforesaid sections of law provide that the legislative body of the town shall specify which activities qualify as training to satisfy the state requirements, NOW, THEREFORE, BE IT

RESOLVED, that the following attached list of agencies, commissions, associations, universities and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development and local government functions and practices:

1. The NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation and Historic Preservation; Hudson River Valley Greenway; and
2. The New York State Association of Towns; The New York Conference of Mayors; The New York State Association of Counties; The New York Planning Federation; The American Planning Association; The Upstate New York Chapter of the American Planning Association and its sections; and The Metro New York Chapter of the American Planning Association and its sections; and
3. The Capital District Regional Planning Commission; Central New York Regional Planning and Development Board; Herkimer-Oneida Counties Comprehensive Planning and Development Board; Lake Champlain-Lake George Regional Planning Board; Long Island Regional Planning Board; Southern Tier Central Regional Planning and Development Board; Southern Tier East Regional Planning Development Board; Southern Tier West Regional Planning and Development Board; Genesee-Finger Lakes Regional Planning Council; Hudson Valley Regional Council; Tug Hill Commission; and Adirondack Park Agency; and
4. The New York State Planning Federation and subsections thereof, Erie County Department of Environment and Planning; and Erie County Soil and Water Conservations Districts; and
5. The Albany Law School Government Law Centre and Institute for Legal Studies; Pace Law School; Cornell University and its cooperative extension; State University of New York at Buffalo, School of Architecture and Planning; and
6. On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal; Pace University and Land Use Law Center; and the Lincoln Institute of Land Use Policy.

AND, BE IT FURTHER

RESOLVED, that other training activities may be approved on a case-by-case basis by the Town Board upon the request of a Planning Board or Zoning Board of Appeals member, AND, BE IT FURTHER

RESOLVED, that any new member appointed to fill the last five (5) months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein, and BE IT FURTHER

RESOLVED, that training received by a Planning Board or Zoning Board of Appeals member in excess of four (4) hours in any one year may be carried over by the member into succeeding years, and BE IT FURTHER

RESOLVED, that the Town Personnel Office shall create and maintain a system of tracking the training individual members complete annually; and such information shall be presented to the Town Board prior to considering a member for reappointment, AND, BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to all Planning Board and Zoning Board members.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



14. RESOLUTION 2007-270

Authorize Supervisor to Execute a Phase II Stormwater Management Services Agreement with Erie County

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the New York State Department of Environmental Conservation, in accordance with Federal Clean Water Act Legislation, has issued regulations regarding municipal stormwater management, referred to as the Phase II Stormwater Regulations, which require that permitted municipal separate storm sewer system operators adopt specific local ordinances as part of their Stormwater Management Programs, AND

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for Phase II Stormwater Implementation Projects and has granted Erie County \$328,000 to establish the Western New York Stormwater Coalition Local Ordinance Project, AND

WHEREAS, through a resolution passed January 18, 2007, the Erie County Legislature established a budget for the Western New York Stormwater Coalition Local Ordinance Grant Project which included the State grant resources as well as the cash match provided by the Coalition members, AND

WHEREAS, through a resolution passed April 5, 2007, the Erie County Legislature authorized the Erie County Executive to enter into an agreement with Coalition members which have selected to individually secure the necessary legal services to adopt the required local stormwater ordinances and investigate program funding mechanisms, AND

WHEREAS, the County, through the grant budget, will provide reimbursement to the Town as a Coalition member for completion of the necessary work to be performed by Town staff members to complete the goals and tasks as outlined in the Town's Stormwater Phase II Local Ordinance Adoption Work Plan, which is incorporated herein and attached hereto as Exhibit A, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized to execute a Phase II Stormwater Management Services Agreement with the County of Erie following the review and approval of the Agreement by the Town Attorney, which sets forth the requirements for reimbursement of Town personnel costs associated with the review, development and adoption of the required local ordinances under the Phase II Stormwater Regulations.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



15. RESOLUTION 2007-271

Authorize NYSEG to Install High Pressure Sodium Luminaries

Sponsored By: Jankowiak, Johnson Jr., Rogowski

WHEREAS, an energy performance contract amendment between the Town and Johnson Controls Inc. for the removal of natural gas and solar street lighting equipment provides for the installation of approximately 250 70 watt high pressure sodium luminaries and related equipment within the service area served by the New York State Electric & Gas Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to connect the aforesaid 70 watt high pressure sodium lighting equipment being installed under the referenced contract under PSC No. 121, Service Classification No. 2, Rate Option ERO, at the effective rate upon connection, which annual billings shall be chargeable to the Town's General Lighting District.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



16. RESOLUTION 2007-272

HOME Program Cooperation Agreement

Sponsored By: Swiatek, Rogowski, Johnson Jr.

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 Towns of Amherst and Tonawanda for federal Fiscal Years 2008, 2009 and 2010 for the purpose of forming a Consortium to participate in the HOME Investment Partnership Program.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., James Rogowski |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-273

Housing Rehabilitation Loan Amendment

Sponsored By: Swiatek, Rogowski, Johnson Jr.

WHEREAS, the Town previously approved a housing rehabilitation loan in the amount of \$200,000 for 100-120 Moorman Drive Associates, L.P., owners and operators of the Maryvale East Senior Citizen Housing Complex on Moorman Drive for major renovation and improvements, and

WHEREAS, said project incorporates major improvements totaling over \$10 million, and

WHEREAS, said loan recipient has requested that the Town loan be increased by the amount of \$90,000 for project costs, and

WHEREAS, Community Development Block Grant funds are available for said project,
NOW, THEREFORE, BE IT

RESOLVED, that the housing rehabilitation loan to 100-120 Moorman Drive Associates, L.P. be and hereby is increased by the amount of \$90,000 at the same terms and conditions contained in the original loan agreement and the Town Supervisor authorized to execute a loan amendment and any other documents necessary to provide the additional funding.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., James Rogowski |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



18. RESOLUTION 2007-274

Issue Negative Declaration for 1775 Walden Avenue

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Benderson Development Company, LLC for the construction of a 13,620 square foot retail building at 1775 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 25, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 12, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer approving the drainage/grading plan.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-275

Approve Special Event - Cheektowaga Patriotic Commission Independence Day Celebration

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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

WHEREAS, the Cheektowaga Patriotic Commission has made application to hold its Independence Celebration on July 3rd, 2007 at Town Park beginning at 12:00 noon, and Parade on July 4th, 2007 at 12:00 noon beginning on Walden Avenue to Harlem Road and ending at Town Park; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Patriotic Commission for said celebration and parade to be held on July 3rd and 4th, 2007, respectively; 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



20. RESOLUTION 2007-276

Approve Special Event - Polish-American Cultural Festival

Sponsored By: Councilmember Rogowski, Supervisor 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 20th to July 22nd, 2007; and

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

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

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

NOW, THEREFORE, BE IT

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 20th to July 22, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



21. RESOLUTION 2007-277

Approve Special Event - Southline Little League Parade

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

WHEREAS, the Southline Little League has made application to hold its annual Memorial Day Parade on Monday, May 28, 2007, 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 Little League baseball diamonds; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Police Department, the Department of Youth and Recreation, and the Facilities 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 Southline Little League for the aforementioned Parade, to be held on Monday, May 28, 2006; 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



22. RESOLUTION 2007-278

Approve Special Event - South Cheektowaga Baseball Association

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

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

WHEREAS, South Cheektowaga Baseball Association has made application to hold its League Picnic in Stiglmeier Park on August 4, 2007, commencing at 9:00 A.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the Facilities 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 South Cheektowaga Baseball Association for the aforementioned League Picnic event to be held in Stiglmeier Park on August 4, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



23. RESOLUTION 2007-279

Approve Special Event - Clevehill Baseball

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

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, Clevehill Baseball, Inc. has made application to hold a parade on May 12, 2007, beginning at 10:00 A.M. as follows:

- Parade will assemble at the Cleveland Hill School parking lot, exit onto Gilmore Road to Mapleview Road; then proceed down Mapleview Road to Cleveland Drive, then proceed west on Cleveland Drive, then south on Harlem Road to Huth Road, and back to Cleveland Hill School grounds by the tennis courts.

and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Police Department, the Facilities Department, and the Department of Youth and Recreation, 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;

- 1) Submittal of site plan;
- 2) Requirement that application be made at least 60 days prior to the date of the special event;
- 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 Clevehill Baseball, Inc. for the aforementioned parade to be held on May 12, 2007, 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



24. RESOLUTION 2007-280

Approve Special Event - North Cheektowaga AAA Baseball Parade

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

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

WHEREAS, the North Cheektowaga AAA Little League has made application to hold its baseball parade for NCAAA on Saturday, June 2, 2007, rain date June 3, 2007 beginning at 12:00 noon, said parade to begin on Nagel Drive, to George Urban Drive ending at the Tops Plaza; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the and Facilities 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 2, 2007 at 1:00 P.M.; BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



25. RESOLUTION 2007-281

Approve Special Event - Cheektowaga Southside Little League Parade

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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

WHEREAS, the Cheektowaga Southside Little League has made application to hold its annual Opening Day Parade on Saturday, June 2, 2007, commencing at 12:00 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 Police Department, the Department of Youth and Recreation, and the Facilities 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 2, 2007 at 12:00 P.M.; BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



26. RESOLUTION 2007-282

Approve Special Event - Ride for Missing and Exploited Children

Sponsored By: Councilmember Magierski, Councilmember Rogowski

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

WHEREAS, the National Center for Missing and Exploited Children has made application to pass through Cheektowaga during its Ride for Missing Children and Exploited Children, on Friday, May 11, 2007 from 11:15 A.M. to approximately 11:45 A.M., and travel on Wehrle Drive to Cayuga, to Dick Road, and then to George Urban Boulevard and French Road; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the Facilities 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 National Center of Missing and Exploited Children for the aforementioned ride through Cheektowaga on May 11, 2007; 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



27. RESOLUTION 2007-283

Authorize Cub Scout Pack Sleep Over In StiglmeierPark

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Cub Scout Pack 618 has requested permission to conduct an overnight campout on Saturday, June 9, 2007 to Sunday, June 10, 2007 in John C. Stiglmeier Park, and

WHEREAS, Section 174-14 of the Code of the Town Of Cheektowaga states that "all parks shall be closed between the hours of sunset and sunrise the following morning and no person shall remain inside any parks during the hours when so closed...", NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby permits a waiver of Section 174-14 of the Code of the Town Of Cheektowaga and that said waiver shall be extended to Cub Scout Pack 618 for the use of John C. Stiglmeier Park on June 9-10, 2007, 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 the General Crew Chief of the Facilities Department.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



28. RESOLUTION 2007-284

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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 list below 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, attached to this resolution, pursuant to the terms of this resolution.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|----------------------|--|------------------------|
| Adamberger, Marc T | 300 Ellington Ave, Depew, N.Y. 14043 | 1/31/2010 |
| Altmann, Kimberly A | 4334 Connection Dr, Williamsville, N.Y. 14221 | 1/31/2010 |
| Atkinson, Andrew J | 48 West Toulon Dr, Cheektowaga, N.Y. 14227 | 12/31/2009 |
| Bates, Kyle D | 144 Elmview Drive, Tonawanda, N.Y. 14150 | 5/31/2010 |
| Benedek, Alexis J | 3101 Shenk Rd Apt D, Sanborn, N.Y. 14132 | 7/31/2009 |
| Bennett, Alyssa L | 25 Calgary Lane, Binghamton, N.Y. 13901 | 1/31/2010 |
| Bognar, Teri L | 110 Albemarle Street, Buffalo, N.Y. 14207 | 9/30/2009 |
| Brechue, Austin J | 43 S Niagara St, Lockport, N.Y. 14094 | 1/31/2010 |
| Brothwell, Merritt S | 6195 Powers Rd, Orchard Park, N.Y. 14127 | 12/31/2009 |
| Buczowski, Craig J | 9462 Lafayette Street, Angola, N.Y. 14006 | 3/31/2010 |
| Burdick, Darren M | 216 McKinley Ave (PO Box 141) 13761, Endicott, | 4/30/2010 |
| Burke, Robert W | 1041 85th Street, Niagara Falls, N.Y. 14304 | 1/31/2008 |
| Chatmon, Cherie A | 189 Brinkman Ave, Buffalo, N.Y. 14211 | 10/31/2008 |
| Chiavetta, Martha A | 50 High Street, Angola, N.Y. 14006 | 8/31/2009 |
| Chowaniec, Matthew T | 22 Yeager Dr, Cheektowaga, N.Y. 14225 | 1/31/2010 |
| Colatosti, Paul M II | 34 Coit St, Buffalo, N.Y. 14206 | 9/30/2009 |

| | | |
|-------------------------|---|------------|
| Cooley, Steven W | 23 Kelly Dr, Middleport, N.Y. 14105 | 9/30/2009 |
| Gerety, Sara A | 2009 Angling Rd, Lyndonville, N.Y. 14098 | 1/31/2010 |
| Gorski, Mark C | 57 Braunview Way, Orchard Park, N.Y. 14127 | 2/28/2010 |
| Hall, Ruth E | 47 Old Lyme Drive #7, Williamsville, N.Y. 14221 | 9/30/2009 |
| Herriven, Matthew L | 3608 Carmen Rd, Middleport, N.Y. 14105 | 1/31/2010 |
| Holcomb, Daniel L | 7481 Centerville Rd, Houghton, N.Y. 14744 | 7/31/2009 |
| Holman, Jason W | 18 Edgewood Drive, Batavia, N.Y. 14020 | 4/30/2009 |
| Kasper, Robert M | 11355 Stage Road, Akron, N.Y. 14001 | 2/28/2010 |
| Kemp, Robert C | 59 Main Street, Silver Creek, N.Y. 14136 | 7/31/2008 |
| Krawczyk, Alex D | 12 Eastvale Court, Cheektowaga, N.Y. 14225 | 2/29/2008 |
| Livingston, Kaitlyn E | 3650 Demler Road, North Tonawanda, N.Y. 14120 | 7/31/2008 |
| Loucks, Timothy M | 150 Windermere Rd, Lockport, N.Y. 14094 | 3/31/2010 |
| McCauley, Kevin M | 109 Milsom Ave, Cheektowaga, N.Y. 14227 | 7/31/2009 |
| McLean, Robert E | 72 Tacoma Avenue, Buffalo, N.Y. 14216 | 11/30/2009 |
| Meyers, Brian C | 5 Clearview Drive, Arcade, N.Y. 14009 | 1/31/2010 |
| Miranto, Andreana | 102 Palmer Ave, Kenmore, N.Y. 14217 | 1/31/2010 |
| Mondo, Jeffrey C | 75 Grant Blvd, Lackawanna, N.Y. 14218 | 2/28/2009 |
| Murphy, Anthony L | 8392 Ridge Rd Rear, Gasport, N.Y. 14067 | 2/28/2010 |
| Palumbo, William C | 185 Dubonnet Dr, Depew, N.Y. 14043 | 3/31/2010 |
| Perrello, Peter C | 252 Miller Street, North Tonawanda, N.Y. 14120 | 9/30/2009 |
| Powers, Brian M | 5140 Strickler Road, Clarence, N.Y. 14031 | 2/28/2010 |
| Relosky, Michael P | 6769 Derby Rd, Derby, N.Y. 14047 | 2/28/2010 |
| Reynolds, John M | 2 Hedge Ct. Apt 1, Snyder, N.Y. 14226 | 1/31/2010 |
| Robinson, Antoinette | 120 Huntley Rd, Buffalo, N.Y. 14215 | 1/31/2010 |
| Rott, Katharine A | 55 Old Colony Ave, Tonawanda, N.Y. 14150 | 6/30/2008 |
| Smith, Brandon S | P O Box 213, Springville, N.Y. 14141 | 3/31/2010 |
| Southwell-Hinz, Hilda M | 2510 Broadway, Darien, N.Y. 14040 | 3/31/2010 |
| Stablewski, Kevin J | 167 Losson Rd, Cheektowaga, N.Y. 14227 | 3/31/2010 |
| Sterner, Jared T | P O Box 528, Hamburg, N.Y. 14075 | 2/28/2010 |
| Taylor, Joshua T | 146 1/2 Orchard Ave, Blasdell, N.Y. 14219 | 1/31/2010 |
| Thomas, Shannon N | 1336-A Emerson, Rochester, N.Y. 14606 | 3/31/2010 |
| Tippens, Darrin R | 11 Summer Street, Fredonia, N.Y. 14063 | 9/30/2009 |
| Vaccaro, James M | 2608 Three Road Rd, East Aurora, N.Y. 14052 | 4/30/2009 |
| Warner, Elizabeth A | P O Box 126, Strykersville, N.Y. 14145 | 1/31/2009 |
| Washburn, Scott D | 856 Dale Rd, Dale, N.Y. 14039 | 9/30/2007 |
| Williams, Alicia M | 101 Chadduck Ave, Buffalo, N.Y. 14207 | 7/31/2008 |
| Young, Kristopher C | 1188 Eden Evans Center Rd, Angola, N.Y. 14006 | 7/31/2009 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



29. RESOLUTION 2007-285

October 2006 Storm Clean-Up / 11 Toelsin Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 11 Toelsin Road, Cheektowaga, New York SBL# 91.18-15-15 that is a danger to the safety of others, and records kept by the Assessors Office identify Veronica McKillen, 11 Toelsin Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 11 Toelsin Road, 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 Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



30. RESOLUTION 2007-286

Unsafe-Unsecured / 23 Vera Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 23 Vera Avenue, Cheektowaga, New York SBL# 101.36-4-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Erik Clements, 23 Vera Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 23 Vera, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



31. RESOLUTION 2007-287

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

FACILITIES DEPARTMENT Laborer \$8/hour
Charles Eich, Cheektowaga, NY
Effective 5/8/07

Joseph Boccio, Cheektowaga, NY
Effective 5/8/07

FACILITIES DEPARTMENT Laborer \$7.25/hour
Shawn Staszczyk, Cheektowaga, NY
Effective 5/15/07

David Cunningham, Cheektowaga, NY
Effective 5/14/07

Michael Maloney, Cheektowaga, NY
Effective 5/13/07

SEWER MAINTENANCE DIVISION Laborer \$7.50/hour effective 5/14/07
Brandon Hill, Cheektowaga, NY
John Lockhart, Cheektowaga, NY
Joseph Martin, Cheektowaga, NY
Justin Nowak, Depew, NY
William Olewniczak, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$7.50/hour effective 4/30/07
Patrick Santoro, Cheektowaga, NY
Cory Herr, Depew, NY
Keith Pheasant, Depew, NY
David Vinci, Depew, NY
Jesse Herr, Depew, NY
Kenneth Piatek, Cheektowaga, NY
Gene Willard, Cheektowaga, NY
Paul Herr, Depew, NY
Kevin Menchini, Cheektowaga, NY
Bryan Kazmierczak, Cheektowaga, NY
David Saskowski, Cheektowaga, NY
Thomas Buil, Depew, NY
Thomas Manley, Depew NY
Andrew Wastchak, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$7.50/hour effective 5/08/07
Joseph Cendrowski, Sloan, NY

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:

FACILITIES DEPARTMENT Laborer \$7.25/hour
Michael DeCecco, Cheektowaga, NY
Effective 5/7/07

SANITATION DEPARTMENT, Clerk, \$7.50 hour
Sharon Kotrys, Cheektowaga, NY
Effective 4/30/07

SENIOR SERVICES, Recreation Instructor \$8.25/hour
Debra Geary, Depew, NY
Effective 5/08/07

POLICE DEPARTMENT, Police Attendant \$13/hour
Mary A. Buczkowski, Cheektowaga, NY
Effective 5/12/07

AND, BE IT FURTHER, RESOLVED, that the following **seasonal** employee's salary be and hereby is adjusted as follows:

FACILITIES DEPARTMENT Laborer \$8.75/hour
Nicholas Schanne, Cheektowaga, NY
Effective 4/07/07

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

FACILITIES DEPARTMENT
David Matteson effective 5/07/07
Lukasz Laskowski effective 5/07/07

TOWN CLERK
Andrea Purucker effective 4/19/07

SENIOR SERVICES
Beverly Hess effective 5/1/07

POLICE DEPARTMENT - Police Attendant
Cindy E. Green effective 5/11/07

Motion by Supervisor Jankowiak, second by Councilmember Magierski to waive the reading of the names on the following four resolutions, and the motion carried.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



32. RESOLUTION 2007-288

Youth & Recreation Hiring - Rink

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are hired in the Department of Youth & Recreational Services, effective immediately (regular part-time):

Administrative Interns - 7310.1804

Recreation Attendants - \$8.00

Sherry Maran 14227

Soccer - 7140.1636

Recreation Attendants - \$7.65

Jon Deveny 14225

Christie Petre 14211

Melisa Petre 14211

Recreation Attendants - \$7.15

Matthew Rakowski 14211

Daniel Wasielewski 14225

In-Line Hockey - 7140.1640

Recreation Aide - \$7.15
(part-time)

Josh Burgett 14225

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**33. RESOLUTION 2007-289****Youth and Recreation - Employee Upgrade**

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individual listed below be and hereby is upgraded in the Department of Youth & Recreational Services; effective immediately (regular part-time):

Soccer - 7140.1636

Recreation Attendant - \$7.65

Amy Krytus

14043

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



34. RESOLUTION 2007-290

Travel Authorization Sewer Maintenance Division Flygt Service Training Course

Sponsored By: Magierski, Jankowiak, Johnson Jr.

WHEREAS, the Flygt Service Training Class is being conducted in Rochester, New York from May 17-18, 2007; AND

WHEREAS, Building Maintenance Mechanic Jerome Borowski and Senior Sewer Maintenance Worker Marc Meyers have requested authorization to attend said class; AND

WHEREAS, General Crew Chief Robert Latshaw 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 \$287.32; AND

WHEREAS, these expenses have been budgeted by the Sewer Maintenance Division; NOW, THEREFORE, BE IT

RESOLVED, that Building Maintenance Mechanic Jerome Borowski and Senior Sewer Maintenance Worker Marc Meyers be and hereby are authorized to attend the Flygt Service Training Class being conducted in Rochester, New York from May 17-18, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Thomas Johnson Jr. |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



35. RESOLUTION 2007-291

Authorize Housing Inspector to Attend Risk Assessor Recertification Class

Sponsored By: Swiatek, Rogowski, Johnson Jr.

WHEREAS, Richard Willis, Housing Inspector in the Community Development Office, has been previously trained and certified by the U.S. Environmental Protection Agency as a lead-based paint Risk Assessor in conjunction with the Town's Housing Rehabilitation Program, AND

WHEREAS, Richard Willis must attend a refresher course in order to be recertified as a Lead Risk Assessor, AND

WHEREAS, Environmental Education Associates provides a one-day E.P.A. approved recertification classes, AND

WHEREAS, that cost of said training class and any related expenses is an eligible expense under the Community Development Block Grant Program, NOW, THEREFORE, BE IT

RESOLVED, that Richard Willis be and hereby is authorized to attend the EPA-approved Lead Inspector and Lead Risk Assessor one-day refresher training course, offered by Environmental Education Associates, Inc., on May 8, 2007, at the training site located at 346 Austin Street, Buffalo, New York, AND BE IT

FURTHER RESOLVED, that Richard Willis be reimbursed from the Community Development Budget for any reasonable and necessary expenses incurred in attending said training course pursuant to Town Travel policies, AND BE IT

FURTHER RESOLVED, that the \$135 cost of said class be paid with Community Development Block Grant funds.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., James Rogowski |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Suspension of Rules

Motion by Councilmember Rogowski, second by Councilmember Magierski to suspend the rules to include the following five (5) items, and the motion carried.



1. RESOLUTION 2007-292

Change Location of June 4, 2007 Town Board Meeting to Villa Maria College

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, Villa Maria College, located on Pine Ridge Road in Cheektowaga, is Western New York's premier private, co-educational Catholic institution, founded by the Felician Sisters in the Franciscan spirit; and

WHEREAS, Villa Maria College has a history of providing a holistic approach to higher education, addressing the intellectual, vocational, and spiritual needs of local men and women as well as students from across the country; and

WHEREAS, although Villa Maria's high school has closed its doors, the college has grown in enrollment and continues to meet the demands of a changing society, providing a progressive approach to higher education at all levels which sets Villa Maria, its students, faculty, and alumni apart from everyone else; and

WHEREAS, this Town Board wishes to acknowledge Villa Maria's commitment to Cheektowaga and area residents in serving others and fostering Christian values and a respect for diversity, especially to men and women in our Town; and

WHEREAS, in an effort to remind Town and area residents of the availability of a local quality education at an affordable price, and to benefit from Villa Maria's continued growth by introducing innovative programs meeting the demands of our changing society, this Board is interested in holding the June 4, 2007 Town Board meeting at the Institute of Music of Villa Maria College, 240 Pine Ridge Road, Cheektowaga, beginning at 6:45 P.M., with an opportunity for the public to meet Villa Maria's faculty and members of this Board at 5:30 P.M.; and

WHEREAS, Villa Maria College has consented to the Town using such building for our Town Board meeting on June 4, 2007, provided the Town completes the necessary forms and further provided that the Town agrees to insure and indemnify Villa Maria from any liability associated with our use of the building, and

WHEREAS, this Town Board is agreeable to such conditions, **NOW, THEREFORE, BE IT**

RESOLVED, this Town Board hereby determines that the June 4, 2007 Town Board meeting will be held at the Villa Maria College Institute of Music, 240 Pine Ridge Road, Cheektowaga, New York, beginning at 6:45 P.M., with an opportunity for the public to meet Villa Maria's faculty and members of this Board at 5:30 P.M., and **BE IT FURTHER**

RESOLVED, that the Town Clerk shall give the news media public notice of this change in the location of the June 4, 2007 Town Board meeting, and post same on her sign board at least 72 hours prior to such meeting, and **BE IT FURTHER**

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any documents necessary to enable the Town to use such building for its Town Board meeting, and **BE IT FURTHER**

RESOLVED, that the Town of Cheektowaga shall agree to utilize its self insurance program to defend and indemnify Villa Maria College from any liability associated with its use by the Town.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-293

Call for Public Hearing to Amend Vehicle and Traffic Law

Sponsored By: Councilmember Thomas Johnson Jr.

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 May 21, 2007 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 10th day of May, 2007, 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 May 21, 2007 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

BARBARA PLACE - West side: from the driveway at 24 Barbara Place to a point 150± north.

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

Dated: May 7, 2007

MARY F. HOLTZ
Town Clerk

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Thomas Johnson Jr., Councilmember, James Rogowski, Councilmember, Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel)



3. RESOLUTION 2007-294

Travel Authorization Police Detective Mark Jedd

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the 35th Annual Training Seminar International Association of Auto Theft Investigators is meeting May 15-17, 2007 in Manchester, New Hampshire; AND

WHEREAS, Detective Mark Jedd has requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, no cost shall be incurred to the Town; AND

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

RESOLVED, that Detective Mark Jedd be and hereby is authorized to attend the 35th Annual Training Seminar International Association of Auto Theft Investigators on May 15-17, 2007 in Manchester, New Hampshire.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-295

Hire Seasonal Laborer (Facilities)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

FACILITIES DEPARTMENT Laborer \$7.25/hour effective 5/08/07
Richard M. Moleski, Cheektowaga, NY

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



5. RESOLUTION 2007-296

Accept Donation of Property At 2289-2291 Genesee Street

Sponsored By: Councilmember Johnson Jr., Councilmember Jaworowicz

WHEREAS, in 2003, an application was submitted to the Town by Daniel McMann/EPO Center for the Visually Impaired for the rezoning of 0.45± acres of land at 30 Alpine Place from R-Residence to RA-Apartment District for the conversion of an existing school building into a 24-unit apartment building for the visually impaired, and

WHEREAS, the applicant made certain commitments to the Town in a letter dated January 6, 2004, and, based on such letter of commitment, this Town Board, by resolution dated January 20, 2004, determined that the project will not have a significant effect on the environment, and issued a Negative Declaration for purposes of SEQRA and approved the site plan subject to certain conditions, and

WHEREAS, one of the commitments made by the applicant was that it would acquire property at 2289-2291 Genesee Street, demolish the structure(s) on same, and create parking and passive green space to be used in conjunction with its project, and

WHEREAS, due to a lack of funding, the applicant has requested that this Town Board accept a revised commitment from applicant and modify the aforesaid resolution to provide that the applicant will acquire 2289-2291 Genesee Street, demolish the structure(s) on same, create passive green space on such property, and convey such property to the Town of Cheektowaga, and

WHEREAS, by resolution dated June 20, 2005, this Town Board agreed to accept 2289-2291 Genesee Street from the applicant subject to the review and approval of the Town Attorney, and

WHEREAS, EPO-Housing Development Corp. acquired the property, demolished the structures thereon and has turned such property into passive green space, and

WHEREAS, the Town Attorney's Office has received the necessary deed and paperwork for the transfer of this property to the town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to accept title to the property known as 2289-2291 Genesee Street (S.B.L. Nos. 101.28-13-1, 101.28-13-2 and 101.28-13-3), and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the deed for this property in the Erie County Clerk's Office.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Communications

A. Departmental Communications

1. Building Permits - April 2007
2. Cheektowaga Planning Board - Minutes of April 12, 2007 Meeting
3. Cheektowaga Public Library Board - Minutes of March 28, 2007

B. General Communications

1. Notice of Claim - Kelly Kedzierski, As Mother and Natural Guardian of Rachel Kedzierski Vs. Town of Cheektowaga
2. Notice of Claim - Paul Lewis Vs. Town of Cheektowaga
3. Notice of Claim - Richard T. Laettner Vs. Town of Cheektowaga
4. Notice of Claim - Wayne Mardak Vs. Town of Cheektowaga
5. Notice of Claim - Anthony A. Calandra Vs. Town of Cheektowaga
6. Notice of Claim - Nolley A. Price Vs. Town of Cheektowaga
7. Notice of Claim - Paul Stevens Vs. Town of Cheektowaga
8. Notice of Claim - Marvin Kazmierczak Vs. Town of Cheektowaga
9. Notice of Claim - Donald Lee Jones Vs. Town of Cheektowaga
10. Notice of Claim - Jonathan Rodriguez Vs. Town of Cheektowaga
11. Request to Speak: Ralph W. Grzedzicki

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjourn

Motion by Councilmember Johnson, second by Councilmember Magierski to adjourn the meeting in memory of Greg Kowal, brother of Highway Superintendent Christopher Kowal, and Robert Osuch, former employee of the Town



Town of Cheektowaga

Executive Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, May, 15, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on May 15, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney

Anthony Romano, Director of Employee Relations

3. Motion To: Motion to Move Into Executive Session

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: Patricia Jaworowicz

II. Resolutions

**RESOLUTION 2007-297**

DOC ID: 1723

Retain Law Firm

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

BE IT RESOLVED, that the Town hereby retains the law firm of Ferrara, Fiorenza, Larrison, Barrett & Reitz, P.C., (Henry F. Sobota, Esq., of counsel) to act as special counsel in the matter of a proceeding against a town employee identified during Executive Session on this day, and to present evidence before the appointed hearing officer.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-298**

DOC ID: 1724

Appoint Hearing Officer

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

BE IT RESOLVED, that Lawrence J. Vilardo, Esq., of Buffalo, New York is appointed as the hearing officer pursuant to Section 25-6(B) of the Residency Law of the Town of Cheektowaga (Chapter 25 of the Code of the of the Town of Cheektowaga), to conduct a hearing, make findings of fact, and determine whether or not a Town employee is a resident of the Town, and to report such findings and determination to the Town Board. The Town Supervisor and the Town Attorney are authorized to make all necessary arrangements for the hearing.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

III. Closing

| |
|---|
| Motion by Supervisor Jankowiak, seconded by Councilmember Johnson to move out of Executive Session and adjourn the meeting. |
|---|



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, May, 21, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 21, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
 William Pugh, Town Engineer
 Brian Krause, Director of Finance and Administration
 Thomas Adamczak, Supervising Building and Plumbing Inspector
 Jerry Gabryszak, Director of Community Development
 Christine Ziemba, Chief of Police
 Kerry Switalski, Senior Services Director
 Brian Hess, Assessor
 Tony Sisti, Planning Board Chairman

II. Public Hearing at 6:30 pm

- Public Hearing - Rezoning of Vacant Land - Aero Drive from M1 Industrial to MS (Sales & Service Facility)

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

III. Public Comment Period

IV. Public Hearing

- Amend Vehicle and Traffic Law Art. V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations: Barbara Place

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.

RESULT: **CLOSED [UNANIMOUS]**

MOVER: James Jankowiak, Supervisor

SECONDER: James Rogowski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

V. Resolutions



RESOLUTION 2007-299

DOC ID: 2076

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|--------------------|------------------------|-------------|
| FROM: | 100-1415-2000-1001 | Equipment | \$ 9,025.00 |
| TO: | 100-1415-1971-1001 | Support Staff Salaries | \$ 5,000.00 |
| | 100-1415-4001-1001 | Purchased Services | 3,617.00 |
| | 100-1415-8000-1001 | Employee Benefits | 408.00 |

HUD CDBG FUND

| | | | |
|-------|---------------|----------------------|-------------|
| FROM: | 700-1006-0704 | Contingency | \$ 1,900.00 |
| | 700-1003-2300 | Temporary Relocation | 482.60 |
| TO: | 700-1006-0706 | Housing Counseling | \$ 1,900.00 |
| | 700-1003-0606 | Disposition | 482.60 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-300

DOC ID: 2075

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 18, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 2,513,474.94 |
| RISK RETENTION FUND | 67,858.70 |
| DEBT SERVICE FUND | 288,981.60 |
| HUD HOUSING REHABILITATION FUND | 8,191.13 |
| SPECIAL DISTRICTS FUND | 1,423,630.11 |
| HIGHWAY FUND | 685,989.81 |
| CAPITAL FUND | 82,297.56 |
| TRUST & AGENCY FUND | 2,183.01 |
| CDBG HUD FUND | 18,550.25 |
| PART TOWN FUND | 119,930.42 |
| NYS AFFORDABLE HOUSING FUND | 7,592.00 |
| | <u>\$ 5,218,679.53</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-301**

DOC ID: 2088

Negative SEQR Declaration - 431 Dingens Street

Sponsored By: Councilmember Johnson Jr., 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 Silvestri Architects, PC for the construction of a 6,000square foot building addition to an existing hotel at 431 Dingens Street, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 25,2007 recommended a determination of non-significance as shown on the attached memorandum dated April 30, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 12, 2007, AND

WHEREAS, the canopy portion of the building addition will be closer than (50) fifty feet to the front property line requiring an area variance to be issued by the Cheektowaga Zoning Board of Appeals, AND

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

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

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer Approving the drainage/grading plan.
2. The removal of the westerly driveway opening.
3. Installation of a public walk along the north property line
4. Installation of Colorado spruce along the east property line.
5. Conveyance of an easement to the Town of Cheektowaga for the existing Town Sanitary Sewer.

6. The Zoning Board of Appeals granting the necessary area variance.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-302**

DOC ID: 2089

Negative SEQR Declaration - 3085 Harlem

Sponsored By: Councilmember Johnson Jr., 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 Walden Development Group, LLC for the construction of a 3 story , 64,970 square foot office building at 3085 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 25, 2007 recommended a determination of non-significance as shown on the attached memorandum dated April 30, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 10, 2007, AND

WHEREAS, the proposed three story building will require an area variance to exceed the maximum building height of 30 feet, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer approving the grading /drainage plan
2. The Cheektowaga Zoning Board of Appeals granting the required area variance.
3. The proposed flag pole be limited in height the maximum permitted height of 20 feet.
4. A perpetual access easement be provided along the northerly property line to permit future vehicle access access between neighboring commercial properties.

ATTACHMENTS:

EAC-April 25, 2007 minutes(PDF)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: Alice Magierski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-303**

DOC ID: 2090

Negative SEQR Declaration -105 Kenville Road

Sponsored By: Councilmember Johnson Jr., 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 Chason Affinity Co., LLC for the redevelopment/ conversion of an existing multi-family apartment complex to an apartment complex solely for college student housing at 105 Kenville Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 16, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of April 12, 2007, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending the closure of Betty Lane, other than for emergency access, AND

WHEREAS, the applicant has agreed to the closure with consideration for use of the roadway during construction and, a future consideration to request a limited utilization of the road connection after completion of a traffic impact study, AND

WHEREAS, the applicant has provided a written plan for the relocation of the existing residents to be displaced by the project, AND

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

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

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer approving the drainage/grading plan.
2. The Betty Lane road connection closing upon completion of phase 2

with the installation of a breakaway emergency gate.

- and
3. The applicant provide a 6 foot high solid wood board fence along the northerly southerly property lines.
 4. The applicant coordinate its security plan with the Town of Cheektowaga Chief of Police for concurrence and approval.
 5. The Town Board completing the abandonment/sale of the existing roadway and supporting infrastructure to the applicant.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-304**

DOC ID: 2091

Negative SEQR Declaration 2563 & 2555 Union Road

Sponsored By: Councilmember Johnson Jr., 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 Benderson Development Co., LLC for the rezoning of 2563, 2555 Union Road and contiguous land identified as SBL No. 113.20-2-1.111 from R- Residence and NS- Neighborhood Services to CM -General Commercial for the construction of a 7, 291 square foot retail building, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 16, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of March 8, 2007 and recommended the approval of the site plan at their meeting of April 12, 2007, AND

WHEREAS, an independent review of the project was performed by URS Corporation as part of the Town's policy for promoting consistency with the recommendations of the William - Losson Corridor Study, AND

WHEREAS, the proposed project is consistent with the recommendations of said land use study as shown on the attached report, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer approving the drainage/ grading plan.
2. A solid, board on board fence be installed along the southerly property line prior to development of the site.

3. The applicant make provisions for a 24 foot wide perpetual vehicular access easement along the southerly property line to permit cross access for future commercial development along such south property line.
4. A restriction on any drive thru window, unless a new site plan is submitted to this Town Board and a supplemental review is performed by the Town's Traffic consultant.

ATTACHMENTS:

Union-Losson Retail Benderson (PDF)

RESULT: ADOPTED [UNANIMOUS]**MOVER:** Thomas Johnson Jr., Councilmember**SECONDER:** Alice Magierski, Councilmember**AYES:** Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-305**

DOC ID: 2092

Approve Rezoning of 2555 & 2563 Union Road

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Benderson Development Co., LLC petitioned for a rezoning from R-Residence District and NS-Neighborhood Services District to CM-General Commercial District for property owned by it and located at 2555 Union Road and 2563 Union Road Road, Cheektowaga, New York, which property is described in the attached legal description, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 7th day of May, 2007 at 6:30 o'clock P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

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

RESOLVED, that the application of Benderson Development Co., Inc. for the rezoning from R-Residence District and NS-Neighborhood Services to M-General Commercial District of the property described in the attached legal description be and the same is hereby approved, subject to the site plan conditions contained in the Negative SEQR resolution, and BE IT FURTHER

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

PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO BENDERSON DEVELOPMENT COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11095 OF DEEDS AT PAGE 8098, SAID POINT BEING IN THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT;

THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 97 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT RIGHT ANGLES A DISTANCE OF 45 FEET MORE OR LESS TO A POINT;

THENCE WESTERLY AT RIGHT ANGLES A DISTANCE OF 105 FEET MORE OR LESS TO A POINT IN THE SAID EASTERLY LINE OF UNION ROAD;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID UNION ROAD A DISTANCE OF 46 FEET MORE OR LESS TO THE POINT OR PLACE OF BEGINNING, CONTAINING 4,536 SQUARE FEET OF LAND MORE OR LESS.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LANDS CONVEYED BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11095 OF DEEDS AT PAGE 8098, DISTANT 220.69 FEET EAST OF THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT, SAID LINE AS MEASURED ALONG THE NORTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE SOUTHERLY ALONG AN EASTERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 135.67 FEET TO A POINT IN SAID EASTERLY LINE OF LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE EASTERLY AT AN EXTERNAL ANGLE OF 95°35'36" A DISTANCE OF 15.00 FEET TO A POINT IN AN EASTERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE A DISTANCE OF 73.48 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 37 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT AN INTERIOR ANGLE OF 104°-26'-48" A DISTANCE OF 204 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF SAID LIBER 11095, OF DEEDS AT PAGE 8098;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 45 FEET MORE OR LESS TO THE POINT OR PLACE OF BEGINNING, CONTAINING 7,917 SQUARE FEET OF LAND MORE OR LESS.

ATTACHMENTS:

des 2555 union (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



RESOLUTION 2007-306

DOC ID: 2074

Notice to Bidders Police Specialty Use Vehicle

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of One (1) Police Specialty Use Vehicle by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Times; and it is further

RESOLVED, that sealed bids will be received by the Cheektowaga Town Clerk on the 1st day of June, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on June 1, 2007 at 11:00 A.M., in the Council Chambers, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, for the purchase of one (1) unmarked specialty use police vehicle as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) unmarked specialty use police vehicle 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: 21 May 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-307**

DOC ID: 2077

Accept Donation of Copy Machine

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga through the Youth & Recreational Services Department operates the Recreation Center building at Cheektowaga Town Park, and

WHEREAS, Eagle Systems has donated a Toshiba Estudio copy machine to the Town of Cheektowaga for use at the Recreation Center, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned donation of a copy machine for use at the Recreation Center, and BE IT FURTHER

RESOLVED, that this Town Board hereby expresses its gratitude and thanks to the Eagle Systems for its generous donation.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-308**

DOC ID: 2078

Accept Donation of Defibrillators

Sponsored By: Councilmember Rogowski, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga through the Youth & Recreational Services Department operates the Pool at Cheektowaga Town Park, and

WHEREAS, the Town of Cheektowaga owns the building known as the Alexander Community Center at 275 Alexander Avenue, and

WHEREAS, the Family of Jeffrey B. Scott and the Madison McCarthy Cardiac Care Coalition for Children have donated two (2) automatic external defibrillators to the Town of Cheektowaga for use at the Town Park Pool and Alexander Community Center, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the aforementioned donation of two (2) automatic defibrillators for use at the Town Park Pool and Alexander Community Center, and BE IT FURTHER

RESOLVED, that this Town Board hereby expresses its gratitude and thanks to the Family of Jeffrey B. Scott and the Madison McCarthy Cardiac Care Coalition for Children for its generous donation.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-309**

DOC ID: 2073

Authorize Supervisor to Execute Grant Application

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies for the Police Department from the East Hill Foundation in the amount approximate amount of \$16,000.00; and

WHEREAS, said grant monies will be used to purchase two Segways and various accessories such as red lights, sirens, helmets, and other 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 East Hill Foundation for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-310**

DOC ID: 2096

Authorize Supervisor to Sign Electricity Contract

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Town is constantly trying to find ways to cut costs, and

WHEREAS, the Town can choose an electricity supplier and decide whether to pay a fixed or variable price for the Town's electricity supply, and

WHEREAS, the Town had solicited bids from 3 electricity suppliers with the assistance of Troy & Banks for the 2008 and 2009 calendar years for fixed pricing to determine if we should lock in the rates for those years, NOW, THEREFORE, BE IT

RESOLVED, the Town Board agrees to change the Town's electricity supplier to Integrys Energy Services of NY Inc. under its fixed price program based on its lowest pricing provided on May 21, 2007 and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to effectuate this change in electricity supplier.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-311**

DOC ID: 2080

Retain Appraiser

Sponsored By: Johnson Jr., Jankowiak, Rogowski

WHEREAS, the Town of Cheektowaga is the owner of Town highways known as Kenville Road, Betty Lane and Marc Lane, and

WHEREAS, the owner of the Kensington Village Apartments has requested that the Town abandon such Town highways and sell same to it, and

WHEREAS, GAR Associates, Inc. has provided the Town with some information concerning the value of these roads, and

WHEREAS, this Town Board wants another appraiser to review the information provided by GAR Associates, Inc. and assist us in establishing the value of the aforementioned highways, and

WHEREAS, Emminger, Hyatt, Newton & Pigeon, Inc. has submitted a proposal to perform an appraisal review of the above referenced matter on behalf of the Town for a fee of \$1,500.00, NOW, THEREFORE, BE IT

RESOLVED, that Emminger, Hyatt, Newton & Pigeon, Inc. be and hereby is retained as noted above for a fee not to exceed \$1,500.00, and BE IT FURTHER

RESOLVED, that the moneys for said services shall be appropriated from budget line item number 100-1355-4575.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-312

DOC ID: 2086

Create Five (5) Lifeguard Positions for Civil Service Job Inventory

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates five (5) Lifeguard (seasonal) positions pursuant to Civil Service Laws and Rules effective May 22, 2007.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-313**

DOC ID: 2079

Appointment of Civil Officer

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, pursuant to Section 20(1)(a) of the Town Law of the State of New York, this Town Board is authorized to appoint a civil officer possessing the powers and duties of a constable in civil actions and proceedings only; and

WHEREAS, by resolution dated March 5, 2007, this Town Board appointed Frank Krisnosky as a civil officer for the Town of Cheektowaga, and

WHEREAS, Walter Geising of Esquire Process Service, LLC has requested that this Town Board also appoint him as a civil officer for the Town of Cheektowaga, and

WHEREAS, Mr. Geising has been acting as a civil officer for the Town of Amherst, and has been recommended by Frank Krisnosky, NOW, THEREFORE, BE IT

RESOLVED, that, pursuant to the authority granted by Town Law Section (20(1)(a), Walter W. Geising of Esquire Process Service, LLC, 43 Brinker Road, Lackawanna, New York 14218, be and is hereby appointed a civil officer of the Town, possessing all the powers of a constable in civil actions and proceedings only; and BE IT FURTHER

RESOLVED, that said Walter W. Geising shall be paid no salary but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings; and BE IT FURTHER

RESOLVED, that this appointment shall take effect on May 28, 2007 and shall continue for a term ending December 31, 2008.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-314**

DOC ID: 2087

Authorize Student Assistant PT In Records Center

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga Records Center has some activity that calls for the utilization of someone with imaging maps skills; AND

WHEREAS, Matthew Hoctor, a resident of Cheektowaga and a student at Cheektowaga Central and the Harkness Career Center, has developed such skills during his educational pursuits; AND

WHEREAS, Mr. Hoctor, will earn educational credits at Cheektowaga Central and the Harkness Career Center for performing such activity as an unpaid Student Intern for approximately two (2) weeks, two (2) hours per day; NOW, THEREFORE, BE IT

RESOLVED, that Matthew Hoctor of Cheektowaga, New York be and hereby is authorized, retroactively, to be an unpaid Student Intern effective May 14, 2007 through May 25, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-315

DOC ID: 2081

Hire/Terminate Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

JUSTICE COURT Clerk \$8.50/hour effective 5/22/07
Mary Ann Zajdowicz, Depew, NY

BE IT RESOLVED, the following employee's salary be and hereby is adjusted:

FACILITIES DEPARTMENT Laborer \$8.75/hour effective 5/07/07
Nicholas Schanne, Cheektowaga, NY

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

POLICE DEPARTMENT - School Crossing Guard effective 5/21/07
Joanne Nelson
Alice Taber

ACCOUNTING DEPARTMENT - effective 5/14/07
Jeffrey T. Lewandowski

SANITATION DEPARTMENT - effective 5/15/07
Patrick Santoro

Motion by Supervisor Jankowiak; Seconded by Councilmember Johnson to waive the reading of names for Resolution 2007-315 + 2007-316 and the vote was Unanimous.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-316**

DOC ID: 2094

Youth and Recreation Transfers/Upgrades**Sponsored By:** Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are transferred and/or upgraded, as indicated, in the Department of Youth & Recreational Services, effective immediately:

POOLSRegular part-timeLifeguards - 7180.1903Level IV - \$8.49

Amy Burger
Kevin Fischer

Level III - \$8.32

Charlene Kilijanski
Scott Kunkel
Nicole Stolarski
Krista Wayne
Hannah Welch

Level II - \$8.16

Andrew Chruscicki
Erica Orłowski

Transfer to 7180.1903 Lifeguard - \$8.32

Matthew Maciejewski

Beach and Pool Supervisors - 7180.1902Recreation Instructor (Pool Supervisor-Town Park 2nd shift) \$9.88

Jon Miller

Recreation Instructor (Aquatics Director) - \$14.86

Cathy Giles

Regular part-timeCHEEKTOWAGA CONSERVATION CORPS (CCC)

CCC - Supervision - 7310.1811

Recreation Specialist (Program Coordinator) - \$17.15

Roger Newhouse

Recreation Specialist (Education Coordinator) - \$13.90

Paul Parrinello

Laborer (Participant) - 7310.1816
Nicholas Russell (\$7.15/seasonal)

Regular part-time

TRANSFER FROM ADAPTED RECREATION - 7310.1803 TO:

Camp Dartwood - 7310.1632
Recreation Instructor - \$9.00
Melissa Rogers

Recreation Attendant - \$7.25
Kristy Rzesutek

Recreation Attendant - \$7.65
Lauren Rzesutek

Camp JI-IK-DO-WAH-GAH - 7310.1801
Recreation Specliaist - \$11.40
Victor Nosal

Recreation Instructor - \$8.90
Maribeth Stadelmeyer

Recreation Instructor - \$8.65
Laura Gabryszak

Recreation Attendant - \$8.15
Brandon Schunke

Recreation Attendant - \$7,.90
Heather LaGraves

Recreation Attendant - \$7.65
Kristen Stadelmeyer

Camp Crabapple - 7310.1802
Recreation Specialist - \$13.65
Barbara Walters

Recreation Instructor - \$8.65
Laura Sheldon

Recreation Attendant - \$7.25
Carly Rehac

Camp Flamingo - 7310.1810
Recreation Specialist - \$13.65
Amy McMahon

Recreation Instructor - \$8.90

Nicholas Czaplicki
Sean Dalton

Recreation Instructor - \$8.25\
DeYonca Porter

Recreation Attendant - \$7.90
Mark Hannon

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-317

DOC ID: 2093

Youth and Recreation Summer Hire

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

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

POOLS

Seasonal

Lifeguards - 7180.1903

Level IV - \$8.49

| | |
|-------------------|-------|
| Daniel Carter | 14225 |
| Dominique Celotto | 14225 |
| Lauren Fuest | 14225 |
| Julie Kujawinski | 14043 |
| Samantha Long | 14225 |
| Lauren Malicki | 14227 |
| Kelsey Zamoyski | 14043 |
| Leah Zamoyski | 14043 |

Level III - \$8.32

| | |
|--------------------|-------|
| Bridget Bauza | 14043 |
| Erin Bessing | 14227 |
| Corey Beszczyński | 14212 |
| Jennifer Brock | 14225 |
| Becky Gworek | 14227 |
| Shawn Kaznica | 14206 |
| Holly Podniesinski | 14227 |
| Caitlyn Rutski | 14043 |

Level III - WSI - \$8.49

| | |
|----------------|-------|
| Jennifer Chenu | 14227 |
|----------------|-------|

Level II - \$8.16

| | |
|--------------------|-------|
| Samantha Ehrig | 14225 |
| Adam Fuest | 14225 |
| Julia Hora | 14225 |
| Nicole Maciejewski | 14227 |
| Caitlin Rieck | 14225 |
| Sara Schwab | 14043 |
| Naomi Snyder | 14225 |
| Brittany Bauza | 14043 |

Level 1 - \$8.00

| | |
|-----------------|-------|
| Joshua Atzrott | 14215 |
| Eugene Williams | 14215 |
| Nick Barnhard | 14227 |
| Benjamin Hannel | 14227 |
| Clayton Reeb | 14227 |
| Amanda Moran | 14206 |

Regular Part-timeLevel 1 - \$8.00

| | |
|---------------------|-------|
| Steven Gospodarski | 14215 |
| Danielle Malicki | 14227 |
| Megan Maloney | 14227 |
| Katherine Tomaschko | 14225 |
| Tiffany Wheeler | 14225 |
| Torrie Wydysch | 14225 |
| Jonah Messina | 14225 |
| Jared Messina | 14225 |
| Robert Radlich | 14225 |

Lifeguards - (Alternates)

| | |
|-----------------------|-------|
| Juliana Golembiewski | 14206 |
| Ashlee Deeds | 14211 |
| Ashley Franklin | 14225 |
| Christopher Crawford | 14043 |
| Michael Kiripolsky | 14215 |
| Steven Kensy | 14225 |
| Leeann Coddington | 14225 |
| Charlene Budziszewski | 14227 |
| Jodie Beszczynski | 14212 |

SeasonalBeach and Pool Supervisors - 7180.1902Recreation Instructor (Pool Supervisor-Town Park 1st Shift) - \$10.67

| | |
|--------------|-------|
| Aaron Grupka | 14206 |
|--------------|-------|

Recreation Instructor (Head Lifeguard T.P. 1st) - \$9.27

| | |
|-------------|-------|
| Sean Kunkel | 14225 |
|-------------|-------|

Recreation Instructor (Special Events Co-ordinator) - \$10.97

| | |
|---------------|-------|
| Mark Przybysz | 14206 |
|---------------|-------|

Recreation Supervisor (Pool Supervisor-Dingens) - \$10.17

| | |
|------------------|-------|
| Elizabeth Sinski | 14206 |
|------------------|-------|

Recreation Instructor (Head Lifeguard-Dingens Pool) - \$8.97

| | |
|------------|-------|
| Jon Sinski | 14206 |
|------------|-------|

Recreation Instructor (Head Lifeguard-Maryvale Pool) - \$8.79

| | |
|--------------|-------|
| Laura Garcia | 14225 |
|--------------|-------|

Recreation Instructor (Head Lifeguard-Town Park Pool 2nd Shift) - \$9.09

Jeffery Kunkel 14225

Head Lifeguard - (Pool Supervisor-Maryvale Pool) - \$10.17

Laura Mayle 14215

Parttime

Lifeguard - 7180.1903

Level I - \$8.00

Christopher Hannel 14227 (effective 5/31/07)

Seasonal

CHEEKTOWAGA CONSERVATION CORPS (CCC)Laborers (Participants) - 7310.1816Level I - \$7.15

Stephani Krysztofowicz 14043

Brittany Wall 14043

Jessica Cunningham 14225

Andrew Balash 14215

Tara Przybyl 14227

Shannon Zagst 14043

Teresa Watson 14225

Evan Mikoll 14225

Patrick Gillen 14227

Jessica Garland 14225

Michael Tworkowski 14225

Brad Agen 14227

Level II - \$7.40

Michael Lewandowski 14043

Justin DelBello 14212

Stephanie Pfalzer 14043

Phillip Kruse 14206

Level III - \$7.65

Amanda Fischer 14227

Level IV - \$8.40

Mark Puto 14043

SeasonalLaborers - (Participants) - 7310.1816 (Alternates)

Darryl Epps 14215

Benjamin Walkkow 14212

Frank Bosa 14212

Kyle Leon 14225

Kelsey Leon 14225

Meghan Hornung 14227

Brian Sheldon 14227

SeasonalYouth Leaders - 7310.1811Level I - \$8.90

| | |
|----------------------|-------|
| Christopher Niedbala | 14225 |
| Andrew Swiat | 14227 |
| Jacob Bauer | 14227 |

Crew Supervisors - 7310.1811Level I - \$11.65

| | |
|-----------------|-------|
| Matthew Machtel | 14215 |
| Kevin Derry | 14225 |

Level IV - \$12.75

| | |
|------------------|-------|
| Steven Saskowski | 14225 |
|------------------|-------|

PLAYGROUNDSSeasonalARTS & CRAFTS - 7 140.1613Recreation Attendant - \$8.15

| | |
|---------------|-------|
| Joelle Gretch | 14043 |
|---------------|-------|

SeasonalSPORTS & GAMES - 7140.1645Recreation Attendant - \$7.90

| | |
|-----------------|-------|
| Hillary Peacock | 14225 |
|-----------------|-------|

Recreation Attendant - \$7.65

| | |
|-----------------|-------|
| Vicky Maslowski | 14225 |
|-----------------|-------|

Regular Part-timeARTS & CRAFTS ROTATION - 7140.1648Recreation Attendant - \$7.15

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|------------------|-------|
| Crystal Kosmider | 14206 |
|------------------|-------|

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

**RESOLUTION 2007-319**

DOC ID: 2082

Travel Authorization Senior Services (Kerry Switalski)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the 11th Annual Conference "Aging Concerns Unite Us" is being held June 19-20, 2007 in Albany, New York; AND

WHEREAS, Director of Senior Services Kerry Switalski has requested authorization to attend said conference; AND

WHEREAS, Ms. Switalski 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 \$495.80; AND

WHEREAS, these expenses have been budgeted by the Senior Services Department; NOW, THEREFORE, BE IT

RESOLVED, that Director of Senior Services Kerry Switalski be and hereby is authorized to attend the 11th Annual Conference "Aging Concerns Unite Us" being held June 19-20, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-320**

DOC ID: 2084

Travel Authorization Main Pump (Nichy)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the "Dival Safety Summit" is being held June 5, 2007 in Grand Island, New York; AND

WHEREAS, the Superintendent of the Wastewater Pump Station, Jon Nichy, has requested authorization to attend said summit; AND

WHEREAS, Mr. Nichy 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 \$390; AND

WHEREAS, these expenses have been budgeted by the Main Pump Station; NOW, THEREFORE, BE IT

RESOLVED, that Jon Nichy be and hereby is authorized to attend the "Dival Safety Summit" being held June 5, 2007 in Grand Island, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-321**

DOC ID: 2085

Travel Authorization Youth & Recreation (Jillian Gorman)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, "Strategic Collaborative County Planning: Moving Forward III" is being held June 4-6, 2007 in Syracuse, New York; AND

WHEREAS, Program Coordinator Jillian Gorman, has requested authorization to attend said conference; AND

WHEREAS, Youth and Recreation Executive Director Kenneth Kopacz has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, there shall be no cost incurred to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Program Coordinator Jillian Gorman be and hereby is authorized to attend "Strategic Collaborative County Planning: Moving Forward III" being held June 4-6, 2007 in Syracuse, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-322**

DOC ID: 2083

Travel Authorization Police Department (Detective Zimmiewicz)

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, a course is being held entitled, "Latent Print Processing Level II" on June 4-8, 2007 in Albany, New York; AND

WHEREAS, Detective Valentine Zimmiewicz has requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba 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 \$997.95; AND

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

RESOLVED, that Detective Valentine Zimmiewicz be and hereby is authorized to attend the course "Latent Print Processing Level II" on June 4-8, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Suspension of Rules

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|---|
| Motion by Councilmember Johnson; Seconded by Councilmember Rogowski to Suspend the Rules to Include the following Resolutions and the vote was Unanimous. |
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RESOLUTION 2007-323

DOC ID: 2097

Authorize National Grid to Remove Floodlight At #47 Victoria Boulevard

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

BE IT RESOLVED, that National Grid be and hereby is authorized and directed to remove one (1) 250 watt HPS floodlight attached to its distribution pole at the rear of #47 Victoria Boulevard, which illuminated the former Alexander Avenue pedestrian bridge, at a one-time removal cost of \$495.74, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is directed to furnish a copy of this resolution to the attention of:

Frances Porpiglia
Consumer Representative
National Grid
144 Kensington Avenue
Buffalo, New York 14214

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-324**

DOC ID: 2107

Grant License Over Town Property At Harlem Road and Clinton Street

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of property located at the corner of Harlem Road and Clinton Street and used as a pump station, and

WHEREAS, the Erie County Water Authority is engaged in a project to replace the water mains at this intersection, and

WHEREAS, Kandey Co., Inc. was chosen by the Erie County Water Authority as the contractor to perform the work associated with this project, and'

WHEREAS, Kandey Co., Inc. has requested a temporary license from the Town of Cheektowaga to utilize a portion of the Town-owned land to stage its equipment to perform the necessary work, and

WHEREAS, the Superintendent of the Main Pump Station and the Town Engineer have reviewed the request of Kandey Co., Inc. along with the Town Attorney and they have no objection to the granting of this temporary license, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to grant a temporary license to Kandey Co., Inc. over a sixty (60) foot by sixty (60) foot area of land at the corner of Harlem Road and Clinton Street for the aforementioned Erie County Water Authority project, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such temporary license on behalf of the Town of Cheektowaga.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-325**

DOC ID: 2101

Subrecipient Agreement with Amherst

Sponsored By: Councilmember Swiatek, Councilmember Johnson Jr.

WHEREAS, the Towns of Cheektowaga, Amherst and Tonawanda have formed a Consortium for the purpose of applying for Entitlement HOME funds from the United States Department of Housing and Urban Development under the HOME Investment Partnership Act, and

WHEREAS, the Town of Amherst has been designated as the lead community on behalf of the Amherst-Cheektowaga-Tonawanda HOME Consortium,

WHEREAS, as lead community, the Town of Amherst, is responsible for the distribution of funds to the subrecipient Consortium communities which manage projects utilizing said HOME funds, and

WHEREAS, the Department of Housing and Urban Development requires the lead community and recipients of HOME funds to execute subrecipient agreements, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Subrecipient Agreement with the Town of Amherst, as lead community for the Amherst-Cheektowaga-Tonawanda HOME Consortium, subject to review and approval by the Town Attorney and the Director of Community Development, for the receipt of HOME Investment Partnership Act funds for the 2007 program year.

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-326**

DOC ID: 2106

Authorization to Execute Grant Agreement with HUD

Sponsored By: Councilmember Swiatek, Councilmember Johnson Jr.

WHEREAS, the Town has submitted an Annual Action Plan to the Department of Housing & Urban Development for Community Development Block Grant funding for the 2007 Program Year, 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 2007 Community Development Block Grant Program Year.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-327

DOC ID: 2103

Home Rule Request for Parkland Alienation

Sponsored By: Councilmember Johnson Jr., Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga is the owner in fee of park lands located on the east side of Sonwil Drive and the north side of Rehm Road in the Town, said lands also known as the Diamond Hawk Golf Course, and

WHEREAS, said lands have been leased to Garrett, LLC for the construction and operation of a public golf course, and

WHEREAS, the developer of a patio home subdivision known as The Patio Homes at Diamond Hawk has requested a license from the Town over a 30 foot-wide portion of the Diamond Hawk in order to construct a sanitary sewer line, and

WHEREAS, after construction of said sanitary sewer line, it will be dedicated to the Town of Cheektowaga and Town of Cheektowaga Sanitary Sewer District No. 8 will thereafter maintain said sewer line; a permanent easement from the Town to Sanitary Sewer District must also be approved, and

WHEREAS, since the aforementioned land is considered dedicated parkland, special State legislation must be submitted and approved before the Town can enter into any license or easement agreement on this matter, and

WHEREAS, by resolution dated April 16, 2007, this Town Board requested Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski to prepare and submit a bill to authorize the Town of Cheektowaga to convey the aforementioned license and easement over Diamond Hawk Golf Course, and

WHEREAS, bills have been introduced in the State Assembly (A.8387) and Senate (S.5746A) to authorize the Town to convey the license and Easement over Diamond Hawk Golf Course, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill No. A.8387 and Senate Bill No. S.5746A, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to execute the Home Rule request forms for the aforementioned Assembly and Senate bills, and to forward same to the Home Rule Counsels for the Assembly and Senate, with copies to Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-328**

DOC ID: 2102

Support Weather Museum In Buffalo

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, a recent study by the Buffalo Niagara Convention and Visitors Bureau concluded that the tourism industry in Erie County generated more than \$1 billion in direct visitor spending in 2005, and

WHEREAS, cultural institutions such as theaters, sporting events and museums, as evidenced by the aforementioned study, serve as huge economic draws for local residents and tourists, and

WHEREAS, downtown Buffalo needs additional family attractions to serve as a destination point, and

WHEREAS, a unique interactive Weather Museum, as advocated by Kate Foster, Craig Turner and Joe Illuzzi could attract tens of thousands of visitors to downtown Buffalo, and

WHEREAS, weather is a topic of daily interest, and news stories from around the world concern weather and its impact, and

WHEREAS, everyone from school children to adults are fascinated by hurricanes, tornadoes, blizzards, tsunamis, etc., and such items are frequently the topic of classroom discussions and television shows, and

WHEREAS, very few places have weather museums, and such an attraction would be unique to Buffalo, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Town Board supports the idea of creating a Weather Museum in downtown Buffalo as a unique cultural attraction, and BE IT FURTHER

RESOLVED, the Town Clerk be and hereby is directed to forward certified copies of this resolution to U.S. Senators Hillary Rodham Clinton and Charles Schumer, Congressman Brian Higgins, Governor Eliot Spitzer, The Empire State Development Corporation, Erie Canal Development Corporation and the Buffalo Niagara Convention Center & Visitors Bureau.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-329

DOC ID: 2100

Memorialize US Congress & House of Representatives to Provide Mandatory Funding for Veterans' Health Care

Sponsored By: Councilmember Johnson Jr., Councilmember Zydell

WHEREAS, many brave men and women have joined the armed forces of our country to fight for liberty for the United States and for other countries, and

WHEREAS, these brave individuals have sacrificed their lives so that we can feel safe, and

WHEREAS, it is important that these individuals be provided with quality health care, and

WHEREAS, currently, there are discretionary funding mechanisms in place in the Federal government for veterans' health care, and

WHEREAS, this discretionary funding mechanism is beset by numerous flaws, often preventing many veterans from receiving the quality health care they earned and deserve, and

WHEREAS, in May of 2001, President George W. Bush signed Executive Order 13214 creating the President's Task Force to Improve Health Care for Our Nation's Veterans in order to identify ways to improve health care to the Department of Veteran's Affairs and Department of Defense, and

WHEREAS, one of the recommendations of the President's Task Force was that the Federal government should provide full funding to ensure that veterans are provided comprehensive health care benefits, and

WHEREAS, on March 16, 2006, the United States Senate voted down mandatory funding for veterans' health care services, and

WHEREAS, this Board feels that our veterans deserve guaranteed health care, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the United States Senate and House of Representatives to provide mandatory funding for veterans' health care services, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Senators Charles Schumer and Hillary Rodham Clinton, and to Congressman Brian Higgins, with a request that they work to provide said mandatory funding.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydell, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

**RESOLUTION 2007-330**

DOC ID: 2104

Hire Seasonal Laborers In Facilities Dept.

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

FACILITIES DEPARTMENT Laborer \$7.75/hour effective 6/04/07
Steven Woods, Sloan, NY

FACILITIES DEPARTMENT Laborer \$7.25/hour effective 5/23/07
Michael Komosinski, , Cheektowaga, NY

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-331**

DOC ID: 2099

Hire/Terminate Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

FACILITIES DEPARTMENT Laborer \$7.25/hour effective 5/22/07
Ryan Galuszka, Cheektowaga, NY

ACCOUNTING DEPARTMENT Clerk \$7.40/hour effective 5/22/07
Jaclyn P. Eckel, Cheektowaga, NY

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

TOWN CLERKS OFFICE effective 5/30/07
Christopher Hannel

TAX OFFICE effective 1/26/07
Jennifer Christiano

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-332**

DOC ID: 2098

Appointment of Parks Maintenance Worker II (Facilities Department) (David G. Ford)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the title of Parks Maintenance Worker II in the Facilities Department; AND

WHEREAS, David G. Ford, currently employed as a General Mechanic in the Facilities Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that David G. Ford, of Cheektowaga, New York, be and hereby is appointed to the position of Parks Maintenance Worker II in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 22, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-333

DOC ID: 2105

Travel Authorization (Police Department) (John Duskocz)

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the 14th Annual Advanced Handler and Tactics Seminar is being held June 4-8, 2007 in Binghamton, New York; AND

WHEREAS, the Police K-9 Officer John Duskocz has requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziemba 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 \$1,602.95; AND

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

RESOLVED, that Police K-9 Officer John Duskocz be and hereby is authorized to attend the 14th Annual Advanced Handler and Tactics Seminar being held June 4-8, 2007 in Binghamton, New York.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

VII. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - April 2007
2. Minutes - Cheektowaga Conservation Advisory Council - April 21, 2007
3. Minutes - Cheektowaga Conservation Advisory Council - May 3, 2007
4. Minutes - Cheektowaga Traffic Safety Commission - April 17, 2007
5. Minutes - Town Environmental Advisory Committee - April 25, 2007

B. General Communications

1. Designation of Resignation of Restricted Highway: New York State Department of Transportation: a Portion of Transit Rd. (NY Rt. 78) From Station 5+100 (RM 78 5302 1235) Just North of Aero Drive to Station 8+400 (RM 78 5302 1253), North of Main St. This Includes a Portion of Wehrle Drive From Station EW 1+390 Through the Intersection of Transit Rd. to Station WW 0+780.
2. Notice of Claim: Calvin L. Bradley Vs. Town of Cheektowaga

3. Notice of Claim: William Daly Vs. Town of Cheektowaga

VIII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

IX. Adjournment

Motioned by Councilmember Rogowski; Seconded by Councilmember Magierski to adjourn the Meeting at 7:45 pm. Vote was Unanimous.

MARY F. HOLTZ

TOWN CLERK

The Town of Cheektowaga



- Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490
- Neighborhood Preservation Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 897-7281
- Fire Inspection Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 961-6501

MEMORANDUM

TO: Supervisor James J. Jankowiak
 Honorable Town Board Members
 Mary Holtz, Town Clerk
 Kevin Schenk, Town Attorney

FROM: Thomas Adamczak
 Supervising Code Enforcement Officer

DATE: April 30, 2007

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on April 25, 2007 in the Town Hall Council Office Conference Room. (Absent: Conservation Council representative).

ITEM I 866 Aero Drive - Proposed 212,000 Sq. Ft. Office/Warehouse

Applicant: The Krog Corporation

The applicant was present at the meeting and indicated that they would be avoiding the monitoring well located at the rear of their parcel. They will create a notch in the building to avoid interfering with the well. They have also reduced the amount of fill to be placed along the east property near the power lines. The power company will not allow them to fill more than a certain amount at their poles due to the fact that they would reduce the clearance between the wires and ground level.

They have indicated that they are down to .8 acres of wetland that would be affected and this information has been directed to the State DEC and U.S. Army Corps of Engineers. The design professional they had hired had sent the information to the DEC on April 23rd.

Overall only 12 of 43 acres will be used for this project, the balance would be left as is which is mostly State wetlands. As part of the mitigation for tree removal they will be offering monies that would be placed in a Trust And Agency Account for tree plantings at a later date around the Town. At the present time they are offering \$10,000.00 since many of the 1,000 trees to be removed are already partially destroyed because of the October, 2006 storm.

The Planning Board will review this project at their May 10th meeting and this item will remain tabled for further review and comment.

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April 30, 2007

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ITEM II 440 Cleveland Drive - Proposed 90 Foot Tall Cellular Communications Tower

Applicant: Omni Point Communications Inc.

The Town has hired a RF Engineer and there will be a meeting the week of April 30th to determine the scope of work that he will provide for the review. As part of this he must review the police and fire benefits and alternatives of this tower. Bob Becker will come up with a list of issues to be reviewed by this engineer.

It should be noted that a number of other locations were looked at including the Cleveland Hill School District which indicated that they would not want to have a tower; also the St. Aloysius School properties, they too were not interested in having a cell tower. The Mount Calvary Cemetery site was looked at and there is limited interest particularly along the north end of the cemetery at Harlem Road. In such a location camouflage would be necessary as there are homes to the north and to the east. The applicant also showed they could not get any closer to the Cleveland Hill Fire Hall because of the fact that there a number of doors, a fuel farm, etc located at the rear of the building. They did indicate however that they would look at resiting the tower to the center of the property; therefore, taking it further away from the residences to the north and the apartment to the west.

This item will remain tabled for further review by the RF Engineer.

ITEM III 431 Dingens Street - Proposed 6,000 Sq. Ft. Addition to an Existing Hotel

Applicant: Silvestri Architects/Comfort Inn Suites

The owner will have William Schutt & Associates prepare the sewer easements for the Town Engineer. A site drainage plan must be coordinated with the Town Engineer so that any illegal or questionable connections can be properly reconnected. The evergreens along Pleasant will be replaced with Colorado Spruce on berms. This is because the existing trees took a beating in the October storm and may not provide adequate screening. Sidewalks will be installed along Dingens Street and as part of the installation a snow storage area will be provided as well as pedestrian access to the main entrance of the hotel. The westerly driveway would be closed, which is closest to the on/off ramp of the 190.

Public comment is opened until April 29th but no comments are anticipated. The applicant again indicated that there will be no ECIDA funding for this project.

The committee would recommend that a Negative Declaration be issued subject to the approval of the Planning Board and Zoning Board of Appeals.

ITEM VI 3085 Harlem Road - Proposed 3-Story 62,000 Medical Facility

Applicant: Walden Development Group LLC

The project is now back to the three story, 62,000 to 64, 000 square foot office building Three other buildings will be constructed in phases, one of these could be a two-story. The applicant indicated that an eight foot fence along the east and north property lines would be erected to provide screenings for the apartments located adjacent to the site. In addition to the fencing, berms along the property line with vegetation would also be installed with the subsequent phases.

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They are presently working with the DOT on drainage of the site to Harlem Road and the access drive.

Once the project is under way and the Atwal Center could be directly connected to this project it is recommended that the southerly Atwal driveway be closed to Harlem Road.

The Planning Board will review this at their May 10th meeting; however, the committee is recommending a Negative Declaration for this project pending Planning Board Approval.

ITEM V 105 Kenville Road - Proposed Re-Development of Kensington Village Apartments

Applicant: Chasen Affinity Company LLC

A public hearing will be scheduled for May 7th. The applicant is presently negotiating with the utility companies and the Town regarding the turning over the street to the applicant. The Town has already received an appraisal for the street and the suggestion may be made to sell the street for the appraisal price.

There will be a PILOT on the community center, however, the assessed valuation for the balance of the complex will remain the same with an increase in value for the road.

This item will remain tabled for further review and comment.

ITEM VI Union Road -Proposed 4,232 Sq. Ft. Pizza Hut

Applicant: APD Engineering

The restaurant would go on the south side of the Oak Tree Hotel driveway. Access would be the existing driveway and not directly to Union Road. A number of trees will be removed for the construction and will be replaced on-site or elsewhere. The pickup area shown on the plan is primarily for the Pizza Hut delivery people and not for public pickup.

The DOT must review this project including the access plan and drainage for the site.

This item will remain tabled for further review and comment..

ITEM VII 4293-4295 Genesee Street - Proposed 7,432 Sq. Ft. Motor Service Retail Building with 2,276 Sq. Ft. of Service Garage

Applicant: 1234 Group, LLC

The building is located to the west of the Comfort Inn. The building will house a Dollar/Thrifty Rent-A-Car facility, Tim Hoton restaurant and another tenant. The service garage at the rear will be for the Dollar/Thrifty Rent-A-Car operation

The site is zoned for motor service use; therefore, no rezoning is required. After some discussion it was noted that the landscaping along Genesee Street will be 25 feet and the existing parking along the west property line will remain as there is an easement for this parking with a building to the west.

Public comment is opened until May 24th and the Town Engineer needs to review the drainage for the site.

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This project is considered Phase I. Phase II would provide a multi-story hotel and large parking field for airport parking.

This item will remain tabled for further review and comment..

ITEM VIII 4646 Genesee Street - Proposed Rezoning for MS to CM for Residential Flooring Product Showroom
Applicant: Shane Khanjani

The applicant is proposing to rezone this property for his showroom. Public comment is opened until May 24th; therefore, this item will remain tabled for further review and comment.

THE NEXT MEETING OF THE
ENVIRONMENTAL ADVISORY
COMMITTEE MEETING WILL BE
HELD
WEDNESDAY, MAY 16, 2007
AT 10:00 A.M.
IN THE COUNCIL OFFICE
CONFERENCE ROOM

**BENDERSON DEVELOPMENT COMPANY, LLC
 PROPOSED RETAIL DEVELOPMENT
 2565 UNION ROAD
 UNION ROAD / NY277 and LOSSON ROAD / CR021
 TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
 WILLIAM / LOSSON CORRIDOR CONSISTENCY REVIEW**

Background

The Applicant, Benderson Development Company, LLC, is requesting development of a “spec” 7,291 SF single story building proposed for retail use. The project location is on a 0.98+/- acre parcel of land on the southeast corner of Union Road /NY277, a New York State highway and Losson Road (CR021), an Erie County highway. Adjacent and contiguous to the north of this proposed development is an approximate 11,419 SF existing drugstore, which has separate driveway access onto both Union Road and Losson Road. This proposed development will utilize both of these existing driveways, and no new driveways are being proposed.

URS was provided with a conceptual site plan for “Union & Losson Plaza” (Property 2538JR20 DRV-THR-LLNDSCP), Concept Site Plan, July 7, 2006 developed by Benderson Development Company, LLC. It is URS’ understanding that the Town of Cheektowaga did not request or require a Traffic Impact Study for this proposed development.

The expressed concern is whether the proposed project will add significantly to the area’s traffic, can the on-site circulation of additional traffic be accommodated, and is Access Management addressed.

The usage breakdown for the Site Plan is as follows:

- Total Parcel Size 0.98+/- Acres
 1. Total Building Area not defined
 2. Landscape Area not defined
 3. Conservation Easement not defined
 4. Pavement Area not defined
 5. Front Yard Setbacks 76-feet (50-foot is minimum)
 6. Side Yards Setback 10-foot min. (border against Non-Residential District)
51-feet (20-foot min. with border against Residential District)
 7. Rear Yards Setback 10-foot min. (border against Non-Residential)
20-foot min (border against Residential District)
- Parking
 - Retail Use 34 spaces (including 1 handicapped)
34 spaces required

This review utilizes the URS Greiner *William/Losson Corridor Study* dated January 3, 1997 (Revised October 2, 1997) as the basis for analysis.

**BENDERSON DEVELOPMENT COMPANY, LLC
 PROPOSED RETAIL DEVELOPMENT
 2565 UNION ROAD
 UNION ROAD / NY277 and LOSSON ROAD / CR021
 TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
 WILLIAM / LOSSON CORRIDOR CONSISTENCY REVIEW**

URS' analysis has focused on the potential traffic impacts of this current proposal to construct a proposed retail (undefined specific use) establishment.

Analysis

The current zoning designation for the parcel is CM (General Commercial District) usage. The current zoning will permit the proposed development

The most recent traffic count obtained from the Greater Buffalo-Niagara Regional Transportation Council (GBNRTC) is as follows:

Union Road/NY277 from Losson to William (CR207) 44,400 AADT (2004)

This roadway segment's traffic is 78% greater than the French Road-Losson Road segment of 24,900 vehicles, and 69% greater than the William Street-Bennett Road segment along Union Road of 26,200 vehicles.

Losson Road (CR 021) from Union Road to Towers Blvd. 18,500 AADT (2004)*

(* URS Traffic Forecast for this segment in William/Losson Corridor Study was 16,700)

It is clear that the Losson Road corridor is the area's major east-west route for access to the residential and other developed areas of Cheektowaga and Lancaster to the east.

Between 2000 and 2002, the New York State Department of Transportation (NYSDOT) reconstructed the intersection of Union Road/William Street and Union Road/Losson Road and their connecting roadway segment. The construction widened Losson Road at the intersection of Union Road to five lanes—three lanes (two right lanes for northbound traffic and one left-hand turn lane for southbound traffic onto Union Road) and two eastbound lanes for travel onto Losson Road. There is no thru lane to the west as the Union/Losson intersection is a "T" intersection with north, south and east directions of travel. Union Road,

The intersection has 2 protected left-hand turn lanes with advance green arrows for left (eastbound) turning traffic from Union Road to Losson Road. Two additional lanes provide for through movement southbound on Union Road.

The intersection is fully signalized with induction loops on each intersection leg to control traffic flow based upon intersection demand, with pedestrian actuated signals at the intersection.

NYSDOT projections for Level of Service (LOS) in the design year 2011, which is the design basis for Union Road/William Street/Losson Road, is "D" as you approach from the north along Union Road. Approaching from the south along Union Road the LOS is "C," and approaching from the west the LOS is also "C."

**BENDERSON DEVELOPMENT COMPANY, LLC
 PROPOSED RETAIL DEVELOPMENT
 2565 UNION ROAD
 UNION ROAD / NY277 and LOSSON ROAD / CR021
 TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK
 WILLIAM / LOSSON CORRIDOR CONSISTENCY REVIEW**

Level of Service is a qualitative measure describing the operational conditions of the traffic system ... a LOS “A” being the best, and a LOS “F” being the worst.

The GBNRTC has determined that a 4-lane arterial has the following daily approximate volume thresholds for the LOS indicated in the table below. Erie County’s Division of Highways has determined that Losson Road has a “*Functional Classification*” as a Minor Arterial.

| Level of Service | Minimum AADT | Maximum AADT |
|------------------|--------------|--------------|
| C | ---- | 26,800 |
| D | 26,900 | 30,200 |
| E | 30,300 | 33,600 |

Losson Road has sufficient capacity since its most recent AADT is 18,500.

With approximately 25-30 potential land uses that could be used under the “Retail” label, it is not clear as to how much more traffic could be generated by the proposed retail project during either the AM or PM peak hours. Days of use and hours of operation are also variables that temper the amount of traffic. Average trip generation rates vary between 2.71 to 68.05 per 1,000 SF of leasable area. (Ref: Institute of Traffic Engineers, *Trip Generation Manual*, 7th Edition)

The *William / Losson Corridor Study* suggested that curb cuts (driveways) be combined to allow for access management, thereby reducing the potential for vehicle conflicts entering/departing areas of active traffic use. As indicated on the Site Plan, this development will use the existing curb cut on Losson Road and on Union Road.

It is observed that the existing driveway off of Losson Road is located at a more than adequate distance from Union Road/NY 277 per NYSDOT’s *Policy and Standards for Entrances to State Highways*. It is also appropriately located directly opposite the Tim Hortons / McDonalds driveway on the north side of Losson Road. This reduces traffic turning conflicts. No existing restrictions are in effect for left-hand turning maneuvers from Losson Road into or out either of the existing driveways.

Vehicles traveling east on Losson Road have direct access into the facility via the existing driveway. To make a left turn for westbound travel, vehicles would need to traverse two lanes to exit the driveway. This left-hand turn movement should not create traffic congestion, because the driveway is located beyond the normal queuing area for the Union/Losson intersection. Eastbound travel can be accommodated via the 2 lanes of Losson, which reduces to a single lane approximately 250-feet east of this driveway. The existing driveway is wide enough to allow concurrent inbound and outbound movements.

**BENDERSON DEVELOPMENT COMPANY, LLC
PROPOSED RETAIL DEVELOPMENT
2565 UNION ROAD
UNION ROAD / NY277 and LOSSON ROAD / CR021
TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK**

WILLIAM / LOSSON CORRIDOR CONSISTENCY REVIEW

The proposed development anticipates using the existing driveway to Union Road, which services the existing Eckerd's Drugstore, as another means of ingress and egress to the development. Vehicles exiting to the left from this driveway (southbound on Union Road) would have to traverse 5 lanes (two southbound and two northbound, and right turn lane for Losson Road eastbound) and a pavement striped small median area. It may be considered that signage be posted at this drive to discourage left hand turns or to reconfigure the existing drive in such a manner as to direct traffic to exit only to the right (northbound) along Union Road. This directs all Union Road southbound traffic to use the Losson driveway and Union/Losson signal to more easily accomplish the southbound travel direction.

Based on our evaluation of the existing and anticipated conditions, the proposed use is generally consistent with the recommendations put forth in the *William / Losson Corridor Study* in regard to traffic, and URS believes that there would be no significant adverse effect to the area traffic patterns. We do not anticipate a major change in traffic patterns from this development.

On-site traffic circulation can handle increased traffic without impacting parking or the access/egress points. The latter areas have sufficient queuing lengths for normal traffic demands.

To address a future issue of Access Management, consideration should be given to allow for Benderson's development to accommodate a potential for land use change to the contiguous parcel south of this retail project. Although the current use of this contiguous property appears to be residential, the property's use could fall under one of the CM categories. That property has an exiting driveway and curb cut onto Union Road. By using the Benderson property for its site access/egress, access management principles could be employed by closing that property's current curb cut by means of permanent construction. A minor loss of some green space would occur on the Benderson parcel to allow for this connecting point between the two properties.

CC: Matt Oates / Benderson Development Company, LLC

File:

PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF LANDS CONVEYED TO BENDERSON DEVELOPMENT COMPANY BY DEED RECORDED IN THE ERIE COUNTY CLERKS OFFICE IN LIBER 11095 OF DEEDS AT PAGE 8098, SAID POINT BEING IN THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT;

THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 97 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT RIGHT ANGLES A DISTANCE OF 45 FEET MORE OR LESS TO A POINT;

THENCE WESTERLY AT RIGHT ANGLES A DISTANCE OF 105 FEET MORE OR LESS TO A POINT IN THE SAID EASTERLY LINE OF UNION ROAD;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID UNION ROAD A DISTANCE OF 46 FEET MORE OR LESS TO THE POINT OR PLACE OF BEGINNING, CONTAINING 4,536 SQUARE FEET OF LAND MORE OR LESS.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF CHEEKTOWAGA, COUNTY OF ERIE, STATE OF NEW YORK, BEING PART OF LOT 63, TOWNSHIP 10, RANGE 7 OF THE BUFFALO CREEK RESERVATION, DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LANDS CONVEYED BY DEED RECORDED IN THE ERIE COUNTY CLERK'S OFFICE IN LIBER 11095 OF DEEDS AT PAGE 8098, DISTANT 220.69 FEET EAST OF THE EASTERLY LINE OF UNION ROAD AS NOW LAID OUT, SAID LINE AS MEASURED ALONG THE NORTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE SOUTHERLY ALONG AN EASTERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 135.67 FEET TO A POINT IN SAID EASTERLY LINE OF LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE EASTERLY AT AN EXTERNAL ANGLE OF 95°35'36" A DISTANCE OF 15.00 FEET TO A POINT IN AN EASTERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE SOUTHERLY ALONG SAID EASTERLY LINE A DISTANCE OF 73.48 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098;

THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 37 FEET MORE OR LESS TO A POINT;

THENCE NORTHERLY AT AN INTERIOR ANGLE OF 104°-26'-48" A DISTANCE OF 204 FEET MORE OR LESS TO A POINT IN THE NORTH LINE OF SAID LIBER 11095, OF DEEDS AT PAGE 8098;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID LIBER 11095 OF DEEDS AT PAGE 8098 A DISTANCE OF 45 FEET MORE OR LESS TO THE POINT OR PLACE OF BEGINNING, CONTAINING 7,917 SQUARE FEET OF LAND MORE OR LESS.



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, June, 4, 2007

6:45 PM

Villa Maria College

I. Call to Order

6:45 PM Meeting called to order on June 4, 2007 at Villa Maria College, Recital Hall - VM Institute of Music, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
Kenneth J. Kopacz, Executive Director of Youth and Recreation
Jerome Gabryszak, Director of Community Development
Anthony Romano, Director of Employee Relations

II. Public Comment Period

III. Resolutions

**RESOLUTION 2007-334**

DOC ID: 2116

Transfer of Funds**Sponsored By:** Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | | |
|-------|---------------|-----------------------|----|--------|
| FROM: | 100-1320-4145 | Professional Services | \$ | 500.00 |
| TO: | 100-7550-4379 | War of 1812 Cemetery | \$ | 500.00 |

HIGHWAY FUND

| | | | | |
|-------|---------------|-----------------------|----|-----------|
| FROM: | 300-5110-4589 | Federal Emergency Aid | \$ | 12,000.00 |
| TO: | 300-5110-4186 | Top Soil | \$ | 12,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-335

DOC ID: 2111

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 1, 2007 are hereby approved and made a part hereof;

| | | |
|---------------------------------|----|------------------|
| GENERAL FUND | \$ | 762,610.26 |
| RISK RETENTION FUND | | 54,791.75 |
| HUD HOUSING REHABILITATION FUND | | 21,557.00 |
| SPECIAL DISTRICTS FUND | | 181,356.71 |
| HIGHWAY FUND | | 105,681.36 |
| CAPITAL FUND | | 56,884.66 |
| TRUST & AGENCY FUND | | 25,191.36 |
| HUD CDBG FUND | | 12,292.00 |
| PART TOWN FUND | | 25,063.82 |
| NYS AFFORDABLE HOUSING FUND | | 14,808.00 |
| | | <u>14,808.00</u> |
| | \$ | 1,260,236.92 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-336**

DOC ID: 2117

**Award of Bid - One New and Unused 2007 or Newer Model,
Trailer Mounted Stump Grinder**

Sponsored By: Councilmember Zydel, Supervisor Jankowiak

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on May 23, 2007, for One (1) New and Unused 2007 or Newer Model, Trailer Mounted, Stump Grinder for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bid was referred to the Superintendent of Highway for analysis, tabulation and reports, AND

WHEREAS, bid was analyzed and completed, NOW THERFORE, BE IT

RESOLVED, the responsible bidder meeting bid specs for One (1) New and Unused 2007 or Newer Model, Trailer Mounted Stump Grinder be awarded to Baschmann Services, Inc., 1101 Maple Road, P.O. Box 320, Elma, NY 14059, at a total bid price of \$28,765.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

RESOLVED, that monies be charged to line item 300-5130-2407.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-337

DOC ID: 2127

Call for Public Hearing - Polish Festival Caterers

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga will be sponsoring the Polish-American Arts Festival from July 20-22, 2007 in Cheektowaga Town Park, and

WHEREAS, caterers have been chosen to provide food and non-alcoholic beverages at such event, and

WHEREAS, proposed license agreements authorizing the following named caterers to supply food and beverages at such festival have been prepared by the Town and are acceptable to such caterers: (1) Nowak Catering; and (2) Ray's Catering; and

WHEREAS, Section 64(7) of the Town Law of the State of New York requires that a public hearing be held on the granting of concessions/licenses by a Town Board prior to the granting of same, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing on the proposal for the Town to enter into concession/license agreements with the herein named caterers for the 2007 Polish-American Arts Festival shall be held on the 18th day of June, 2007 at 6:45 P.M. at Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that the Town Board of the Town of Cheektowaga will hold a public hearing at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 18th day of June, 2007 at 6:45 P.M. to consider the advisability of entering into concession/license agreements with the following named caterers for the 2007 Polish-American Arts Festival, which runs from July 20 - 22, 2007 in Cheektowaga Town Park: (1) Nowak Catering; and (2) Ray's Catering.

All parties in interest and citizens shall have an opportunity to be heard at such hearing.

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

Dated: 4 June 2007

MARY F. HOLTZ
Town Clerk

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-338

DOC ID: 2130

Acceptance of Modification to Site Plan - 2300 Clinton Street

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, pursuant to the Zoning Law of the Town of Cheektowaga, the Planning Board reviews various development review applications for site plans, rezonings, special permits and realty subdivisions and renders its recommendation concerning the compatibility of such application with the zoning regulations, Town Master Plan and neighborhood character, AND

WHEREAS, the Town Board, pursuant to the Zoning Law of the Town of Cheektowaga, is required to affirm, modify or reject any recommendation submitted to it by the Planning Board, AND

WHEREAS, a development review application and site plan was submitted by David V. Jaworski, Esquire for Pol-Tek for a minor modification to a previously approved site plan for improvements to 2300 Clinton Street, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of May 10, 2007 is recommending the approval of the modified site plan, AND

WHEREAS, the Town Traffic Safety Commission has reviewed the modification to the driveway and has no objection to its current configuration, AND

WHEREAS, the Town Engineer has reviewed the as-built drainage improvements and has offered his comments/concerns as shown on the attached memorandum dated May 24, 2007, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to:

1. The Applicant obtaining the necessary easement or other instrument to permit the drainage improvement on the neighboring parcel to the west of 2300 Clinton Street.

ATTACHMENTS:

2300 clinton (TIF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-339**

DOC ID: 2112

Accept Proposal of Stohl Environmental LLC to Perform an Asbestos Survey At #1071 Walden Avenue

Sponsored By: Councilmember Swiatek, Councilmember Johnson Jr.

WHEREAS, the Town is the owner of property located at #1071 Walden Avenue, acquired to complement the development of the Walden Commerce Exchange acreage and to provide ingress and egress to the signalized intersection opposite Pine Ridge Road, AND

WHEREAS, in order to proceed with the demolition of a deteriorated one story masonry structure formerly used as an automotive repair garage at #1071 Walden Avenue, it is necessary to perform an asbestos survey in accordance with New York State Industrial Code Rule 56, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Stohl Environmental LLC, 4169 Allendale Parkway, Suite 100, Blasdell, New York 14219 as submitted to the Office of the Town Engineer dated May 9, 2007 for professional services pertaining to asbestos inspection, sampling and analysis and report is hereby accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Stohl Environmental LLC for said professional services which shall be chargeable to Account No. 500-1440-9921-5916 in an amount not to exceed \$1,620.00

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-340

DOC ID: 2131

Approve Amended Agreement with Erie County Water Authority Re: Rails to Trails Project

Sponsored By: Johnson Jr., Rogowski, Zydel

WHEREAS, by Amended Agreement dated July 6, 2006, the Erie County Water Authority authorized the conveyance of a narrow strip of land at the northerly edge of its property at 3030 Union Road to the Town of Cheektowaga for the Town's Rails-to-Historic Trails Project, and

WHEREAS, pursuant to the terms of such agreement, the Town of Cheektowaga had to complete the construction of such bicycle pathway by November 1, 2007, and

WHEREAS, the deed dated July 6, 2006 from the Erie County Water Authority for this conveyance also required that this project be completed by November 1, 2007, and

WHEREAS, due to delays in the Rails-to-Historic Trails Project resulting from lack of County funding, negotiations for the purchase of land from Norfolk Southern Railway Company and revised Federal rules for this project, the project may not be completed until after November 1, 2007, and

WHEREAS, the New York State Department of Transportation has informed the Town that we also need to obtain a temporary easement from the Erie County Water Authority for the section of the Erie County Water Authority parking lot where we will be working, and

WHEREAS, the Erie County Water Authority has agreed to extend the time frame for the completion of the Rails-to-Historic Trails project until November 1, 2008, and to grant us a temporary easement; an amendment to the aforesaid agreement has been prepared to accomplish all of this, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the attached Amendment No. 3 to the Agreement for Conveyance of Property, 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 the terms of this agreement on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the amended deed and temporary easement in the Erie County Clerk's Office..

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Richard Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-341

DOC ID: 2124

Support Airline Passenger Bill of Rights

Sponsored By: Magierski, Rogowski, Johnson Jr.

WHEREAS, bills are pending in the State Senate (S.5050-B) and Assembly (A.8406-A) which would create a consumer bill of rights regarding airline passengers, and

WHEREAS, these bills would require that airlines provide certain services whenever airline passengers have boarded an aircraft and are delayed more than three (3) hours on an airport runway prior to takeoff, and

WHEREAS, said bills would also create the Office of Airline Consumer Advocate with the NYS Consumer Protection Board and requires it to refer to the Office of Attorney General in regards to levying any action, and

WHEREAS, in light of recent problems with the airline industry, it is important that something be done to assist airline passengers, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the above referenced bills, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski and Governor Eliot Spitzer.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., James Rogowski |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-342**

DOC ID: 2126

Support War of 1812 Cemetery Restoration Project**Sponsored By:** Johnson Jr., Zydel, Rogowski

WHEREAS, the Cheektowaga Town Board seeks to restore the War of 1812 Cemetery to include replication of the original fencing and historical marker, AND

WHEREAS, restoration of this Nationally-significant historical site will serve as a tribute to those who gave their lives during times of war, AND

WHEREAS, there is overwhelming community support for the installation of fencing and signage at the War of 1812 Cemetery, AND

WHEREAS, the War of 1812 Cemetery Restoration Project is being initiated based on community support for the project, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board hereby affirms public and community support for the project and, BE IT FURTHER

RESOLVED, that the Cheektowaga Town Board hereby declares its approval/endorsement for the War of 1812 Cemetery Restoration Project.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Richard Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-343**

DOC ID: 2125

Grant for Fence for War of 1812 Cemetery**Sponsored By:** Johnson Jr., Zydel, Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies to restore the fencing and signage at the War of 1812 Cemetery; NOW, THEREFORE BE IT

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

RESOLVED, that James J. Jankowiak, as Supervisor, of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in an amount not to exceed \$ 60,000. and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the War of 1812 Cemetery Restoration Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Richard Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-344

DOC ID: 2110

Designate Emergency Medical Services Board - 2007

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, in order to provide for the provisions of emergency medical services on a uniform basis, this Town Board, on May 7, 1984, adopted an Ambulance Services Ordinance, AND

WHEREAS, said Ordinance provides for the establishment of an Emergency Medical Services Board ("EMS Board") which will act as agent of the Town in the implementation of the Ordinance, AND

WHEREAS, the composition of the EMS Board is set forth in Section 52-7 of the Code of the Town of Cheektowaga , AND

WHEREAS, the terms of the present individuals who were appointed to the EMS Board expired, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals shall be designated to serve as members of the EMS Board for 2007 for a term of one year:

| <u>REPRESENTING</u> | <u>DESIGNATE</u> | <u>ALTERNATE</u> |
|---------------------|----------------------|------------------|
| Chairman | Robert Schmitt | |
| Bellevue | Dell Reitz | Remaining Board |
| Cleveland Hill | Robert Trautman | Mark Collett |
| Doyle | Richard Ralecki | None |
| Forks | Todd Schmigel | Neil Cummings |
| Hy-View | Robert Schmitt | Roman Gawronski |
| Pine Hill | Jamie Miller | David Caprio |
| Sloan | Scott Prell | Barry Ping |
| Southline | Kyle Tobalski | Ed Falkowski |
| U-Crest | Ronald Wanat | Michael Graczyk |
| Walden | Jack Tower | Philip Ricotta |
| St. Joe's Hospital | Dr. Frank Lee | |
| Chief of Police | Capt. Thomas Rowan | |
| Dispatch | Kenneth Paa | |
| Town Board | Supervisor Jankowiak | |

EX-OFFICIO MEMBERS (non voting)

| | |
|-------------|----------------|
| Rural Metro | Brian Pfeiffer |
| County EMS | John Adolph |

APPOINTMENTS ARE FOR A ONE (1) YEAR PERIOD

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: James Jankowiak, Supervisor
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: Patricia Jaworowicz



RESOLUTION 2007-345

DOC ID: 2113

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|------------------------|--|------------------------|
| Baksa, Rachel J | 4976 Roseview Ave, Blasdell, N.Y. 14219 | 1/31/2009 |
| Bordonaro, Elizabeth I | 23 Dixon Dr, Buffalo, N.Y. 14223 | 9/30/2009 |
| Canazzi, Josephine | 196 Stillwell Ave, Kenmore, N.Y. 14217 | 1/31/2008 |
| Chellino, Gina M | 36 Dubonnet Dr, Depew, N.Y. 14043 | 11/30/2009 |
| Fava, Katherine M | 5493 Hallmark La, Lockport, N.Y. 14094 | 1/31/2010 |
| Phetteplace, Daniel J | 6860 Alexandra Ct, Hamburg, N.Y. 14075 | 7/31/2009 |
| Rogers, Daniel P | 135 Clinton St, Alden, N.Y. 14004 | 1/31/2010 |
| Simpson, Daryl J | 4735 Lancelot Ct, Hamburg, N.Y. 14075 | 9/30/2009 |
| Walsh, Michael R | 395 Woodward Crescent, West Seneca, N.Y. 14224 | 1/31/2010 |
| Whelehan, Mary Claire | 146 Olcott St, Lockport, N.Y. 14094 | 4/30/2009 |
| Whiting, Matthew | 4039 Knoll Drive #3, Hamburg, N.Y. 14075 | 1/31/2010 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-346

DOC ID: 2118

Special Event - War of 1812 Cemetery

Sponsored By: Johnson Jr., Zydell, Rogowski

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

WHEREAS, the War of 1812 Cemetery Board of Trustees and Cheektowaga Patriotic Commission have made application to hold a War of 1812 Cemetery/Flag Day parade and commemoration ceremony on Sunday, June 10, 2007 beginning at 11:30 A.M. as follows:

1. Parade will assemble at the corner of Aero Drive and Wehrle Drive, and proceed down Aero Drive to the War of 1812 Cemetery, where the ceremonies will be held.
 2. Commemoration and fireworks display at Cheektowaga Town Park in the evening.
- 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:

2. Submittal of plan for sanitary facilities;
3. Submittal of site plan;
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 War of 1812 Cemetery Board of Trustees and the Cheektowaga Patriotic Commission for the aforementioned parade and commemoration ceremony to be held on June 10, 2007, 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.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydell, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-347

DOC ID: 2121

Unsafe-Unsecured / 217 Orchard Place

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 217 Orchard Place, Cheektowaga, New York SBL# 92.17-4-8.1 that is a danger to the safety of others, and records kept by the Assessors Office identify John Kokoszka and Wife, 211 Orchard Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 217 Orchard Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-348

DOC ID: 2122

Unsafe-Unsecured / 95 Huth Road

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 95 Huth Road, Cheektowaga, New York SBL# 91.06-18-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Marjorie Rickert, 95 Huth Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Huth Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-349

DOC ID: 2123

October 2006 Storm Clean-Up / 62 Andrews Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 62 Andrews Avenue, Cheektowaga, New York SBL# 90.84-2-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Dale Lawrence, 66 Andrews Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 62 Andrews Avenue, 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 Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-350**

DOC ID: 2114

Hire/Terminate Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

POLICE DEPARTMENT Clerk \$7.15/hour effective 6/04/07
Katherine L. Edenhofer, Depew, NY

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:

TOWN CLERK'S OFFICE Clerk \$7.25/hour effective 6/04/07
Hillary A. Piatek, Sloan, NY

BE IT RESOLVED, that the following **seasonal employees'** hourly wage be amended as follows:

FACILITIES DEPARTMENT Laborer \$7.75/hour effective 5/29/07
Nicholas Schanne, Cheektowaga, NY

FACILITIES DEPARTMENT Laborer \$8.75/hour effective 5/29/07
Michael Beyer, Cheektowaga, NY

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

SENIOR SERVICES effective 6/05/07
Julie Florczak

SANITATION DEPARTMENT effective 5/29/07
Gene Willard

FACILITIES DEPARTMENT effective 6/04/07
Michael Maloney

Motion by Supervisor Jankowiak, second by Councilmember Johnson to waive the reading of the names on Resolution #'s 2007 350 through 2007- 352 and the motion carried.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-351

DOC ID: 2128

Hiring of Part Time Seasonal In Youth and Recreation

Sponsored By: Councilmember Rogowski, Councilmember Magierski

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

Seasonal

POOLS

Laborers (Bathhouse Attendants) - 7180.1901 - \$6.25

| | |
|-------------------|-------|
| Samantha Sieg | 14206 |
| Kelly Astyk | 14227 |
| Alyson Suwalski | 14206 |
| Jacob Pyzikiewicz | 14206 |

Laborers - (Bathhouse Attendants) - \$7.15

| | |
|---------------------|-------|
| Jonathan Gworek | 14227 |
| Thomas Young | 14211 |
| Tim Benner | 14227 |
| Daniel Skoczylas | 14206 |
| Jacqueline Campbell | 14043 |

Laborers - (Bathhouse Attendants) - \$6.25

| | | |
|-------------------|-------|-------------|
| Jamie Russell | 14206 | |
| Jeffery Kapanek | 14206 | |
| Jessica Garland | 14225 | |
| Brittany Dorsey | 14206 | (Alternate) |
| Sarah Szymanski | 14227 | (Alternate) |
| Shannon Zagst | 14043 | |
| Stephanie Kania | 14227 | (Alternate) |
| Marissa Hoegerl | 14225 | |
| Alli Zybczynski | 14225 | |
| Kylie Zywicki | 14225 | |
| Grace Borowski | 14225 | |
| Melanie Zogaria | 14225 | |
| Chantelle Niemer | 14225 | |
| Stacey Ehrig | 14225 | |
| Austin Snyder | 14225 | |
| Jordan Kilijanski | 14227 | (Alternate) |

| | | |
|------------------|-------|-------------|
| Dean Wilkes | 14215 | (Alternate) |
| Jasmine Peterson | 14225 | (Alternate) |
| Stanley Smith | 14215 | |
| Andrew Puehn | 14211 | |
| Andrew Ping | 14212 | |
| Amanda Lindner | 14225 | (Alternate) |

Parttime

Recreation Aide - \$7.15
Katie Kapanek 14206

DAY CAMPS**Seasonal****Camp Dartwood - 7140.1632**

Recreation Attendant - \$7.25
Tammy Gickowski 14227
Frank Zawadzinski 14043

Seasonal**Camp Crabapple - 7310.1802**

Recreation Attendant - \$7.15
Nicole Habermehl 14225

Recreation Attendant - \$7.40
Dana Kryszczak 14227

Recreation Attendant - \$7.65
Alex Ladowski 14227
Kelly Walters (Alternate) 14227

Recreation Attendant - \$8.40
Michael McMahon 14225
(Alternate)

Seasonal**Camp Flamingo - 7310.1810**

Recreation Attendant - \$7.15
Merissa Cielski 14225
Katelynn Killian 14211

Recreation Attendant - \$7.25

Kylie Mars 14211
Lauren Fial 14227

Recreation Attendant - \$7.30

Danielle Phillips 14225

Recreation Attendant - \$7.40

Mary Zelasko 14227
Mandy Burton 14225
Randy Derfert 14227

Recreation Attendant - \$7.65

Brandon Jarczewski 14227
Daniel Badzinski 14227

Seasonal

Camp JI-IK-DO-WAH-GAH - 7310.1801

Recreation Attendant - \$7.30

Jessica Szyka 14227

Seasonal

Recreation Attendants - 7140.1613

Recreation Attendant - \$8.75

Craig Mahalic 14206

Regular Part-time

All Star-All Sports - 7140.1646

Recreation Attendant - \$7.15

Greg Craft 14227
Jerome Okonczak 14206

Seasonal

CHEEKTOWAGA CONSERVATION CORPS (CCC)

CCC Participants - 7310.1816

Laborers (Participants)

Crew Supervisor (Trainee) - \$8.90

Rachel Gabryszak 14043

TENNIS - 7140.1642

Recreation Aide - \$7.25

Andre McGhee (part-time) 14225

SeasonalRecreation Attendant - \$7.40

Sarah Passafiume 14225

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-352**

DOC ID: 2129

Youth & Rec Summer Upgrades (2)

Sponsored By: Councilmember Rogowski, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are transferred and/or upgraded, as indicated, in the Department of Youth & Recreational Services, effective immediately:

Regular Part-time

7140.1648

Recreation Attendant - \$10.00

Scott Gretch

Recreation Attendant - \$7.50

Dana Machajewski

7140.1645

Recreation Attendants - \$7.40

Steve Lach

Jackie Tymorek

7140.1645/7140.1648

Recreation Attendants - \$7.90

Dwayne Gaczewski

Matthew Gaczewski

Jeffrey Gmerek

Amanda Wyzykowski

Seasonal

7310.1816

Laborer (Participant) - Level II - \$7.40

Nicholas Russell

Part-time

7140.1645

Recreation Aide - \$7.40

Nicole Odrobina

7140.1648

Recreation Aide - \$7.25

Toni Caruso
Ashley Grabiec

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-353**

DOC ID: 2115

**Appointment of Records Inventory Clerk
(Temporary/Competitive) (Deanna Schugardt) In Records
Center**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town Clerk's Office (Records Center) currently has a New York State Archives Local Government Records Management Improvement Fund Grant; AND

WHEREAS, this grant has authorized the scanning of maps into an imaging system and by not utilizing the grant funds the Town jeopardizes future grant funding; AND

WHEREAS, the volume of scanning is substantial, warranting the hiring of a temporary full-time Records Inventory Clerk in the Records Center; AND

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current list is in existence for said title; AND

WHEREAS, Deanna M. Schugardt, currently employed as a part-time Clerk in the Records Center, appears on said civil service list and is eligible for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Deanna Schugardt be and hereby is authorized for temporary appointment to the position of Records Inventory Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 11, 2007 through December 21, 2007.

| | |
|----------------|------------------|
| RESULT: | WITHDRAWN |
|----------------|------------------|

**RESOLUTION 2007-354**

DOC ID: 2119

Travel Authorization Police Department (Detective Gary Martz)

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, Undercover Operation School is being held June 11-15, 2007 in Albany, New York; AND

WHEREAS, Detective Gary Martz has requested authorization to attend said school; AND

WHEREAS, Police Chief Christine Ziemba 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 \$912.97; AND

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

RESOLVED, that Detective Gary Martz be and hereby is authorized to attend Undercover Operation School being held June 11-15, 2007 in Albany, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



RESOLUTION 2007-355

DOC ID: 2120

Travel Authorization Personnel Department (Anthony Romano)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the New York State Public Employer Labor Relations Association 33rd Annual Training Conference is being held July 23-25, 2007 in Saratoga Springs, New York; AND

WHEREAS, Coordinator of Employee Relations Anthony Romano has requested authorization to attend said conference; AND

WHEREAS, Mr. Romano 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 \$926; AND

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

RESOLVED, that Coordinator of Employee Relations Anthony Romano be and hereby is authorized to attend the New York State Public Employer Labor Relations Association 33rd Annual Training Conference being held July 23-25, 2007 in Saratoga Springs, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

IV. Suspension of Rules

Motion by Councilmember Johnson, second by Councilmember Swiatek to suspend the rules to include the following two (2) items, and the motion carried.



RESOLUTION 2007-356

DOC ID: 2132

Approve Special Event - Crime Prevention Assoc. of WNY - National Night Out

Sponsored By: Councilmember Magierski, Councilmember Swiatek

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

WHEREAS, the Cheektowaga Police Department, Crime Resistance Unit/Crime Prevention Association of W.N.Y., has requested permission to conduct a pre-National Night Out kick-off event on August 6, 2007 from 3:30 - 6:30 P.M., and a National Night Out on August 7, 2007 from 4:00 - 9:00 P.M., in a symbolic effort to emphasize themes of crime and drug prevention awareness in the Town Park Amphitheater; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department and the Youth and 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 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 Cheektowaga Police Department, Crime Resistance Unit/Crime Prevention Association of W.N.Y. for the aforementioned event; 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 Youth and Recreation.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

**RESOLUTION 2007-357**

DOC ID: 2133

**Authorize Supervisor to Execute Agreement of Cooperation
with Erie County**

Sponsored By: Jankowiak, Zydel, Johnson Jr.

WHEREAS, in October of 2006, a severe snow and ice storm caused damage to thousands of trees in the Town of Cheektowaga, and

WHEREAS, debris from trees on private property which abut Erie County roads still exists, and owners of such properties have placed same in the right-of-way of Erie County roads, and

WHEREAS, Town officials have met with Erie County officials to devise a solution to pick up these tree limbs along County roads, and

WHEREAS, the County of Erie has proposed to provide the following to the Town of Cheektowaga if we agree to pick up tree limbs along County roads over a period of time:

1. Flagmen and equipment for traffic control;
2. Three (3) dump trucks and other miscellaneous equipment as determined by the County Deputy Commissioner of Highways;
3. An amount not to exceed \$49,000 for the rental of a grinder.

and

WHEREAS, the Town of Cheektowaga through its Highway Department would then provide additional employees to pick up the tree limbs, and dispose of the wood chips, and

WHEREAS, the Town of Cheektowaga wishes to enter into an Agreement of Cooperation with the County of Erie to accomplish the above, NOW, THEREFORE, BE IT

RESOLVED, that, subject to the approval as to form by the Town Attorney and the Town Superintendent of Highways, the Supervisor be and hereby is authorized and directed to execute an Agreement of Cooperation with the County of Erie in accordance with the above understanding.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Richard Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

V. Communications

A. Departmental Communications

1. Building Permits - May 2007
2. Cheektowaga Conservation Advisory Council - Minutes of May 19, 2007 Meeting
3. Environmental Advisory Committee - Minutes of May 16, 2007 Meeting
4. Cheektowaga Planning Board - Minutes of Meeting of May 10, 2007

B. General Communications

1. State of New York, Department of Environmental Conservation: Announcing Availability of Funds for Projects to Eradicate Terrestrial and Aquatic Invasive Species From Lands, Waters and Wetlands of New York State
2. Bryon W. Brown, City of Buffalo Mayor: Letter Regarding Extension and Allocation of Future County Sales Taxes Monies to City & Towns
3. Residents of Wildy Street : Petition to Erect Stop Signs on Wildy to Reduce Speeding
4. Summons & Complaint: Patricia Knaszak Vs Town of Cheektowaga
5. Notice of Claim - Barbara Chwojdak Vs Town of Cheektowaga
6. Notice of Claim: Stephanie A. Hall Vs Town of Cheektowaga
7. Notice of Claim: Beverly Hills/David Saskowski Vs Town of Cheektowaga
8. Notice of Claim: Raymond Wagner Vs Town of Cheektowaga
9. Mary Jane Incardona - Request to Speak Regarding Rodent Problem

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjourn

Motion by Councilmember Johnson, second Councilmember Zydel to adjourn the meeting.

The
Town of
Cheektowaga



ENGINEERING DEPARTMENT
275 ALEXANDER AVENUE
CHEEKTOWAGA, NEW YORK 14211
(716) 897-7288
FAX: (716) 897-7299

WILLIAM R. PUGH, P.E.
TOWN ENGINEER

MEMO

TO: Dan Ulatowski, A.I.C.P.
Zoning Inspector

FROM: Bill Pugh, P.E.
Town Engineer

DATE: May 24, 2007

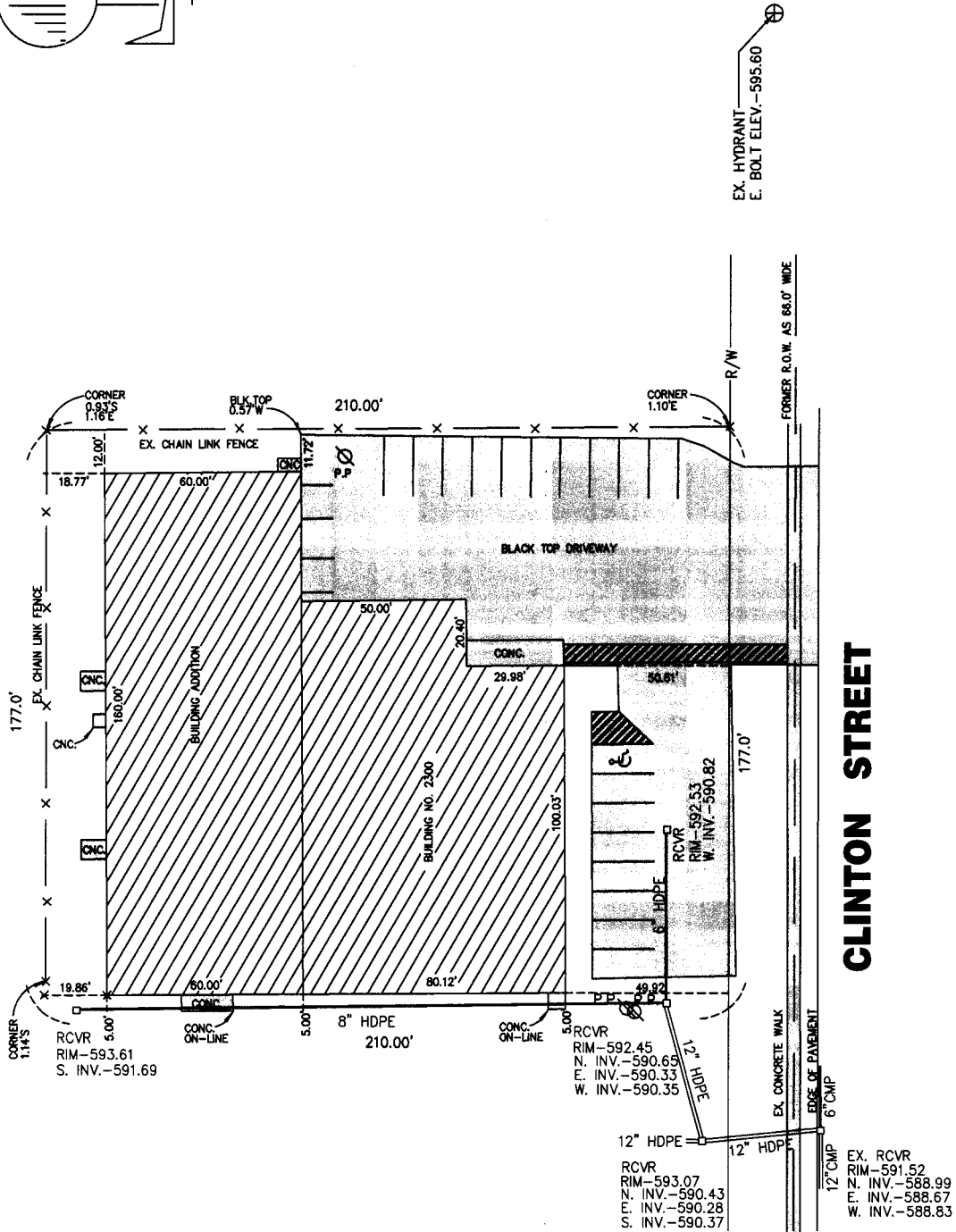
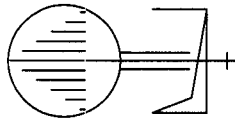
RE: 2300 Clinton Street
Pol-Tek

Enclosed for your file please find an as-built survey of the drainage improvements installed at the referenced parcel prepared by Landesign Surveyors and Engineers P.C., last revision date May 21, 2007. As noted during our May 7, 2007 inspection, the drainage improvements as installed deviate from the original approved design prepared by James Klino, P.E.

The most significant concern involves the installation of the downstream 12" pipe runs on the neighboring utility corridor parcel to the west without the prior consent of the owner.

It is my understanding that David Jaworski, Attorney's Office, is pursuing a legal agreement with National Grid for said drainage system improvements. Following the execution of such agreement, I would have no further comments.

WP:dms
Enc.



1. UNAUTHORIZED ALTERATIONS TO THIS MAP ARE IN VIOLATION OF SEC-7209 STATE EDUCATION LAW

2300 CLINTON STREET
 LOT-77 — 10 Z
 CHEEKTOWAGA
 ERIE NEW YORK

LANDESIGN
 SURVEYORS & ENGINEERS P.C.
 8600 MAIN STREET - SUITE 3
 WILLIAMSVILLE, NY 14221
 PHONE: (716) 632-1013 FAX: (716) 632-8341

HOUSE LOCATION _____ OTHER 5/9/07
 REDATE 5/21/07
 CERTIFICATION _____

1"=40' 5/01/07 05577TOPQ
 05577 RGR

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Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, June, 18, 2007

6:45 PM

Council Chambers

I. Public Hearing at 6:45 p m

1. Polish Festival Caterers

This being the time and place advertised for a public hearing regarding the Polish Festival Caterers. 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.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

II. Call to Order

6:45 PM Meeting called to order on June 18, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Anthony Romano, Coordinator of Employee Relations
Brian Hess, Assessor

III. Public Comment Period

IV. Resolutions



RESOLUTION 2007-359

DOC ID: 2148

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

RISK RETENTION FUND

| | | | | |
|-------|---------------|-------------------------------|----|--------|
| FROM: | 101-1710-4101 | Insurance Premiums | \$ | 242.00 |
| TO: | 101-1722-4519 | Workers Comp Excess Insurance | \$ | 242.00 |

HIGHWAY FUND

| | | | | |
|-------|---------------|-----------------------|----|-----------|
| FROM: | 300-5110-4589 | Federal Emergency Aid | \$ | 28,800.00 |
| | 300-5110-4589 | Federal Emergency Aid | | 20,000.00 |
| TO: | 300-5130-2407 | Highway Equipment | \$ | 28,800.00 |
| | 300-5110-4186 | Top Soil | | 20,000.00 |

HUD CDBG FUND

| | | | | |
|-------|---------------|----------------------------|----|-----------|
| FROM: | 700-1003-0604 | Housing Rehab Mobile Homes | \$ | 10,000.00 |
| TO: | 700-1003-0606 | Disposition | \$ | 10,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-360

DOC ID: 2147

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 15, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|-----------------|
| GENERAL FUND | \$ 1,969,663.72 |
| RISK RETENTION FUND | 73,991.71 |
| DEBT SERVICE FUND | 346,800.00 |
| HUD HOUSING REHABILITATION FUND | 14,916.00 |
| SPECIAL DISTRICTS FUND | 3,085,803.72 |
| HIGHWAY FUND | 337,328.46 |
| CAPITAL FUND | 46,234.76 |
| TRUST & AGENCY FUND | 17,792.48 |
| HUD CDBG FUND | 20,294.85 |
| PART TOWN FUND | 93,348.43 |
| NYS AFFORDABLE HOUSING FUND | <u>7,041.00</u> |
| | \$ 6,013,215.13 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-361**

DOC ID: 2158

Request Amended Home Rule Request Re: Golf Course

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, by resolution dated May 21, 2007 (Resolution 2007-327), this Town Board made a Home Rule Request to the State Legislature to enact Assembly Bill No. 8387 and Senate Bill No. 5746-A to authorize this Town Board to permit a private developer to install a sanitary sewer line under lands used for the Diamond Hawk Golf Course and, after construction and approval of said sewer line for the Town to maintain same as part of Town Sanitary Sewer District No. 8, and

WHEREAS, the State Senate and Assembly have amended such bills, and

WHEREAS, said amendments are acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill No. A.8387-A and Senate Bill No. S.5746-B, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to execute the Home Rule request forms for the aforementioned Assembly and Senate bills, and to forward same to the Home Rule Counsels for the Assembly and Senate, with copies to Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-362**

DOC ID: 2144

Award of Bid for Police Specialty Use Vehicle

Sponsored By: Jaworowicz, Rogowski, Zydel

WHEREAS, a bid was duly received by the Town Clerk at a bid opening on June 1, 2007 for the purchase of one (1) unmarked police specialty use vehicle by the Town of Cheektowaga Police Department, and said bid was referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to DeLacy Ford, Inc., 3061 Transit Road, Elma, New York, 14059, for the purchase of said vehicle for the purchase price of \$15,470.00, said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that funding for this vehicle shall appropriated from the Town's Drug Asset Forfeiture account.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-363**

DOC ID: 2153

Polish Festival Parking Agreement

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the All Pro Parking Company has submitted a proposal to the Town of Cheektowaga to provide parking services for the Polish Festival scheduled to be held in Town Park July 20th-22nd, 2007 and

WHEREAS, the All Pro Parking Company has submitted a proposal in the amount of \$3,890.00, BE IT

RESOLVED that the contract be awarded to All Pro Parking and that the Supervisor be and hereby is authorized to execute the contract between the Town and All Pro Parking, BE IT
FURTHER

RESOLVED that monies for said services be appropriated from line number 100-7550-4374.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-364**

DOC ID: 2154

**Change Order No. 1 (Final) Primrose Drive and Shirley Drive
Storm Sewer Installation/Road Reconstruction**

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the contract for Primrose Drive and Shirley Drive Storm Sewer Installation/Road Reconstruction was awarded by Town Board Resolution dated August 14, 2006 to Northeast Diversification, Inc. in the amount of \$170,222.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements, AND

WHEREAS, the Town Engineer has further recommended the approval of Change Order No. 1 (Final) which provides for final adjusted quantities for work actually incorporated into this project, as outlined in the Change Order document, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board be and hereby accepts the completed Storm Sewer Installation and Road Reconstruction Project and directs the Supervisor to sign the final contract documents with Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York 14086 including Change Order No. 1 (Final) which provides for a decrease to the aforesaid contract in the amount of \$22,219.00

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-365**

DOC ID: 2156

Secure Our Schools Grant 2007

Sponsored By: Supervisor Jankowiak, Councilmember Zydel

WHEREAS, the Save Our School programs sponsored through the COPS Office, and provides grants to municipal police departments to assist schools and police officers in monitoring activity within schools to deter inappropriate and criminal behavior, and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of \$21,001.00 in funding under this program to purchase cameras in the schools and the BOCES school and to pay for overtime for police officers to run such program, NOW, THEREFORE

WHEREAS, that the Police Department and/or Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application forms, etc. to be submitted for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that matching funds in the amount of \$21,001.00 shall be appropriated from drug forfeiture funds (Account No. 0100-0600-0881), and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-366**

DOC ID: 2159

Operation IMPACT Tools Grant

Sponsored By: Supervisor Jankowiak, Councilmember Zydel

WHEREAS, the Operation IMPACT Tools Grant is sponsored by the Department of Criminal Justice Services to reduce UCR Part 1 Crimes, by developing and implementing problem-solving strategies, and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of \$50,000 in funding under this program to address, through education and enforcement, those crimes connected to drug usage that affect our Part 1 Crimes, and

WHEREAS, fringe benefits are not covered by the grant. The Town of Cheektowaga will be covering the amount of \$14,950.75, which reflects the total amount of the match, NOW, THEREFORE. BE IT

RESOLVED, that the Police Department and/or Grantmakers Advantage, Inc. the Town's grant consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-367**

DOC ID: 2157

Justice Assistance Grant 2007

Sponsored By: Supervisor Jankowiak, Councilmember Zydel

WHEREAS, the Justice Assistance Grant is sponsored through the Bureau of Justice Assistance Department, and provides grants to municipal police departments to assist in quality of life issues such as noise complaints, drinking by youths and neighborhood issues and

WHEREAS, the grant application must be in consortium with the City of Buffalo Police and Erie County and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of \$21,710.00 in funding under this program to increase patrols in and around various town parks, to address issues such as bike thefts, strong armed robberies, bullying and various behavioral issues, and

WHEREAS, the City of Buffalo will serve as the lead agency for the purpose of securing and administering these grant funds; NOW, THEREFORE, BE IT

RESOLVED, that the Police Department and/or Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-368

DOC ID: 2134

Special Event - HSBC Co-Ed Softball Tourney

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Co-Ed Softball Tournament in Stiglmeier Park on August 11, 2007, and

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. 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 HSBC Sports and Social Club for the aforementioned Co-Ed Softball Tourney to be held in Stiglmeier Park on August 11, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-369**

DOC ID: 2135

Special Event - German American Festival

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

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

WHEREAS, the Federation of German-American Societies has made application to hold its annual German Fest in Cheektowaga Town Park from September 1-2, 2007; and

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. 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 Federation of German-American Societies for the aforementioned German Festival to be held in Cheektowaga Town Park on September 1-2, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-370**

DOC ID: 2136

Special Events - General Pulaski Parade

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, the General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 22, 2007 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. 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 General Pulaski Association of the Niagara Frontier for the aforementioned parade to be held on July 22, 2007, 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-371**

DOC ID: 2138

Special Event - Swim Meet/Sting Rays

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, by resolution dated April 2nd, 2007 this Town Board approved an application for the Sting Rays Swim Club to hold their swim meet at the Cheektowaga Town Park swimming pool on July 13-15, 2007, and

WHEREAS, the time of the event was incorrect and therefore said resolution needs to be amended, as follows:

WHEREAS, the Stingrays Swim Club has made application to hold its swim meet at the Cheektowaga Town Park Swimming Pool on July 13 - 15, 2007, from 7:00 A.M. to 9:00 P.M., and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Stingrays Swim Club for the aforementioned swim meet to be held at the swimming pool in Cheektowaga Town Park from July 13 - 15, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-372**

DOC ID: 2146

Special Event - Manuel Family Reunion

Sponsored By: Councilmember Rogowski, Supervisor 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 Manuel Family has made application to hold its Family Reunion in Town Park on Saturday, July 7, 2007, and

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. 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 Manuel Family for the aforementioned Family Reunion to be held in Town Park on July 7, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-373

DOC ID: 2140

Unsafe-Unsecured / 219 Orchard Place

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 219 Orchard Place, Cheektowaga, New York SBL# 92.17-4-10 that is a danger to the safety of others, and records kept by the Assessors Office identify John & Angeline Kokoszka, 211 Orchard Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 219 Orchard Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-374

DOC ID: 2142

Unsafe-Unsecured / 83 Pinehurst Avenue

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 83 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-40 that is a danger to the safety of others, and records kept by the Assessors Office identify John Weiner & Carl Weiner, 45 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 83 Pinehurst Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-375

DOC ID: 2143

Unsafe - Unsecured / 4496 Union Road

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 4496 Union Road, Cheektowaga, New York SBL# 91.12-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify Daniel Mcdermott, 4496 Union Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4496 Union Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



RESOLUTION 2007-376

DOC ID: 2145

Unsafe-Unsecured / 64 Glidden Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 64 Glidden Street, Cheektowaga, New York SBL# 113.70-1-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Deutsche Bank National Trust, 1761 East St. Andrews Place, Santa Ana, CA 92705, as the owner AND

WHEREAS, an inspection of such premises was conducted at 64 Glidden Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-377

DOC ID: 2150

Tree Removal-Court Order / 56 Petan Drive

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 56 Petan Drive, Cheektowaga, New York SBL# 102.07-2-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Stanley Felczak & Wife, 56 Petan Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 56 Petan 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

WHEREAS, the Honorable Judge James Vallone of the Cheektowaga Justice Court has issued a court order authorizing the Town of Cheektowaga Housing and Neighboring Preservation Office to take immediate actions to enter the premises and remove trees to protect the health and safety of others and abate all nuisances, NOW, THEREFORE BE IT

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-378**

DOC ID: 2149 A

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

SEWER MAINTENANCE DIVISION Laborer \$7.50/hour effective 6/25/07

Adam Bobeck, Cheektowaga, NY

Shane Latshaw, Cheektowaga, NY

Michael O'Sullivan, Cheektowaga, NY

Sean Ross, Cheektowaga, NY

FACILITIES DEPARTMENT (Buildings and Grounds) Laborer

Mark Schiersing, Cheektowaga, NY

Effective 6/19/07 \$7.75/hour

Cory Miller, Cheektowaga, NY

Effective 6/25/07 \$7.25/hour

FACILITIES DEPARTMENT Laborer \$7.25/hour effective 7/02/07

Keith Piatek, Sloan, NY

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:

FACILITIES DEPARTMENT Laborer \$7.25/hour effective 6/19/07

John Schaefer, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$7.50/hour effective 6/18/07

Henry Krzemien, Sloan, NY

BE IT RESOLVED, that the following **seasonal** employee's hourly rate be and hereby is adjusted as follows:

FACILITIES DEPARTMENT Laborer \$8.00/hour effective 5/29/07

Nicholas Schanne, Cheektowaga, NY

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

MAIN PUMP STATION effective 6/02/07
Ronald Strong

SANITATION DEPARTMENT effective 6/07/07
John Wolkowiecki

POLICE DEPARTMENT effective 1/29/07
John Barbera

Motion by Supervisor Jankowiak; Seconded by Councilmember Johnson to Waive the Reading of Names for Resolutions 378 & 379. Vote was Unanimous.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



RESOLUTION 2007-379

DOC ID: 2139

Hire Part-Time/Seasonal Employees In Youth & Recreation

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

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

GYMNASTICS

Part-time

Gymnastics - 7140.1630

Recreation Aide - \$7.15

| | |
|---------------|-------|
| Caitlin Tutko | 14227 |
|---------------|-------|

DAY CAMPS

Seasonal

Camp Dartwood - 7140.1632

Recreation Attendant - \$7.25

| | |
|------------------|-------|
| Tammy Gickowski | 14227 |
| Lauren Piekarski | 14043 |

Recreation Attendant - \$7.40

| | |
|---------------|-------|
| Lori Majewski | 14227 |
|---------------|-------|

Recreation Attendant - \$8.25

| | |
|-------------------|-------|
| Howard Schnauffer | 14225 |
|-------------------|-------|

Camp Crabapple - 7310.1802

Recreation Attendant - \$7.40

| | |
|--------------------|-------|
| Laura Mazurkiewicz | 14225 |
|--------------------|-------|

Recreation Attendant (Alternate) - \$8.15

| | |
|---------------|-------|
| Kristin Mills | 14225 |
|---------------|-------|

Camp Flamingo - 7310.1810

Recreation Aide - \$7.15

| | |
|--------------------------|-------|
| Andrew Waver (part-time) | 14227 |
|--------------------------|-------|

Recreation Attendant - \$7.35

| | |
|-------------|-------|
| Joel Jarnot | 14225 |
|-------------|-------|

Recreation Attendant - \$7.65

| | |
|------------------|-------|
| Meghan Eckle | 14225 |
| Melissa Litwin | 14225 |
| Lauren Sydlowski | 14227 |

Camp JI-IK-DO-WAH-GAH - 7310.1801Recreation Aide - \$7.15

| | |
|---------------------------|-------|
| Meggan Empric (part-time) | 14215 |
| Jessica Wales (part-time) | 14225 |

Recreation Attendant - \$7.30

| | |
|-------------|-------|
| Sean Keegan | 14215 |
|-------------|-------|

CHEEKTOWAGA CONSERVATION CORPSSeasonalLaborers - (Participants) - 7310.1816Level II - \$7.40

| | |
|------------|-------|
| Alex Kluck | 14227 |
|------------|-------|

Level II - \$7.40 (Alternates)

| | |
|-------------|-------|
| Megan Panus | 14225 |
|-------------|-------|

Level I - \$7.15 (Alternates)

| | |
|------------------|-------|
| Pilar Nelson | 14225 |
| Nicholas Budzilo | 14225 |

POOLSSeasonalLaborers (Bathhouse Attendants) - 7180.1901Level I - \$6.25

| | |
|-----------------|-------|
| Jasmine Jones | 14225 |
| Joseph Reynolds | 14225 |

Level II - \$7.15

| | |
|---------------------------|-------|
| Zachary Sauer (Alternate) | 14227 |
|---------------------------|-------|

Lifeguard - 7180.1903Level III - \$8.32

| | |
|-------------------------|-------|
| Jacob Sauer (Alternate) | 14227 |
|-------------------------|-------|

BE IT RESOLVED that Jessica Garland and Shannon Zagst be omitted from line number 7180.1901, and remain in line number 7310.1816, and BE IT

RESOLVED the individual listed below who's name was misspelled on a prior resolution, be and hereby is corrected as follows:

Stephen Pfalzer : 14043

BE IT FURTHER RESOLVED that Amanda Cendrowski be upgraded to the position of Recreation Attendant at a salary rate of \$7.75 (7140.1630), effective immediately.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-380**

DOC ID: 2155

Cheektowaga Youth Board Reappointments

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Constitution and By-Laws of the Cheektowaga Youth Board allow for up to three (3) one year re-appointments for members, and

WHEREAS, Deborah Ruh, Claire Ferrucci and Mary Potienko have expressed an interest in continuing to serve on the voluntary board, NOW, THEREFORE, BE IT

RESOLVED that Deborah Ruh be and hereby is re-appointed to the Cheektowaga Youth Board for an additional one-year term with an expiration date of May 31, 2008 and Claire Ferrucci is re-appointed for an additional one year term with an expiration date of December 5, 2008 and Mary Potienko is re-appointed for an additional one-year term with an expiration date of December 19, 2008.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-381

DOC ID: 2152

Appointment of Records Inventory Clerk (Competitive/Temporary) (Deanna M. Schugardt) In Records Center

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town Clerk's Office (Records Center) currently has a New York State Archives Local Government Records Management Improvement Fund Grant; AND

WHEREAS, this grant has authorized the scanning of maps into an imaging system and by not utilizing the grant funds the Town jeopardizes future grant funding; AND

WHEREAS, the volume of scanning is substantial, warranting the hiring of a temporary full-time Records Inventory Clerk in the Records Center; AND

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current list is in existence for said title; AND

WHEREAS, Deanna M. Schugardt, currently employed as a part-time Clerk in the Records Center, appears on said civil service list and is eligible for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Deanna Schugardt be and hereby is authorized for temporary appointment to the position of Records Inventory Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 12, 2007 through December 21, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-382**

DOC ID: 2151

Travel Authorization Assessor's Office (Derrick Grube)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Institute of Assessing Officers Summer Training Program is being held July 30-August 3, 2007 in Utica, New York; AND

WHEREAS, Real Property Appraisal Technician Derrick Grube has requested authorization to attend said training; AND

WHEREAS, Town Assessor Brian Hess 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 \$825; AND

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

RESOLVED, that Real Property Appraisal Technician Derrick Grube be and hereby is authorized to attend the Institute of Assessing Officers Summer Training Program being held July 30-August 3, 2007 in Utica, New York.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Suspension of Rules

| |
|--|
| Motion by Councilmember Johnson seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions and the Vote was Unanimous. |
|--|



RESOLUTION 2007-383

DOC ID: 2169

**Call for Public Hearing for Rezoning of 4646 Genesee Street
From MS-Motor Services to CM-General Commercial**

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Shane Khanjani with the permission of Frank Delia, the land owner has made application and requested the rezoning of 4646 Genesee Street from MS- Motor Services to CM-General Commercial for a Wood Flooring Retail Showroom, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on July 16, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 16th day of July, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Shane Khanjani/Frank Delia

for the rezoning of 4646 Genesee Street from MS- Motor Services to CM-General Commercial for a Wood Flooring Retail Showroom,

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY

Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York being part of Lot 77, Township 11, Range 7 of the Holland Land Survey (so-called), bounded and described as follows:

BEGINNING at the intersection of the west line of lands conveyed to Frank A. Delia, August J. Delia and Patrick F. Delia by Deed recorded in the Erie County Clerk's Office in Liber 10915 of Deeds at page 4530 with the north line of lands appropriated by the People of the State of New York, Map No. 88, Parcel No. 90;

THENCE: N-07°-00'-43"-W, along said west line a distance of 145.04 feet to a point;

THENCE: N-02°-55'-00"-W, along said west line a distance of 191.12 feet to the southwest line of lands formerly owned by the Lehigh Valley Railroad;

THENCE: Southerly along said southwest line along a curve to the right having a radius of 2,814.90 feet an arc distance of 316.70 feet to the northerly line of the aforementioned lands appropriated under Map No. 88, Parcel No. 90;

THENCE: S-45°-48'-14"-W, along said north line a distance of 47.32 feet to a point on a curve;

THENCE: Westerly along said north line on a curve to the right having a radius of 909.93 feet an arc distance of 132.02 feet to the point of beginning containing 0.71 acres be the same more or less.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-384

DOC ID: 2170

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|-----------------------|---|------------------------|
| Andrix, James R | 15 Ravenswood Terr, Cheektowaga, N.Y. 14225 | 4/30/2010 |
| Caruana, Brittany A | 125 Millbrook Dr, Williamsville, N.Y. 14221 | 4/30/2010 |
| Crassi, Brett N | 3182 Main St. Apt. 7, Buffalo, N.Y. 14214 | 4/30/2010 |
| Gansert, Sierra A | 45 Sunshine Dr, Amhest, N.Y. 14228 | 1/31/2010 |
| Goetz, Robert J | 218 Midland Ave, Tonawanda, N.Y. 14223 | 4/30/2010 |
| Jones, Lisa M | 160 Shoshone St, Buffalo, N.Y. 14214 | 4/30/2010 |
| Mitchell, Melanie D | 41 Lockwood Ave, Buffalo, N.Y. 14220 | 4/30/2010 |
| Paolucci, Anthony M | 262 River St Apt 2, Depew, N.Y. 14043 | 4/30/2010 |
| Smith, Amanda L | 27 1/2 Madison Ave, Blasdell, N.Y. 14219 | 4/30/2010 |
| Zielinski, Nicholas J | 9 Elkhurst Dr, Buffalo, N.Y. 14225 | 4/30/2010 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-385**

DOC ID: 2166

Approve Agreement with NYS Department of Environmental Conservation

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga operates the Town-wide sanitary sewer district in the Town, and

WHEREAS, the New York State Department of Environmental Conservation oversees the discharge of sanitary sewer overflows pursuant to the Environmental Conservation Law, and

WHEREAS, the New York State Department of Environmental Conservation notified the Town that we need to take certain actions to reduce sanitary sewer overflows, and execute an Order on Consent relating to same, and

WHEREAS, the Town Engineer and Town Attorney have met with the Town Sewer Committee to discuss what actions we should take in this matter, NOW, THEREFORE, BE IT

RESOLVED, that, subject to review and approval by the Town Engineer and Town Attorney, the Supervisor be and hereby is directed to execute an Order on consent with the New York State Department of Environmental Conservation on this matter.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-386**

DOC ID: 2161

Accept Easement At 475 Dingens Street

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, as part of the review process for the development of property at the 475 Dingens Street, the developer was requested to convey a sanitary sewer easement to the Town of Cheektowaga over the area where the sanitary sewer pipeline is located, and

WHEREAS, Maruti Exit 53, LLC, the owner of such property, has submitted the requested easement to the Town, and

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easement be and hereby is accepted by the Town, and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file such easement in the Erie County Clerk's Office.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



RESOLUTION 2007-387

DOC ID: 2167

Home Rule Request to Extend Lease for Golf Course

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, by Chapter 455 of the Laws of 2001, the State Legislature and Governor approved legislation authorizing the Town to enter into a 30-year lease with Garrett, LLC for parkland now known as the Diamond Hawk Golf Course, and

WHEREAS, by resolution dated March 18, 2002, the Cheektowaga Town Board agreed to enter into a 30-year lease with Garrett, LLC for said golf course lands, and

WHEREAS, Section 3.6 of said lease requires the Town of Cheektowaga to apply to the State to extend the term of said lease, and

WHEREAS, the lessee of the golf course lands has requested this Town Board to request the State Legislature to authorize this Town Board to so extend the lease, and

WHEREAS, bills have been introduced in the State Assembly (A.9171) and Senate (S.6232) to authorize the Town to lease these parklands to Garrett, LLC for an additional ten (10) years for the Diamond Hawk golf course, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests the State Assembly and Senate to enact Assembly Bill A.9171 and Senate Bill S.6232, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to execute the Home Rule Request forms for the aforementioned Assembly and Senate bills, and to forward same to the Home Rule Counsels for the Assembly and Senate, with copies to Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**RESOLUTION 2007-388**

DOC ID: 2168

Appointment of Pump Operator (Temporary) (Richard J. Schuler) In Main Pump Station

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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

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

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

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

WHEREAS, a current Civil Service list does not exist; AND

WHEREAS, Richard J. Schuler applied for said position and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Richard J. Schuler of Cheektowaga, New York, be and hereby is appointed to the temporary position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 24, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Communications

A. General Communications

1. Notice of Claim: Charles Ashraf & Sabrina Willis Vs. Town of Cheektowaga
2. Notice of Claim: Antoine & Lauro Babbi Vs. Town of Cheektowaga
3. Notice of Claim: Gregory M. Burke Vs. Town of Cheektowaga
4. Notice of Claim: Emily L. Drzazgowski Vs. Town of Cheektowaga
5. Notice of Claim: Jerome A. Grabowski Vs. Town of Cheektowaga
6. Neighborhood Petition Regarding Cell Tower At 440 Cleveland Drive

B. Departmental Communications

1. Supervisor's Statement of Funds - May 2007
2. Minutes - Town Environmental Advisory Committee - June 6, 2007
3. Minutes - Cheektowaga Traffic Safety Commission - May 15, 2007

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

| |
|--|
| Motion by Supervisor Jankowiak; Seconded by Councilmember Johnson to adjourn the meeting at 7:20 PM. Vote was Unanimous. |
|--|



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, June, 26, 2007

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on June 26, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney

Kenneth J. Kopacz, Executive Director of Youth & Recreation

II. Resolutions



1. RESOLUTION 2007-389

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 25, 2007 are hereby approved and made a part hereof;

General Fund \$3,290.00
 \$3,290.00

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



2. RESOLUTION 2007-390

Call For Public Hearing - Rezoning 2700 Union Road

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Carmina & Wood, P.C. on behalf of the land owner Petr-All Corporation has made application and requested the rezoning of 2700 Union Road from CM- General Commercial to MS- Motor Services for the re-development of an existing petroleum sales store to a petroleum sales store with a drive through donut shop, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on July 16th, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 16th day of July, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Carmina & Wood, P.C./ Petr-All Petroleum

for the rezoning of 2700 Union Road from CM- General Commercial to MS- Motor Services for the re-development of an existing petroleum sales store to a petroleum sales store with a drive through donut shop.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY

Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot 64, township 10, range 7 of the Holland Land Company's Survey described as follows:

Beginning at a point on the northerly highway boundary of William Street (County Road No. 207) as acquired by the Erie County Department of Public Works in connection with the rebuilding of said William Street, at its intersection with the easterly line of lands described in a deed to Iroquois Gas Corporation by deed recorded in the Erie County Clerk's Office in Liber 2077 of Deeds at Page 543; said Point of Beginning being also the northwesterly corner of Map

#197-48r, Parcel 40 as shown on said highway appropriations;

RUNNING THENCE: N-00-47'-47"-E, along the easterly line of the said Iroquois Gas Corporation lands, a distance of 85.19 feet to the northeast corner thereof;

RUNNING THENCE: N-89-12'-13"-W, along the northerly line of the Iroquois Gas Corporation lands, a distance of 25.0 feet to the northwest corner thereof;

RUNNING THENCE: N-00-47'-47"-E, parallel with the original centerline of Union Road, a distance of 228.55 feet to a point; said point being the southwesterly corner of lands described in a deed to Matthew and Irene Korpanty by deed recorded in the Erie County Clerk's Office in Liber 7938 of Deeds at Page 229;

RUNNING THENCE: S-87-47'-55"-E, along the southerly line of the said Korpanty lands, and said line extended, a distance of 295.48 feet to a point of the westerly line of Union Road (Gardenville - Williamsville Part 1) (S.H. No. 1733) as acquired by the New York State Department of Public Works Map No. 89, Parcel No. 99;

RUNNING THENCE; Southerly along the westerly line of Union Road, Map No. 89, Parcel 99, on a curve to the left having a radius of 2,914.79 feet, a distance of 99.28 feet to a point;

RUNNING THENCE: S-22-45'-54"-W, Along the westerly line of Union Road, Map No. 89, Parcel 99, a distance of 72.70 feet to the northerly line of William Street;

RUNNING THENCE: S-61-03'-49"-W, along the northerly line of William Street and the northerly line of Map No. 89, Parcel No. 99 and Map No. 88, Parcel No. 98 as acquired by New York State Department of Public Works, A distance of 85.90 feet to the northwest corner of Map No. 88, Parcel No. 98;

RUNNING THENCE: S-28-56'-11"-E, along the westerly line of Map No. 88, Parcel No. 98, a distance of 11.0 feet to a point on the northerly line of William Street;

RUNNING THENCE: S-61-03'-49"-W, along the northerly line of William Street, a distance of 141.54 feet to the southeast corner of Map 197-48R, Parcel 40 as acquired by the Erie County Department of Public Works in connection with the rebuilding of William Street;

RUNNING THENCE: N-30-08'-12"-W, along the easterly line of said Map 197-48R, Parcel 40, a distance of 10.88 feet to the northeast corner of said parcel:

RUNNING THENCE: S-61-03'-49"-W, along the northerly line of said parcel, a distance of 54.02 feet to the POINT OR PLACE OF BEGINNING; containing 1.596+ acres be the same, more or less.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



3. RESOLUTION 2007-391

Call for Public Hearing - Rezoning 5115 Genesee Street

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Petr-All Petroleum has made application and requested the rezoning of 5115 Genesee Street from CM- General Commercial to MS- Motor Services for the re-development of an existing petroleum sales , NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on July 16th, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 16th day of July, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Petr-All Petroleum

for the rezoning of 5115 Genesee Street from CM- General Commercial to MS- Motor Services for the re-development of an existing petroleum sales.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY
Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot 75, Township 11, Range 7 of the Holland Land Company's Survey described as follows:

BEGINNING at the intersection of the original center line of Genesee Street (ormerly known as the Buffalo and Bowmansville Plank Road) with the easterly line of Lot No. 75 which is also the original center line of Transit Road; thence southerly along the easterly line of said Lot and also along the center line of Transit Road, 245.52 feet to a point; thence westerly at right angles to the said last mentioned line, 50.0 feet to a point on the westerly line of Transit Road as established by a notice of Appropriation recorded in Liber 6140 of Deeds at page 355 and designated as Map No. 66, Parcel No. 73, said point being the PRINCIPAL POINT OR PLACE OF BEGINNING; thence continuing westerly along a line drawn at right angles to said westerly

line of Transit Road as established by a Notice of Appropriation recorded in Liber 6140 of Deeds at 355 and designated as Map No. 66, Parcel 73, 127.90 feet to a point; thence northerly at right angles to the said last mentioned line and parallel with the said center line of Transit Road, 127.43 feet to a point on the southerly line of Genesee Street as established by a Notice of Appropriation recorded in Liber 6290 of Deeds at page 545 and designated as Map No. 136, Parcel No. 148;

thence northeasterly making an included angle with the last described line 110-02'-00" and along said southerly line of Genesee Street as established by a Notice of Appropriation recorded in Liber 6290 of Deeds at Page 545 and designated as Map 136, Parcel No. 148, 102.58 feet to an angle point; thence southeasterly making an included angle with the last described line of 124-53'-23" and continuing along said southerly line of Genesee Street as established by Notice of Appropriation recorded in Liber 6290 of Deeds at Page 545 and designated as Map No. 136, Parcel No. 148, 38.52 feet to a point in said westerly line of Transit Road as established by a Notice of Appropriation recorded in Liber 6140 of Deeds at Page 355 and designated as Map No. 66, Parcel No. 73; thence southerly making an included angle with the last described line of 125-04'-37" and along said westerly line of Transit Road as established by a Notice of Appropriation recorded in Liber 6140 of Deeds at page 355 and designated as Map No. 66, Parcel No. 73, 140.43 feet to the PRINCIPAL POINT OR PLACE OF BEGINNING.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



4. RESOLUTION 2007-392

Negative SEQR Declaration War 1812 Cemetery

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 a grant to secure funding for the construction of replica ornamental fence around a Town Owned Cemetery listed as a National Landmark along Aero Drive, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 22, 2005 recommended a determination of non-significance as shown on the attached memorandum dated June 22, 2005, AND

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

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

ATTACHMENTS:

1812 Cemetery (PDF)

EAC-June 22, 2005 (PDF)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: James Rogowski, Councilmember

AYES: Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

ABSENT: Patricia Jaworowicz



5. RESOLUTION 2007-393

Authorize Supervisor to Sign Agreement of Cooperation for Kensington Village Project

Sponsored By: Johnson Jr., Jankowiak, Swiatek, Rogowski, Magierski, Zydel

THIS RESOLUTION WAS SUPERCEDED BY RESOLUTION # 2007-520 ON 9/11/2007. PLEASE SEE MINUTES OF SEPTEMBER 11, 2007 MEETING, OR RESOLUTION #2007-520

WHEREAS, MSH - Kenmore, LLC (the "Developer") is proposing to acquire and rehabilitate an apartment complex into approximately 628 student housing units (the "Project") on an approximately 50 acre site located at 105 Kenville Road (the "Site") in the Town of Cheektowaga (the "Town"); and

WHEREAS, the Developer has advised the Town that the financing of the Project would be facilitated by the issuance of up to \$100 million of tax-exempt multi-family housing bonds (the "Bond") by a "public housing agency" (or agency or instrumentality thereof) pursuant to Section 41 of the New York Public Housing Law; and

WHEREAS, under Section 55 of the New York Public Housing Law, the Town is permitted to assist the Developer in procuring such financial assistance; and

WHEREAS, the Village of Kenmore Housing Authority (the "Authority") has expressed a willingness to assist the Town and the Developer with the Project by issuing the Bonds; and

WHEREAS, such assistance is permitted under Section 37(1)(aa) of the New York Public Housing Law; and

WHEREAS, the Town wishes to formally request such assistance;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, AS FOLLOWS:

Section 1. As permitted by Section 37(1)(aa) of the New York Public Housing Law, the Town hereby requests that the Authority act as the issuer of the Bonds for the purpose of financing the costs of the Project.

Section 2. The Supervisor, upon consultation with the Town Attorney, enter into an Agreement of Cooperation with the Authority and the Owner, containing such terms and conditions as the Supervisor may deem necessary or advisable in order to facilitate the construction of the Project.

Section 3. This resolution shall take effect upon the approval by the Town Assessor and Town Attorney that the project is exempt from real property taxes under the New York State Real Property Tax Law, and that the proposed P.I.L.O.T. agreement is acceptable.

AGREEMENT OF COOPERATION

THIS AGREEMENT, dated as of _____, 2007, among the Town of Cheektowaga, New York (the "Town"), the Village of Kenmore Housing Authority (the "Authority"), a municipal housing authority having its office at 657 Colvin Boulevard, Kenmore, New York, and MSH - Kenmore, LLC (the "Company"), a Delaware limited liability company having a mailing address of 1606 Juanita Lane, Suite A, Belvedere, California.

WHEREAS, the Company proposes to acquire and rehabilitate an apartment complex located at 105 Kenville Road in the Town of Cheektowaga, Erie County, New York into an approximately 628-unit apartment project (the "Project"); and

WHEREAS, the Company has advised the Town that the financing of the Project would be facilitated by the issuance of tax-exempt private activity bonds (the "Bonds") by a "public housing agency" (or agency or instrumentality thereto) pursuant to section 41 of the Public Housing Law; and

WHEREAS, as special obligations of the Authority payable solely out of the revenues, receipts and other payments derived from or in connection with the Project, the Bonds would not be a debt of the United States of America, the State of New York, the County of Erie, the Village of Kenmore or the Town of Cheektowaga, New York; and

WHEREAS, pursuant to the terms of an Underlying Lease to Issuer (the "Underlying Lease"), the proceeds of the Bonds would be advanced by the Authority to the Company to provide the financing for the Project; and

WHEREAS, pursuant to the terms of a Lease Agreement (the "Lease Agreement"), the Authority would lease the Project to the Company in exchange for, among other things, the Company's promise to pay, the principal of, premium, if any, and interest on the Bonds as and when the same shall become due and payable; and

WHEREAS, under the provisions of Section 37(1)(aa) of the Public Housing Law of the State of New York, the Authority is empowered to enter into an agreement of cooperation with a municipality which need not be within the territorial jurisdiction of the Authority to assist such municipality in the construction, maintenance, operation or management of a housing project; and

WHEREAS, by resolutions duly adopted by its Town Board on April 16, 2006 and June 26, 2007, the Town has authorized and requested the Authority to act as the issuer of the Bonds for the purpose of financing the costs of the Project; and

WHEREAS, by a resolution duly adopted by its Board on June 13, 2007, the Authority has agreed to act as the issuer of the Bonds for the Project; and

WHEREAS, under the provisions of Section 37 of the Public Housing Law, the Authority is empowered to, among other things, manage and operate low-income housing projects, make and execute contracts and other instruments necessary or convenient to the exercise of its powers and enter into contracts and otherwise cooperate in the provision of housing services to persons of low income;

NOW, THEREFORE, the parties hereto agree as follows:

Article 1. Undertakings on the Part of the Authority. Based upon the statements, representations and undertakings of the Company and the Town, and subject to the conditions set forth herein, the Authority agrees as follows:

1.01. The Authority has approved the issuance, sale and delivery of the Bonds pursuant to the New York State Public Housing Law.

1.02. The Authority has adopted or will adopt such proceedings and has authorized or will authorize the execution of such documents as may be necessary or advisable for (i) the authorization, issuance, sale and delivery of the Bonds and (ii) the execution of the Underlying Lease and the Lease Agreement (collectively, the "Project Leases") as authorized by law and be mutually satisfactory to the Authority, the Company and the purchaser(s) of the Bonds.

1.03. The Authority has approved the Project Leases. The Lease Agreement shall obligate the Company to make aggregate basic payments in an amount at least sufficient to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall become due and payable. The Project Leases shall contain all provisions required by law and such other provisions as shall be mutually satisfactory to the Authority, the Company and the purchaser(s) of the Bonds.

1.04. The Company may proceed with the acquisition, rehabilitation, renovation and equipping of the Project, and advance such funds as may be necessary to accomplish such purposes and, to the extent permitted by law, the Authority agrees to approve the reimbursement of the Company therefor from the proceeds of the Bonds.

1.05. The Authority will take or cause to be taken such other acts and adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

Article 2. Undertakings on the Part of the Company. Based upon the statements, representations and undertakings of the Authority and the Town and subject to the conditions set forth herein, the Company agrees as follows:

2.01. The Company will use all reasonable efforts to find or cause to be found one or more purchasers for the Bonds.

2.02. Contemporaneously with the delivery of the Bonds, the Company will enter into the Project Leases with the Authority containing the terms and conditions described in Section 1.03 hereof and such other financing agreements, indentures and related agreements as shall be necessary or appropriate so that the Company will be obligated to pay sums sufficient to pay the principal of, premium, if any, and interest on the Bonds.

2.03. With the exception of the authorizations required to be adopted by the Authority in order to approve issuance of the Bonds, the Company agrees that it will comply with the requirements of all federal, state and local law, rules and regulations of whatever kind and howsoever denominated applicable to the Authority, the Town and the Company with respect to the Project and the rehabilitation, financing, equipping, operation and maintenance thereof.

Article 3. Undertaking on the Part of the Town. Based upon the statements, representations and undertakings of the Authority and the Town and subject to the conditions set forth herein, the Town agrees as follows:

3.01 The Town will adopt such proceedings and authorize the execution of such documents as may be necessary or advisable for the authorization, issuance, sale and delivery of the Bonds.

Article 4. General Provisions.

4.01. It is understood and agreed by the Authority, the Company and the Town that the issuance of the Bonds and the execution of the Project Leases and related documents are subject to (i) obtaining all necessary governmental approvals; (ii) approval by the Authority, the Village of Kenmore and the Town; (iii) approval by the Company; (iv) agreement by the Authority, the Company and the purchaser(s) of the Bonds upon mutually satisfactory terms for the Bonds (and any such additional bonds) and for the sale and delivery thereof and mutually satisfactory terms and conditions for the Project Leases; and (v) the condition that there are no changes in New York State Law, including regulations, which prohibit or limit the Authority from fulfilling its obligations hereunder.

4.02. This Agreement of Cooperation may be executed in multiple counterparts, each of which when taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have entered in this Agreement as of the day and year first above written.

TOWN OF CHEEKTOWAGA, NEW YORK

By: _____
James J. Jankowiak, Supervisor

VILLAGE OF KENMORE HOUSING
AUTHORITY

By: _____
Sam Cardino, Chairman

MSH - KENMORE, LLC

By: _____
Charles Oewel, Manager

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



6. RESOLUTION 2007-394

Approve Abandonment & Sale of Kenville Road, Portion of Betty Lane and Portion of Marc Lane

Sponsored By: Johnson Jr., Jankowiak, Swiatek, Rogowski, Magierski, Zydel

WHEREAS, the following referenced town highways were previously dedicated to the Town of Cheektowaga:

- Kenville Road
- A portion of Betty Lane (between Kenville Road and Southgate Road);
- A portion of Marc Lane (between Kenville Road and the southerly boundary line extension of the Kensington Village Apartments);

and

WHEREAS, Ken-Vil Associates, LP has made application requesting the discontinuance and purchase of the above referenced town highways; and

WHEREAS, the Town Superintendent of Highways has reviewed the application for the discontinuance of said Town highways and has determined that said Town highways are useless to the needs of the Town, and that the Town should discontinue same as highways; and

WHEREAS, this Town Board held a public hearing on the 7th day of May, 2007 on the proposal for the abandonment and sale of Kenville Road and portions of Betty Lane and Marc Lane, at which time all residents were given an opportunity to be heard; and

WHEREAS, the discontinuance and sale of the above referenced town highways would not negatively affect other property owners in the area since they have other means of accessing surrounding highways, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby concurs with the statement made by Christopher J. Kowal, Superintendent of Highways, that the aforementioned Town Highways are useless to the needs of the Town, and BE IT FURTHER

RESOLVED, that, subject to the approval of the Town Assessor and Town Attorney that the project is exempt from real property taxes under the New York State Real Property Tax Law and that the proposed P.I.L.O.T agreement is acceptable, Kenville Road; and portions of Betty Lane and Marc Lane, as described in the attached legal description be and hereby are abandoned as Town roads, and BE IT FURTHER

RESOLVED, that, subject to the aforementioned approvals by the Town Assessor and Town Attorney, this Town Board hereby approves the sale of said Town highways to Ken-Vil Associates. LP for the following consideration:

\$200,000.00 cash, plus the assessment of the road based on the fair market value of \$475,000 (e.g., assessed value @ current equalization rate of 61.58% = \$292,505) shall be added to a Payment in Lieu of Taxes Agreement to be executed by Ken-Vil Associates, LP and MSH - Kenmore, LLC

And, BE IT FURTHER

RESOLVED, that, subject to the aforementioned approvals by the Town Assessor and Town Attorney, the Supervisor be and hereby is authorized and directed to execute a deed and all other documents necessary to transfer said Town highways (subject to reservation of rights for all utilities existing over, under and on such highways), and ancillary utilities to Ken-Vil Associates, LP; and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

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

**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on June 18, 2007, adopted a resolution authorizing the Town of Cheektowaga to convey Town highways known as Kenville Road, a portion of Marc Lane, and a portion of Betty Lane to Ken-Vil Associates.

A copy of such resolution 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: June 26, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



7. RESOLUTION 2007-395

Approve PILOT Agreement for Kensington Village Project

Sponsored By: Johnson Jr., Jankowiak, Swiatek, Rogowski, Magierski, Zydel

THIS RESOLUTION WAS SUPERCEDED BY RESOLUTION #2007-519 ON 9/11/2007. PLEASE SEE MEETING MINUTES OF SEPTEMBER 11, 2007 OR RESOLUTION # 2007-519

WHEREAS, the Town Board of the Town of Cheektowaga (the "Town Board") has previously approved a Project located at 105 Kenville Road (existing Kensington Village Apartments) to be developed by MSH-Kenmore, LLC (the "Developer"); and

WHEREAS, the Project consists of the acquisition and rehabilitation of an existing apartment complex on an approximately 50 acre site located at 105 Kenville Road in the Town of Cheektowaga, utilizing funding obtained through bonds issued by the Village of Kenmore Housing Authority (the "Authority"), and

WHEREAS, the New York State Law authorizes the Town Board to exempt the real property in the Project from real property taxes; and

WHEREAS, Ken-Vil Associates, LP and the Developer are willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Town Board for approval; and

WHEREAS, to make the Project economically feasible, the Town Board is willing to grant the Project a qualified exemption from real property taxes for a period of 33 years and the Community Center to be constructed for a period of 20 years to the extent authorized by the PHL, subject to the execution and delivery of the PILOT Agreement; NOW, THEREFORE, BE IT

RESOLVED, that, subject to the approval by the Town Assessor and Town Attorney that the project is exempt from real property taxes under the New York State Real Property Tax Law, and that the proposed P.I.L.O.T. agreement is acceptable:

Section 1. The Town Board hereby exempts the Land and the Project from real property taxes to the extent authorized by the PHFL for a period of 33 years (20 years with respect to the Community Center) commencing with tax years following signing of this agreement, and approves the proposed PILOT Agreement between the Town of Cheektowaga, Ken-Vil Associates, LP and the Developer, in the form attached to this resolution, providing for annual payments as set forth in said agreement;

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

Section 3. This resolution shall take effect immediately.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



8. RESOLUTION 2007-396

Approval of Kensington Village Project & Issuance of Bonds by Kenmore Housing Authority

Sponsored By: Johnson Jr., Jankowiak, Swiatek, Rogowski, Magierski, Zydel

THIS RESOLUTION WAS SUPERCEDED BY RESOLUTION #2007-521 ON 9/11/2007.

PLEASE SEE MEETING MINUTES FOR SEPTEMBER 11, 2007, OR LOOK UP RESOLUTION #2007-521

WHEREAS, the Village of Kenmore Housing Authority (the "Authority") was established pursuant to Article III of the New York Public Housing Law (the "Enabling Act"), which Enabling Act grants and defines the powers and purposes of municipal housing authorities in the State of New York (the "State"), and Chapter 428 of the 1970 Laws of New York, as amended, constituting Section 525 of the New York Public Housing Law (collectively with the Enabling Act, the "Act"); and

WHEREAS, the Authority is authorized and empowered by the Act to promote the providing of adequate, safe and sanitary low-rent housing accommodations for persons who qualify for such accommodations under the Act; and

WHEREAS, to accomplish its stated purposes, the Authority is authorized and empowered under the Act to issue its revenue bonds to finance the cost of the acquisition of one or more "projects" (as defined in the Act); and

WHEREAS, to accomplish the provision and preservation of a significant number of safe, sanitary and affordable dwelling units for persons who qualify for such units under the Act in the Town of Cheektowaga (the "Town"), MSH - Kenmore, LLC (the "Company") has made application to the Authority requesting that the Authority undertake a project (the "Project") consisting of the following: (A) the acquisition by the Authority of a leasehold interest (the "Leasehold") in an approximately 50 acre parcel of land located at 105 Kenville Road in the Town of Cheektowaga, Erie County, New York (the "Land"), together with certain residential buildings and related improvements (collectively, the "Facility") to be rehabilitated by the Company on the Land, and the acquisition of certain equipment and other personal property related thereto (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute an approximately 1,208 bed apartment complex for lease to persons who qualify for such units under applicable law; (B) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt revenue bonds of the Authority in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$100,000,000 (the "Bonds"); (C) the granting exemptions from mortgage recording taxes with respect to the foregoing; and (D) the sublease of the Project Facility to the Company pursuant to a lease agreement dated as of July 1, 2007 (the "Lease Agreement") between the Authority and the Company; and,

WHEREAS, the Authority was created for the benefit of the Village of Kenmore (the "Village"); and

WHEREAS, the Project is to be located in the Town, and the Town does not have a housing authority created under the Enabling Act to serve the citizens of the Town; and

WHEREAS, although Section 31 of the Act provides that the jurisdiction of the Authority is normally limited to the territorial limits of the Village, Section 37(1)(aa) of the Act allows the Authority to undertake a project for the benefit of the Town if the Town and the Authority shall enter into an agreement of cooperation whereby the Authority agrees to assist the Town in the construction, maintenance, operation or management of such project; and

WHEREAS, by resolutions adopted by the Town Board of the Town on April 16, 2007 and June 26, 2007 (the "Town Invitation Resolution"), the Town (A) requested that the Authority act as issuer of the Bonds for the purpose of financing the costs of the Project, (B) requested that the Authority assist in the acquisition, maintenance, operation and management of the Project Facility and (C) authorized the Town Supervisor to enter into an agreement of cooperation (the "Cooperation Agreement") by and among the Town, the Authority and the Company; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended (the "SEQR Act"), and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (the "SEQR Regulations", and collectively with the SEQR Act, "SEQR"), the Town has determined that the Project will not have a significant effect on the environment and therefore has issued a negative declaration for purposes of SEQR; and

WHEREAS, Section 39 of the Act may require that the Town approve the Project; and WHEREAS, the Town Board has been advised by the Authority that the Authority proposes to issue, subsequent to the adoption of this resolution, the Bonds from time to time in a principal amount sufficient to fund all or a portion of the cost of acquiring the Project Facility together with incidental costs in connection therewith, which principal amount is presently estimated to be up to \$100,000,000; and

WHEREAS, the Company has requested that interest on the Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 145(a) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excludable from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by this Town Board after the Authority has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, on June 13, 2007, the Authority held a public hearing to consider both the issuance of the proposed Bonds and the nature and location of the proposed Project, and a report of said public hearing has been made available to each member of the Town Board prior to this meeting; and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, AS FOLLOWS, subject to the approval by the Town Assessor and Town Attorney that the project is exempt from real property taxes under the New York State Real Property Tax Law, and that the proposed P.I.L.O.T. agreement is acceptable:

Section 1. For the sole purpose of complying with the requirements of Section 39 of the Act, the Town Board hereby approves the Project.

Section 2. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the Town Board, as the elected legislative body of the Town of Cheektowaga, New York, hereby approves the issuance by the Authority of the Bonds, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Authority and shall never be a debt of the State of New York, the Town of Cheektowaga, New York or any political subdivision thereof (other than the Authority), and neither the State of New York, the Town of Cheektowaga, New York nor any political subdivision thereof (other than the Authority) shall be liable thereon.

Section 3. This resolution shall take effect immediately.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



9. RESOLUTION 2007-397

Accept Modified Storm Sewer and Sanitary Sewer Easements From Ken-Vil Associates

Sponsored By: Johnson Jr., Jankowiak, Swiatek, Rogowski, Magierski, Zydel

WHEREAS, as part of the review process for the development of property at Kensington Village Apartments (105 Kenville Road), the developer was requested to convey modified sanitary sewer and storm sewer easements to the Town of Cheektowaga over the area where the existing sanitary sewer and storm sewer pipelines are located to increase the width of same to thirty (30) feet, and

WHEREAS, Ken-Vil Associates, Limited Partnership, the owner of such property, has submitted the requested easements to the Town, and

WHEREAS, the Town Engineer and Town Attorney's Office have reviewed such easement documents and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easements be and hereby are accepted by the Town, and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file such easements in the Erie County Clerk's Office.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



10. RESOLUTION 2007-398

Authorize Supervisor to Execute Grant Application for Police Department

Sponsored By: Councilmember Zydel, Councilmember Magierski

WHEREAS, the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance offers funding to municipalities through the Edward Byrne Memorial Discretionary Grants Program, and

WHEREAS, the Town of Cheektowaga Police Department is interested in securing funds necessary to enhance local law enforcement efforts, and

WHEREAS, all applications must be completed electronically on-line, NOW,
THEREFORE, BE IT

RESOLVED, that matching funds in an amount not to exceed \$10,000 are available from Account # 0600-0881, and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to extend authorization to Grantmakers Advantage, Inc., the Town's grant consultant, to complete the grant application on-line to the Bureau of Justice Assistance for this purpose.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



11. RESOLUTION 2007-399

Approve Funding for Cheektowaga Cultural Society for 2007

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, the Town, in its 2007 budget, allocated moneys to certain cultural and not-for-profit organizations which are involved in activities which benefit the Town, and

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

WHEREAS, the organization listed below has completed and returned a signed agreement and their accounting report from the 2006 funding to the Town, NOW, THEREFORE, BE IT

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

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

| <u>Cultural/Not-For-Profit Organization</u> | <u>Funding Approved</u> |
|---|-------------------------|
| Cheektowaga Cultural Society | \$ 2,150.00 |

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization out of the respective cultural group budget line item in the 2007 Town budget, subject to audit and approval of a properly signed Town voucher.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



12. RESOLUTION 2007-400

Approve Agreements with Polish Festival Caterers

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga will be sponsoring the **Polish-American Arts Festival** from July 20th through 22nd, 2007 in Cheektowaga Town Park; and

WHEREAS, caterers will be needed to supply food and non-alcoholic beverages to the public at such festival; and

WHEREAS, license agreements between the Town and two caterers, Rays Lounge & Catering Corp., 2070 Clinton Street, Cheektowaga, New York, 14206, and Nowak Catering, 143 Patricia Lane, Cheektowaga, New York, 14227, have been prepared and approved by the caterers; and

WHEREAS, Section 64(7) of the Town Law of the State of New York requires that a public hearing be held on the granting of concessions/licenses by a Town Board prior to the granting of same; and

WHEREAS, a public hearing on the proposed license agreements with the aforementioned caterers for the Polish-American Arts Festival was held on the 18th day of June 2007, at 6:45 P.M. at the Cheektowaga Town Hall, and

WHEREAS, this Board feels that it is in the public interest to approve the license agreements with the above named caterers; **NOW, THEREFORE, BE IT**

RESOLVED, that this Town Board approves license agreements with Rays Lounge & Catering Corp. and Nowak Catering for the Polish-American Arts Festival; and **BE IT FURTHER**

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute such license agreements with these caterers.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



13. RESOLUTION 2007-401

Youth and Recreation Program Policy Statements

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga Department of Youth & Recreational Services operates recreation programs for the Town, and

WHEREAS, it is necessary for said department, from time to time, to suggest program policy relative to the operation of said programs, NOW, THEREFORE, BE IT

RESOLVED that the Town Board has reviewed these policy statements and adopts them for use by the Department of Youth & Recreational Services, effective immediately.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

III. Suspension of Rules

| |
|---|
| Motion by Councilmember Johnson, second by Councilmember Magierski to suspend the rules to include the following two resolutions, and the motion carried. |
|---|



1. RESOLUTION 2007-402

Amend Resolution to Authorize Supervisor to Execute Agreement of Cooperation with County of Erie

Sponsored By: Supervisor Jankowiak, Councilmember Zydell

WHEREAS, in October of 2006, a severe ice storm caused damage to thousands of trees in the Town of Cheektowaga, and

WHEREAS, property owners in the Town have placed limbs, etc. from these damaged trees out at the street to be picked up, and

WHEREAS, the Town Highway Department picked up such limbs which were placed along Town highways, and

WHEREAS, limbs which were placed along County roads were not picked up by the County, and

WHEREAS, by resolution dated June 4, 2007 (Resolution 2007-357), this Town Board authorized the Supervisor to execute an Agreement of Cooperation with Erie County to pick up tree limbs, etc. placed along County roads, and

WHEREAS, said resolution stated that the County would provide flagmen, equipment, trucks and up to \$49,000 for a grinder for the Town to perform said work, and

WHEREAS, since the County Legislature did not approve the Agreement of Cooperation until June 21, 2007 and, since the Town Highway Department began picking up tree limbs along County roads as of June 18, 2007, the provision of flagmen, equipment and trucks by the County will not be part of the Agreement of Cooperation, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an Agreement of Cooperation with the County of Erie for the removal of tree limbs, etc. along County highways wherein the County of Erie will reimburse the Town up to \$49,000 for the rental of a grinder.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydell, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |
| ABSENT: | Patricia Jaworowicz |



2. RESOLUTION 2007-403

Request for Proposals - Rental of 1000 Hp Horizontal Grinder/Operators

Sponsored By: Supervisor Jankowiak, Councilmember Zydel

WHEREAS, it is in order that Request for Proposals for the rental of a 1000 hp Horizontal Grinder/Operators for grinding tree limbs, trunks and brush located at the rear of the Cheektowaga Highway Department in the Town of Cheektowaga be accepted, NOW, THEREFORE, BE IT

RESOLVED, that Request for Proposals will be received on the 5th day of July, 2007 at 11:00 am in the Council Chambers at the Cheektowaga Town Hall.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

IV. Closing

| |
|---|
| Motion by Supervisor Jankowiak, second by Councilmember Johnson to adjourn the meeting. |
|---|

12-12-79 (3/99)-9c

SEQR

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number 2005-28

Date: June 22, 2005

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Cheektowaga as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Re-establishment of Wrought Iron Fence - War of 1812 Cemetery

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Grant application/funding for re-establishment of historical wrought iron fence around town cemetery.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Aero Drive,

SEQR Negative Declaration

Page 2 of 2

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The proposed fence would be replicate an historical element of the cemetery orginally placed in 1898, but later removed for its metal during the war effort during World War Two. The fence will further aid in defining the boundary of the cemetery and offer in impediment to vandals.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of pubication In the ENB)

For Further Information:

Contact Person: Daniel J. Ulatowski, AICP

Address: 3301 Broadway, Cheektowaga, NY 14227

Telephone Number: 716-686-3567

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

The
Town of
Cheektowaga



- Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490
- Neighborhood Preservation Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 897-7281
- Fire Inspection Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 961-6501

MEMORANDUM

TO: Supervisor Dennis Gabryszak
Honorable Town Board Members
Mary Holtz, Town Clerk
Michael Stachowski, Town Attorney

FROM: Thomas Adamczak
Supervising Code Enforcement Officer

DATE: June 22, 2005

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on June 22, 2005 in the Town Hall Council Office Conference Room. (Absent CCAC representative)

ITEM I Aero Drive - Proposed Wrought Iron Fence at the War of 1812 Cemetery

Applicant: Town of Cheektowaga

The proposal is to obtain grants to construct a wrought fence and archway entrance on the cemetery. The fence would replace an existing split-rail fence that delineates the cemetery boundary from surrounding properties.

In 1898 a wrought iron fence and archway had been erected around the cemetery in honor of the fallen soldiers from the War 1812. This fence remained in place until 1944 when it and a cannon on the site were removed for melting down for the war effort.

The Town historian has obtained pictures of the fence and archway and would like to bring the cemetery back to pre-World War II conditions.

Since the site is a national historic landmark this item must go through an environmental review. Normally the erection of a fence would not entail any review.

This site had been previously mapped out using ground radar to show where the areas of burial were on the site and therefore the fence would not be placed in any location where burials might have occurred in the War of 1812.

The committee finds no adverse impacts from the erection of this fence, in fact the fence will act to preserve the site from further intrusions from neighboring properties as well as unwelcome trespassers.

The committee would recommend that the Town Board issue a Negative Declaration for this project.

EAC – June 22, 2005
Jund 22, 2005
PAGE: 2

ITEM II Hatch Court Redevelopment (Preliminary Review)

The prospective buyer gave the committee an over view of the project. The meeting was also attended by a number of residents of Hatch Court who had numerous questions.

The plan is to remove all the units within the existing Hatch Court Trailer Park and install new infrastructure roadways and create new building lots. At the present time there are 75 residents and 15 ± of these houses could be moved into the old Sky Harbor. The other residents would be advised that they had to find another trailer park to re-locate to or they could purchase a new trailer in the redeveloped Hatch Park. The applicant at this time has met with some of the residents, face-to-face and is attempting to set up an evening meeting that would be open to the residents in general.

Councilmember Johnson indicated that the applicant must meet with residents and in writing indicate what would be done with or for the residents in some form of compensation. The applicant indicated that at the present time the thought was to provide \$2,000.00 for re-location and any monies not used could be kept by the resident. The applicant indicated that the park at the present time has significant electrical and other infrastructure problems that can only be rectified by the removal of the trailers for a complete reconstruction of the park. He indicated that at the present time he is under contract with Pittsford who presently owns the property to purchase this.

Residents in the audience indicated that when Pittsford took over the Hatch Park no new leases were issued and it appears to be a month-to-month unwritten lease. The amounts they are paying in Hatch Park, \$330.00 a month, are allegedly comparable to those in Sky Harbor.

In discussing this matter with the residents it appears that there may be on four options should this project go through.

- ❖ The first option would be to move the existing house into Sky Harbor
- ❖ Buy a new house in the new development.
- ❖ Move the house to another park.
- ❖ Rent an existing unit in Sky Harbor as they become available.

After discussing these options with the residents some of the residents indicated they would have a problem since many of them have houses that would be unable to be moved and some are of such low income they would be unable to buy into a new home.

Councilmember Johnson indicated that the applicant must come up with a plan to address the residents needs before any type of approval is given. This plan must be a written description encompassing the reasons for the total redevelopment as well as the options and incentives that could be made available to the residents.

At this time the applicant was also notified that the additional plans were never submitted to the Town so that referrals could be made to other agencies and departments. As soon as those are received the formal submission time clock begins.

EAC – June 22, 2005
June 22, 2005
Page: 3

ITEM III 40 Boxwood - Proposed Fire Training Facility

Applicant: Southline Fire District #10

The Fire District presently has a substation on Boxwood and have purchased the building next door. The proposal is to connect the two buildings with an addition and remodel to create training facilities within the building. The training facilities would include extra garage bays to bring in apparatus from the main station for use indoors during inclement weather as well as a five level tower that would be used for laddering practice, use with aerial apparatus and for firefighter safety practice.

The reason given for constructing this facility was that at the present time there are limitations on the Erie County facility on funding which makes it difficult to obtain tower dates for training their firefighters. Also the district can no longer train at private facilities such as plazas or industrial buildings because of liability issues. In many cases the commercial businessmen will not allow such training because of the potential for damage or injury.

The Traffic Safety reviewed the proposal and was in favor provide at a designated walkway be established along Boxwood. This could be in the form of pavement markings or other.

The committee would recommend that the Town Board hold a public hearing and issue a Negative Declaration for this project.

ITEM IV 5098 Transit Road - Proposed Funeral Home

Applicant: David Sliwinski

The proposal is to construct a funeral home on Transit Road south of Como Park Boulevard. The Planning Board has recommended approval of the plan which shows two driveways. Traffic Safety has recommended that one driveway be established or that the two existing curb cuts be one way driveways. The Zoning Officer provided to the committee and to the applicant's representative a New York State Driveway Spacing Standard based on ideal conditions and dependent on the type of highway the driveway accesses. Those standards would indicate that there should be 200 feet of separation between driveways and at the present time there is less than that, especially when one considers the driveways on the east side of Transit Road.

The committee finds the idea of establishing the funeral home and parking at the rear acceptable and as part of the plan the applicant would preserve a stand of trees at the southwest corner of the site.

The committee would recommend that a Negative Declaration be issued for this project provided that the applicant complies with New York State Driveway Standards which would mean installation on one driveway only and that a conservation easement be submitted to the Town for the wooded area at the southwest parcel.

EAC – June 22, 2005
June 22, 2005
Page: 4

ITEM V 2365 Union Road - Rezoning Request from M1 to NS
For 12,428 Sq. Ft. of Building
Addition

Applicant: Garden Gate Nursing Home

The nursing home is proposing to add additional square footage to be used by tenants as well as staff. The committees that have reviewed the project have found no adverse impacts. It should be noted that there is a storm system at the rear of the site for which a permanent easement must be given and the applicant has worked with the Town Engineer to determine the work to be done on this drainage system. The Erie County Water Authority water line runs through the site on an easement and an agreement must be concluded between Garden Gate Manor and water authority for the moving of the water line and establishing of a new easement.

The committee finds no adverse impacts associated with this project and therefore would recommend the Town Board issue a Negative Declaration for this project.

THE NEXT MEETING OF THE ENVIRONMENTAL
ADVISORY COMMITTEE WILL BE HELD
WEDNESDAY, JULY 6, 2005, IN THE
COUNCIL OFFICE CONFERENCE ROOM



Town of Cheektowaga

Executive Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, July, 10, 2007

6:15 PM

Council Office

I. Call to Order

6:15 PM Meeting called to order on July 10, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydell | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees:

Brian Krause, Director of Finance and Administration
Kevin Schenk, Town Attorney
Bruce Shearer, PE, Nussbaumer & Clarke

II. Resolutions



1. RESOLUTION 2007-404

Retain Engineering Consultant to Prepare Sanitary Sewer Overflow Abatement Report

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga needs to retain an engineering consultant to prepare an engineering report for the abatement of sanitary sewer overflows in the Town's wastewater collection system in accordance with a directive from the New York State Department of Environmental Conservation, and

WHEREAS, Nussbaumer & Clarke, Inc. has submitted a proposal to the Town of Cheektowaga to perform said report at an initial upset threshold cost (final cost to be determined after further review and investigation) not to exceed \$97,000.00 without further Town Board approval, and

WHEREAS, since Nussbaumer & Clarke, Inc. is fully familiar with the Town's sanitary sewer system, the Town Engineer has recommended that this Town Board retain Nussbaumer & Clarke, Inc. to prepare said report, NOW, THEREFORE, BE IT

RESOLVED, subject to review and approval of the Proposal for Professional Services prepared by Nussbaumer & Clarke, Inc., this Town Board hereby retains Nussbaumer & Clarke, Inc. to prepare the aforementioned report required by the New York State Department of Environmental Conservation at an initial cost not to exceed \$97,000.000 without further Town Board authorization, and BE IT FURTHER

RESOLVED, that, upon approval of the form of the aforesaid proposal by the Town Attorney, the Supervisor be and hereby is authorized and directed to execute said proposal on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from budget line item number 500-1440-9343-5312.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

III. Motion To: Motion to adjourn

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, July 16, 2007

6:45 PM

Council Chambers

I. Public Hearings at 6:30 P.M.

1. Rezoning of 4646 Genesee Street From MS-Motor Services to CM-General Commercial

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

2. Rezoning of 2700 Union Road from CM General Commercial to MS-Motor Services

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

3. Rezoning of 5115 Genesee Street - from CM General Commercial to MS-Motor Services

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

II. Call to Order

6:45 PM Meeting called to order on July 16, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Christine Ziemba, Chief of Police
Anthony Sisti, Chairman of Cheektowaga Planning Board
Anthony Romano, Director of Employee Relations
Emil Lennert, Planning Board Member
Earl Loder, Coordinator of Emergency Services

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2007-405

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|-------------------|--------------|
| FROM: | 100-9501-9131 | Bond Principal | \$ 99,111.00 |
| | 100-9501-9211 | Bond Interest | 89,698.00 |
| | 100-1910-2665 | Sale of Equipment | 422.80 |
| | 100-1685-1971 | Part Time Regular | 13,899.00 |
| | 100-1410-4001 | Office Supplies | 2,000.00 |
| TO: | 100-9785-9131 | Lease Principal | \$ 99,111.00 |
| | 100-9785-9211 | Lease Interest | 89,698.00 |
| | 100-1640-4441 | Equipment Repair | 422.80 |
| | 100-1685-1901 | Regular Payroll | 15,899.00 |

HUD CDBG FUND

| | | | |
|-------|---------------|-----------------------------|-------------|
| FROM: | 700-1006-0676 | Police Foot Patrols | \$ 1,141.02 |
| TO: | 700-1006-0600 | Housing Rehab Single Family | \$ 1,141.02 |

NYS AFFORDABLE HOUSING FUND

| | | | |
|-------|---------------|--------------------|--------------|
| FROM: | 900-8600-4910 | NYS AHC Revenues | \$ 60,000.00 |
| TO: | 900-8668-4005 | Loans from Program | \$ 60,000.00 |

PART TOWN FUND

| | | | |
|-------|---------------|-----------------------|--------------|
| FROM: | 800-3620-2770 | Permits & Inspections | \$ 10,000.00 |
| TO: | 800-3620-4411 | Refunds of Permits | \$ 10,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



2. RESOLUTION 2007-406

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 13, 2007 are hereby approved and made a part hereof;

| | |
|------------------------|------------------------|
| GENERAL FUND | \$ 1,181,644.61 |
| RISK RETENTION FUND | 69,449.38 |
| DEBT SERVICE FUND | 6,952.53 |
| SPECIAL DISTRICTS FUND | 1,111,029.55 |
| HIGHWAY FUND | 518,413.45 |
| CAPITAL FUND | 125,273.18 |
| TRUST & AGENCY FUND | 28,673.95 |
| HUD CDBG FUND | 59,563.16 |
| PART TOWN FUND | 34,431.26 |
| NYS AFFORDABLE HOUSING | 34,120.00 |
| | <u>\$ 3,169,551.07</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



3. RESOLUTION 2007-407

Award Contract for Grinder and Operators

Sponsored By: Supervisor Jankowiak, Councilmember Zydel

WHEREAS, by resolution dated June 26, 2007, this Town Board issued a Request for Proposals for the Rental of a 1000 horsepower horizontal grinder and operator(s) for the grinding of trees limbs, trunks and brush located at the rear of the Cheektowaga Highway Department, and

WHEREAS, proposals were due by July 5, 2007 at 11:00 A.M., and

WHEREAS, since a sufficient number of proposals were not received by such date, the date for receipt of proposals was extended until July 12, 2007 at 11:00 A.M., and

WHEREAS, four (4) proposals were received for such project, and

WHEREAS, said proposals were referred to the Town Attorney for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the rental of a 1,000 horsepower grinder and operator(s) for the grinding of tree limbs, trunks and brush located at the rear of the Cheektowaga Highway Department be and hereby is awarded to Zoladz Construction Co., Inc., 13600 Railroad Street, Alden, New York 14004 at a cost of \$19,650.00.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



4. RESOLUTION 2007-408

Change Order #1 - Goodwin Electric Corporation - Alterations to the Town Records Center

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, the contract for Alterations to the Town Records Center (Electrical Work) was awarded by Town Board Resolution dated December 18, 2006 to Goodwin Electric Corporation, 201 South Youngs Road, Williamsville, New York 14221 for the total bid price of \$28,100.00, AND

WHEREAS, Kideney Architects, the Project Architect, and the Town Engineer have recommended the approval of Change Order #1 which provides for various minor alterations and additions to the electrical systems serving this facility and its newly reconstructed HVAC systems which became necessary during the course of construction, which is described in a letter from Kideney Architects dated July 3, 2007, NOW, THEREFORE, BE IT

RESOLVED, that Change Order #1 for the aforementioned project in the amount of \$5,305.00 as an addition to the contract of Goodwin Electric Corporation be and hereby is approved and the Supervisor is hereby authorized to execute Change Order #1, AND, BE IT FURTHER

RESOLVED, that funding for said Change Order shall be chargeable to Account #500-1685-2520-5622.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



5. RESOLUTION 2007-409

Negative SEQR Declaration - 1665 Harlem Road

Sponsored By: Councilmember Johnson Jr., 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 Forest Materials, Inc. for the construction of a 7,500 square foot warehouse at 1665 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 20, 2007 recommended a determination of non-significance as shown on the attached memorandum dated June 25, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 10, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan.

ATTACHMENTS:

EAC-June 20, 2007 minutes (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



6. RESOLUTION 2007-410

Negative SEQR Declaration 4293-4295 Genesee Street

Sponsored By: Councilmember Johnson Jr., 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 Carl Paladino for the construction of a 7,432 square foot multi tenant car rental/retail building and 2,276 square foot service building at 4293-4295 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 20, 2007 recommended a determination of non-significance as shown on the attached memorandum dated June 25, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 10, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan

ATTACHMENTS:

EAC-June 20, 2007 minutes (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



7. RESOLUTION 2007-411

Negative SEQR Declaration - 866 Aero Drive

Sponsored By: Councilmember Johnson Jr., 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 Krog Corporation for the construction of a 162,192 square foot warehouse/office at 899 Aero Drive at , AND

WHEREAS, the Environmental Advisory Committee at its meetings held on July 11, 2007 recommended a determination of non-significance , AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 10, 2007, and is recommending tree loss mitigation in the form of monies in lieu as permitted by the Town Tree Preservation Law, AND

WHEREAS, at said Planning Board Meeting the Planning Board recommended that the applicant offer monies in the amount of \$30,000 for the loss of 1003 trees, to assist in tree reforestation efforts throughout the Town, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineering reviewing and approving the grading/drainage plan.
2. The Applicant provide approvals from the US Army Corps of Engineers for wetland disturbances and Water Quality Certification form NYSDEC for possible storm water discharges to the NYS Wetland LA-5
3. The Applicant meet the requirements of the NYSDEC and the Town Engineer for the alteration of any ground monitoring wells
4. The applicant provide a conservation easement for the preservation of the

remaining undisturbed wetlands and any mandated buffer areas.

- 5. The Town Board receive monies in lieu of replacement trees as permitted by section 229-5 of the Town Code.
- 6. The applicant revise his pavement section detail for the fire access lane to a bituminous pavement as required by section 260-44A of the Zoning Law.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



8. RESOLUTION 2007-412

Negative SEQR Declaration - 40 Leo Place

Sponsored By: Councilmember Johnson Jr., 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 Sovran ALP for the demolition of several existing self storage buildings and the construction of a two self storage buildings totaling 30,000 square feet in area at 40 Leo PLace, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 16, 2007 recommended a determination of non-significance as shown on the attached memorandum dated May 17, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan and the architectural treatment/color scheme as shown on the proposed elevation drawings, at their meeting of April 12, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan.

ATTACHMENTS:

EAC-May 16, 2007 minutes (PDF)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



9. RESOLUTION 2007-413

Negative SEQR Declaration - Cummins Diesel

Sponsored By: Councilmember Johnson Jr., 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 H. Christopher Streng representing Cummins Diesel for the rezoning of land identified as part of S.B.L. No. 81.04-1-12.1 along the North side of Aero Drive, West of Holtz Road, from M1- Light Manufacturing to MS- Motor Services, AND

WHEREAS, the applicant is proposing the construction of a 22, 500 square foot building for the sales and service of motor vehicles, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 20, 2007 recommended a determination of non-significance as shown on the attached memorandum dated June 25, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meetings of March 8, 2007 and April 12, 2007, respectively, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan.
2. The applicant obtaining a letter of no jurisdiction from the U.S. Army Corps of Engineers for his minor wetland disturbance.
3. The Town receives receipt of a conservation easement for the remaining undisturbed wetlands .

- 4. Cummins Diesel (building operator) provide a commitment letter to mitigate for noise impacts agreeing to keeping overhead doors closed and eliminating any vehicle work outside of the enclosed building.

Motion by Councilmember Johnson, second by Councilmember Magierski to amend the above resolution to include an additional stipulation as worded below, and the motion carried.

- 5. No tree impacts in the subject parcel.

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 H. Christopher Streng representing Cummins Diesel for the rezoning of land identified as part of S.B.L. No. 81.04-1-12.1 along the North side of Aero Drive, West of Holtz Road, from M1- Light Manufacturing to MS- Motor Services, AND

WHEREAS, the applicant is proposing the construction of a 22, 500 square foot building for the sales and service of motor vehicles, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on June 20, 2007 recommended a determination of non-significance as shown on the attached memorandum dated June 25, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meetings of March 8, 2007 and April 12, 2007, respectively, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

- 1. The Town Engineer reviewing and approving the grading/drainage plan.

2. The applicant obtaining a letter of no jurisdiction from the U.S. Army Corps of Engineers for his minor wetland disturbance.
3. The Town receives receipt of a conservation easement for the remaining undisturbed wetlands .
4. Cummins Diesel (building operator) provide a commitment letter to mitigate for noise impacts agreeing to keeping overhead doors closed and eliminating any vehicle work outside of the enclosed building
5. No tree impacts in the subject parcel.

Motion by Councilmember Johnson, second by Councilmember Magierski to amend this resolution to include the following, and the motion carried.

5. No tree impacts in the subject parcel.

RESULT: **ADOPTED AS AMENDED [UNANIMOUS]**
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: Patricia Jaworowicz



10. RESOLUTION 2007-414

Approval of Rezoning - Vacant Land, Aero Drive

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Kulback's Construction, Inc. petitioned for a rezoning from M1-Light Manufacturing District to MS-Motor Services District for vacant property owned by Theodore Kulbacki and located on Aero Drive (part of S.B.L. # 81.04-1-12.1 - approximately 5 acres), Cheektowaga, New York (which property is described in the attached legal description) for a 22,500 square foot sales and service building for Cummins Diesel, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of May, 2007 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

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

RESOLVED, that the application of Kulback's Construction, Inc.. for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description be and the same is hereby approved for a 22,500 square foot sales and service building for Cummins Diesel, and BE IT FURTHER

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

ATTACHMENTS:

Aero Drive rezoning legal description (DOC)

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



11. RESOLUTION 2007-415

Call for Public Hearing to Amend Chapter 235 of Town Code

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

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 August 13, 2007 at 6:45 P.M. at Maryvale East Senior Apt. complex, 100-120 Moorman Drive, Cheektowaga, NY 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 the 26th day of July, 2007, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at Maryvale East Senior Apt. complex, 100-120 Moorman Drive in said Town of Cheektowaga on August 13, 2007 at 6:45 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-45, Schedule VI Prohibited Right Turns on Red Signal, shall be amended by deleting therefrom the following:

| Name of Street | Direction of Travel | Prohibited Right Turn on Red Signal Onto |
|---------------------------------------|---------------------|--|
| Thruway Exit Ramp | Eastbound | Cleveland Drive Exit 50A; 7:00 a.m. to 4:00 p.m. school days;" |
| Walden Galleria East Service Drive | Northbound | Galleria Drive |

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

Dated: July 16, 2007

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



12. RESOLUTION 2007-416

Notice to Bidders - Simsbury Drive & Donlen Drive Storm Sewer Installation/Road Reconstruction

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, it is in order that bids be advertised for Simsbury Drive and Donlen Drive Storm Sewer Installation/Road Reconstruction 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 said Simsbury Drive and Donlen Drive Storm Sewer Installation/Road Reconstruction, said notice to be published in THE BUFFALO NEWS, THE CHALLENGER and THE CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 1st day of August, 2007 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 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 1st day of August, 2007 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 Simsbury Drive and Donlen Drive Storm Sewer Installation/Road Reconstruction, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

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

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

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and marked "Simsbury Drive & Donlen Drive Storm Sewer Installation/Road Reconstruction".

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

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

Please be advised that in accordance with a resolution adopted by the Cheektowaga Town Board on February 23, 2004, effective March 15, 2004, contractors on all construction contracts with a value in excess of \$250,000 and up to \$3,000,000 must have Apprenticeship Agreements appropriate for the type and scope of work to be performed that have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: July 16, 2007

PUBLISHED: July 19, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



13. RESOLUTION 2007-417

Accept Sidewalk Easement Along Galleria Drive From NFTA

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, as part of the approval process for the expansion for the Walden Galleria Mall, Pyramid Company of Buffalo, the developer, committed to the installation of sidewalks along Galleria Drive between Union Road and Walden Avenue, and

WHEREAS, THE Niagara Frontier Transportation Authority ("NFTA") is the owner of property immediately north of the boundary of Galleria Drive between the New York State Thruway and the Target property, and

WHEREAS, the Town requested an easement from the NFTA for the installation of this sidewalk, and

WHEREAS, the NFTA agreed to convey an easement to the Town of Cheektowaga along this portion of Galleria Drive for the sidewalk installation, and has submitted such easement to the Town for acceptance, NOW, THEREFORE, BE IT

RESOLVED, that subject to final approval of said sidewalk easement by the Town Engineer and Town Attorney, this Town Board hereby agrees to accept same, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute said easement agreement on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file said easement in the Erie County Clerk's Office.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



14. RESOLUTION 2007-418

Special Event - Picnic/HSBC Bank Social Committee

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

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 HTS Social Committee of HSBC Bank has made application to hold its picnic with music (a band) in Cheektowaga Town Park at the Lion's Pavilion on August 10, 2007, and

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. 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 HTS Social Committee of the HSBC Bank for the aforementioned picnic with music to be held in Cheektowaga Town Park on August 10, 2007, and BE IT FURTHER

RESOLVED, that, due to the day (Friday) and the location (Lion's Pavilion) for this special event, music/a band is hereby approved for this special event.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



15. RESOLUTION 2007-419

Special Event = Infant of Prague Church 5K Run

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

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, Infant of Prague Church has made application to hold its "Feel the Spirit" 5K run on Friday, August 10th, 2007, beginning at 7:00 P.M. for approximately forty minutes along the following route: Start/Finish in front of Infant of Prague School and travel down Foisset Avenue, Yeager Drive, Union Road, Burdette Drive, South Huth Road, Vales and Beach Road, as more fully shown on the map attached to said application; AND

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

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

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

RESOLVED, that this Town Board hereby approves the aforementioned application of Infant of Prague Church for the said 5K race on Friday, August 10th, 2007 beginning at 7:00 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 run and to ensure compliance with Section 1600(a)(6) of the Vehicle and Traffic Law; AND BE IT FURTHER

RESOLVED, that the Town Clerk shall forward a copy of this Resolution to Chief of Police Christine Ziemba.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



16. RESOLUTION 2007-420

Change Town Service Road Name to Tolsma Place

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, as part of the reconstruction of Genesee Street, a service road was created intersecting with Genesee Street and located along the former railroad corridor between Sonwil Drive and the Calspan east property line in the Town of Cheektowaga; and

WHEREAS, Cheektowaga Police Officer David Tolsma was killed in the line of duty on October 20, 1977; and

WHEREAS, as a fitting tribute and to honor the memory of Officer David Tolsma, this Town Board and the Cheektowaga Police Department Traffic Unit, Patrol Division, desire to name the said service road "Tolsma Place"; and

WHEREAS, the Cheektowaga Police Department and Cheektowaga Traffic Safety Commission have no objection to changing the name of this Town service road; and

WHEREAS, pursuant to Section 64(9) of the Town Law of the State of New York, this Town Board is authorized to change street names, house numbers, etc., NOW, THEREFORE, BE IT

RESOLVED, that the service road created during the reconstruction of Genesee Street located along the former railroad corridor between Sonwil Drive and the Calspan east property line in the Town of Cheektowaga be and hereby is hereby named "Tolsma Place"; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to, within ten (10) days of the passage of this resolution, notify the Town Assessor, Town Planning Board, Erie County Clerk, Erie County Department of Public Works, Division of Highways, and the U.S. Postal Service of this newly created name to the above service road.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



17. RESOLUTION 2007-421

Change Town Service Road Name to Burgess Boulevard

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, as part of the reconstruction of Genesee Street, a service road was created at an existing traffic signal adjacent to 4217 Genesee Street, going south and terminating at a cul-de-sac in the Town of Cheektowaga; and

WHEREAS, Cheektowaga Police Officer Robert Burgess was killed in the line of duty on July 1, 1977; and

WHEREAS, as a fitting tribute and to honor the memory of Officer Robert Burgess, this Town Board and the Cheektowaga Police Department Traffic Unit, Patrol Division, desire to name the said service road "Burgess Boulevard"; and

WHEREAS, the Cheektowaga Police Department and Cheektowaga Traffic Safety Commission have no objection to changing the name of this Town service road; and

WHEREAS, pursuant to Section 64(9) of the Town Law of the State of New York, this Town Board is authorized to change street names, house numbers, etc., NOW, THEREFORE, BE IT

RESOLVED, that the service road created during the reconstruction of Genesee Street located at the existing traffic signal adjacent to 4217 Genesee Street, going south and terminating at a cul-de-sac be and hereby is named "Burgess Boulevard"; and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to, within ten (10) days of the passage of this resolution, notify the Town Assessor, Town Planning Board, Erie County Clerk, Erie County Department of Public Works, Division of Highways, and the U.S. Postal Service of this newly created name to the above service road.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



18. RESOLUTION 2007-422

Unsafe-Unsecured / 49 Isabelle Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 49 Isabelle Road, Cheektowaga, New York SBL# 81.17-4-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Paul Gajewski, 49 Isabelle Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 49 Isabelle Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



19. RESOLUTION 2007-423

Unsafe-Unsecured/40 Alpine Place

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 40 Alpine Place, Cheektowaga, New York SBL# 101.28-12-20 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas Bistoff, 40 Alpine Place, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 40 Alpine Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



20. RESOLUTION 2007-424

Unsafe-Unsecured/54 Barbara Place

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 54 Barbara Place, Cheektowaga, New York SBL# 90.84-1-14 that is a danger to the safety of others, and records kept by the Assessors Office identify Judith Dubey & Etal, 54 Barbara Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 54 Barbara Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



21. RESOLUTION 2007-425

Unsafe-Unsecured/860 George Urban Blvd.

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 860 George Urban Blvd., Cheektowaga, New York SBL# 102.07-3-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Daniel Bontempi, 860 George Urban Blvd., Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 860 George Urban Blvd., 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |
| ABSENT: | Patricia Jaworowicz |



22. RESOLUTION 2007-426

Unsafe-Unsecured / 131 Alpine Place

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 131 Alpine Place, Cheektowaga, New York SBL# 101.44-1-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Robert Borowiak, 131 Alpine Place, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 131 Alpine Place, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |
| ABSENT: | Patricia Jaworowicz |



23. RESOLUTION 2007-427

Support of U.S. Soldiers' Use of the Spartan II Body Armor Vests

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, Mark McMahon and American Legion Post 735 in West Seneca, New York, have purchased and shipped twenty (20) Spartan II Body Armor Vests to Al Anbar Province in Iraq for Lance Cpl. Michael McMahon and other members of his platoon, AND

WHEREAS, the soldiers were told before they were deployed they could wear body armor purchased on their own, AND

WHEREAS, according to the Captain's Journal, gear and equipment problems for Marines on the Marine Corps website, the much heralded modular tactical vest (MTV), which was promised early 2007, has yet to be deployed. The commercial version of the MTV is the Spartan II Assault Vest, which, in form, fit and function, is exactly equivalent to the MTV; AND

WHEREAS, several soldiers from the Town of Cheektowaga have been deployed to fight for our freedom, AND

WHEREAS, the Marine Administrative Order 262-07 states that the commanders may authorize members of their commands to use commercially purchased personal protective equipment (PPE) in addition to those issued by the government, as long as additions do not interfere with the functionality of approved PPE individually purchased commercial PPE will not be reimbursable by government funds; AND

WHEREAS, Congressman Brian Higgins, in a letter to General James Conway, Commandant of the Marine Corps, stated every American soldier should have access to the best body armor available, and they should have clear guidance on what additional equipment is approved for use; NOW, THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board requests the United States Senators from New York to assist in the efforts of Mark McMahon, American Legion Post 735, and Congressman Higgins in their attempt to provide for the safety of these Marines and all soldiers by allowing them to wear the Spartan II Assault Vest; AND, BE IT FURTHER

RESOLVED, that a copy of this resolution be sent to Senator Charles Schumer, Senator Hillary Rodham Clinton, Governor Eliot Spitzer, Congressman Brian Higgins, the WNY delegation of the NYS Senate and Erie County municipalities.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



24. RESOLUTION 2007-428

Hire Actuary for GASB 45 Calculation

Sponsored By: Councilmember Swiatek, Supervisor Jankowiak

WHEREAS, the Government Accounting Standards Board (GASB) has issued Statement #45 requiring governments to account for other post employment benefits, and

WHEREAS, this statement requires an actuarial valuation be performed of the Town's post retirement health care benefits by fiscal year 2008, and

WHEREAS, the Town has received a professional services proposal from BPA-Harbridge Consulting Group to perform the necessary actuarial services to be in compliance with this GASB statement #45 and,

WHEREAS, this calculation requires accumulation of information which may require a significant amount of time in order for the actuary to perform the calculation, therefore be it

RESOLVED, that the Town engage BPA-Harbridge Consulting Group to perform the necessary actuarial services relating to the Town's post retirement health care benefits per their June 4, 2007 proposal in the amount of \$9,900, as well as the funding analysis and funding projections in the amount of \$3,700.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



25. RESOLUTION 2007-429

Youth and Recreation Terminations

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

| | | |
|----------------------|------------|-------|
| Juliana Golembiewski | (05/21/07) | 14206 |
| Scott Kunkel | (03/14/07) | 14225 |
| Marissa Hoegerl | (05/21/07) | 14225 |
| Christopher Crawford | (05/21/07) | 14043 |
| Melanie Zogaria | (05/21/07) | 14225 |
| Steven Kensy | (05/21/07) | 14225 |
| Heather LaGraves | (06/16/07) | 14225 |
| Amy Wroblewski | (05/15/07) | 14225 |
| Katherine Swiatek | (05/15/07) | 14225 |
| Julia Hora | (06/09/07) | 14052 |
| Toni Caruso | (06/14/07) | 14225 |

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



26. RESOLUTION 2007-430

Youth & Recreation Summer Hires

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED that the individual(s) listed below be and hereby are hired, as indicated, in the Department of Youth & Recreational Services, effective immediately:

CHEEKTOWAGA CONSERVATION CORPS (CCC)

Laborers (Participants) - 7310.1816

Level I - \$7.15 (Alternate)

Michael Lawicki 14227

BE IT RESOLVED that the individuals listed below be and hereby are transferred and/or upgraded as indicated, effective immediately:

From Part-time to Regular Part-time

Nicole Odrobina

Transfer from Recreation Attendant to Recreation Instructor - \$8.25

Lauren Szydowski (effective 6/27/07)

Transfer from Recreation Instructor to Recreation Attendant

Sean Dalton

Recreation Attendant - \$7.15

Frank Zawadzinski

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



27. RESOLUTION 2007-431

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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:

SANITATION DEPARTMENT Laborer \$7.50/hour
Michael Sirgey, Depew, NY
Effective 6/18/07

Mark Rohloff, Cheektowaga, NY
Effective 6/25/07

Michael Skowron, Cheektowaga, NY
Effective 6/25/07

FACILITIES DEPARTMENT Laborer \$8.00/hour
Adam Nowicki, Cheektowaga, NY
Effective 8/3/07

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:

JUSTICE COURT Court Officer (Temporary) \$14.767/hour effective 6/28/07
John Stronka, Cheektowaga, NY

POLICE DEPARTMENT Clerk \$7.15/hour
Camille Suszek, Cheektowaga, NY effective 6/29/07
Christopher Buczkowski, Cheektowaga, NY effective 7/16/07

BE IT RESOLVED, that the following PART-TIME EMPLOYEE'S hourly rate be adjusted as follows:

FACILITIES DEPARTMENT Laborer \$8.00/hour effective 7/16/07
Edward Pozdyn, Cheektowaga, NY

BE IT RESOLVED, that the following SEASONAL EMPLOYEE'S hourly rate be adjusted as follows:

FACILITIES DEPARTMENT Laborer \$8.75/hour effective 7/16/07
Daniel Lysiak, Cheektowaga, NY

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

BUILDINGS & GROUNDS DIVISION
Cory Miller effective 6/28/07

SANITATION DEPARTMENT effective 7/06/07
Christopher Ahrens
Jerrod Chojnicki
Darren Kazmierczak

FACILITIES DEPARTMENT
John Darnell effective 7/16/07
Dennis Thielke effective 7/16/07

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



28. RESOLUTION 2007-432

Termination of Senior Clerk (Contingent/Permanent) (Laurie M. Vail) and Transferal to Civil Service Preferred List

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Ms. Dawn M. Cartenuto has been on a Town Board authorized leave of absence from her Senior Clerk position in the Assessor's Office; AND

WHEREAS, Ms. Laurie M. Vail was appointed on a permanent contingent basis to the position in the Assessor's office encumbered by Ms. Cartenuto; AND

WHEREAS, Ms. Cartenuto has decided to return to active employment status with the Town; NOW, THEREFORE, BE IT

RESOLVED that Ms. Laurie M. Vail's employment with the town be and is hereby terminated effective July 21, 2007; AND, BE IT FURTHER

RESOLVED that Ms. Vail's name be and hereby is placed on the Erie County Civil Service Preferred List as outlined in Section 81 of the New York State Civil Service Law for the title of Senior Clerk.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



29. RESOLUTION 2007-433

Appointment of Detective (Permanent) Robert J. Laskowski

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Robert J. Laskowski was assigned to the rank of Acting Detective in the Detective Bureau on January 16, 2007; AND

WHEREAS, the aforementioned employee has completed the Intern Program and satisfactorily served the six (6) month probationary period; NOW, THEREFORE, BE IT

RESOLVED, that Robert J. Laskowski of Lancaster, New York, be and hereby is assigned to the rank of Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective July 16, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



30. RESOLUTION 2007-434

Appointment of Police Officers (Ruppert/Bzibziak)

Sponsored By: Magierski, Jankowiak, Rogowski

WHEREAS, two (2) vacancies exist in the position of Police Officer in the Town of Cheektowaga;
AND

WHEREAS, the Civil Service eligible list for Police Officer has been canvassed and candidates have been interviewed; NOW, THEREFORE, BE IT

RESOLVED, that Jacob M. Ruppert of Cheektowaga, New York, and Brian M. Bzibziak of Cheektowaga, New York, be and hereby are appointed to the position of Police Officer at a salary in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Police Club; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective August 6, 2007 and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |



31. RESOLUTION 2007-435

Travel Authorization - Police Department (Sergeant Thomas Wentland)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the "Search Camera 2000 Victim Location System" Course is being offered on August 27-August 29, 2007 in Houston, Texas; AND

WHEREAS, Police Sergeant Thomas Wentland has requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziembra 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 \$818.45; AND

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

RESOLVED, that Police Sergeant Thomas Wentland be and hereby is authorized to attend the "Search Camera 2000 Victim Location System" Course being offered on August 27-August 29, 2007 in Houston, Texas.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

V. Suspension of Rules

Motion by Councilmember Magierski, second by Councilmember Rogowski to suspend the rules to include the following three (3) items and the motion carried.



1. RESOLUTION 2007-436

Support Dedication of County Forest Preserves As Parklands

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the County of Erie owns various properties throughout the County which are declared to be forest preserves, and

WHEREAS, there has been lumbering on these properties over the years and the area has lost a number of mature and healthy trees as a result, and

WHEREAS, there has been increased use of such forest preserves by the public for hiking, snowmobiling, etc., and

WHEREAS, in order to protect these preserves from further lumbering, Erie County Legislator Thomas Loughran has submitted a resolution to the County Legislature to dedicate its forest preserves as Erie County Parklands and to include them in the Master Plan of Erie County Parklands, thus preserving them from lumbering in the future, and

WHEREAS, the Cheektowaga Conservation Advisory Council has gone on record in favor of Legislator Loughran's resolution and the saving of trees in the County forest preserves, and

WHEREAS, many trees were lost as a result of the October, 2006 storm and these trees are needed more now than ever, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby goes on record in support of Erie County Legislator Thomas Loughran's resolution to dedicate County forest lands as parklands, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Legislators Thomas Loughran, Thomas Mazur, Timothy Kennedy, Michael Ranzenhofer and Cynthia Locklear.

Motion by Councilmember Swiatek, second by Councilmember Johnson to amend this resolution to include the Erie County Legislature and the Erie County Executive in the last paragraph, and the motion carried.

WHEREAS, the County of Erie owns various properties throughout the County which are declared to be forest preserves, and

WHEREAS, there has been lumbering on these properties over the years and the area has lost a number of mature and healthy trees as a result, and

WHEREAS, there has been increased use of such forest preserves by the public for hiking, snowmobiling, etc., and

WHEREAS, in order to protect these preserves from further lumbering, Erie County Legislator Thomas Loughran has submitted a resolution to the County Legislature to dedicate its forest preserves as Erie County Parklands and to include them in the Master Plan of Erie County Parklands, thus preserving

them from lumbering in the future, and

WHEREAS, the Cheektowaga Conservation Advisory Council has gone on record in favor of Legislator Loughran's resolution and the saving of trees in the County forest preserves, and

WHEREAS, many trees were lost as a result of the October, 2006 storm and these trees are needed more now than ever, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby goes on record in support of Erie County Legislator Thomas Loughran's resolution to dedicate County forest lands as parklands, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Legislators Thomas Loughran, Thomas Mazur, Timothy Kennedy, Michael Ranzenhofer and Cynthia Locklear, Erie County Legislature and the Erie County Executive.

Motion by Councilmember Swiatek, second by Councilmember Johnson to amend this resolution to include the Erie County Legislature and the Erie County Executive in the last paragraph, and the motion carried.

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: Patricia Jaworowicz



2. RESOLUTION 2007-437

Decision of Amendment to Vehicle & Traffic Law

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on May 21, 2007 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, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

BARBARA PLACE - West side: from the driveway at 24 Barbara Place to a point 150± north.

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.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel
ABSENT: Patricia Jaworowicz



3. RESOLUTION 2007-438

Call for Public Hearing - Rezoning of 3795 & 3817 Broadway

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, Kings Express has made application and requested the rezoning of 3795 and 3817 Broadway from M1- Light Manufacturing to M2- General Manufacturing for a truck terminal expansion, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 13, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 13th day of August, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Kings Express

for the rezoning of 3795 and 3817 Broadway from M1- Light Manufacturing to M2- General Manufacturing for a truck terminal expansion.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY

Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

3795 BROADWAY

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot two (2), township eleven (11) range seven (7) of the Holland Land Company's Survey described as follows:

Beginning at a point in the center line of Broadway twenty (20) rods easterly from the westerly line of Lot Number two (2); running thence southerly parallel with the west line of Lot Number two (2) thirty - three and three hundredths (33.03) feet to the point on the south line of Broadway; running thence westerly along the southerly at an exterior angle of 87-43'20" a distance of two hundred sixteen and ninety - seven hundredths (216.97) feet to a point; running

thence easterly parallel with the south line of Broadway two hundred forty and seventy hundredths (240.70) feet to a point in the center line of Broadway; running thence westerly along the center line of Broadway two hundred twenty-five and sixty- nine hundredths (225.69) feet to the point or place of beginning.

3817 BROADWAY

ALSO, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot two (2), township eleven (11) range seven (7) of the Holland Land Company's Survey described as follows:

BEGINNING at a point in the center line of Broadway, formerly known as Cayuga Creek Road, at a point distant 45 feet measured along the center line of said Broadway, westerly from the northeast corner of lands described in deed dated February 2, 1882, from Jacobini Entemann to John Stock, which said deed was recorded in the Erie County Clerk's Office in Liber 379 of Deeds at Page 336, February 16, 1882; running thence southerly on a line drawn parallel with the easterly line of the lands described in the aforesaid deed and distant 45 feet measured at right angles westerly therefrom to the northerly boundary line of lands of New York, Lackawanna & Western Railway Co., thence westerly along the northerly boundary line of the aforesaid railway company's land to a point marked by an iron pipe, where, a line drawn parallel with the easterly boundary line of the lands described in said deed to John Stock and distant 103 feet measured at right angles westerly therefrom would intersect said northerly line of said railway company's land, running thence northerly on a line parallel with the easterly line of lands described in the aforesaid deed distant 103 feet measured at right angles westerly therefrom to the center line of Broadway; thence easterly along the center line of Broadway for the distant of 58 feet to the point or place of beginning.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| ABSENT: | Patricia Jaworowicz |

VI. Communications

A. Departmental Communications

1. Building Permits - June 2007
2. Quarterly Report Town of Cheektowaga Emergency Services - April to July 2007
3. Minutes - Cheektowaga Library Board of Trustees - May 23, 2007
4. Minutes - Cheektowaga Conservation Advisory Council - June 7, 2007
5. Minutes - Cheektowaga Conservation Advisory Council - June 16, 2007
6. Minutes - Cheektowaga Conservation Advisory Council - July 5, 2007
7. Minutes - Cheektowaga Planning Board - June 14, 2007

B. General Communications

1. Notice of Petition: Pepsi Cola Bottling Group Vs. Assessor, Board of Assessment Review, Town of Cheektowaga Etal
2. Summons: US Bank, NA As Successor In Interest to Wachovia Bank NA Etal Vs. Robert Fera, Rose Fera, Town of Cheektowaga & Etal
3. Summons: Washington Mutual Bank Vs. Marie Osika, Town of Cheektowaga Etal
4. Notice of Claim: Alamo Damage Recovery Tonya Salter/DiVita Oden Vs. Town of Cheektowaga
5. Notice of Claim - David Brunner Vs. Town of Cheektowaga
6. Notice of Claim - Paul A. Goldyn Vs. Town of Cheektowaga
7. Notice of Claim - Greg W. & Mary Lou Heidenreich Vs. Town of Cheektowaga
8. Notice of Claim: Renee Mason Vs. Town of Cheektowaga
9. Notice of Claim: Bonnie Meredith Vs. Town of Cheektowaga
10. Notice of Claim: Rosemary R. Quinn Vs. Town of Cheektowaga
11. Notice of Claim - Deborah Reger Vs. Town of Cheektowaga
12. Notice of Claim: Richard Schlager Vs. Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Closing

Motion by Supervisor Jankowiak, and second by all Councilmembers present to adjourn the meeting in memory of Donald Wegner, Assistant Housing Inspector and former Town of Cheektowaga Councilmember.

The Town of Cheektowaga



- Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
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- Fire Inspection Office
275 Alexander Avenue
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(716) 961-6501

MEMORANDUM

TO: Supervisor James J. Jankowiak
Honorable Town Board Members
Mary Holtz, Town Clerk
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak
Supervising Code Enforcement Officer

DATE: June 25, 2007

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on June 20, 2007 in the Town Hall Council Office Conference Room. (Absent:- Highway representative)

**ITEM I 5115 Genesee Street - Proposed Rezoning From CM to MS For
Applicant: Petr-All Petroleum Redevelopment of Existing Petroleum Sales**

The original proposal had included a drive thru donut shop. The applicant has eliminated the drive thru and is proposing a 203 square foot addition to the south end of the building. In addition, the two small canopies that are presently on the property would be eliminated and the pump islands under one new canopy that would be parallel to Transit Road. A number of variances would be required especially for the landscaping/buffer areas.

The applicants representative was present and told that pedestrian access needed from Genesee; the sidewalk must be installed on Transit and connected to the Genesee Sidewalk; the driveways closest to the intersection on both Genesee and Transit also must be closed. The revised would be referred to the Traffic Safety commission and the New York State DOT. In addition trees should be planted on the property to help beautify the corner.

The committee would recommend this item be scheduled for a public hearing. The final comments of EAC will be submitted for the actual public hearing which could be held in August, 2007.

EAC – June 20, 2007

June 25, 2007

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**ITEM II 2700 Union Road - Proposed Rezoning From CM to MS for
Redevelopment of Existing Petroleum Sales
With Drive Thru**

Applicant: Petr-All Petroleum

The original plan had showed a car wash to be constructed on the property. The applicant has eliminated the car wash but continues to show the drive thru for a Dunkin Donuts shop. Stacking for the Dunkin Donuts would include up to 16 spaces. Traffic Safety has reviewed this and has recommended a minimum of 12 spaces for stacking of drive thrus.

The applicants representative was told that pedestrian access must be provided to the store from either William or Union and that this plan must also be submitted to URS for their review since this Located within the William/Losson Corridor.

The committee would recommend this proposal be scheduled for public hearing and final recommendations would be submitted prior to the actual public hearing.

**ITEM III Aero Drive - Proposed Rezoning Request from M! to MS
For a 22,500 Sq. Ft. Motor Vehicle Service
Facility**

Applicant: Cummins Diesel / Kulbacks Construction

The applicant has indicated that there would be an impact of less than .1 acre of wetland and this would be the result of the road connecting the building to Aero Drive. The balance of the wetlands would be part of a conservation easement given to the Town.

The committee would recommend a Negative Declaration for this project subject to receipt of a letter from the US Army Corps of Engineers indicating no jurisdictional wetlands are present and a letter from the County indicating that the project is adequate since the drainage will not be directed to Aero Drive but directly to Ellicott Creek. In addition a letter must be submitted from Cummins Diesel regarding the commitment to mitigate noise from the operation of the facility through the closing of overhead doors, elimination of exterior work.

**ITEM VI 4293-4295 Genesee Street - Proposed 7,432 Sq. Ft. Motor Service Retail
Building and 2,276 Sq. Ft. Service Garage**

Applicant: 1234 Group LLC

The applicant submitted revised plans showing rental vehicles will be parked long the west property line. The committee would recommend that the dumpster be relocated to the west off the service road near the service garage.

The committee would recommend a Negative Declaration for this project subject to approval by the Town Engineer of the drainage for the site.

EAC – June 20, 2007

June 25, 2007

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ITEM V 1665 Harlem Road - Proposed 7500 Warehouse

Applicant: Forrst Materials Inc.

The Traffic Safety commission has reviewed the project and found no adverse impacts and it would be the recommendation of this committee that a Negative Declaration be issued subject to the Town engineer approving the drainage for the new building including tying in roof drainage to existing catch basins in the parking lot.

ITEM VI 866 Aero Drive - Proposed 212,000 St. Ft. Office/Warehouse

Applicant: The Krog Corporation

The Town has not received any letter from the New York State DEC or Erie County Highway Department signing off on the project. The Town must receive these letters prior to any approval. In addition the committee would recommend that the balance of the wetlands located to the north of the project be placed in a conservation easement to the Town and that \$35,000.00 be placed in the Town's account for tree replacement.

ITEM VII Union Road South of Drive for Oak Tree Inn - Proposed 4,232 Sq. Ft. Pizza Hut "Wing" Street .Restaurant

Applicant: APD Engineering PLLC

The Traffic Safety commission is recommending a traffic impact study be submitted for this project. In addition the CCAC is recommending that trees be planted both on the site or in the area around Conax to replace those trees that would be removed with the construction of the restaurant. In addition a letter regarding the disposition of the old building must be submitted.

This item will remain tabled for further review and comment.

ITEM VIII 5090 Transit Road Northwest Corner of Genesee and Transit - Proposed Two Retail Buildings 1,800 Sq. Ft. coffee Shop and 2,520 Retail Store

Applicant: Genesee Transit Holding ILLC

The proposal is now to construct two buildings on the balance of the site at the corner of Genesee and Transit. One would be a Starbucks Coffee Shop the other would be retail space. The Town Attorney is reviewing the zoning variance /interpretation that was granted to the owners of the property when they first filed with Town to create a motor vehicle gas dispensing facility at the corner. The site as shown would require any number of variances from the Zoning Board of Appeals including reduction in two-way roadways from 24 to 20 feet , reduction in landscaping along Transit Road from 25 to 6 feet, the elimination of the 10 foot buffer along the west property line adjacent to the Dunkin Donuts facility. Also the Town Engineer must review the proximity of the proposed buildings to the Ellicott Creek top of bank and floodway. It appears that although the buildings are out of the Ellicott Creek floodway they are closer than the required 50 feet to top of bank.

This item will remain tabled for further review and comment.

The Town of Cheektowaga



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MEMORANDUM

TO: Supervisor James J. Jankowiak
Honorable Town Board Members
Mary Holtz, Town Clerk
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak
Supervising Code Enforcement Officer

DATE: June 25, 2007

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Applicant: Petr-All Petroleum Redevelopment of Existing Petroleum Sales**

The original proposal had included a drive thru donut shop. The applicant has eliminated the drive thru and is proposing a 203 square foot addition to the south end of the building. In addition, the two small canopies that are presently on the property would be eliminated and the pump islands under one new canopy that would be parallel to Transit Road. A number of variances would be required especially for the landscaping/buffer areas.

The applicants representative was present and told that pedestrian access needed from Genesee; the sidewalk must be installed on Transit and connected to the Genesee Sidewalk; the driveways closest to the intersection on both Genesee and Transit also must be closed. The revised would be referred to the Traffic Safety commission and the New York State DOT. In addition trees should be planted on the property to help beautify the corner.

The committee would recommend this item be scheduled for a public hearing. The final comments of EAC will be submitted for the actual public hearing which could be held in August, 2007.

EAC – June 20, 2007

June 25, 2007

Page: 2

**ITEM II 2700 Union Road - Proposed Rezoning From CM to MS for
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With Drive Thru**

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The applicants representative was told that pedestrian access must be provided to the store from either William or Union and that this plan must also be submitted to URS for their review since this Located within the William/Losson Corridor.

The committee would recommend this proposal be scheduled for public hearing and final recommendations would be submitted prior to the actual public hearing.

**ITEM III Aero Drive - Proposed Rezoning Request from M! to MS
For a 22,500 Sq. Ft. Motor Vehicle Service
Facility**

Applicant: Cummins Diesel / Kulbacks Construction

The applicant has indicated that there would be an impact of less than .1 acre of wetland and this would be the result of the road connecting the building to Aero Drive. The balance of the wetlands would be part of a conservation easement given to the Town.

The committee would recommend a Negative Declaration for this project subject to receipt of a letter from the US Army Corps of Engineers indicating no jurisdictional wetlands are present and a letter from the County indicating that the project is adequate since the drainage will not be directed to Aero Drive but directly to Ellicott Creek. In addition a letter must be submitted from Cummins Diesel regarding the commitment to mitigate noise from the operation of the facility through the closing of overhead doors, elimination of exterior work.

**ITEM VI 4293-4295 Genesee Street - Proposed 7,432 Sq. Ft. Motor Service Retail
Building and 2,276 Sq. Ft. Service Garage**

Applicant: 1234 Group LLC

The applicant submitted revised plans showing rental vehicles will be parked long the west property line. The committee would recommend that the dumpster be relocated to the west off the service road near the service garage.

The committee would recommend a Negative Declaration for this project subject to approval by the Town Engineer of the drainage for the site.

The Town of Cheektowaga



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MEMORANDUM

TO: Supervisor James J. Jankowiak
Honorable Town Board Members
Mary Holtz, Town Clerk
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak
Supervising Code Enforcement Officer

DATE: May 17, 2007

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 16, 2007 in the Town Hall Council Office Conference Room. (Absent: Highway and Police representatives).

ITEM I 105 Kenville - Proposed Sale of Town Highway

Applicant: Chase Affinity Company LLC

The applicant has submitted a relocation plan for the tenants of the apartment complex. They also indicated that meetings have been for May 16th and May 17th with the residents and neighbors to discuss the overall project and potential impacts.

The Town Engineer indicated that the drainage system along the north end needs maintenance work and is probably the reason for the neighbors indicating wet conditions exist. Easements are being drawn up and a public hearing had been held in front of the Town Board on May 7th for the disposition of the road.

A PILOT for the new community building and pool has been drawn up and the balance of the project will be taxed at the present rate which would also include the value of the road and any future buildings or additions to buildings.

It is recommended that the Betty Lane gate be kept closed and that opening it could be looked at in the future.

The applicant indicated that notices are being sent to residents to let them know the schedule for moving. Some must be moved this summer others moved next summer. As part of the move assistance would be provided both monetarily and with price breaks from the moving company.

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May 17, 2007
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It was noted that in some of the comments that parking will be significantly increased however it was noted that the writer did not account for the present on-street parking. The increase in parking spaces therefore is not as significant as it would appear. Also some colleges have shuttles and the University of Buffalo has its own bus fleet which would reduce the number of vehicle trips for the tenants of the complex.

The applicant indicated that of the 608 apartment units only about 100 will be required to relocate in 2007 and 2008.

Final cost of the road has yet to be determined or negotiated between the Town and the applicant. The Town is engaging a second appraiser to determine a true value of the road.

The committee would recommend that this action be considered non-significant and that a Negative Declaration be issued for sale of the road subject to the installation of a six foot wood fence along the north and south property lines. The fence would have the good side facing out to the adjacent residence. In addition a letter summarizing all the issues needs to be submitted by the applicant. The Chief of Police must also review the security plan.

ITEM II Union & Losson - Proposed Retail Building

Applicant: Benderson Development Corporation

The site, located to the south of the Eckerd store, was the subject of a public hearing before the Town Board on May 7th. The neighbor to the south commented that the site is messy and that a fence must be put up to screen their property from the building site.

The URS had reviewed the proposal and indicated that it was consistent with the corridor study and that there was no anticipated impact of traffic. The applicant agreed to conduct a follow up traffic study if a driveway thru would be proposed for this retail building.

The committee would recommend that a Negative Declaration be issued for this project provided the applicant provides a 24 foot access easement along the south property line for future commercial development.

**ITEM III 40 Leo Place - Proposed 2-Story Self Storage Building
 30,000 Sq. Ft.**

Applicant: Sovran Self Storage

The proposal had been reviewed by the Planning Board and is recommending that the buildings be of earth tone colors and that any changes to either the color or architectural treatment be referred back to the Planning Board for review.

This committee would recommend that a Negative Declaration be issued for the project.

ITEM VI 866 Aero Drive - Proposed 212,000 Office/Warehouse

Applicant: The Krog Corporation

The applicant had previously suggested providing \$10,000.00 for replacement trees and it was discussed by the Conservation Council as well as the EAC that additional funding should be provided. It was suggested that the amount of funding be increased to \$30,000.00 to \$40,000.00.

EAC – ay 16, 2007
May 17, 2007
Page: 3

The New York State DEC has not yet responded to our letter on Lead Agency and therefore this item will remain tabled for further review and comment.

**ITEM V 4293-4295 Genesee Street - Proposed 7,432 Sq. Motor Service
Retail Building & 2,276 Sq. Ft.
Service Garage**

Applicant: 1234 Group LLC

The Town Engineer indicated that he needs a site drainage plans for review before approving this project. In addition this item is still tabled for pubic comment.

After further discussion it was noted that the rental car parking has not been shown on the plan and it is unknown at this point how many cars will be parked at the site. This office will be contacting the applicant for this information and if submitted and found acceptable, the committee would recommend that a Negative Declaration be issued for this project.

**ITEM VI Union Road - 4,232 Sq. Ft. Pizza Hut Wings Street
Restaurant**

Applicant: APD Engineering

The proposed restaurant would be located on the south side of the Oak Tree driveway to Union Road. Councilmember Johnson has concerns regarding the existing Pizza Hut and its possible re-use. He is requesting that a re-use plan be submitted by the applicant.

It was noted that a number of variances would be required for the new site and this item will remain tabled for further review and comment.

**ITEM VII 4646 Genesee Street - Rezoning Request from MS to CM
General Commercial for Flooring
Product Showroom.**

Applicant: Shane Khanjani

The applicant is not proposing to make any site improvements as the site as it stands now will suit his needs. Traffic Safety Commission will review this project at their next meeting and will make comments.

This item will remain tabled for further review and comment.

The balance of the agenda were new items that will be reviewed at the next EAC meeting. An informal presentation was made by the Golden Corral representatives for 1717 Walden and the proposal is to construct a restaurant approximately 11,000 square feet with seating for approximately 400 people. A number of suggestions were made to the representatives and they will take them under consideration.

The Town received notice from the New York State Office For Technology that a 250 foot lattice tower is proposed for the NYSDOT garage on Broadway at Indian Road. The tower is part of the wireless system proposed for New York for emergency use. It has been suggested that the RF Engineer, Municipal Solutions, be engaged to determine its need, location and height.

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May 17, 2007
Page: 4

THE NEXT MEETING OF THE
ENVIRONMENTAL ADVISORY
COMMITTEE MEETING WILL BE
HELD
WEDNESDAY, JUNE 6, 2007
AT 10:00 A.M.
IN THE COUNCIL OFFICE
CONFERENCE ROOM



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/07/07 06:45 PM

ADOPTED

Sponsors: Councilmember Magierski, Councilmember Johnson Jr.

RESOLUTION 2007-264

LEGAL DESCRIPTION

All that tract or parcel of land, situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 81, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the centerline of Aero Drive (formerly know as Ellicott Creek Road) a distance of 322.30 feet easterly of the intersection of said centerline with the easterly line of Farm Lot 78, Township 11, Range 7, to the true point or place of beginning; Thence northerly at an interior angle of 76 degrees 29 feet 48inches, a distance of 720.48 feet to a point; Thence easterly at an interior angle of 90 degrees 24 feet 53 inches and parallel with the northerly line of said Lot No. 81, along the southerly line of premises conveyed by deed recorded in Erie County Clerk's Office in Liber 5134 of Deeds Page 34, a distance of 318.28 feet to a point; Thence southerly at an interior angle of 89 degrees 37 feet 4 inches, a distance of 646.27 feet to a point in the center line of Aero Drive; Thence westerly along said center line of Aero Drive at an interior angle of 103 degrees 28 feet 15 inches, a distance of 327.70 feet to the true point or place of beginning;

This parcel containing 5.00 acres more or less.



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Wednesday, July, 25, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on July 25, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Anthony Romano, Coordinator of Employee Relations
Al Blachowski, Engineering Department
Daryl Jones, Wendel/Duchscherer Arch.
Stan Kaznowski

II. Resolutions



1. RESOLUTION 2007-439

Notice to Bidders - Cheektowaga Historic Rails to Trails Project

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga received Federal ISTE A grant moneys for the purpose of constructing the Cheektowaga Rails to Historic Trails pathway project in the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga has acquired all necessary properties in order to construct said project, and

WHEREAS, the New York State Department of Transportation, which administers the Federal funding for this project, has authorized the Town of Cheektowaga to proceed with advertising for bids for same, and

WHEREAS, Wendel Duchsherer Architects and Engineers P.C. has prepared the necessary specifications for this project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the Cheektowaga Historic Rails to Trails Project in the NYS CONTRACT REPORTER (3 weeks), CHEEKTOWAGA TIMES (1 week), BUFFALO NEWS (1 day) and THE CHALLENGER (1 issue), and BE IT FURTHER

RESOLVED, that sealed bids will be received at the Town Clerk's Office, at the Town Hall, 3301 Broadway, Cheektowaga, New York until the 20th day of August, 2007 at 11:00 A.M., at which time the Town Clerk is directed to publicly open said bids in the Town Hall Council Chambers.

ATTACHMENTS:

Published Notice to Bidders Rails to Trails (DOC)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

NOTICE TO BIDDERS

1. NOTICE IS HEREBY GIVEN that sealed bids will be received and considered by the Town Board of the Town of Cheektowaga for the Cheektowaga Historic Rails To Trails project until **11:00 AM**, local time, on **Monday, August 20, 2007**, at the Town Hall, Town of Cheektowaga, New York and then, at that place and time, publicly opened and read aloud. Sealed proposals will be for the furnishing of all labor, tools, equipment, materials and incidentals required for, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. as prepared by Wendel Duchscherer, Architects and Engineers, P.C. and approved by the Town Board of the Town of Cheektowaga.
2. Bids will be submitted as three prime contracts:
 - A. Contract No. 1 - General Construction: Multi-Use Pathway
 - B. Contract No. 2 – Stiglmeier Park Comfort Station
 - C. Contract No. 3: - Dingens Park Comfort Station
3. A pre-bid meeting will be held at **9:00 AM on Tuesday, August 14, 2007** at the Town Engineer's Office, Alexander Community Center, 275 Alexander Avenue, Cheektowaga, New York 14211. A review of the project will be conducted and pertinent questions will be received.
4. Qualification of Bidders
 - A. The Owner may make such investigation, as he deems necessary to determine the responsibility of any bidder to perform the work.
 - B. Bidders shall furnish to the Owner the information and data required, including complete financial data, within the time, in the form and in the manner required by the Owner.
 - C. The Owner reserves the right to reject any bid, and to disqualify the bid, if the evidence submitted or investigation of any such bidder fails to satisfy the Owner that such bidder is responsible, or is able or qualified to carry out obligations of the Contract or to complete the work as contemplated therein.
5. The Owner reserves the right to waive any informality in or to reject any or all bids.
6. 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.
7. Successful bidders shall provide Owner with performance and payment bonds in the

prescribed form and with an acceptable security, in accordance with the Supplementary Instructions to Bidders.

8. All bidders will be required to execute the bid proposal certifications on the prescribed form as attached to the bid form.
9. Bidding Documents
 - A. Bidding Documents may be examined at the following locations:
 1. FW Dodge Corporation
5500 Main Street, Williamsville, New York 14221
 2. Construction Exchange of Buffalo and Western New York
625 Ensminger Road, Tonawanda, New York 14150
 - B. Bidding documents may be obtained at the Town Clerk's office, Broadway and Union Road, Cheektowaga, New York 14227, after 12:00 PM on **Tuesday, July 31, 2007**, by the prime contractors upon payment of a deposit of **\$50.00** per set. Checks shall be made payable to the **Town of Cheektowaga**.
 - C. Addenda will be issued only to those obtaining complete sets of documents.
 - D. 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.
 - E. Project activities are Federally funded under the Locally-Administered Transportation Equity Act, 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.
 - F. 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.
 - G. 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.

- H. The work shall be completed within **360** consecutive calendar days, to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Mary F. Holtz, Town Clerk

DATED: July 25, 2007



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, July, 30, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 30, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Absent | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney

William Pugh, Town Engineer

Thomas Adamczak, Supervising Building and Plumbing Inspector

Kerry Switalski, Senior Services Director

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2007-440

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|-----------------------|--------------|
| FROM: | 100-1910-3589 | State Emergency Aid | \$ 3,684.75 |
| | 100-1910-4589 | Federal Emergency Aid | 11,054.25 |
| | 100-1910-2665 | Sale of Equipment | 101.00 |
| TO: | 100-7110-4551 | Repairs & Maintenance | \$ 14,739.00 |
| | 100-1640-4441 | Equipment Repair | 101.00 |

CAPITAL FUND

| | | | |
|-------|--------------------|-------------------------|--------------|
| FROM: | 500-1440-9342-5312 | Townwide Drainage Study | \$ 1,476.75 |
| | 500-8173-9368-5312 | MRF Program | 90,600.00 |
| TO: | 500-1440-9343-5312 | Townwide Sewer Study | \$ 92,076.75 |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



2. RESOLUTION 2007-441

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 27, 2007 are hereby approved and made a part hereof:

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 2,433,069.16 |
| RISK RETENTION FUND | 129,145.87 |
| DEBT SERVICE FUND | 560,450.00 |
| HUD HOUSING REHABILITATION FUND | 580.00 |
| SPECIAL DISTRICTS FUND | 709,023.09 |
| HIGHWAY FUND | 498,556.38 |
| CAPITAL FUND | 294,034.90 |
| TRUST & AGENCY FUND | 29,317.71 |
| HUD CDBG FUND | 17,020.74 |
| PARTTOWN FUND | 117,198.75 |
| NYS AFFORDABLE HOUSING FUND | 580.00 |
| | <u>\$ 4,788,976.60</u> |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



3. RESOLUTION 2007-442

Retain Outside Counsel for Appeal of Buffalo Crushed Stone Litigation

Sponsored By: Councilmember Johnson Jr., Councilmember Jaworowicz

WHEREAS, in 1998, Buffalo Crushed Stone, Inc. commenced a lawsuit against the Town of Cheektowaga relating to the use of land it owns on Como Park Boulevard and in adjacent areas for mining, and

WHEREAS, due to his specialized expertise in this area of law, the Town Board, by resolution dated December 7, 1998, retained David J. Seeger, Esq. as counsel to the Town Attorney to represent the interests of the Town in said lawsuit, and

WHEREAS, on April 19, 2007, the Hon. Joseph R. Glowonia, Justice, Supreme Court, issued an Order relating to this lawsuit, and

WHEREAS, said Order contains provisions which rule against the Town of Cheektowaga, and other provisions which rule against Buffalo Crushed Stone, Inc., and

WHEREAS, Buffalo Crushed Stone, Inc. filed a Notice of Appeal with respect to this Order, and

WHEREAS, David J. Seeger, Esq. and the Town Attorney have recommended that the Town of Cheektowaga file a Notice of Cross Appeal and otherwise vigorously pursue an appeal of those provisions of Justice Glowonia's Order which negatively affect the interests of the Town of Cheektowaga, and

WHEREAS, David J. Seeger, Esq. has submitted a proposal to the Town for the handling of the appeal of this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines and directs that the above referenced Order of the Hon. Joseph Glowonia be appealed on behalf of the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that David J. Seeger, Esq. be and hereby is retained as counsel to the Town of Cheektowaga to handle said appeal on behalf of the Town, and be paid at the rate of \$100.00 per hour, in a total amount not to exceed \$10,000.00 without further Town Board authorization, and BE IT FURTHER

RESOLVED, that funds for said legal services shall be appropriated from budget line item number 100-1420-4501.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



4. RESOLUTION 2007-443

Unsafe-Unsecured / 17 Fath Drive

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 17 Fath Drive, Cheektowaga, New York SBL# 102.08-10-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Henry Wawro & Wife, 23 Audet Drive, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 17 Fath 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



5. RESOLUTION 2007-444

Cleve Hill Track Meets and Practices

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, the Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 27, 2007 to October 16, 2007 for practices and for its home cross-county track team meets, and

WHEREAS, the General Crew Chief of the Facilities Department has reviewed such request and has no objection to same, and

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

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

RESOLVED, that this Town Board hereby approves the use of Cheektowaga Town Park from August 27, 2007 to October 16, 2007 for the Cleveland Hill Cross Country Track team practices, and BE IT FURTHER

RESOLVED, that this Town Board also approves of the use of Cheektowaga Town Park by Cleveland Hill Cross Country Teams on September 25, 2007, October 2, 2007, October 9, 2007 and October 16, 2007 for its home track meets, and BE IT FURTHER

RESOLVED, that the Director of and Athletics of the Cleveland Hill School shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets.

MOTIONED BY COUNCILMEMBER ROGOWSKI; SECONDED BY COUNCILMEMBER JOHNSON TO AMEND THE RESOLUTION, AND THE VOTE WAS UNANIMOUS.

WHEREAS, the Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 27, 2007 to October 16, 2007 for practices and for its home cross-county track team meets, and

WHEREAS, the General Crew Chief of the Facilities Department has reviewed such request and has no objection to same, and

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

WHEREAS, Cleveland Hill Union Free School District shall be responsible to utilize individuals to provide traffic control to monitor students crossing the roadways for their track

meets and practices, and

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

RESOLVED, that this Town Board hereby approves the use of Cheektowaga Town Park from August 27, 2007 to October 16, 2007 for the Cleveland Hill Cross Country Track team practices, and BE IT FURTHER

RESOLVED, that this Town Board also approves of the use of Cheektowaga Town Park by Cleveland Hill Cross Country Teams on September 25, 2007, October 2, 2007, October 9, 2007 and October 16, 2007 for its home track meets, and BE IT FURTHER

RESOLVED, that the Director of and Athletics of the Cleveland Hill School shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets.

| | |
|------------------|--|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



6. RESOLUTION 2007-445

Issue Request for Proposals for Realtors to Sell Former South Branch Library

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of property located at 2660 William Street formerly known as the South Branch Library, and

WHEREAS, said property is no longer needed by the Town and is surplus to the needs of the Town, and

WHEREAS, this Town Board wishes to arrange for the sale of such property and to retain a realty firm to assist us with the sale of the property, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby issues a Request for Proposals/Qualifications for a realtor/real estate company to provide such services to the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk shall forward copies of the Request for Proposals/Qualifications for Realtor Services for Sale of Former South Branch Library to the following real estate firms:

- Pyramid Brokerage, 1900 Rand Building, Buffalo, New York 14203
- Hunt Real Estate Corporation, 430 Dick Road, Depew, New York 14043
- Realty USA, 3830 Union Road, Cheektowaga, New York 14225
- R.W. Bronstein Corp., 3666 Main Street, Buffalo, NY 14226
- Century 21 Hopkins Square Realty, 1626 Hopkins Rd., Williamsville, NY 14221
- Gurney, Becker & Bourne, 560 Delaware Avenue, Suite 200, Buffalo, NY 14202

RESOLVED, that sealed proposals for said professional services shall be submitted on or before August 8, 2007 at 11:00 A.M. to the Town Clerk in a sealed envelope, at which time they will be officially opened by the Town Clerk.

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| RESULT: | ADOPTED [5 TO 1] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Magierski, Rogowski, Zydel |
| NAYS: | Thomas Johnson Jr. |
| ABSENT: | Jeff Swiatek |



7. RESOLUTION 2007-446

Opposition to Cell Tower Proposed At 111 Indian Road

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the New York State Office for Technology ("OFT") is currently implementing the State Wireless Network ("SWN"), a government-operated public safety radio network, and

WHEREAS, as part of the SWN, the OFT is proposing the construction of a 250 foot high lattice communications tower on property owned by the New York State Department of Transportation at 111 Indian Road in the Town of Cheektowaga, and

WHEREAS, the OFT is reviewing the potential environmental impacts of the SWN cell tower at 111 Indian Road under the State Environmental Quality Review Act ("SEQRA"), and has supplied the Town of Cheektowaga with a copy of a Site Candidate Information Form and Visual Impact Assessment Report for the SWN, and

WHEREAS, said documents supplied to the Town of Cheektowaga by the OFT list potential impacts to certain parks, churches and structures that are not in close proximity to the proposed cell tower; however, they do not study or report on impacts to area residential neighborhoods or the residents of the Town of Cheektowaga or the Village of Depew, and

WHEREAS, the Town of Cheektowaga has received letters of opposition to the aforementioned cell tower from the Village of Depew and the Depew/Cheektowaga Taxpayers Association, and

WHEREAS, this Board feels that there will be a real and substantial negative impact to the residents of the Town of Cheektowaga and the Village of Depew, as well as area businesses, due to the extreme height and aesthetics of such a cell tower, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby goes on record in opposition to the OFT cell tower proposed for 111 Indian Road, 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 Office For Technology, the New York State Department of Transportation, State Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski, Governor Eliot Spitzer and the Mayor of the Village of Depew.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



8. RESOLUTION 2007-447

Agreement for Housing Counseling Services

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town issued a Request for Proposals for housing counseling services for the Community Development Block Grant program, and

WHEREAS, Belmont Shelter Corp., located at 1195 Main Street, Buffalo, NY, 14209, has submitted a proposal for such services, including but not limited to renter assistance and mortgage default, financial management, first-time homebuyer/pre-purchase, homeownership management and predatory lending counseling, and

WHEREAS, funding for such services has been included in the Town's 2007 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 \$ 12,000 with Belmont Shelter Corp., for housing counseling services for the 2007-2008 Program Year pursuant to the Request for Proposals for Housing Counseling Services, dated May 24, 2007, issued by the Town of Cheektowaga, and Belmont Shelter's proposal dated June 9, 2007.

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|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



9. RESOLUTION 2007-448

Create Three (3) Park Maintenance Worker I Positions for Civil Service Job Inventory

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates three (3) Park Maintenance Worker I positions pursuant to Civil Service Laws and Rules effective July 30, 2007.

Motioned by Councilmember Magierski; Seconded by Councilmember Rogowski to Waive the Reading of Names for Resolutions 2007-449 and 2007-450.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel
ABSENT: Jeff Swiatek



10. RESOLUTION 2007-449

Youth and Recreation Terminations

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the following adjustments be made in the Department of Youth & Recreational Services, effective as indicated:

Pool Supervisor - Maryvale Pool - \$9.58 per hour effective 7/23/07 - 7180.1902
Sean Kunkel 14225

Head Lifeguard - Town Park Pool - \$9.09 per hour effective 7/23/07 - 7180.1903
Kevin Fischer

Head Lifeguard - Dingens Pool - \$8.79 per hour effective 7/28/07 - 7180.1903
Hannah Welch

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

| | | |
|-------------------|---------|-------|
| Julie Kujawinski | 5/21/07 | 14260 |
| Thomas Young | 6/4/07 | 14211 |
| Ashley Franklin | 5/21/07 | 14225 |
| Leeann Coddington | 5/21/07 | 14225 |
| Ashlee Deeds | 5/21/07 | 14211 |
| Jodie Beszczynski | 5/21/07 | 14212 |
| Patrick Gillen | 6/9/07 | 14227 |
| Laura Mayle | 7/18/07 | 14211 |
| Andrea Ketterl | 3/11/07 | 14225 |
| Marissa Hoegerl | 6/4/07 | 14225 |
| Melanie Zogaria | 6/4/07 | 14225 |

BE IT FURTHER RESOLVED that the title for Nicole Odrobina be changed from Recreation Aide to Recreation Attendant.

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



11. RESOLUTION 2007-450

Hire/Terminate Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

TAX OFFICE Clerk \$8.00/hour effective 8/1/07
Jeanette Pajak, Cheektowaga, NY

POLICE DEPARTMENT Detention Officer \$15.25/hour effective 8/13/07
William Mecca, Cheektowaga, NY

BE IT RESOLVED, the following employee's salary be and hereby is adjusted:

BUILDING MAINTENANCE Laborer \$8.00/hour effective 7/31/07
Margaret Kowalow, Cheektowaga, NY

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:

FACILITIES DEPARTMENT Laborer \$7.50/hour effective 8/06/07
David DeFields, Jr., Cheektowaga, NY

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



12. RESOLUTION 2007-451

Appointment of Assistant Code Enforcement Officer (Community Development) (Gail Milburth)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists for a housing inspector in the Community Development Office; AND

WHEREAS, Gail Milburth, currently employed as an Assistant Code Enforcement Officer in the Building and Plumbing Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE BE IT

RESOLVED, that Gail Milburth, of Cheektowaga, New York, be and hereby is transferred as Assistant Code Enforcement Officer to the vacancy in the Community Development Office in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 31, 2007.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



13. RESOLUTION 2007-452

Travel Authorization Police Department (Chief Ziemba)

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Motor Vehicle Theft and Insurance Board Quarterly Meeting is being held on July 30, 2007 in Albany, New York; AND

WHEREAS, Police Chief Christine Ziemba has requested authorization to attend said meeting; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, there is no cost to the Town as all expenses associated are covered under a grant; NOW, THEREFORE, BE IT

RESOLVED, that Police Chief Christine Ziemba be and hereby is authorized to attend the Motor Vehicle Theft and Insurance Board Quarterly Meeting being held on July 30, 2007 in Albany, New York.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |

IV. Suspension of Rules

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|---|
| Motion by Councilmember Magierski; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions and the Vote was Unanimous. |
|---|



1. RESOLUTION 2007-453

Authorize Supervisor to Execute Supplemental Agreement with NYSDOT for Rails to Trails Project

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga received Federal ISTEA moneys for the Cheektowaga Rails to Historic Trails project (PIN 5755.08), and

WHEREAS, the New York State Department of Transportation ("DOT") is administering the Federal ISTEA moneys for this project, and

WHEREAS, the Town of Cheektowaga previously approved entering into an agreement with the New York State Department of Transportation for this project, and

WHEREAS, due to various changes in the project since the aforesaid agreement with the DOT was approved, there is need to sign a Supplemental Agreement with the DOT for this project, and

WHEREAS, the DOT is in the process of finalizing said Supplemental Agreement based on the following:

PIN 5755.08.321 (Total \$635,050.00)

- Federal Aid - \$497,850.00
- Town in-kind - \$104,085.00
- Town Cash - \$33,115.00

PIN 5755.08.322 (Total - \$1,401,000.00)

- Federal Aid - \$1,120,000
- Town Cash - \$280,200.00

NOW, THEREFORE, BE IT

RESOLVED, that, subject to approval of form and content of the aforementioned Supplemental Agreement by the Town Attorney and the Town Engineer, the Supervisor be and hereby is authorized and directed to execute a Supplemental Agreement with the DOT for the Rails to Historic Trails Project.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



2. RESOLUTION 2007-454

Award Contract for Demolition of Building At 1071 Walden Avenue

Sponsored By: Councilmember Jaworowicz, Councilmember Johnson Jr.

WHEREAS, the Town is the owner of property located at 1071 Walden Avenue, which property was acquired to complement the development of the Walden Commerce Exchange acreage and to provide ingress and egress to the signalized intersection opposite Pine Ridge Road, AND

WHEREAS, Stohl Environmental, previously hired by Town Board Resolution to perform an asbestos survey, completed such asbestos survey in accordance with New York State Industrial Code Rule 56, AND

WHEREAS, a formal Request For Proposals was issued to five contractors with experience in the field of building demolition and asbestos removal, AND

WHEREAS, proposals submitted by the five contractors were reviewed by the Engineering Department, and it has been recommended that this contract be awarded to Nichols, Long & Moore Construction Corporation, NOW, THEREFORE, BE IT

RESOLVED, that Nichols, Long and Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York has met the requirements set forth by the written Request For Proposals in the amount of \$9,556.00, with the lowest responsible proposal, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to commission Nichols, Long & Moore to demolish the existing building located at 1071 Walden Avenue, and to execute any and all documents in connection with same, AND, BE IT FURTHER

RESOLVED, that said demoliion shall be chargeable to Account #500-1440-9921-5916.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |



3. RESOLUTION 2007-455

Accept Amended Agreements From Wendel Duchscherer for Rails to Trails Project

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga previously received a grant award through the Federal Intermodal Surface Transportation Efficiency Act ("ISTEA") for our Rails-to-Historic Trails Project, AND

WHEREAS, said project is administered by the New York State Department of Transportation, AND

WHEREAS, by resolution dated July 20, 1998, Wendel Engineers (now known as Wendel Duchscherer Architects and Engineers) was retained as the engineering consultant for this project, AND

WHEREAS, \$1.3 million in additional federal funding was made available to increase the scope of this project, AND

WHEREAS, the NYSDOT has required submission of a NOI/SWPPP (Storm Water Pollution Prevention Plan) approved by the NYSDEC, AND

WHEREAS, the NYSDOT has required the submission of a CMP (Construction Management Plan) with inspection construction complying with all NYSDOT-MURK requirements, AND

WHEREAS, Wendel Duchscherer Architects and Engineers ("Wendel") has submitted amended agreements to provide additional services for revisions, NOI/SWPPP and construction inspection of the Rails to Historic Trails Project, AND

WHEREAS, the Town Engineer and Town Attorney have reviewed these amended agreements and find same appropriate, AND

WHEREAS, this Board is in agreement to retain Wendel as per the attached amended agreements, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the attached amended agreement with Wendel for the Rails to Historic Trails Project, subject to final review and approval by the New York State Department of Transportation, AND, BE IT FURTHER

RESOLVED, that funds in the amount of \$14,700 for revisions/NOI/SWPPP and \$95,000 for construction inspection shall be appropriated from budget line items #500-1440-9607-5705 and #500-1440-9701-5123 and are reimbursable at 80% federal aid.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Magierski, Rogowski, Zydel |
| ABSENT: | Jeff Swiatek |

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - June 2007
2. Town of Cheektowaga Comprehensive Annual Financial Report for the Year Ended December 31, 2006
3. Town of Cheektowaga Supplement to the Comprehensive Annual Financial Report for the Year Ended December 31, 2006
4. Minutes: Town Environmental Advisory Committee - June 20, 2007
5. Minutes: Cheektowaga Traffic Safety Commission - June 19, 2007
6. Minutes: Cheektowaga Public Library Board of Trustees - June 27, 2007

B. General Communications

1. Notice of Claim: Ginny Fasser Vs. Town of Cheektowaga
2. Notice of Claim: Andrew G. Ferrandino Vs. Town of Cheektowaga
3. Notice of Claim: Geico As Subrogee of Julie Boody Vs. Town of Cheektowaga
4. Notice of Claim: Dawn Hoeltke Vs. Town of Cheektowaga
5. Notice of Claim: Kourtney James Vs. Town of Cheektowaga
6. Notice of Claim: Jennifer Russell Vs. Town of Cheektowaga
7. Notice of Verified Petition: Musarra Management & Etal Vs. Town of Cheektowaga & Etal
8. Notice of Petition: Buffalo Rapkin Corp Vs. Board of Assessors, Assessor of the Town of Cheektowaga & Etal
9. Notice of Petition: Aldi Inc. Vs. Assessor of the Town of Cheektowaga & Etal
10. Notice of Petition: National Grid Vs. Town of Cheektowaga & Etal

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motioned by Councilmember Johnson; Seconded by Councilmember Jaworowicz to adjourn the meeting at 7:30 P.M.



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, August, 28, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on August 28, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Absent | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations

II. Resolutions

Motioned by Supervisor Jankowiak; Seconded by Councilmember Swiatek to enter into Executive Session at 6:00 p.m.



1. RESOLUTION 2007-487

Accept Proposal of FRA Consulting Engineers for a Signal Warrant Analysis At the Town Hall Complex

Sponsored By: Supervisor Jankowiak, Councilmember Johnson Jr.

WHEREAS, in conjunction with the development of a long term improvements plan for Town Hall campus buildings, this Town Board desires to renew a prior request to the New York State Department of Transportation to evaluate and issue a permit to the Town for the installation of a traffic signal enabling the consolidation of three (3) Union Road driveways into a single new signalized entranceway, AND

WHEREAS, representatives of the New York State Department of Transportation have notified the Town that an updated Traffic Signal Warrant Analysis must be completed and submitted for review in order to evaluate the signal request, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of FRA Consulting Engineers, 220 Red Tail, Suite 10, Orchard Park, New York 14127-1562 as submitted to the Town Engineer and dated August 24, 2007 for the preparation of a Signal Warrant Analysis for the Town Hall Complex Combined Driveway Signalization Project be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized to sign said consulting engineering agreement on behalf of this Town Board, AND, BE IT FURTHER

RESOLVED, that funding for professional services associated with the Signal Warrant Analysis in an amount not to exceed \$7,500.00 shall be chargeable to Account #500-1440-9606-5020, AND, BE IT FURTHER

RESOLVED, that following the completion of the updated Signal Warrant Analysis Report, this Town Board hereby directs the Town Engineer to submit said study to the NYSDOT for review in support of the Town's request for a traffic signal installation.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydell |
| ABSENT: | Alice Magierski |



2. RESOLUTION 2007-488

Award Contract for Realtor to Sell Former South Branch Library

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of property located at 2660 William Street formerly known as the South Branch Library, and

WHEREAS, said property is no longer needed by the Town and is surplus to the needs of the Town, and

WHEREAS, this Town Board wishes to arrange for the sale of such property and to retain a realty firm to assist us with the sale of the property, and

WHEREAS, by resolution dated July 30, 2007, this Town Board issued a Request for Proposals/Qualifications for a realtor/real estate company to provide such services to the Town of Cheektowaga, and

WHEREAS, proposals were received from three (3) realtors, and said proposals were reviewed and analyzed by this Town Board, and

WHEREAS, Pyramid Brokerage Company submitted a proposal to sell this property for a commission of 6%, and appears to be the most qualified and experienced realtor to submit a proposal, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to retain the services of Pyramid Brokerage Company to assist the Town in selling 2660 William Street, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Pyramid Brokerage Company to list and sell 2660 William Street on behalf of the Town.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydel |
| ABSENT: | Alice Magierski |



3. RESOLUTION 2007-489

Sale of Vacant Lot on Croydon Drive

Sponsored By: Jankowiak, Swiatek, Johnson Jr.

WHEREAS, the Town of Cheektowaga is the owner of a vacant lot (Sublot No. 118 of Como Subdivision/Map Cover 2331; a/k/a portion of Lauer Parkway, a/k/a S.B.L. No. 114.02-9-35) located on Croydon Drive between 83 Croydon Drive and 91 Croydon Drive, and

WHEREAS, Ronald and Theresa Rusin, owners of property at 83 Croydon Drive have requested that the Town of Cheektowaga sell them this property, and

WHEREAS, such property is useless to the needs of the Town of Cheektowaga except for needing access through such property to maintain a drainage area at the rear/east of such property, and

WHEREAS, the Assessor has determined that the value of this lot encumbered by the aforementioned easements to the Town of Cheektowaga, is \$9,100.00, and

WHEREAS, the Town is willing to sell Ronald and Theresa Rusin this lot, subject to the Town reserving a 30 foot-wide easement along the south and east sides of such property, NOW, THEREFORE BE IT

RESOLVED, that Lauer Parkway (a/k/a Sublot 118 of Map Cover 2331) be and hereby is abandoned as a Town highway, and BE IT FURTHER

RESOLVED, that this Town Board hereby approves the sale of said property, subject to 30 foot-wide easement along the east and south sides of the property, to Ronald F. Rusin and Theresa A. Rusin, for \$9,100.00, and, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and all other documents necessary to transfer said Town property to Ronald F. Rusin and Theresa A. Rusin, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

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

ATTACHMENTS:

Notice of Adoption of Reso Subject to Referendum (DOC)

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydel |
| ABSENT: | Alice Magierski |



4. RESOLUTION 2007-490

Acquisition of Foreclosed Property

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, the goals of the Community Development Block Grant program include neighborhood stability and the elimination of blighting influences on residential neighborhoods, AND

WHEREAS, Community Development funds have been budgeted for the acquisition of property in support of said goals, AND

WHEREAS, a fire-damaged, vacant property at 64 Glidden Street is available for sale, AND

WHEREAS, the Director of Community Development has recommended the acquisition of 64 Glidden Street in order to demolish said property and make the site available for a new housing opportunity, NOW THEREFORE BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a Contract for the purchase of said property in the amount of \$5,900 with Keystone Asset of Lansdale, Pennsylvania 19446, AND BE IT

FURTHER RESOLVED, that Community Development Block Grant funds will be utilized for this purchase.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydel |
| ABSENT: | Alice Magierski |



5. RESOLUTION 2007-491

Accept Tree Replacement Moneys for Rehm Road Patio Home Development

Sponsored By: Supervisor Jankowiak, Councilmember Swiatek

WHEREAS, as part of the development of a proposed patio home subdivision on the north side of Rehm Road, the developer needs to remove a number of trees on the 8,797 acre site, and

WHEREAS, under the Town's Tree Preservation Law, the developer must either make provision for new trees to be planted on the site, or else the Town Board can accept moneys from the developer for the purpose of town-wide tree reforestation, and

WHEREAS, with respect to the aforementioned subdivision, physical limitations prevent the replacement of trees on a one-for-one basis, and

WHEREAS, this Board has met with the developer of the aforementioned subdivision, and has agreed on an amount of money to be paid by the developer to the Town in lieu of replacement trees on-site, NOW, THEREFORE, BE IT

RESOLVED, that, in lieu of replacement trees on the aforementioned property, this Town Board hereby agrees to accept \$4,500.00 from the developer, said moneys to be deposited into a dedicated account established by the Town's Director of Administration and Finance for the purpose of town-wide reforestation efforts, and BE IT FURTHER

RESOLVED, that no tree removals shall take place until such time as the developer obtains the necessary approvals from the Town Engineer for clearing and grubbing.

| | |
|------------------|---|
| RESULT: | ADOPTED [5 TO 1] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Swiatek, Rogowski, Zydel |
| NAYS: | Thomas Johnson Jr. |
| ABSENT: | Alice Magierski |

**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on August 28, 2007, adopted a resolution authorizing the Town of Cheektowaga to convey Town-owned property located on the west side of Croydon Drive between 83 Croydon Drive and 91 Croydon Drive (a/k/a Sublot 118 of Map Cover 2331, a/k/a portion of Laure Parkway) to Ronald F. Rusin and Theresa A. Rusin for \$9,100.00.

A copy of such resolution 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: August 28, 2007

MARY F. HOLTZ
Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, September 4, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 4, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
John Marriott, Planning Board Member
Zigmund Kucewicz, Planning Board
Brian Hess, Assessor
Kenneth Kopacz, Executive Director of Youth and Recreation Services
Anthony Romano, Director of Employee Relations

II. Public Hearing at 6:30 PM

1. Special Permit Hearing -2810 Union Road

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2007-492

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | | |
|-------|--------------------|----------------------|----|-----------|
| FROM: | 100-1415-3500 | State Aid Archive | \$ | 29,664.00 |
| TO: | 100-1415-4001-1001 | Contractual Services | \$ | 5,000.00 |
| | 100-1415-4001-1002 | Contractual Services | | 24,530.00 |
| | 100-1415-4088-1002 | Travel & Training | | 134.00 |

HIGHWAY FUND

| | | | | |
|-------|---------------|-----------------------|----|-----------|
| FROM: | 300-1910-4589 | Federal Emergency Aid | \$ | 80,800.00 |
| TO: | 300-5110-4186 | Topsoil | \$ | 20,000.00 |
| | 300-5110-4589 | Federal Emergency Aid | | 60,800.00 |

SPECIAL DISTRICTS FUND

| | | | | |
|-------|---------------|---------------------------|----|------------|
| FROM: | 990-1910-2799 | Appropriated Fund Balance | \$ | 137,769.83 |
| TO: | 990-5182-2100 | Lighting Equipment | \$ | 137,769.83 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-493

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 31, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 3,174,935.08 |
| RISK RETENTION FUND | 79,782.32 |
| DEBT SERVICE FUND | 530,803.38 |
| HUD HOUSING REHABILITATION FUND | 11,157.63 |
| SPECIAL DISTRICT FUND | 1,230,756.33 |
| HIGHWAY FUND | 513,245.77 |
| CAPITAL FUND | 34,571.14 |
| TRUST & AGENCY FUND | 26,016.88 |
| HUD CDBG FUND | 2,429.00 |
| PART TOWN FUND | 134,630.16 |
| NYS AFFORDABLE HOUSING FUND | 2,210.00 |
| | <u>\$ 5,740,537.69</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-494

Approve Rezoning of 3795 & 3817 Broadway

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Kings Express petitioned for a rezoning from M1-Light Manufacturing District to M2-General Manufacturing District for property owned by 3813 Broadway, Inc. and located at 3795 and 3817 Broadway, Cheektowaga, New York (which property is described in the attached legal description) for a truck terminal expansion, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 13th day of August, 2007 at 6:30 P.M., after publication and service of the notices required by the provisions of the Code of the Town of Cheektowaga ("Zoning Law"), and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has reviewed such application and has recommended approval thereof, and

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

RESOLVED, that the application of Kings Express for the rezoning from M1-Light Manufacturing District to M2-General Manufacturing District of the property described in the attached legal description be and the same is hereby approved, and BE IT FURTHER

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

● *****

LEGAL DESCRIPTION

3795 BROADWAY

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot two (2), township eleven (11) range seven (7) of the Holland Land Company's Survey described as follows:

Beginning at a point in the center line of Broadway twenty (20) rods easterly from the westerly line of Lot Number two (2); running thence southerly parallel with the west line of Lot Number two (2) thirty - three and three hundredths (33.03) feet to the point on the south line of Broadway; running thence westerly along the southerly at an exterior angle of 87-43'20" a distance of two hundred sixteen and ninety - seven hundredths (216.97) feet to a point; running thence easterly parallel with the south line of Broadway two hundred forty and seventy

hundredths (240.70) feet to a point in the center line of Broadway; running thence westerly along the center line of Broadway two hundred twenty-five and sixty- nine hundredths (225.69) feet to the point or place of beginning.

3817 BROADWAY

ALSO, ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot two (2), township eleven (11) range seven (7) of the Holland Land Company's Survey described as follows:

BEGINNING at a point in the center line of Broadway, formerly known as Cayuga Creek Road, at a point distant 45 feet measured along the center line of said Broadway, westerly from the northeast corner of lands described in deed dated February 2, 1882, from Jacobini Entemann to John Stock, which said deed was recorded in the Erie County Clerk's Office in Liber 379 of Deeds at Page 336, February 16, 1882; running thence southerly on a line drawn parallel with the easterly line of the lands described in the aforesaid deed and distant 45 feet measured at right angles westerly therefrom to the northerly boundary line of lands of New York, Lackawanna & Western Railway Co., thence westerly along the northerly boundary line of the aforesaid railway company's land to a point marked by an iron pipe, where, a line drawn parallel with the easterly boundary line of the lands described in said deed to John Stock and distant 103 feet measured at right angles westerly therefrom would intersect said northerly line of said railway company's land, running thence northerly on a line parallel with the easterly line of lands described in the aforesaid deed distant 103 feet measured at right angles westerly therefrom to the center line of Broadway; thence easterly along the center line of Broadway for the distant of 58 feet to the point or place of beginning.

This resolution (Approval of Rezoning for 3795 & 3817 Broadway) was acted upon after resolution #6, (the Negative SEQR Declaration for 3795 & 3817 Broadway) during the meeting.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



4. RESOLUTION 2007-495

Award of Bid - Simsbury Drive & Donlen Drive Storm Sewer Installation/Road Reconstruction

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, a Notice to Bidders was published for the receipt of bids for Simsbury Drive and Donlen Drive Storm Sewer Installation/Road Reconstruction, which bids were duly received and opened on August 1, 2007 by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Simsbury Drive and Donlen Drive Storm Sewer Installation/Road Reconstruction be and hereby is awarded to L.J. Quigliano II, Inc., 2395 Lockport Road, Sanborn, New York 14132 for the total bid price of \$169,343.09, being the lowest bid meeting the requirements of the specifications for Bid Items A, B & C, 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 L.J. Quigliano II, Inc. for the aforesaid project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be funded with budgeted CDBG 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.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



5. RESOLUTION 2007-496

Negative SEQR Declaration - 4243 Genesee Street

Sponsored By: Councilmember Johnson Jr., 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 Benderson Development Co., LLC for the demolition of an existing hotel and the construction of (2) four story 130 room hotels at 4243 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 22, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of June 14, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan
2. The hotels have a brick facade consistent with the colored elevation drawings approved by the Planning Board.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-497

Negative SEQR Declaration- 3795 & 3817 Broadway

Sponsored By: Councilmember Johnson Jr., 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 Kings Express for the rezoning of 3817 & 3795 Broadway for the construction of a 15, 000 square foot expansion to an existing truck terminal and parking area expansion, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 22, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan and rezoning at their meeting of June 14, 2007 , AND

WHEREAS, the applicant has committed to removing the existing lawful non conforming residence at 3817 Broadway and adaptively re-using the historic structure at 3795 Broadway, and, is committed to prohibiting any future use of the properties for adult uses as shown on the attached correspondence, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan .
2. Changes are made to the accessible pedestrian route, to include the installation of a (5) five foot wide concrete walk from the public walk to the main building and the accessory building, with minimal use of pavement markings to complete the route.
3. Evidence is provided to the Law Department confirming the filing of a deed restriction prohibiting any future use as an "adult use" as defined in the Town's Zoning Law.

This resolution (Negative SEQR Declaration for 3795 & 3817 Broadway) was acted upon before resolution #3 (Approval of Rezoning for 3795 & 3817 Broadway) .

ATTACHMENTS:

3817 _3795 Broadway (PDF)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: Alice Magierski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



7. RESOLUTION 2007-498

Notice to Bidders - 2008 Chevrolet Cargo Van 1500

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga desires to purchase one (1) new and unused 2008 Chevrolet Cargo Van 1500, or equal, for use by the Buildings & Grounds Division, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said purchase of one (1) new and unused 2008 Chevrolet Cargo Van 1500, or equal, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk on the 19th day of September, 2007 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 by the Town of Cheektowaga on September 19, 2007 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2008 Chevrolet Express Cargo Van 1500, or equal.

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: September 4, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-499

Notice to Bidders - 2008 Ford F-550 Stake Truck

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga desires to purchase one (1) new and unused 2008 Ford F-550 Stake Truck, or equal, for use by the Parks Division, NOW, THEREFORE, BE IT

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with said purchase of one (1) new and unused 2008 Ford F-550 Stake Truck, or equal, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk on the 19th day of September, 2007 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 by the Town of Cheektowaga on September 19, 2007 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2008 Ford F-550 Stake Truck, or equal.

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: September 4, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-500

Request Assistance From State Officials Concerning Communications Tower At 111 Indian Road

Sponsored By: Jankowiak, Johnson Jr., Rogowski, Zydel, Swiatek, Jaworowicz, Magierski

WHEREAS, the New York State Office for Technology ("OFT") is currently seeking to implement the State Wireless Network ("SWN"), a government-operated public safety radio network in New York State, and

WHEREAS, as part of the SWN, the OFT has awarded a contract with M/ACOM, Inc. to construct communications facilities at various locations throughout the State for the SWN, and

WHEREAS, a 250 foot high lattice communications tower was constructed on property owned by the New York State Department of Transportation at 111 Indian Road in the Town of Cheektowaga, and

WHEREAS, under the State Environmental Quality Review Act ("SEQRA"), the OFT is required to review the potential environmental impacts of the SWN cell tower at 111 Indian Road, and, although the OFT supplied the Town of Cheektowaga with a copy of a Site Candidate Information Form and Visual Impact Assessment Report for the SWN, it did not adequately respond to the questions and concerns of the Town of Cheektowaga, the Village of Depew or our residents relating to this communications tower, and

WHEREAS, the Town of Cheektowaga believes that the OFT did not comply with SEQRA and has requested additional information from the OFT, and

WHEREAS, this Board feels that there will be a real and substantial negative impact to the residents of the Town of Cheektowaga and the Village of Depew, as well as area businesses, due to the extreme height and aesthetics of such a cell tower, and, by resolution dated July 30, 2007 officially went on record in opposition to such cell tower, and

WHEREAS, by resolution August 13, 2007, this Town Board directed the Building Inspector to issue a Stop Work Order for such tower, and

WHEREAS, despite such resolutions and the Town's repeated requests for information, including requests under the Freedom of Information Law, the OFT has ignored the Town and has continued to construct the communications tower, and

WHEREAS, this Town Board needs additional information concerning the SWN, and this tower and has reached an impasse with the OFT over said matters, and

WHEREAS, the SWN is a State-sponsored project, and this Board wants State officials to become involved and assist us with obtaining information concerning this project and the tower erected at 111 Indian Road, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby requests assistance and involvement from the following State offices and officials to provide the Town with additional information with respect to this matter:

Dennis H. Gabryszak, State Assemblyman
William T. Stachowski, State Senator
RoAnn Destito, State Assemblymember
Eliot Spitzer, State Governor
Andrew Cuomo, State Attorney General
NYS Office for Technology
Thomas P. DiNapoli, State Comptroller
New York State Department of Environmental Conservation
Office of the New York State Chief Information Officer
NYS Committee on Open Government
NYS Office of Homeland Security

, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the above referenced State officials.

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| RESULT: WITHDRAWN |
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10. RESOLUTION 2007-501

Support Introduction of State Legislation to Require State to Reimburse Local Governments for Lost Real Property Tax Revenues

Sponsored By: Jankowiak, Magierski, Rogowski, Swiatek, Jaworowicz, Zydel, Johnson Jr.

WHEREAS, Section 41.34 of the Mental Hygiene Law provides that community residences for the mentally and physically handicapped can be located in any community in New York State, and

WHEREAS, local municipalities are granted very limited ability under New York State law to object to the placement of these community residences within their boundaries, and

WHEREAS, although these community residences serve an important need for handicapped persons, State law provides that such residences are exempt from paying property taxes to the local government in which they are located, and

WHEREAS, at present, there are 15+ community residences in the Town of Cheektowaga, and

WHEREAS, according to assessment data for these residences, there is a loss of approximately \$80,000 each year in tax revenues because of these community residences, and

WHEREAS, in the past, a bill was introduced in the State Senate and Assembly to require the State to make payments-in-lieu of taxes to local governments for tax revenues lost due to community residences, but such bill was never approved, and

WHEREAS, this Board feels that such a bill would serve to reimburse local governments for lost tax revenues caused by the State mandated placement of community residences in the local government, and

WHEREAS, State Senator William T. Stachowski has stated that he is exploring the introduction of another bill to require the State to make tax payments to local governments for community residences, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby goes on record in favor of the enactment of State legislation to require the State to make payments to local governments for lost tax revenues caused by the establishment of community residences, and hereby memorializes the State Senate, Assembly and Governor to support such a bill, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Senator William T. Stachowski, Assemblyman Dennis H. Gabryszak and to Governor Eliot Spitzer.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-502

Unsafe-Unsecured-Pool/87 Yvonne Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 87 Yvonne Avenue, Cheektowaga, New York SBL# 80.19-2-48 that is a danger to the safety of others, and records kept by the Assessors Office identify Michael & Tammy Gordon, 87 Yvonne Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 87 Yvonne Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Richard Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



12. RESOLUTION 2007-503

Unsafe-Unsecured/2185 Walden Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2185 Walden Avenue, Cheektowaga, New York SBL# 102.04-1-24 that is a danger to the safety of others, and records kept by the Assessors Office identify 2185 Walden Partners, LLC, 1000 Chrysler Drive, Chrysler Realty Company LLC, Auburn Hills, MI 48326, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2185 Walden Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Richard Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-504

Youth and Recreation End Summer Terminations

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

| | | |
|----------------------|---|----------|
| --Joelle Gretch | - | 08/24/07 |
| --Kyle Leon | - | 07/31/07 |
| --Craig Mahalic | - | 08/24/07 |
| --Hilary Peacock | - | 08/16/07 |
| --Andrew Balash | - | 08/10/07 |
| --Nicholas Budzilo | - | 08/10/07 |
| --Tammy Giczkowski | - | 08/21/07 |
| --Lori Majewski | - | 08/21/07 |
| --Lauren Piekarski | - | 08/31/07 |
| --Lauren Szydolowski | - | 09/01/07 |
| --Merissa Ciesielski | - | 08/31/07 |
| --Maghan Eckle | - | 08/31/07 |
| --Daniel Badzinski | - | 08/31/07 |
| --Mandy Burton | - | 08/31/07 |
| --Randy Derfert | - | 08/31/07 |
| --Heather Giczkowski | - | 05/12/07 |
| --Sean Dalton | - | 08/11/07 |
| --Frank Zawodzinski | - | 08/31/07 |
| --Meggan Empric | - | 08/31/07 |
| --Lauren Fial | - | 08/31/07 |
| --Brandon Jarczewski | - | 08/31/07 |
| --Joel Jarnot | - | 08/31/07 |
| --Sean Keegan | - | 08/31/07 |
| --Kylie Mars | - | 08/31/07 |
| --Dana Kryszczak | - | 08/31/07 |
| --Laura Mazurkiewicz | - | 08/31/07 |
| --Kristin Mills | - | 08/04/07 |
| --Michael McMahan | - | 08/17/07 |
| --Jessica Szyjka | - | 08/31/07 |
| --Jessica Wales | - | 08/31/07 |
| --Mary Zelasko | - | 08/31/07 |
| --Andrew Waver | - | 08/17/07 |

Motion by Councilmember Magierski, second by Councilmember Jankowiak to waive the reading of the names on items 13 through 15, and the motion carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



14. RESOLUTION 2007-505

Youth and Recreational Services Hire/Transfers

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individual(s) listed below be and hereby are hired in the Department of Youth & Recreational Services, effective as indicated:

Regular part-time

Gymnastics - 7310.1630

Recreation Attendant - \$7.15

Katie Defilippo

14225

Regular part-time

Recreation Attendants - 7140.1614

Recreation Instructor - \$8.00

Diane Panasiewicz (immediately)

14227

BE IT FURTHER RESOLVED that the individuals listed below be and hereby are transferred and/or upgraded, effective as indicated:

From Seasonal to Regular Part-time

Recreation Attendant - 7140.1614

Recreation Attendant

Vicki Maslowski (immediately)

Transfer from:

(effective immediately)

Camp Dartwood - 7140.1632 to Adapted Recreation Program (ARP) - 7310.1803

Melissa Rogers

Kristy Rzesutek

Lauren Rzesutek

Camp JI-IK-DO-WAH-GAH - 7310.1801 to - 7310.1801 to ARP

Victor Nosal

Maribeth Stadelmeyer

Laura Gabryszak

Kristen Stadelmeyer

Brandon Schunke

Camp Crabapple - 7310.1802 to ARP

Barbara Walters

Laura Sheldon

Carly Rehac

Alex Ladowski
Nicole Habermehl
Kelly Walters

Camp Flamingo - 7310.1810 to ARP

Nicholas Czaplicki
DeYonca Porter
Mark Hannon
Melissa Litwin
Danielle Phillips
Katelynn Killian

Effective immediately

Pre-K - 7140.1664

Recreation Instructor - \$12.55
Mary Beth Seivert

Recreation Attendant - \$12.30
Laila Desjardins

Recreation Attendant - \$10.05
Ann Sheldon

Recreation Attendant - \$9.55
Nancy Fumerelle

Recreation Attendant - \$9.80
Sandra Suwalski

Recreation Attendant - \$8.80
Mary Beth Lunghino

From Part-time to Regular Part-time

Recreation Attendant - \$10.05
Michele Radlich

| | |
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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



15. RESOLUTION 2007-506

Part-Time/Seasonal Hire/Termination

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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 (Crime Resistance Unit) - Clerk - \$7.75 per hour</u> Joan V. Rosenberry Cheektowaga, NY | 08/20/07 |
| <u>POLICE DEPARTMENT (Central Records) - Student Assistant - \$7.15 per hour</u> Melissa E. Stroud Cheektowaga, NY | 09/04/07 |
| <u>SENIOR SERVICES - Recreation Attendant - \$8.00 per hour</u> Alice Palistrant Cheektowaga, NY | 08/27/07 |

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

| | <u>EFFECTIVE</u> |
|--|--|
| <u>POLICE DEPARTMENT</u> Megan L. Zack Cindy A. Green Shannon Lease Christopher Mekeel Deborah A. Weishaupt Jamie L. Przepiora | 12/31/06 07/27/07 07/13/07 11/02/03 08/17/07 07/12/07 |
| <u>SENIOR SERVICES</u> Paulette Niewczyk | 09/05/07 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



16. RESOLUTION 2007-507

Create One (1) Assistant Code Enforcement Officer Position

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates the position of Assistant Code Enforcement Officer pursuant to Civil Service Laws and Rules effective July 31, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-508

Reappointment of Town Assessor, Brian M. Hess

Sponsored By: Magierski, Jankowiak, Rogowski, Swiatek, Jaworowicz, Zydell, Johnson Jr.

WHEREAS, the term of office of Brian M. Hess as State Certified Assessor of the Town of Cheektowaga expires on the 30th day of September, 2007; AND

WHEREAS, Mr. Hess meets or exceeds the qualification standards for the Office of Assessor by the State Board of Equalization and Assessment; AND

WHEREAS, Mr. Hess has successfully completed prescribed courses of training and education, and has 32 years of experience, knowledge and training which enables him to perform the duties of Assessor in a manner most advantageous to the Town and its residents; NOW THEREFORE, BE IT

RESOLVED, that Mr. Brian M. Hess is hereby re-appointed to the position of Sole Assessor of the Town of Cheektowaga for a term commencing October 1, 2007 and ending September 30, 2013.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydell |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



18. RESOLUTION 2007-509

Appointment of Director of Senior Services, Competitive/Permanent, Kerry A. Switalski

Sponsored By: Magierski, Jankowiak, Rogowski

WHEREAS, Kerry A. Switalski was appointed provisionally by this Town Board to the position of Director of Senior Services in the Senior Services Department effective December 1, 2006; AND

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

WHEREAS, Erie County has established a valid civil service list for said title;
AND

WHEREAS, Kerry A. Switalski has qualified for permanent appointment to the title of Director of Senior Services; NOW, THEREFORE BE IT

RESOLVED, Kerry A. Switalski of Cheektowaga, New York, be and hereby is appointed to the permanent position of Director of Senior Services in the Senior Services Department at the annual salary of \$54,459 effective September 5, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, James Rogowski |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-510

Appointment of Recreation Leader (Senior Citizens), Senior Services Department, Competitive/Provisional, Camille Russell

Sponsored By: Magierski, Jankowiak, Rogowski

WHEREAS, Camille Russell was appointed provisionally by this Town Board to the position of Recreation Leader in the Senior Services Department effective March 19, 2007; AND

WHEREAS, this Town Board wishes to transfer Ms. Russell to the provisional position of Recreation Leader (Senior Citizens) in the Senior Services Department; NOW, THEREFORE BE IT

RESOLVED, Camille Russell of Cheektowaga, New York, be and hereby is appointed to the provisional position of Recreation Leader (Senior Services) in the Senior Services Department effective September 5, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, James Rogowski |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



20. RESOLUTION 2007-511

Appoint Member Veterans Affairs Committee

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, by resolution dated January 2, 2007, this Town Board appointed members to the Veterans Affairs Committee , and

WHEREAS, a vacancy exists on such Veterans Affairs Committee, and

WHEREAS, Jeff Sundquist has volunteered to serve on such Committee NOW, THEREFORE, BE IT

RESOLVED, that Jeff Sundquist of Depew, New York be and hereby is appointed as a member of the Veterans Affairs Committee, effective immediately and terminating on December 31, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



21. RESOLUTION 2007-512

Appoint Senior Public Safety Dispatcher, Police Department, Competitive/Permanent, Paul F. Hockwater

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the position of Senior Public Safety Dispatcher in the Police Department; AND

WHEREAS, said vacancy is in the competitive class of civil service; AND

WHEREAS, Paul F. Hockwater, appears on said civil service list and meets all of the qualifications for permanent appointment; THEREFORE, BE IT

RESOLVED, Paul F. Hockwater of Cheektowaga, New York, be and hereby is appointed to the permanent position of Senior Public Safety Dispatcher in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective September 5, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



22. RESOLUTION 2007-513

Appointment of Senior Clerk, Office of Town Assessor, Competitive/Permanent, Laurie Vail

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the title of Senior Clerk in the Office of the Town Assessor; AND

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

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

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

WHEREAS, said civil service list was canvassed and interviews were conducted; AND

WHEREAS, Laurie Vail appears on said list and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE BE IT

RESOLVED, Laurie Vail of Depew, New York, be and hereby is appointed to the position of Senior Clerk in the Office of the Town Assessor in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 4, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



23. RESOLUTION 2007-514

Travel Authorization, Community Development

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the HUD Affordable Housing Seminar will be held from September 12 through September 13, 2007 in Schenectady, New York; AND

WHEREAS, the Director of Community Development, Jerome Gabryszak, has requested authorization to attend said seminar; AND

WHEREAS, Mr. Gabryszak 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 \$475; AND

WHEREAS, these expenses have been budgeted by the Office of Community Development; NOW, THEREFORE, BE IT

RESOLVED, that the Director of Community Development, Jerome Gabryszak, be and hereby is authorized to attend the HUD Affordable Housing Seminar from September 12 through September 13, 2007 in Schenectady, New York.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Suspension of Rules

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| Motion by Councilmember Johnson, second by Councilmember Rogowski to suspend the rules to include the following four (4) items, and the motion carried. |
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1. RESOLUTION 2007-515

Call for Public Hearing to Amend Vehicle and Traffic Law Relating to Parking on Barbara Place

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

BE IT RESOLVED, that a public hearing on proposed amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga (Vehicle and Traffic) be held on September 17, 2007 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 6th day of September, 2007, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on September 17, 2007 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

BARBARA PLACE - West side: from the driveway at 24 Barbara Place to a point 150± north.

ARTICLE V, Schedules, Section 235-55, Schedule XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

BARBARA PLACE - West Side: from the driveway at 24 Barbara Place to a point 150± feet north, no parking - 8:00 A.M. to 4:00 P.M.

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

Dated: September 4, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-516

Call for Public Hearing Local Law Intro No. 2007-5 Special Review Zoning District/Moratorium

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town of Cheektowaga has regulations under its Zoning Law, relating to "Adult Uses" (i.e., adult bookstores, cabarets, adult entertainment, etc.), and

WHEREAS, said regulations have not been updated in years, and there is a concern that these types of adult use businesses could locate in neighborhoods where families and children regularly visit and/or reside, and

WHEREAS, the Town needs time to study making revisions to the Zoning Law and/or other laws to protect Town residents and visitors to the Town, and

WHEREAS, this Board needs to consider placing a moratorium on the issuance of any permits/approvals by the Town for adult uses in the Town, and

WHEREAS, the courts have held that a local legislature may, by interim or stop-gap ordinance or local law, stop for a reasonable time the commencement of certain uses under immediate consideration for revision of regulations or legislation until proper review of zoning takes 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 interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2007-5 of the Year 2007, entitled "A Local Law creating a Special Review Zoning District" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 17th day of September, 2007 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2007-5 of the Year 2007, entitled "A Local Law creating a Special Review Zoning District". A summary of such Special Review Zoning District Law is as follows:

SPECIAL REVIEW ZONING DISTRICT LAW

- 1. For a period of ninety (90) days, the following type of business use is declared to be a

Special Review Zoning District:

Any adult use, as defined in the Zoning Law (including adult bookstore, adult cabaret, adult entertainment establishment, adult motion-picture theater, massage establishment and steam bath establishment). This Special Review Zoning District shall encompass the entire boundary of the Town of Cheektowaga, excluding the Villages of Sloan and Depew.

2. All departments, agencies and authorities of the Town Of Cheektowaga shall withhold the issuance of any permits or approvals for the construction of any new structures or additions to any existing structures on all properties described in subdivision one hereof.
3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this law upon the Town Board's determination, in its absolute discretion, that such variance or modification, is consistent with the Town's comprehensive master plan, the Harlem-Kensington-Cleveland Master Plan and with the health, safety, morals and general welfare of the Town.

All parties in interest and citizens will be given an opportunity to be heard in regard to such proposed moratorium on the issuance of permits and approvals in this Special Review Zoning District.

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

Dated: September 4, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-517

Issue Request for Proposals for Comprehensive Plan

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, the Town of Cheektowaga desires to prepare a new comprehensive plan for the future development of the community, and

WHEREAS, the Town's current comprehensive plan was adopted in 1992 and is in need of updating, and

WHEREAS, by resolution dated July 17, 2006, this Town Board authorized the Office of Building Inspections to start soliciting consultants for their qualifications for this project, and

WHEREAS, a Request for Qualifications was issued for a comprehensive plan, and applicants submitted their information, and

WHEREAS, the Zoning and Petitions Committee reviewed the submittals, narrowed down the list of qualified prospective candidates, and invited them in for review of their qualifications, and

WHEREAS, the field of prospective candidates was narrowed down to four (4) firms, and

WHEREAS, this Town Board now wishes to issue a Request for Proposals for these firms to submit their proposals to prepare a comprehensive plan, and

WHEREAS, a Request for Proposals has been prepared, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Request for Proposals for the Town of Cheektowaga Comprehensive Plan, and BE IT FURTHER

RESOLVED, that the Office of Building Inspections forward such Request for Proposals to the following four (4) firms:

- Ø Wendel Duchsherer
- Ø Behan Planning Associates, LLC
- Ø Clark Patterson Associates
- Ø URS Corporation

and BE IT FURTHER

RESOLVED, that Proposals for the Town of Cheektowaga Comprehensive Plan shall be due no later than September 24, 2007 at 11:00 A.M. at the Town Clerk's Office, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is appointed as the officer to open the proposals in the Council Chambers of the Town Hall on September 24, 2007 at 11:00 a.m.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



4. RESOLUTION 2007-518

Authorize Agreement with Erie County for Rails to Trails Project

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga previously received Federal grants to construct a Rails to Historic Trails multi-use pathway/trail in the Town, and

WHEREAS, a portion of this path will be constructed along Como Park Boulevard, and

WHEREAS, this portion of the trail (from Stiglmeier Park to Union Road) will be constructed as a second phase/project in conjunction with road reconstruction work being done by the County of Erie, and

WHEREAS, pursuant to Federal guidelines, the County of Erie, as owner of Como Park Boulevard, needs to be the project sponsor for this second phase/project, and

WHEREAS, by resolution dated February 6, 2006, this Town Board committed to providing funding in the amount of \$224,000 (\$179,000 from the Federal grant plus \$45,000 from the Town) in order to convince the County of Erie to act as project sponsor, to be used towards a portion of the project for the trail, and

WHEREAS, the County of Erie has notified the Town that it wants the Town of Cheektowaga to execute an agreement(s) with the County of Erie relating to this project, the issuance of a permit from the County to the Town, and the Town's commitment to maintain the trail portion of Como Park Boulevard, and to indemnify the County of Erie from liability associated with our trail system on its roadway, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby re-commits to the use of \$224,000 to the County of Erie for trail-related work along Como Park Boulevard from Indian Road to Union Road, and that the Town forward its check for \$45,000 to the County of Erie forthwith, and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes and directs the Town Supervisor to execute any and all agreements with the County of Erie to address maintenance, liability, signage, road markings, etc. to enable the Town's trail to be located on Como Park Boulevard; said agreement to be subject to approval as to form by the Town Attorney's Office.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds: July 2007
2. Cheektowaga Conservation Advisory Council: Minutes of August 2, 2007 Meeting
3. Cheektowaga Environmental Advisory Committee: Minutes of August 1, 2007 Meeting
4. Cheektowaga Planning Board: Minutes of August 9, 2007 Meeting
5. Cheektowaga Traffic Safety Commission: Minutes of July 17, 2007 Meeting

B. General Communications

1. Notice of Petition for Review of Assessment: LJS Union LLC/Crown Atlantic Company, LLC Vs. Assessor of Cheektowaga, Board of Assessment Review and Town of Cheektowaga
2. Notice of Petition for Review of Assessment: Buffalo Distribution Inc./Crown Atlantic Company, LLC Vs Assessor of Cheektowaga, and Board of Assessment Review
3. Notice of Claim: Douglas J. Karalus Vs. Town of Cheektowaga
4. Notice of Claim: Susan Dubuque Vs Town of Cheektowaga
5. Notice of Claim: Geraldine Poncha Vs Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Closing

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| Motion by Councilmember Johnson, second by Councilmember Rogowski to adjourn the meeting. |
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3813 Broadway Inc.

3813 Broadway Cheektowaga, New York 14227

To Mr Ulatowski and whom it mat concern
Zoning Inspector
Office of Building Inspections
Town of Cheektowaga
3301 Broadway
Cheektowaga, NY 14227

Subject : 3817 Broadway and 3795 Broadway

Dear Dan:

Please except this letter from 3813 Broadway Inc. as a agreement that when the current tenant moves out of the residential home located at 3817 Broadway Cheektowaga, N.Y.14227. We will prohibit any future residential adult use, and the building will either converted to commercial office or the building will be taken down.

3795 Broadway is currently a commercial building and is being looked at for future renovation as offices. It is not residential and 3813 Broadway Inc will prohibit any future residential adult use.

Michael King
President
3813 Broadway Inc
716-818-2004



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, September, 11, 2007

5:00 PM

Council Office

I. Call to Order

5:00 PM Meeting called to order on September 11, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydell | Town of Cheektowaga | Councilmember | Present | |

II. Resolutions



1. RESOLUTION 2007-519

Approve Payment In Lieu of Taxes Agreement for Collegiate Village of Western New York

Sponsored By: Johnson Jr., Jankowiak, Rogowski, Swiatek, Jaworowicz, Magierski, Zydel

WHEREAS, by resolution dated June 26, 2007, this Town Board approved a Payment in Lieu of Taxes ("PILOT") agreement with MSH-Kenmore LLC for a project located at 105 Kenville Road (existing Kensington Village Apartments) to be developed by MSH-Kenmore, LLC (the "Developer"); subject to the approval of the Town Assessor and Town Attorney, and

WHEREAS, the Project consists of the acquisition and rehabilitation of an existing apartment complex into student housing on an approximately 50 acre site located at 105 Kenville Road in the Town of Cheektowaga, utilizing funding obtained through bonds issued by the Village of Kenmore Housing Authority (the "Authority"), and

WHEREAS, the Developer has changed from MSH-Kenmore LLC to WNY Student Housing LLC, a limited liability company whose sole member is Villa Maria College of Buffalo, and

WHEREAS, the Project has also changed in that the underlying land ("Land") will continue to be owned by Ken-Vil Associates and the apartment buildings and community center buildings (collectively referred to as "Buildings") will be owned by WNY Student Housing LLC, and

WHEREAS, the Developer has notified the Town that the name of the development will be Collegiate Village of Western New York, and

WHEREAS, the Land will be fully taxable, but it has been determined that the Buildings qualify for a property tax exemption under Section 420-a of the Real Property Tax Law, and

WHEREAS, WNY Student Housing LLC is willing to enter into a PILOT Agreement with respect to the Buildings whereby it will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Town Board for approval, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby concurs that that the Buildings are exempt from real property taxes under the New York State Real Property Tax Law, and that the proposed P.I.L.O.T. agreement is acceptable, and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga is hereby authorized and directed to execute and deliver the aforementioned PILOT Agreement on behalf of the Town of Cheektowaga; and BE IT FURTHER

RESOLVED, that this resolution replaces in its entirety the aforementioned resolution dated June 26, 2007 (Resolution Number 2007-395)

Resolution Numbers 2 & 3 (2007-520 and 2007-521) were acted upon before this Resolution, Number 1, 2007-519 at this Town Board Meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-520

Request Kenmore Housing Authority to Issue Bonds for and Authorize Supervisor to Execute Agreement of Cooperation for Collegiate Village of Western New York Project

Sponsored By: Johnson Jr., Jankowiak, Rogowski, Swiatek, Jaworowicz, Magierski, Zydel

WHEREAS, WNY Student Housing LLC (the "Company"), a nonprofit limited liability company duly formed and validly existing under the laws of the State of Delaware and qualified to do business in the State of New York as a nonprofit business entity, the sole member of which is Villa Maria College of Buffalo, a New York not-for-profit educational institution, is proposing to acquire and rehabilitate an apartment complex into student housing units (the "Project") on an approximately 50 acre site located at 105 Kenville Road (the "Site") in the Town of Cheektowaga (the "Town"); and

WHEREAS, the Company has advised the Town that the financing of the Project would be facilitated by the issuance of up to \$100 million of tax-exempt multi-family housing bonds (the "Bonds") by a "public housing agency" (or agency or instrumentality thereof) pursuant to Section 41 of the New York Public Housing Law; and

WHEREAS, under Section 55 of the New York Public Housing Law, the Town is permitted to assist the Company in procuring such financial assistance; and

WHEREAS, the Village of Kenmore Housing Authority (the "Authority") has expressed a willingness to assist the Town and the Company with the Project by issuing the Bonds; and

WHEREAS, such assistance is permitted under Section 37(1)(aa) of the New York Public Housing Law; and

WHEREAS, the Town previously (Resolution No. 2007-393 adopted on June 26, 2007) invited the Authority to provide such assistance at a time when the Company was named MSH - Kenmore, LLC and prior to Villa Maria College of Buffalo becoming the sole member of the Company, the Town wishes to formally request such assistance for the Project as so reconstituted;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, AS FOLLOWS:

Section 1. As permitted by Section 37(1)(aa) of the New York Public Housing Law, the Town hereby requests that the Authority act as the issuer of the Bonds for the purpose of financing the costs of the Project.

Section 2. The Supervisor, upon consultation with the Town Attorney, enter into an Agreement of Cooperation with the Authority and the Owner, containing such terms and conditions as the Supervisor may deem necessary or advisable in order to facilitate the construction of the Project.

Section 3. This resolution shall take effect immediately.

, and BE IT FURTHER

RESOLVED, that this resolution shall supersede the aforementioned resolution dated June 26, 2007 (Resolution No. 2007-393)

This resolution, Number 2, 2007-520 and the following resolution, Number 3, 2007-521 were acted upon before resolution Number 1, 2007-519 at this Town Board Meeting.

ATTACHMENTS:

Agreement of Cooperation with WNY Student Housing LLC & Kenmore Housing Authority
(DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: James Jankowiak, Supervisor

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



3. RESOLUTION 2007-521

Approval of Collegiate Village of Western New York and Approve Kenmore Housing Authority to Issue Bonds

Sponsored By: Johnson Jr., Jankowiak, Rogowski, Swiatek, Jaworowicz, Magierski, Zydell

WHEREAS, the Village of Kenmore Housing Authority (the "Authority") was established pursuant to Article III of the New York Public Housing Law (the "Enabling Act"), which Enabling Act grants and defines the powers and purposes of municipal housing authorities in the State of New York (the "State"), and Chapter 428 of the 1970 Laws of New York, as amended, constituting Section 525 of the New York Public Housing Law (collectively with the Enabling Act, the "Act"); and

WHEREAS, the Authority is authorized and empowered by the Act to promote the providing of adequate, safe and sanitary low-rent housing accommodations for persons who qualify for such accommodations under the Act; and

WHEREAS, to accomplish its stated purposes, the Authority is authorized and empowered under the Act to issue its revenue bonds to finance the cost of the acquisition of one or more "projects" (as defined in the Act); and

WHEREAS, to accomplish the provision and preservation of a significant number of safe, sanitary and affordable dwelling units for persons who qualify for such units under the Act in the Town of Cheektowaga (the "Town"), WNY Student Housing LLC (the "Company"), a limited liability company whose sole member is Villa Maria College of Buffalo, has made application to the Authority requesting that the Authority undertake a project (the "Project") consisting of the following: (A) the acquisition by the Authority of a leasehold interest (the "Leasehold") in an approximately 50 acre parcel of land located at 105 Kenville Road in the Town of Cheektowaga, Erie County, New York (the "Land"), together with certain residential buildings and related improvements (collectively, the "Facility") to be rehabilitated by the Company on the Land, and the acquisition of certain equipment and other personal property related thereto (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute an approximately 1,348 bed apartment complex for lease to persons who qualify for such units under applicable law; (B) the establishment of a debt service reserve fund for the Bonds, as hereinafter defined; (C) the payment of interest to accrue on the Bonds through August 1, 2009; (D) the payment of marketing costs associated with the opening of the Project; (E) the financing of all or a portion of the costs of the foregoing by the issuance of tax-exempt revenue bonds of the Authority in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to be approximately \$100,000,000 (the "Bonds"); (F) the granting exemptions from mortgage recording taxes with respect to the foregoing; and (G) the sublease of the Project Facility to the Company; and

WHEREAS, the Authority was created for the benefit of the Village of Kenmore (the "Village"); and

WHEREAS, the Project is to be located in the Town, and the Town does not have a housing authority created under the Enabling Act to serve the citizens of the Town; and

WHEREAS, although Section 31 of the Act provides that the jurisdiction of the Authority is normally limited to the territorial limits of the Village, Section 37(1)(aa) of the Act allows the Authority to undertake a project for the benefit of the Town if the Town and the Authority shall enter into an agreement of cooperation whereby the Authority agrees to assist the Town in the construction, maintenance, operation or management of such project; and

WHEREAS, by resolution adopted by the Town Board of the Town on September 11, 2007 (the "Town Invitation Resolution"), the Town (A) requested that the Authority act as issuer of the Bonds for the purpose of financing the costs of the Project, (B) requested that the Authority assist in the acquisition, maintenance, operation and management of the Project Facility and (C) authorized the Town Supervisor to enter into an agreement of cooperation (the "Cooperation Agreement") by and among the Town, the Authority and the Company; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended (the "SEQR Act"), and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (the "SEQR Regulations", and collectively with the SEQR Act, "SEQR"), the Town has determined that the Project will not have a significant effect on the environment and therefore has issued a negative declaration for purposes of SEQR; and

WHEREAS, Section 39 of the Act may require that the Town approve the Project; and

WHEREAS, the Town Board has been advised by the Authority that the Authority proposes to issue, subsequent to the adoption of this resolution, the Bonds from time to time in a principal amount sufficient to fund all or a portion of the cost of acquiring the Project Facility together with incidental costs in connection therewith, which principal amount is presently estimated to be up to \$100,000,000; and

WHEREAS, the Company has requested that interest on the Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 145(a) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excludable from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by this Town Board after the Authority has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, on August 22, 2007, the Authority held a public hearing to consider both the issuance of the proposed Bonds and the nature and location of the proposed Project, and a report of said public hearing has been made available to each member of the Town Board prior to this meeting; and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes; and

WHEREAS, the Town previously approved the issuance of Bonds by the Authority to provide such assistance at a time when the Company was named MSH - Kenmore, LLC and prior to Villa Maria College of Buffalo becoming the sole member of the Company, and the Town therefore wishes to adopt this resolution superseding such previous resolution in order to reflect the current ownership of the Company;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, AS FOLLOWS:

Section 1. For the sole purpose of complying with the requirements of Section 39 of the Act, the Town Board hereby approves the Project.

Section 2. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145(a) of the Code, the Town Board, as the elected legislative body of the Town of Cheektowaga, New York, hereby approves the issuance by the Authority of the Bonds, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Authority and shall never be a debt of the State of New York, the Town of Cheektowaga, New York or any political subdivision thereof (other than the Authority), and neither the State of New York, the Town of Cheektowaga, New York nor any political subdivision thereof (other than the Authority) shall be liable thereon.

Section 3. This resolution shall take effect immediately.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

III. Closing

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| Motion by Supervisor Jankowiak, seconded by Councilmember Johnson to adjourn the meeting. |
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AGREEMENT OF COOPERATION

THIS AGREEMENT, dated as of _____, 2007, among the Town of Cheektowaga, New York, a municipal corporation of the State of New York, having its principal office at Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227 (the "Town"), the Village of Kenmore Housing Authority, a municipal housing authority having its principal office at 657 Colvin Boulevard, Kenmore, New York (the "Authority"), and WNY Student Housing LLC (the "Company"), a Delaware limited liability company having an office at 240 Pine Ridge Road, Buffalo, New York 14225.

WHEREAS, the sole member of the Company is Villa Maria College of Buffalo, a New York not-for-profit educational institution; and

WHEREAS, the Company proposes to acquire and rehabilitate an apartment complex located at 105 Kenville Road in the Town of Cheektowaga, Erie County, New York into a student housing project (the "Project"); and

WHEREAS, the Company has advised the Town that the financing of the Project would be facilitated by the issuance of tax-exempt private activity bonds (the "Bonds") by a "public housing agency" (or agency or instrumentality thereto) pursuant to section 41 of the Public Housing Law; and

WHEREAS, as special obligations of the Authority payable solely out of the revenues, receipts and other payments derived from or in connection with the Project, the Bonds would not be a debt of the United States of America, the State of New York, the County of Erie, the Village of Kenmore or the Town of Cheektowaga, New York; and

WHEREAS, pursuant to the terms of an Underlying Lease to Issuer (the "Underlying Lease"), the proceeds of the Bonds would be advanced by the Authority to the Company to provide the financing for the Project; and

WHEREAS, pursuant to the terms of a Lease Agreement (the "Lease Agreement"), the Authority would lease the Project to the Company in exchange for, among other things, the Company's promise to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall become due and payable; and

WHEREAS, under the provisions of Section 37(1)(aa) of the Public Housing Law of the State of New York, the Authority is empowered to enter into an agreement of cooperation with a municipality which need not be within the territorial jurisdiction of the Authority to assist such municipality in the construction, maintenance, operation or management of a housing project; and

WHEREAS, by a resolution duly adopted by its Town Board on September 11, 2007, the Town has authorized and requested the Authority to act as the issuer of the Bonds for the purpose of financing the costs of the Project; and

WHEREAS, by a resolution duly adopted by its Board on _____, 2007, the Authority has agreed to act as the issuer of the Bonds for the Project; and

WHEREAS, under the provisions of Section 37 of the Public Housing Law, the Authority is empowered to, among other things, manage and operate low-income housing projects, make and execute contracts and other instruments necessary or convenient to the exercise of its powers and enter into contracts and otherwise cooperate in the provision of housing services to persons of low income;

NOW, THEREFORE, the parties hereto agree as follows:

Article 1. Undertakings on the Part of the Authority. Based upon the statements, representations and undertakings of the Company and the Town, and subject to the conditions set forth herein, the Authority agrees as follows:

1.01. The Authority has approved the issuance, sale and delivery of the Bonds pursuant to the New York State Public Housing Law.

1.02. The Authority has adopted or will adopt such proceedings and has authorized or will authorize the execution of such documents as may be necessary or advisable for (i) the authorization, issuance, sale and delivery of the Bonds and (ii) the execution of the Underlying Lease and the Lease Agreement (collectively, the "Project Leases") as authorized by law and be mutually satisfactory to the Authority, the Company and the purchaser(s) of the Bonds.

1.03. The Authority has approved the Project Leases. The Lease Agreement shall obligate the Company to make aggregate basic payments in an amount at least sufficient to pay the principal of, premium, if any, and interest on the Bonds as and when the same shall become due and payable. The Project Leases shall contain all provisions required by law and such other provisions as shall be mutually satisfactory to the Authority, the Company and the purchaser(s) of the Bonds.

1.04. The Company may proceed with the acquisition, rehabilitation, renovation and equipping of the Project, and advance such funds as may be necessary to accomplish such purposes and, to the extent permitted by law, the Authority agrees to approve the reimbursement of the Company therefor from the proceeds of the Bonds.

1.05. The Authority will take or cause to be taken such other acts and adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in pursuance thereof.

Article 2. Undertakings on the Part of the Company. Based upon the statements, representations and undertakings of the Authority and the Town and subject to the conditions set forth herein, the Company agrees as follows:

2.01. The Company will use all reasonable efforts to find or cause to be found one or more purchasers for the Bonds.

2.02. Contemporaneously with the delivery of the Bonds, the Company will enter into the Project Leases with the Authority containing the terms and conditions described in Section 1.03 hereof and such other financing agreements, indentures and related agreements as shall be necessary or appropriate so that the Company will be obligated to pay sums sufficient to pay the principal of, premium, if any, and interest on the Bonds.

2.03. With the exception of the authorizations required to be adopted by the Authority in order to approve issuance of the Bonds, the Company agrees that it will comply with the requirements of all federal, state and local law, rules and regulations of whatever kind and howsoever denominated applicable to the Authority, the Town and the Company with respect to the Project and the rehabilitation, financing, equipping, operation and maintenance thereof.

Article 3. Undertaking on the Part of the Town. Based upon the statements, representations and undertakings of the Authority and the Town and subject to the conditions set forth herein, the Town agrees as follows:

3.01 The Town will adopt such proceedings and authorize the execution of such documents as may be necessary or advisable for the authorization, issuance, sale and delivery of the Bonds.

Article 4. General Provisions.

4.01. It is understood and agreed by the Authority, the Company and the Town that the issuance of the Bonds and the execution of the Project Leases and related documents are subject to (i) obtaining all necessary governmental approvals; (ii) approval by the Authority, the Village of Kenmore and the Town; (iii) approval by the Company; (iv) agreement by the Authority, the Company and the purchaser(s) of the Bonds upon mutually satisfactory terms for the Bonds (and any such additional bonds) and for the sale and delivery thereof and mutually satisfactory terms and conditions for the Project Leases; and (v) the condition that there are no changes in New York State Law, including regulations, which prohibit or limit the Authority from fulfilling its obligations hereunder.

4.02. This Agreement of Cooperation may be executed in multiple counterparts, each of which when taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have entered in this Agreement as of the day and year first above written.

TOWN OF CHEEKTOWAGA, NEW YORK

By: _____
James J. Jankowiak, Supervisor

VILLAGE OF KENMORE HOUSING
AUTHORITY

By: _____
Sam Cardino, Chairman

WNY STUDENT HOUSING LLC

By: _____
Name:
Title:

-#1103795



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, September, 17, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 17, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Brian Hess, Assessor
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
Anthony Romano, Coordinator of Employee Relations
John Marriot, Planning Board

II. Public Comment Period

III. Public Hearings at 7:00 pm

1. Amend Vehicle and Traffic Law Relating to Parking on Barbara Place

This being the time and place advertised for a public hearing regarding Amending Traffic Ordinance for Barbara Place. 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.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

2. Local Law Intro No. 2007-5

Special Review Zoning District/Moratorium

This being the time and place advertised for a public hearing regarding Local Law 2007-5 Special Review Zoning District Law. The Supervisor directed the Town Clerk to present that such notice was duly published and posted; upon the order of the Supervisor such proof was duly filed.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Jeff Swiatek, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

IV. Resolutions



1. RESOLUTION 2007-522

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 7, 2007 are hereby approved and made a part hereof;

| | |
|-----------------------------|-----------------|
| General Fund | \$165,879.75 |
| Risk Retention Fund | 18,149.43 |
| HUD Rehabilitation Fund | 6,360.00 |
| Special Districts Fund | 472,671.94 |
| Highway Fund | 42,571.71 |
| Capital Fund | 69,094.49 |
| Trust & Agency Fund | 2,969.93 |
| CDBG HUD Fund | 2,291.83 |
| Part Town Fund | 2,818.32 |
| NYS Affordable Housing Fund | <u>1,475.00</u> |
| | \$ 784,282.40 |

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: James Jankowiak, Supervisor

SECONDER: Patricia Jaworowicz, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



2. RESOLUTION 2007-523

Negative SEQR Declaration - Torellas Chicken & Pizza - 2810 Union Road

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

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 Thomas A. Torella, President Torellas Chicken and Pizza for a special use permit to permit the sale and consumption of alcoholic beverages within an existing restaurant located at 2810 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 22, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the special permit request at their meeting of August 9, 2007, AND

WHEREAS, the applicant has agreed to limit all dining and beverage consumption to the interior of his building, 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,

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-524

Negative SEQR Determination - Adult Use Moratorium

Sponsored By: Councilmember Johnson Jr., 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, this Town Board is concerned that its existing land use law which regulates adult entertainment businesses does not adequately protect the health safety and general welfare of the residents of the Town of Cheektowaga or its merchants, AND

WHEREAS, this Town Board desires to enact a moratorium on the approval of any new adult use in the Town of Cheektowaga, until it has had an opportunity to evaluate proposed changes to its adult use regulations, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 12, 2007 supports the adoption of a moratorium, AND

WHEREAS, This Town Board held a public hearing on this day to allow all interested parties to be heard on this matter, AND

WHEREAS, a review of Part 617, section 617.5 (c)(30) of the NYSDEC Regulations for the State Environmental Quality Review Act (SEQRA) designates the subject action as a Type II action not requiring a review pursuant to SEQRA, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board determines that the adoption of a moratorium on the establishment of new adult businesses will not have a significant effect on the environment.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-525

Negative SEQR Declaration - 5090-5100 Genesee Street

Sponsored By: Councilmember Johnson Jr., 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 Genesee Transit Holding VII, LLC for the construction of an (1,800) eighteen hundred square foot restaurant and a (2,520) two thousand five hundred and twenty square foot retail building at 5090-5100 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 12, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of September 13, 2007, AND

WHEREAS, the applicant's site plan requires area variances for parking setbacks and required parking dimensional standards which is pending before the Town of Cheektowaga Zoning Board of Appeals, AND

WHEREAS, the applicant has agreed to prohibit any additional restaurant use as shown on the attached letter dated August 24, 2007

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 BE IT

FURTHER RESOLVED, the proposed site plan dated August 29, 2007 is found to be acceptable subject to :

1. The Town Zoning Board of Appeals granting the necessary variances.
2. The Town Engineer reviewing and approving the drainage/grading plan.
3. The Town Traffic Safety Commission concurring with the applicant's recent modifications to the interior vehicular circulation plan.

ATTACHMENTS:

5090_5100 Genesee (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



5. RESOLUTION 2007-526

Adopt Amendments to Vehicle and Traffic Law

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, this Town Board held a public hearing on September 17, 2007 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, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

BARBARA PLACE - West side: from the driveway at 24 Barbara Place to a point 150± north.

ARTICLE V, Schedules, Section 235-55, Schedule XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

BARBARA PLACE - West Side: from the driveway at 24 Barbara Place to a point 150± feet north, no parking - 8:00 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.

MOTION BY COUNCILMEMBER JOHNSON, SECONDED BY COUNCILMEMBER ROGOWSKI TO AMEND THE RESOLUTION AS FOLLOWS, AND THE VOTE WAS UNANIMOUS.

WHEREAS, this Town Board held a public hearing on September 17, 2007 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, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

BARBARA PLACE - West side: from the driveway at 24 Barbara Place to a point 150± north.

ARTICLE V, Schedules, Section 235-55, Schedule XVI: No Parking Certain Hours, shall be amended by adding thereto the following:

BARBARA PLACE - West Side: from the driveway at 24 Barbara Place to a point 150± feet north, no parking - 8:00 A.M. to 4:00 P.M. Monday through Friday.

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.

| | |
|------------------|---|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-527

Approve Special Permit for 2810 Union Road

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Torella's Enterprises, Inc., applied for a Special Permit to serve alcoholic beverages in an existing restaurant located at 2810 Union Road, Cheektowaga, New York pursuant to Sections 260-31(A)(1)(d)[1] and 260-47 of the Code of the Town of Cheektowaga ("Zoning Law"), and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 4th day of September, 2007 at 6:30 P.M. of said day for the purpose of considering said application for a Special Permit, after publication and service of the notices required by the provisions of the Zoning Law and the Town Law; and all interested parties were given an opportunity to be heard at such hearing, and

WHEREAS, the Cheektowaga Planning Board has recommended approval subject to the condition that there be "no outside drinking", and

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA for this project, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid Special Permit be and hereby is granted, subject to the condition that there be no outside sale or consumption of beverages or food on the property.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



7. RESOLUTION 2007-528

Enact Local Law No. 5 of 2007 Special Review of Zoning District

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town of Cheektowaga has regulations under its Zoning Law relating to "Adult Uses" (i.e., adult bookstores, cabarets, adult entertainment, etc.), and

WHEREAS, said regulations have not been updated in years, and there is a concern that these types of adult use businesses could locate in neighborhoods where families and children regularly visit and/or reside, and

WHEREAS, the Town needs time to study making revisions to the Zoning Law and/or other laws to protect Town residents and visitors to the Town, and

WHEREAS, this Board needs to consider placing a moratorium on the issuance of any permits/approvals by the Town for adult uses in the Town, and

WHEREAS, the courts have held that a local legislature may, by interim or stop-gap ordinance or local law, stop for a reasonable time the commencement of certain uses under immediate consideration for revision of regulations or legislation until proper review of zoning takes place, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 17th day of September, 2007 at 6:30 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2007-5 of the Year 2007, entitled "A Local Law Creating a Special Review Zoning District" to create a moratorium on the issuance of any permits/approvals for adult uses for 90 days, should be enacted, and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Law Creating a Special Review Zoning District, NOW, THEREFORE, BE IT

NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 5 of the Year 2007, entitled "A Local Law Creating a Special Review Zoning District", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 5 of the Year 2007 shall take effect immediately upon filing with the Secretary of State.

ATTACHMENTS:

Moratorium adult uses (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: Alice Magierski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



8. RESOLUTION 2007-529

Award Contracts for Workers' Compensation Self Insured Claims Administration and Loss Control Services

Sponsored By: Swiatek, Johnson Jr., Jaworowicz, Jankowiak, Zydel, Rogowski, Magierski

WHEREAS, the Town of Cheektowaga is self-insured for purposes of Workers' Compensation insurance, and

WHEREAS, the Town of Cheektowaga retains outside consultants to administer the Town's self-insured Workers' Compensation program, and also to provide loss control services to the Town, and

WHEREAS, the Town's existing contract for Workers' Compensation Administration and Loss Control Services has expired, and

WHEREAS, the Town's Insurance Consultant issued a Request for Proposals for Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services, and

WHEREAS, proposals were received and evaluated by Holfoth Risk Management, the Town's insurance consultant, and

WHEREAS, this Board also reviewed and discussed the proposals submitted, NOW, THEREFORE, BE IT

RESOLVED, that the Contract for Workers' Compensation Self-Insured Claims Administration be and hereby is awarded to First Niagara Risk Management, Inc., effective November 1, 2007 and terminating on December 31, 2010 (unless terminated earlier by the Town as per the contract) for the following fees:

| | |
|--------------------------------|--------------------------------|
| 11/1/07 - 10/31/08 | \$37,620 |
| 11/1/08 - 10/31/09 | \$39,125 |
| 11/1/09 - 12/31/10 | \$40,690 |
| Takeover of open/pending files | \$50/file (Maximum of \$2,500) |

, and BE IT FURTHER

RESOLVED, that the Contract for Loss Control Services be and hereby is awarded to First Niagara Risk Management, Inc., effective November 1, 2007 and terminating on December 31, 2010 (unless terminated earlier by the Town as per the contract) for the following fees:

| | |
|------------------------------|---------------------------------|
| 11/1/07 - 10/31/08 | \$16,320 |
| 11/1/08 - 10/31/09 | \$16,320 |
| 11/1/09 - 12/31/10 | \$16,320 |
| Industrial Hygiene Services | \$100/hour (if and when needed) |
| Special Engineering Projects | \$125/hour (if and when needed) |

, and BE IT FURTHER

RESOLVED, that the Town's arrangement with WCS of N.Y., Inc. for Workers' Compensation Self-Insured Claims Administration and Loss Control Services shall be terminated, effective November 1, 2007, and such company is hereby directed to forward all files to First Niagara Risk Management, Inc.

MOTION BY COUNCILMEMBER SWIATEK, SECONDED BY SUPERVISOR JANKOWIAK TO AMEND THE RESOLUTION AS FOLLOWS, AND THE VOTE WAS UNANIMOUS.

WHEREAS, the Town of Cheektowaga is self-insured for purposes of Workers' Compensation insurance, and

WHEREAS, the Town of Cheektowaga retains outside consultants to administer the Town's self-insured Workers' Compensation program, and also to provide loss control services to the Town, and

WHEREAS, the Town's existing contract for Workers' Compensation Administration and Loss Control Services has expired, and

WHEREAS, the Town's Insurance Consultant issued a Request for Proposals for Workers' Compensation Self-Insured Claims Administration Services and Loss Control Services, and

WHEREAS, proposals were received and evaluated by Holfoth Risk Management, the Town's insurance consultant, and

WHEREAS, this Board also reviewed and discussed the proposals submitted, NOW, THEREFORE, BE IT

RESOLVED, that the Contract for Workers' Compensation Self-Insured Claims Administration be and hereby is awarded to First Niagara Risk Management, Inc., effective November 1, 2007 and terminating on December 31, 2010 (unless terminated earlier by the Town as per the contract) for the following fees:

| | |
|--------------------------------|--------------------------------|
| 11/1/07 - 10/31/08 | \$37,620 |
| 11/1/08 - 10/31/09 | \$39,125 |
| 11/1/09 - 12/31/10 | \$40,690 |
| Takeover of open/pending files | \$50/file (Maximum of \$2,500) |

, and BE IT FURTHER

RESOLVED, that the Contract for Loss Control Services be and hereby is awarded to First Niagara Risk Management, Inc., effective November 1, 2007 and terminating on December 31, 2010 (unless terminated earlier by the Town as per the contract) for the following fees:

| | |
|------------------------------|---------------------------------|
| 11/1/07 - 10/31/08 | \$16,320 |
| 11/1/08 - 10/31/09 | \$16,320 |
| 11/1/09 - 12/31/10 | \$16,320 |
| Industrial Hygiene Services | \$100/hour (if and when needed) |
| Special Engineering Projects | \$125/hour (if and when needed) |

, and BE IT FURTHER

RESOLVED, that the Town's arrangement with WCS of N.Y., Inc. for Workers' Compensation Self-Insured Claims Administration and Loss Control Services shall be terminated, effective November 1, 2007, and such company is hereby directed to forward all files to First Niagara Risk Management, Inc. and be it further

RESOLVED, that the agreement to be executed by the Town Supervisor shall be subject to review and approval of the Town Attorney.

| | |
|------------------|---|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-530

Notice to Bidders - Rental of Equipment & Operator for Emergency Snow Removal 2007-08 Winter Season

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, The Town Clerk be and hereby is directed to publish a Notice to Bidders for contracting of Snow Removal if a snow emergency should occur for use by the Cheektowaga Highway Department.

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

RESOLVED, that the Town Clerk is here by designated as the Office to open bids on the aforesaid items at a public bid opening to be held on Wednesday October 3, 2007, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.

The Town of Cheektowaga hereby requires sealed bids for labor and equipment for the removal of snow from highways situated in the town in the event of a snow emergency during the 2007-08 winter season.

Specifications and information are available at the office of the Town Clerk at her office in the Cheektowaga Town Hall located at Broadway and Union Roads, Cheektowaga, NY 14227, between the hours of 9:00 AM and 4:30 PM.

In order to be considered, all bids must be filed with the Town Clerk's Office, c/o Town Hall, Broadway & Union Road, Cheektowaga, NY 14227, prior to the time of the bid opening scheduled for Wednesday, October 3, 2007, at 11:00 AM in the Town Hall Council Chambers.

Proposals must be enclosed and sealed in opaque envelopes plainly marked with the name of the bidder and with the words "BIDS FOR LABOR AND EQUIPMENT FOR SNOW REMOVAL IN AN EMERGENCY".

The Town of Cheektowaga reserves the right to reject any or all bids if it determines in its discretion that it is in the best interest of the Town of Cheektowaga to do so.

Non-Collusion forms must be signed and submitted with bids.

Mary Holtz, Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



10. RESOLUTION 2007-531

US Constitution Week Proclamation 2007

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, September 17, 2007 marks the 220th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, by joint resolution of August 2, 1956, the U.S. Congress authorized the President of the United States to annually issue a proclamation designating the week beginning September 17 and ending September 23 of each year as "Constitution Week" in recognition of the historic importance of the Constitution and the significant role it plays in our lives, and

WHEREAS, the Abigail Fillmore Chapter of the Daughters of the American Revolution, the local chapter, has requested that our town issue a similar proclamation for 2007; now, therefore, be it

RESOLVED, that the Town of Cheektowaga hereby proclaims the week of September 17 through the 23rd as "Constitution Week" and asks our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through it.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-532

Close-Out Documents - Cheektowaga Records Center

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

WHEREAS, the contract for Alterations to the Cheektowaga Records Center, Phase I, Electrical Work, was awarded to Goodwin Electric by resolution dated December 18, 2006 in the amount of \$28,100.00, plus an additional \$5,305.00 for previously submitted Change Order #1(final), AND

WHEREAS, the Town Engineer and Kideney Architects, Project Architect, have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute the final contract acceptance documents with Goodwin Electric, 201 South Youngs Road, Williamsville, New York 14221.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



12. RESOLUTION 2007-533

Close-Out Documents - Four Identification Signs

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, the contract for four (4) identification signs with integrated electronic message centers was awarded to Toth's Sports by resolution dated July 17, 2006 for the contract amount of \$133,980.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute the final contract acceptance documents with Toth's Sports, 12 Main Street, Suite 18, Hamburg, New York 14075.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-534

Unsafe-Unsecured / 3501 Harlem Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 3501 Harlem Road, Cheektowaga, New York SBL# 91.05-5-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Aziz UR Rehman, 3501 Harlem Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3501 Harlem Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



14. RESOLUTION 2007-535

Unsafe-Unsecured / 173 Cedargrove Circle

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 173 Cedargrove Circle, Cheektowaga, New York SBL# 91.14-4-21 that is a danger to the safety of others, and records kept by the Assessors Office identify John Gillingham, 173 Cedargrove Circle, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 173 Cedargrove Circle, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



15. RESOLUTION 2007-536

Open Burning / 1050 Maryvale Drive

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the Maryvale High School to conduct a open fire on October 2, 2007, with rain date of October 3, 2007 on the property located at 1050 Maryvale Drive, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the U-Crest Fire Department , AND

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

WHEREAS, this Town Board has reviewed the application submitted by the Maryvale High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



16. RESOLUTION 2007-537

Open Burning / 71 Mapleview

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the Cleveland Hill School to conduct an open fire on September 29, 2007 on the property located at 71 Mapleview Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Cleveland Hill Fire Department , AND

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

WHEREAS, this Town Board has reviewed the application submitted by the New Cleveland Hill School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-538

Open Burning / 305 Cayuga Creek Road

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the John F. Kennedy School to conduct an open fire on September 28, 2007 on the property located at 305 Cayuga Creek Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Doyle Fire Department, AND

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

WHEREAS, this Town Board has reviewed the application submitted by the John F. Kennedy School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



18. RESOLUTION 2007-539

Authorize Supervisor to Execute Grant Application

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga seeks grant monies from the New York State Division of Criminal Justice Services to continue efforts to thwart motor vehicle theft and insurance fraud; and

WHEREAS, the award of grant monies will enable the Police Department to purchase specialized equipment and conduct surveillance and field investigation activities necessary to make arrests involving automobile theft and insurance fraud, as well as to purchase a laptop computer to be used in conjunction with the department license plate reader; NOW, THEREFORE BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-540

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

TAX OFFICE - Clerk \$8/hour effective 9/24/07
Vickie Eberth, Depew, NY
Denise Myers, Cheektowaga, NY

SENIOR SERVICES - Recreation Attendant - \$8/hour effective 9/17/07
Judith R. Regian, Cheektowaga, NY

RECORDS MANAGEMENT - Clerk - \$8/hour effective 9/18/07
Allison E. McKay, Cheektowaga, NY

TOWN CLERK'S OFFICE - Clerk - \$8/hour effective 9/18/07
Christopher Hannel, Cheektowaga, NY

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

POLICE DEPARTMENT
Kerrie R. Augustine effective 8/10/07
Julia Grupp effective 9/08/07
Delores H. Kujawa effective 6/20/03

SANITATION DEPARTMENT
Mark Rohloff effective 9/01/07

FACILITIES DEPARTMENT
Justin Golas effective 8/24/07

JUSTICE COURT
John Stronka effective 9/18/07

AND BE IT FURTHER RESOLVED, that the following PART-TIME EMPLOYEE's salary be adjusted as follows:

POLICE DEPARTMENT - Clerk - from \$7.75 to \$7.15/hour effective 8/21/07
Joan V. Rosenberry, Cheektowaga, NY

Motion by Supervisor Jankowiak; Seconded by Councilmember Magierski to waive the Reading of Names for Resolutions 540, 541, 542. and the Vote was Unanimous.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Alice Magierski, Councilmember

SECONDER: James Jankowiak, Supervisor

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



20. RESOLUTION 2007-541

Youth & Recreation Terminations

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

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| Michael Tworkowski | 08/31/07 |
| Andrew Swiat | 08/31/07 |
| Brian Sheldon | 08/24/07 |
| Michael Lawicki | 08/24/07 |
| Brad Agen | 08/23/07 |
| Jacob Bauer | 08/22/07 |
| Justin Delbello | 08/24/07 |
| Kevin Derry | 08/28/07 |
| Chris Hannel | 08/19/07 |
| Amanda Fischer | 08/23/07 |
| Rachel Gabryszak | 08/31/07 |
| Jessica Garland | 08/24/07 |
| Alexander Kluck | 08/31/07 |
| Phillip Kruse | 08/24/07 |
| Stefani Krysztofowicz | 08/24/07 |
| Kelsey Leon | 08/17/07 |
| Michael Lewandowski | 08/24/07 |
| Matthew Machtel | 08/28/07 |
| Evan Mikoll | 08/24/07 |
| Chris Niedbala | 08/31/07 |
| Stephen Pfalzer | 08/29/07 |
| Tara Przybyl | 08/17/07 |
| Steve Saskowski | 08/22/07 |
| Teresa Watson | 08/23/07 |
| Shannon Zagst | 08/17/07 |
| Sarah Passafiume | 07/24/07 |
| Andre McGhee | 06/04/07 |
| Howard Schnauffer | 08/31/07 |
| Dean Wilkes | 06/04/07 |
| Brittany Dorsey | 06/04/07 |
| Stephanie Kania | 06/04/07 |
| Sarah Szymanski | 06/04/07 |
| Jasmine Peterson | 06/04/07 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



21. RESOLUTION 2007-542

Youth and Recreation Transfers

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

Seasonal to Regular part-time

Recreation Attendants

Alex Ladowski

Nicole Habermehl

Kelly Walters

Melissa Litwin

Danielle Phillips

Katelyn Killian

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



22. RESOLUTION 2007-543

Appointment of Senior Sewer Maintenance Worker (Thomas Marten)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Thomas Marten was appointed to the title of Sewer Maintenance Worker by this Town Board on February 21, 2006; AND

WHEREAS, pursuant to an agreement between the Town Board and the Town of Cheektowaga Employees Association, Mr. Marten is eligible for promotion to the title of Senior Sewer Maintenance Worker based upon his satisfactory completion of eighteen months in the title of Sewer Maintenance Worker; NOW, THEREFORE, BE IT

RESOLVED, that Thomas Marten of Lancaster, New York be and hereby is appointed to the position of Senior Sewer Maintenance Worker in the Sewer Maintenance Division and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 21, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



23. RESOLUTION 2007-544

**Appointment of Records Inventory Clerk
(Competitive/Temporary) (Brenda S. Iwanski)**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a temporary position exists in the title of Records Inventory Clerk in the Records Center; AND

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current list is in existence for said title; AND

WHEREAS, Brenda S. Iwanski appears on said civil service list and is eligible for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Brenda S. Iwanski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Records Inventory Clerk in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 18, 2007.

MOTION BY COUNCILMEMBER ROGOWSKI; SECONDED BY SUPERVISOR JANKOWIAK TO AMEND THE RESOLUTION AS FOLLOWS, AND THE VOTE WAS UNANIMOUS.

WHEREAS, a temporary position exists in the title of Records Inventory Clerk in the Records Center; AND

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current list is in existence for said title; AND

WHEREAS, Brenda S. Iwanski appears on said civil service list and is eligible for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Brenda S. Iwanski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Records Inventory Clerk Until Grant Funding Ends in accordance with the terms and conditions of the Town's collective bargaining agreement with

the Town of Cheektowaga Employees Association effective September 18, 2007.

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| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



24. RESOLUTION 2007-545

Travel Authorization for Town Clerk (M. Holtz)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a seminar entitled, "Reclaiming Vacant Properties" is being held in Pittsburgh, Pennsylvania on September 24-25, 2007; AND

WHEREAS, Town Clerk Mary Holtz has requested authorization to attend said seminar; AND

WHEREAS, Ms. Holtz 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 \$900; AND

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

RESOLVED, that Town Clerk Mary Holtz be and hereby is authorized to attend the seminar "Reclaiming Vacant Properties" being held in Pittsburgh, Pennsylvania on September 24-25, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



25. RESOLUTION 2007-546

Travel Authorization for Town Attorney (Kevin Schenk)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a seminar entitled, "Legal Issues Involving Local Governments" is being held in Rochester, New York on September 25, 2007; AND

WHEREAS, Town Attorney Kevin Schenk has requested authorization to attend said seminar; AND

WHEREAS, Mr. Schenk 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 \$309 plus mileage incurred; AND

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

RESOLVED, that Town Attorney Kevin Schenk be and hereby is authorized to attend the seminar "Legal Issues Involving Local Governments" being held in Rochester, New York on September 25, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



26. RESOLUTION 2007-547

Travel Authorization for Town Assessor (Brian Hess)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Annual Meeting and Seminar on Assessment Administration is being held on September 23-26, 2007 at the Adams Mark Hotel in Buffalo, New York; AND

WHEREAS, Town Assessor Brian Hess has requested authorization to attend said seminar; AND

WHEREAS, Mr. Hess 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 \$213; AND

WHEREAS, these expenses have been budgeted by the Assessor's Department; NOW, THEREFORE, BE IT

RESOLVED, that Town Assessor Brian Hess be and hereby is authorized to attend the Annual Meeting and Seminar on Assessment Administration being held on September 23-26, 2007 at the Adams Mark Hotel in Buffalo, New York.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



27. RESOLUTION 2007-548

Travel Authorization for Building Inspection Department (Fire Inspector Edward Saternus)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a Training Seminar is being conducted by the New York State Academy of Fire Science at Montour Falls, New York on October 16-18, 2007; AND

WHEREAS, Fire Inspector Edward Saternus has requested authorization to attend said training seminar; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak 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 \$65; AND

WHEREAS, these expenses have been budgeted by the department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspector Edward Saternus be and hereby is authorized to attend the Training Seminar being conducted by the New York State Academy of Fire Science at Montour Falls, New York on October 16-18, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Suspension of Rules

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| Motion by Councilmember Magierski, Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolution, and the Vote was Unanimous. |
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1. RESOLUTION 2007-549

Transfer of Equipment to the Village of Sloan

Sponsored By: Councilmember Zydell, Councilmember Magierski

WHEREAS, the Town of Cheektowaga Highway Department has a 1992 Giant Vac Leaf Loader which no longer be used by the Town Highway Department and which is surplus to our needs; and

WHEREAS, the Village of Sloan has requested any unused Town equipment for its use; and

WHEREAS, the New York State Constitution authorizes one local government to give property to another local government at no cost; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the transfer of the 1992 Giant Vac Leaf Loader, Model 6800-TR14 (Town Unit Number 94), vehicle identification number 90-219200; to the Village of Sloan, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any documentation necessary to effectuate the transfer of said equipment to the Village of Sloan.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydell, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

VI. Communications

A. Departmental Communications

1. Building Permit List - August 2007
2. Minutes - Cheektowaga Conservation Advisory Council - Sept. 6, 2007

B. General Communications

1. NYSDOT Designation of Restricted Highway: a Portion of Genesee St., State Highway 1212, At the Intersection with Holtz Dr. Beginning At STA F-6+665, 270 M West of Holtz Drive and Ending At STA F-7+800, 865 Meters East of Holtz Dr. This Includes 804 Meters of Holtz Dr. N of Intersection with Genesee St. As Well As 225 Meters of Sonwil Dr., S of Genesee St. All As Described In the Contract Documents All In the Town of Cheektowaga.
2. Summons: Nationstar Mortgage LLC Vs. Town of Cheektowaga & Etal
3. Notice of Claim: Mary Ann Fenske Vs. Town of Cheektowaga

4. Notice of Claim: Heath Kirkby Vs. Town of Cheektowaga
5. Notice of Claim: Dennis Lesniak Vs. Town of Cheektowaga
6. Notice of Claim: Todd J. Miller Vs. Town of Cheektowaga
7. Notice of Claim: Nikola K. Nikolov Vs. Town of Cheektowaga
8. Notice of Claim: Richard Schuck Vs. Town of Cheektowaga

VII. Supervisor's Comments

VIII. Councilmember's Comments

IX. Public Comments

X. Closing

Motion by Councilmember Johnson; Seconded by Supervisor Jankowiak to adjourn the meeting. Time of adjournment is 8 pm.

GENESEE TRANSIT HOLDINGS VII, LLC

4225 Genesee Street
Buffalo, New York 14225
(716) 634-2121
fax (716) 634-6059

August 24, 2007

VIA FAX (716) 684-9098
& FIRST CLASS MAIL

Mr. Daniel Ulatowski
Zoning Inspector
Town of Cheektowaga
3301 Broadway
Cheektowaga, New York 14227

Re: 5100 Genesee Street, Cheektowaga, New York
Starbucks and 2,520 square foot Retail Building

Dear Dan:

This letter shall serve to memorialize my arrangement with the Town of Cheektowaga in agreeing that the use of the 2,520 square foot Retail Building as indicated on the attached site plan, shall be used for retail purposes and not as a restaurant for so long as the proposed 1,800 square foot restaurant building intended for Starbuck's shall remain as a food-related use.

Please call me should you have any questions.

Very truly yours,

Christopher J. D'Angelo
Member

LOCAL LAW INTRO NO. 2007-5 of the YEAR 2007

A LOCAL LAW CREATING A
SPECIAL REVIEW ZONING DISTRICT LAW

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

Any adult use, as defined in the Zoning Law (including adult bookstore, adult cabaret, adult entertainment establishment, adult motion-picture theater, massage establishment and steam bath establishment). This Special Review Zoning District shall encompass the entire boundary of the Town of Cheektowaga, excluding the Villages of Sloan and Depew.
2. All departments, agencies and authorities of the Town Of Cheektowaga shall withhold the issuance of any permits or approvals for the construction of any new structures, additions to any existing structures and all other permits or approvals (including site plan approval) on all properties described in subdivision one hereof.
3. The Town Board of the Town of Cheektowaga shall have the power to vary or modify the application of the provisions of this law upon the Town Board's determination, in its absolute discretion, that such variance or modification, is consistent with the Town's comprehensive master plan, the Harlem-Kensington-Cleveland Master Plan and with the health, safety, morals and general welfare of the Town.



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, September, 25, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on September 25, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Absent | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydell | Town of Cheektowaga | Councilmember | Present | |

II. Public Comments

III. Resolutions



1. RESOLUTION 2007-550

Award Bid for Rails to Historic Trails Project

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga previously received federal grant moneys under PIN #5755.08 to construct a Rails to Historic Trails multi-use pathway/trail in the town, AND

WHEREAS, after advertisement therefor, sealed bids were received at a public bid opening held on the 20th of August, 2007 at 11:00 a.m. for the construction of the Rails to Trails pathway/trail, AND

WHEREAS, said bids were reviewed by the Town Engineer and project consultant, Wendel/Duchscherer, which letter of review and recommendation is hereto attached, AND

WHEREAS, Northeast Diversification, Inc. submitted the lowest responsible bid for this project, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the construction of the Cheektowaga Rails to Trails Project be awarded to Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York 14086, being the lowest responsible bidder and meeting the requirements of the specifications, in the amount of \$1,345,846.40, AND, BE IT FURTHER

RESOLVED, that this bid award is conditioned upon the completion, execution and recording in the Erie County Clerk's Office of an agreement with Erie County for the use of those portions of the trail system which will be located on County roads (William Street, Dingens Street, Como Park Boulevard), and BE IT FURTHER

RESOLVED, that the funding for this project shall be appropriated from account number 500-1440-9607-5705, and BE IT FURTHER

RESOLVED, that, upon satisfaction of the above condition, this Town Board hereby authorizes and directs the Town Supervisor to execute any and all contracts with Northeast Diversification, Inc. subject to approval as to form by the Town Attorney.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydel |
| ABSENT: | Alice Magierski |



2. RESOLUTION 2007-551

Request Party Status At Adjudicatory Hearing Relating to Buffalo Crushed Stone

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, Buffalo Crushed Stone, Inc. owns and operates a stone quarry at 500 Como Park Boulevard in the Town of Cheektowaga, and

WHEREAS, Buffalo Crushed Stone, Inc. has applied to the New York State Department of Environmental Conservation for modify its Mined Land Reclamation Permit in order to allow it to mine 40± acres of land between the east and west basins of its quarry, and

WHEREAS, a pre-adjudicatory issues conference on this application will be held on October 16, 2007, and

WHEREAS, anyone wishing to participate at the adjudicatory hearing must request party status by filing a written petition requesting party status; in order to be afforded party status, a petitioner must demonstrate that a substantive and significant issue exists concerning the proposed permit, and

WHEREAS, the Town of Cheektowaga believes that the following substantive and significant issues exists concerning the aforementioned proposed permit:

- Air pollution
- Effects of blasting
- Property damage caused by blasting
- Appeal of NYS Supreme Court decision (Buffalo Crushed Stone, Inc. v. Town of Cheektowaga) to Appellate Division
- Traffic concerns
- Conflict with Town of Cheektowaga Zoning law

, NOW, THEREFORE, BE IT

RESOLVED, that, based on the above referenced and other environmental issues relating to the presence and operation of this quarry in a residential area, the Town of Cheektowaga hereby requests party status for the aforementioned adjudicatory hearing, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to notify the New York State Department of Environmental Conservation of our request for party status.

A MOTION BY COUNCILMEMBER JOHNSON; SECONDED BY COUNCILMEMBER JAWOROWICZ TO AMEND THIS RESOLUTION AND THE VOTE WAS UNANIMOUS

WHEREAS, Buffalo Crushed Stone, Inc. owns and operates a stone quarry at 500 Como Park Boulevard in the Town of Cheektowaga, and

WHEREAS, Buffalo Crushed Stone, Inc. has applied to the New York State Department of Environmental Conservation for modify its Mined Land Reclamation Permit in order to allow it to mine 40± acres of land between the east and west basins of its quarry, and

WHEREAS, a pre-adjudicatory issues conference on this application will be held on October 16, 2007, and

WHEREAS, anyone wishing to participate at the adjudicatory hearing must request party status by filing a written petition requesting party status; in order to be afforded party status, a petitioner must demonstrate that a substantive and significant issue exists concerning the proposed permit, and

WHEREAS, the Town of Cheektowaga believes that the following substantive and significant issues exists concerning the aforementioned proposed permit:

- Air pollution
- Effects of blasting
- Property damage caused by blasting
- Appeal of NYS Supreme Court decision (Buffalo Crushed Stone, Inc. v. Town of Cheektowaga) to Appellate Division
- Traffic concerns
- Conflict with Town of Cheektowaga Zoning law
- Conflict with 2003 Buffalo Crushed Stone Mining Permit
- Health Affects
- Lack of an effective Reclamation Plan

, NOW, THEREFORE, BE IT

RESOLVED, that, based on the above referenced and other environmental issues relating to the presence and operation of this quarry in a residential area, the Town of Cheektowaga hereby requests party status for the aforementioned adjudicatory hearing, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to notify the New York State Department of Environmental Conservation of our request for party status.

| | |
|------------------|--|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Rogowski, Zydel |
| ABSENT: | Alice Magierski |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, October, 1, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on October 1, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Kerry Switalski, Senior Services Director
Anthony Romano, Director of Employee Relations

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2007-552

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|------------------------|-------------|
| FROM: | 100-6410-4195 | Media Publicity Events | \$ 3,550.00 |
| | 100-1680-2204 | Computer Hardware | 16,500.00 |
| TO: | 100-6410-4194 | Media Publicity | \$ 3,550.00 |
| | 100-1680-4001 | Office Supplies | 1,500.00 |
| | 100-1680-4321 | Software Licensing | 15,000.00 |

HUD CDBG FUND

| | | | |
|-------|---------------|-----------------------------|--------------|
| FROM: | 700-1007-0600 | Housing Rehab Single Family | \$ 15,000.00 |
| TO: | 700-1007-0601 | Housing Rehab Multi Family | \$ 15,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-553

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrant submitted to the Town of Cheektowaga prior to September 28, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| General Fund | \$ 2,767,205.82 |
| Risk Retention Fund | 139,672.98 |
| Debt Service Fund | 572,993.75 |
| HUD Housing Rehabilitation Fund | 7,684.00 |
| Special Districts Fund | 932,926.63 |
| Highway Fund | 428,740.25 |
| Capital Fund | 55,711.00 |
| Trust & Agency Fund | 12,590.35 |
| CDBG HUD Fund | 113,146.90 |
| Part Town Fund | 109,847.64 |
| NYS Affordable Housing Fund | 13,128.00 |
| | <u>\$ 5,153,647.32</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-554

Award of Bid - 2008 Chevrolet Cargo Van 1500

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 2008 Chevrolet Cargo Van 1500 for the Building & Grounds Division, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Engineering Department for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) new and unused 2008 Chevrolet Cargo Van 1500 be awarded to:

Joe Basil Chevrolet
5111 Transit Road
Depew, New York 14043

for their total bid in the amount of \$16,924.00 for one (1) 2008 Chevrolet Cargo Van 1500, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #0100-1625-2303.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-555

Award of Bid - 2008 Ford F-550 Stake Truck

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) 2008 Stake Truck for the Parks Division, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Engineering Department for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) new and unused 2008 Stake Truck be awarded to:

Basil Auto Group
1540 Walden Avenue
Cheektowaga, New York 14225

for their total bid in the amount of \$28,923.00 for one (1) 2008 Ford F-550 Truck with Stake Body; said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #7110-2303.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



5. RESOLUTION 2007-556

Call for Public Hearing: Benefit Basis Budget - 2008

Sponsored By: Jankowiak, Johnson Jr., Jaworowicz, Swiatek, Rogowski, Magierski, Zydel

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2008 revenues and expenditures for every district in which the expenses of the improvement is to be assessed on a benefit basis, AND

WHEREAS, this Town Board has assessed the Special District costs on a benefit basis against the lots or parcels of land against which the improvement was chargeable, AND

WHEREAS, this Town Board had prepared an assessment roll for each district describing each lot of land in the district, the owner thereof, and the assessment levied against it, AND

WHEREAS, this Town Board has filed such estimates and assessment rolls with the Town Clerk, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 9th day of October, 2007 for the purpose of holding a Public Hearing upon such estimates and assessment rolls, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give notice of such Public Hearing in the manner provided in Section 239 of the Town Law, and that such notice be published in substantially the following form in the CHEEKTOWAGA TIMES, the official Town newspaper on October 4, 2007.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, New York has completed it's Estimates and Assessment Rolls relating to Special Districts spreading costs on a Benefit Basis and has filed same with the Town Clerk.

NOTICE IS ALSO GIVEN that a public hearing on such Estimates and Assessment Rolls will be held on Tuesday, October 9, 2007 at 6 P.M. at the Town Hall, corner of Broadway and Union Roads, at which time the Town Board will meet to hear and consider any objections which shall be made to such Estimates and Assessment Rolls.

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

Mary F. Holtz
Town Clerk

Dated: October 1, 2007
Published: October 4, 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-557

Call for Public Hearing: Ad Valorem Budget - 2008

Sponsored By: Jankowiak, Johnson Jr., Jaworowicz, Swiatek, Rogowski, Magierski, Zydel

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 2008, the itemized statement of estimated revenues and expenditures hereto attached and made a part of this resolution, and also an itemized statement of estimated revenues and expenditures of the Lighting Districts and Consolidated Garbage District hereto attached and made a part of this resolution, AND, BE IT FURTHER

RESOLVED, that such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets shall be filed in the Office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, effective October 2, 2007, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 9th day of October, 2007, for the purpose of holding a Public Hearing upon such Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District budgets, AND, BE IT FURTHER

RESOLVED, that the Town Clerk give Notice of such Public Hearing in the manner provided in Section 108 of the Town Law and that such Notice be published in the CHEEKTOWAGA TIMES, the official Town newspaper on October 4, 2007, and post same on the signboard maintained by the Town Clerk.

LEGAL NOTICE

of

PUBLIC HEARING

on

PRELIMINARY BUDGET

and

LIGHTING DISTRICTS and CONSOLIDATED GARBAGE DISTRICT BUDGETS

NOTICE IS HEREBY GIVEN that the Preliminary Ad Valorem Budget of the Town of Cheektowaga and the Lighting Districts and Consolidated Garbage District Budgets for the Fiscal Year beginning January 1, 2008, has been completed and filed in the Office of the Town Clerk at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York where it is available for inspection by any interested person at all reasonable hours, effective October 2, 2007.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga will meet and review said Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budgets and hold a Public Hearing thereon at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York at 6:00 P.M. on the 9th day of October, 2007 and that at such hearing any person may be heard in favor or against the Preliminary Ad Valorem Budget and the Lighting Districts and Consolidated Garbage District Budget as compiled for or against any item therein contained.

Pursuant to Section 108 of the Town Law, the proposed salaries of the Town Officers are hereby specified as follows:

| | |
|------------------------|----------|
| SUPERVISOR | \$79,140 |
| TOWN CLERK | \$80,960 |
| HIGHWAY SUPERINTENDENT | \$80,145 |
| COUNCILMEMBER(6) | \$20,680 |
| TOWN JUSTICE(2) | \$74,960 |

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

MARY F. HOLTZ,
TOWN CLERK

Dated: October 1, 2007

Published: October 4, 2007

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



7. RESOLUTION 2007-558

Call for Public Hearing to Amend Traffic Law

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

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 October 15, 2007 7:00 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the advisability of adopting said amendments, and the Town Clerk is hereby directed to publish the following Notice of Hearing in the CHEEKTOWAGA TIMES on the 4th day of October, 2007, 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 October 15, 2007 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of § 235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

DUBONNET DRIVE - South side where the roadway turns from north to west at No. 23 for a distance of 30+/- feet west of the intersection and 30+/- feet south of the intersection.

DUBONNET DRIVE - South side where the roadway turns from north to east at No. 117 for a distance of 30+/- feet east of the intersection and 30+/- feet south of the intersection.

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

Dated: October 1, 2007

MARY F. HOLTZ
Town Clerk

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-559

Notice to Bidders - Truck with Refuse Packer Body

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Sanitation Department is in need of one (1) new and unused 2008 or newer Truck with a 32 Cubic Yard Refuse Packer Body, AND

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

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

RESOLVED, that sealed bids will be received on the 17th day of October, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on October 17, 2007 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2008 or newer Truck with Refuse Packer Body for the Sanitation Department.

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

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

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

Mary F. Holtz
Town Clerk

DATED: October 1, 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-560

Designation of Halloween Night

Sponsored By: Jankowiak, Jaworowicz, Rogowski

WHEREAS, the children of our community are entitled to the fun and excitement associated with "Halloween Night", including going from door-to-door in their immediate neighborhoods with their happy challenges of trick-or-treat; AND

WHEREAS, it would appear that parents generally favor the early evening hours, since it tends to limit participation to the younger children, for whom the observance was originally intended and thereby discourages interference and disruption by the very small percentage of older children, who under cover of darkness and with their identities concealed and costumes, might otherwise spoil the fun for the smaller children, NOW, THEREFORE, BE IT

RESOLVED, that Wednesday, October 31, 2007 shall be known as "Halloween Night" in the Town of Cheektowaga, and that the Town Board ask both children and their parents to cooperate in limiting the time of "trick-or-treating" activities to the period between 6:00 P.M. and 8:00 P.M. We further ask that, whenever possible, parents of the very young insure that they or other responsible adults accompany them, and to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

*"DESIGNATION OF HALLOWEEN NIGHT"

BE IT RESOLVED, that Wednesday, October 31, 2007 be designated as 'HALLOWEEN NIGHT' in the Town of Cheektowaga.

The time of "trick-or-treating" activities will be between 6:00 P.M. and 8:00 P.M.

We encourage all householders to cooperate in making this a happy occasion for all youngsters by keeping their porch or exterior lights on.

HAPPY HALLOWEEN TO ALL!

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

MARY F. HOLTZ, Town Clerk

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



10. RESOLUTION 2007-561

Re-Affirmation of Negative SEQR Declaration - 4243 Genesee Street

Sponsored By: Councilmember Johnson Jr., 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 Benderson Development Co., LLC for the demolition of an existing hotel and the construction of two(2) five story hotels at 4243 Genesee Street, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 22, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of June 14, 2007, AND

WHEREAS, on September 4, 2007 this Town Board previously issued a SEQR determination of non significance under resolution number 2007-496, AND

WHEREAS, in paragraph number four of said resolution a typographical error, referenced two (4) four story hotel buildings, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan
2. The hotels have a brick facade consistent with the colored elevation drawings approved by the Planning Board, AND BE IT

FURTHER RESOLVED, that the Negative SEQR Declaration issued on September 4, 2007 is hereby re-affirmed.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-562

Negative SEQR Declaration-Union Road Pizza Hut

Sponsored By: Councilmember Johnson Jr., 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 APD Engineering, PLLC for the construction of a 4,232 square foot restaurant along the East side of Union Road, South of 3511 Union Road and being part of SBL number 102.02-3-5.11 , AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 1, 2007 recommended a determination of non-significance as shown on the attached memorandum dated August 7, 2007, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 10, 2007, AND

WHEREAS, the applicant's proposed site plan required an area variance for parking setbacks and number of off-street parking spaces, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals issued an area variance for the subject project on August 1, 2007, AND

WHEREAS, the applicant was asked to provide confirmation on the disposition of the existing Pizza Hut Restaurant along Union Road which will be vacated in favor of the proposed restaurant, as shown on the attached correspondence dated September 20, 2007, AND

WHEREAS, the applicant has agreed to provide monies in lieu of replacement trees for (11) eleven of the trees which can not be replaced on site, as permitted by section 229-5B of the Town Code, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage /grading plan.
2. The applicant/developer make his/her monetary offer for replacement trees to this
Town Board in writing for formal acceptance under separate resolution.

ATTACHMENTS:

EAC-August 1, 2007 minutes (PDF)

PizzaHut (PDF)

RESULT: ADOPTED [5 TO 2]

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: Alice Magierski, Councilmember

AYES: Jankowiak, Jaworowicz, Swiatek, Magierski, Zydel

NAYS: Thomas Johnson Jr., James Rogowski



12. RESOLUTION 2007-563

Authorize Litigation Regarding Communications Tower

Sponsored By: Councilmember Thomas Johnson Jr.

WHEREAS, on June 14, 2007 a State Environmental Quality Review Negative Declaration and Notice of Determination of Non-Significance was issued by the New York State Office for Technology for a 250-foot tower to be constructed on Indian Road in the Town of Cheektowaga by M/A-COM, Inc., as part of the Statewide Wireless Network; and

WHEREAS, in or about early August 2007 M/A-COM, Inc., began construction of a 250-foot communications tower which has since been completed; and

WHEREAS, prior to the completion of the construction of said tower the Town of Cheektowaga issued a stop work order that was subsequently ignored by M/A-COM, Inc., and by the State of New York; and

WHEREAS, the Town Board believes that the State of New York did not follow appropriate procedures prior to the issuance of the aforesaid State Environmental Quality Review Negative Declaration and Notice of Determination of Non-Significance and that it was not necessary for M/A -COM, Inc., and/or the State of New York Office for Technology to construct the 250-foot tower at the subject location and that the construction of the subject 250-foot tower is not necessary for the successful operation of the Statewide Wireless Network;
NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby directs the Town Attorney to initiate court proceedings including an Article 78 proceeding against the State of New York Office for Technology and M/A-COM, Inc., regarding the 250-foot communications tower constructed on Indian Road, and to retain any necessary outside counsel for such purposes.

THIS RESOLUTION FAILED FOR LACK OF A SECOND.

RESULT: WITHDRAWN



13. RESOLUTION 2007-564

Authorize Supervisor to Execute Agreement for the Repair of the Town Hall Steps

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town Engineering Department solicited written proposals for labor, materials, tools, equipment and insurances associated with the masonry repair of the Cheektowaga Town Hall front entranceway steps, AND

WHEREAS, proposals were received from three (3) contractors and said proposals were reviewed and analyzed by Paul Piwowarski, Sr. Engineer Assistant, who has recommended that the contract for the aforesaid masonry restoration work be awarded to:

Raymond E. Kelley, Inc.
33 Main Street
Bowmansville, New York 14026

having submitted the lowest proposal meeting the required scope of work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Raymond E. Kelley, Inc. for the repair of the Cheektowaga Town Hall front steps at a cost of \$11,285.00, AND, BE IT FURTHER

RESOLVED, that funds for said services shall be appropriated from budget line item No. 500-1910-2520-5122.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



14. RESOLUTION 2007-565

Authorize NYSEG to Install Two Luminaries

Sponsored By: Johnson Jr., Jankowiak, Rogowski

BE IT RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to install two (2) 150 watt high pressure sodium luminaries, one (1) on Pole #9 at the southeast corner of the Patrick Lane/Lydia Lane intersection and one (1) on the west side of Patrick Lane at the mid point of Hanley Park, replacing existing 100 watt HPS equipment in accordance with the attached proposal dated September 18, 2007, at an annual increase per location of \$6.41 which shall be chargeable to the General Lighting District, AND, BE IT FURTHER

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

Mr. Donald Russo
Street Lighting Representative
NYSEG
152 Border City Road
Geneva, New York 14456-1968

Fax: 315-789-4135

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



15. RESOLUTION 2007-566

Authorize National Grid to Install One Luminaire

Sponsored By: Johnson Jr., Jankowiak, Rogowski

BE IT RESOLVED, that National Grid be and hereby is authorized to install one (1) 70 watt HPS standard enclosed luminaire on wood pole No. 105 Maryvale Drive just west of the Harlem Road intersection in conjunction with the ongoing Harlem Road Reconstruction Project and related pole relocation project in accordance with the attached proposal dated September 13, 2007 at an annual increase of \$70.40 which shall be chargeable to the General Lighting District, AND, BE IT FURTHER

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

Nancy A. Schott
Consumer Representative
National Grid
144 Kensington Avenue
Buffalo, New York 14214

Fax: 831-5331

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



16. RESOLUTION 2007-567

Authorize National Grid to Connect High Pressure Sodium Luminaries

Sponsored By: Jankowiak, Johnson Jr., Rogowski

WHEREAS, an energy performance contract amendment between the Town and Johnson Controls, Inc. for the removal of natural gas and solar street lighting equipment provides for the installation of approximately seventy-five (75) 70 watt high pressure sodium luminaries and related equipment within the service area served by the National Grid Corporation, NOW, THEREFORE, BE IT

RESOLVED, that National Grid be and hereby is authorized to connect the aforesaid 70 watt high pressure sodium lighting equipment being installed under the referenced contract under PSC No. 214, Service Classification No. 3, at an estimated ten (10) source points, at the effective rate upon connection, which annual billings shall be chargeable to the Town's General Lighting District, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is directed to furnish a copy of this resolution to:

Ms. Francis Porpiglia
Consumer Representative
National Grid
144 Kensington Avenue
Buffalo, New York 14214

Fax: (716) 831-5255

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-568

Acquisition of Residential Properties

Sponsored By: Swiatek, Jankowiak, Rogowski

WHEREAS, the goals of the Community Development Block Grant program include neighborhood stability, the creation of decent and affordable housing and the elimination of blighting influences on residential neighborhoods, AND

WHEREAS, Community Development Block Grant and HOME Investment Partnership Program funds have been budgeted for the acquisition of residential properties in support of said goals, AND

WHEREAS, on occasion, residential properties which are deteriorated, vacant or serve as a blighting influence on a neighborhood, and which are in need of major repair and restoration or demolition, become available for purchase, AND

WHEREAS, acquisition of such properties by the Town would, on occasion, serve to further the neighborhood preservation goals of the Town, AND

WHEREAS, the Director of Community Development has recommended that the Town Supervisor be authorized to enter into contract to purchase such available residential properties that advance the Town's goals of neighborhood stability and preservation pursuant to federal program regulations and program guidelines established by the Town Office of Community Development for said purpose, NOW, THEREFORE BE IT

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into contract to purchase residential properties, as recommended by the Director of Community Development, that are consistent with the Town's neighborhood preservation goals pursuant to federal program regulations and guidelines established by the Town Office of Community Development.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



18. RESOLUTION 2007-569

Open Burning / 3600 Union Road

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the Cheektowaga Central School to conduct an open fire on October 10, 2007 on the property located at 3600 Union Road, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Forks Fire Department, AND

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

WHEREAS, this Town Board has reviewed the application submitted by the Cheektowaga Central School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-570

Unsafe-Unsecured / 2644 William Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2644 William Street, Cheektowaga, New York SBL# 113.56-7-18 that is a danger to the safety of others, and records kept by the Assessors Office identify Celia Lagodzinski, 2644 William Street, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2644 William Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



20. RESOLUTION 2007-571

Unsafe - Unsecured / 445 Cherokee Drive

Sponsored By: Magierski, Johnson Jr., Zydell

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 445 Cherokee Drive, Cheektowaga, New York SBL# 102.07-1-43 that is a danger to the safety of others, and records kept by the Assessors Office identify Richard Struzyk and Shirley Boggs, 445 Cherokee Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 445 Cherokee 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



21. RESOLUTION 2007-572

Unsafe - Unsecured / 17 Fath Drive

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 17 Fath Drive, Cheektowaga, New York SBL# 102.08-10-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Henry Wawro & Wife, 23 Audet Drive, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 17 Fath 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



22. RESOLUTION 2007-573

Unsafe-Unsecured / 56 Petan Drive

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 56 Petan Drive, Cheektowaga, New York SBL# 102.07-2-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Stanley Felczak & Wife, 56 Petan Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 56 Petan 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



23. RESOLUTION 2007-574

Hire/Termination of Seasonal/Part-Time Employees

Sponsored By: Magierski, Jankowiak, Zydel

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:

SANITATION DEPARTMENT - Laborer - \$7.50/hour effective 10/01/07
Brandon Ashraf, Cheektowaga, New York
Nick Szalkowski, Cheektowaga, New York
William Philpott, Depew, New York
Daniel Piccuilla, Depew, New York
Thomas Schleer, Cheektowaga, New York
Kyle Phakkhonkham, Cheektowaga, New York
Gary Kuerzdoerfer, Cheektowaga, New York

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:

COMMUNITY DEVELOPMENT - Clerk - \$8/hour effective 9/18/07
Ann M. Sokol, Cheektowaga, New York

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

SANITATION DEPARTMENT
Michel Sirgey effective 9/15/07

POLICE DEPARTMENT
Cheryl A. Krajna effective 8/08/07
Mark Blachowicz effective 9/22/07
Lindsey M. Styborski effective 9/25/07

FACILITIES DEPARTMENT (Parks Division) effective 10/01/07
Jeffrey McGill
Keith Piatek
Edward Pozdyn
Daniel Lysiak
Kyle Lackie
Jarrett Sinclair
Nicholas Schanne

Shawn Staszcyk
Daniel Wagner
Steven Woods
Charles Eich
Ryan Galuszka
Aaron Gorski
Michael Komosinski
Richard Moleski
David Cunningham
Michael Beyer

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



24. RESOLUTION 2007-575

Youth and Recreation Terminations

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

| | |
|-------------------------|----------|
| --Kelley Astyk | 08/18/07 |
| --Josh Atzrott | 08/19/07 |
| --Nick Barnhard | 08/19/07 |
| --Bridget Bauza | 08/17/07 |
| --Brittany Bauza | 08/16/07 |
| --Tim Benner | 06/04/07 |
| --Erin Bessing | 08/18/07 |
| --Corey Beszczynski | 08/24/07 |
| --Grace Borowski | 08/17/07 |
| --Frank Bosa | 05/21/07 |
| --Jen Brock | 08/18/07 |
| --Charlene Budziszewski | 08/24/07 |
| --Jackie Campbell | 08/19/07 |
| --Dan Carter | 08/19/07 |
| --Dominique Celotto | 08/18/07 |
| --Jennifer Chenu | 08/16/07 |
| --Andrew Chruscicki | 08/18/07 |
| --Jessica Cunningham | 05/21/07 |
| --Sam Ehrig | 08/17/07 |
| --Stacey Ehrig | 08/17/07 |
| --Darryl Epps | 05/21/07 |
| --Adam Fuest | 08/19/07 |
| --Lauren Fuest | 08/19/07 |
| --Lori Garcea | 08/19/07 |
| --Steve Gospodarski | 08/16/07 |
| --Aaron Grupka | 08/20/07 |
| --Becky Gworek | 08/19/07 |
| --Jon Gworek | 08/19/07 |
| --Ben Hannel | 08/19/07 |
| --Meghan Hornung | 05/21/07 |
| --Jasmine Jones | 08/09/07 |
| --Jeff Kapanek | 08/09/07 |
| --Shawn Kaznica | 08/24/07 |
| --Jordan Kilijanski | 08/19/07 |
| --Mike Kiripolsky | 08/19/07 |
| --Jeff Kunkel | 08/20/07 |
| --Sean Kunkel | 08/22/07 |
| --Amanda Lindner | 08/19/07 |
| --Samantha Long | 08/18/07 |

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| --Nicole Maciejewski | 07/30/07 |
| --Danielle Malicki | 08/19/07 |
| --Lauren Malicki | 08/18/07 |
| --Megan Maloney | 08/19/07 |
| --Jared Messina | 08/19/07 |
| --Jonah Messina | 08/19/07 |
| --Amanda Moran | 08/24/07 |
| --Chantelle Niemer | 08/15/07 |
| --Holly Podniesinski | 08/18/07 |
| --Mark Przybysz | 08/19/07 |
| --Andrew Ping | 08/18/07 |
| --Andrew Puehn | 08/18/07 |
| --Mark Puto | 05/21/07 |
| --Jacob Pyzikiewicz | 08/24/07 |
| --Clay Reeb | 08/19/07 |
| --Joe Reynolds | 08/17/07 |
| --Caitlin Rieck | 08/18/07 |
| --Jamie Russell | 08/24/07 |
| --Caitlin Rutski | 08/18/07 |
| --Jake Sauer | 08/14/07 |
| --Zachary Sauer | 06/18/07 |
| --Sara Schwab | 08/18/07 |
| --Samantha Sieg | 08/24/07 |
| --Jon Sinski | 07/27/07 |
| --Liz Sinski | 08/25/07 |
| --Daniel Skoczylas | 08/24/07 |
| --Stanley Smith | 08/19/07 |
| --Austin Snyder | 08/19/07 |
| --Naomi Snyder | 08/18/07 |
| --Alyson Suwalski | 08/20/07 |
| --Benjamin Walkow | 05/21/07 |
| --Brittany Wall | 05/21/07 |
| --Krista Wayne | 08/17/07 |
| --Gene Williams | 08/19/07 |
| --Torri Wydysh | 08/24/07 |
| --Kelsey Zamoyski | 08/18/07 |
| --Leah Zamoyski | 08/18/07 |
| --Alli Zybczynski | 08/19/07 |
| --Kylee Zywicki | 08/17/07 |

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



25. RESOLUTION 2007-576

Reappointment to the Board of Assessment Review

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, the term of Newton Graziano as member of the Board of Assessment Review for the Town of Cheektowaga expired on September 30, 2007, AND

WHEREAS, Newton Graziano has requested reappointment to this position, AND

WHEREAS, Newton Graziano has performed satisfactorily as member of the Board of Assessment Review for the past five (5) years, NOW , THEREFORE, BE IT

RESOLVED, that Newton Graziano be and hereby is reappointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2012.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



26. RESOLUTION 2007-577

Appointment of Pump Operator (Provisional/Temporary) (Steven W. Williams)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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

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

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

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

WHEREAS, a current Civil Service list does not exist; AND

WHEREAS, Steven W. Williams applied for said position and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Steven W. Williams of Cheektowaga, New York, be and hereby is appointed to the temporary position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 30, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



27. RESOLUTION 2007-578

Appointment of Recreation Supervisor (Permanent) (Senior Services) (Dawn M. Bellere)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, this Town Board appointed Kerry Switalski to the permanent title of Director of Senior Services; AND

WHEREAS, this action resulted in the title of Recreation Supervisor being available for permanent appointment in the Senior Services 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, Dawn M. Bellere, currently employed as a contingent/permanent Recreation Supervisor in the Senior Services Department meets all the necessary qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Dawn M. Bellere of Cheektowaga, New York be and hereby is appointed to the permanent position of Recreation Supervisor in the Senior Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 2, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



28. RESOLUTION 2007-579

Travel Authorization - Youth & Recreation (Jillian Gorman)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a seminar entitled, "Healthy Communities, Healthy Youth - Transforming Relationships for the Common Good" is being held in Rochester, New York on November 7, 2007; AND

WHEREAS, Program Coordinator Jillian Gorman has requested authorization to attend said seminar; AND

WHEREAS, Youth and Recreation Executive Director Kenneth Kopacz 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 \$894; AND

WHEREAS, these expenses have been budgeted by the Youth and Recreation Department; NOW, THEREFORE, BE IT

RESOLVED, that Program Coordinator Jillian Gorman be and hereby is authorized to attend the seminar entitled, "Healthy Communities, Healthy Youth - Transforming Relationships for the Common Good" being held in Rochester, New York on November 7, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

IV. Suspension of Rules

Motion by Councilmember Magierski, second by Councilmember Rogowski to suspend the rules to include the following two (2) items, and the motion carried.



1. RESOLUTION 2007-580

Acceptance of Site Plan - 300 Airborne Parkway

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

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 Uniland Development Company for a re-approval of an expired site plan for a three story, 108,000 square foot office building at 300 Airborne Parkway, AND

WHEREAS, this Town Board on May 12, 2006 previously approved the site plan for the subject project , AND

WHEREAS, pursuant to Chapter 260, Article VII, Section 260-53B of the Zoning Law the Town Board approval of said site plan expired due to the developer's 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 July 12, 2007 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 subject to:

1. The Town Engineer approving the grading and drainage plan.
2. Modifications to the plan to provide for pedestrian mobility as originally recommended by the Town Traffic Safety Commission and as required by Section 1100 of the NYS Building Code.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-581

Negative SEQR Declaration - 1540 Walden Avenue

Sponsored By: Councilmember Johnson Jr., 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 Charles Basil for the construction of a 3,693 square feet building addition to an existing Auto Sales Dealership at 1540 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 26, 2007 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 9, 2007, 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 BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the drainage plan.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Communications

A. Departmental Communications

1. Town of Cheektowaga 2008 Tentative Benefit Basis Budget

2. Supervisor's Statement of Funds: August 2007
3. Cheektowaga Environmental Advisory Committee: Minutes of September 12, 2007 Meeting
4. Building Permits: September 2007

B. General Communications

1. County of Erie: Department of Environment and Planning: PUBLIC NOTICE: 30 - Day Period for Inclusion of Lands Into an Agricultural District
2. Notice of Claim: Joyce Kusmerski Vs Town of Cheektowaga
3. Notice of Claim: Grozdana Nokolov Vs Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Closing

Motion by Councilmember Johnson, second by Supervisor Jankowiak to adjourn the meeting at 7:45 PM.

The Town of Cheektowaga



- Office of Building and Plumbing Inspections
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490
- Neighborhood Preservation Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 897-7281
- Fire Inspection Office
275 Alexander Avenue
Cheektowaga, NY 14211
(716) 961-6501

MEMORANDUM

TO: Supervisor James J. Jankowiak
Honorable Town Board Members
Mary Holtz, Town Clerk
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak
Supervising Code Enforcement Officer

DATE: August 7, 2007

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on August 1, 2007 in the Town Hall Council Office Conference Room. (Absent CCAC representative)

ITEM I 5115 Genesee Street - Proposed Rezoning from CM to MS for an Existing Petroleum Sales

Applicant: Petr-All Petroleum

The applicant had modified the drawing to eliminate the drive thru since there was little stacking area for vehicles. As part of the modification additional landscaping will be provided and pedestrian access to the business. A sidewalk will be placed along Genesee and Transit Road where it maybe missing at the present time.

The committee would recommend that a Negative Declaration be issued for this project as the intended changes will not intensify the use of the property.

ITEM II 2700 Union Road - Proposed Rezoning from CM to MS for an Existing Petroleum Sales

Applicant: Petr-All Petroleum

URS is presently undertaking a review of the proposed project as it is part of the Williams/Losson Corridor study area. The \$1,000.00 fee has been paid by the applicant.

As part of its review the Traffic Safety Commission is now recommending as a standard minimum for any drive thru 12 stacking spaces on site. The applicant has provided approximately 16 spaces by recreating a double queue similar to other facilities located elsewhere.

EAC – August 1, 2007
 August 7, 2007
 Page: 2

The Traffic Safety Commission will review this double queue to determine if it will provide adequate stacking and safety and maneuvering on the site. It was noted that the fill ports for the underground fuel tanks are located on the north side of the property alongside the drive thru. It is suspected that when a tanker is present and filling the tanks the drive thru will be blocked during that period of time. A suggestion was made that a letter be sent from Tim Horton's, who will be operating the drive thru, describing what they would do if queuing goes beyond the 16 stacking spaces provided with the possibility of lines being created on Union Road itself.

The Town is awaiting DOT comments on the project. This item will remain tabled for further review and comment.

**ITEM III 4646 Genesee Street - Proposed Rezoning from MS to CM for a
 Flooring Product Showroom**

Applicant: Shane Khanjani

The proposed business is a flooring showroom which would draw less traffic than the existing car rental facility. After considerable discussion with the applicant's attorney, it was suggested that the DOT erect a "blind driveway" sign for west bound traffic. The Town has received a letter from the DOT with no apparent concerns for this project.

The Zoning Officer will contact the DOT to obtain a field review of the drive to get a final determination from the DOT on this situation.

The committee would recommend that a Negative Declaration be issued for this project subject to the receipt of a letter from the DOT indicating that they have no further on this project or concerns and a letter from the applicant regarding traffic and signage.

**ITEM IV 5090 Transit Road - Proposed 1,800 Sq. Ft. Coffee Shop and
 2,520 Sq. Ft. Retail Store**

Applicant: Genesee Transit Holding VII LLC

The applicant and his engineer were present at the meeting to discuss the various variances that would be required. The committee again felt that there was too much development for a small site and recommended that the retail store be eliminated. The applicant indicated he would sit down to see if any changes can be made to reduce the number of variances or reduce the impact of the variance.

This item will remain tabled for further review and comment.

EAC – August 1, 2007

August 7, 2007

Page: 3

ITEM V Union Road - Proposed 4,232 Sq. Ft Pizza Hut Wing Street Restaurant

Applicant: APD Engineering

The Zoning Board of Appeals had approved the various variances needed for the project. The applicant also eliminated the drive connection to the Oak Tree Hotel parking lot. He also indicated that a traffic impact study had been completed and would be submitted shortly for review by the Town and the DOT. He also indicated that Pizza Hut would pay for any lost trees since ten trees that would be eliminated can not be replanted on the site. It was suggested he contact Conax to see if these trees could be planted elsewhere on the Conax property and will follow up with a letter indicating the result of his contact. If the trees can not be planted anywhere on the Conax site, a \$150.00 fee per tree it was suggested by Councilmember Johnson.

The restaurant will be operated by the same franchisee who operates the present restaurant further north on Union Road and the Town was told this restaurant would be closed. The committee is requesting a letter from the owner indicating the reason for moving and the possible disposition of the old building.

The committee would recommend that a Negative Declaration be issued for this project subject to the Traffic Safety Commission accepting and concurring with the traffic impact study and that the architecture for the building encompasses the freezer/cooler at the rear.

ITEM VI 45 Gardenville Parkway - Proposed 5,400 Sq. Ft. Addition to Self Storage Facilities

Applicant: Eugene Piotrowski

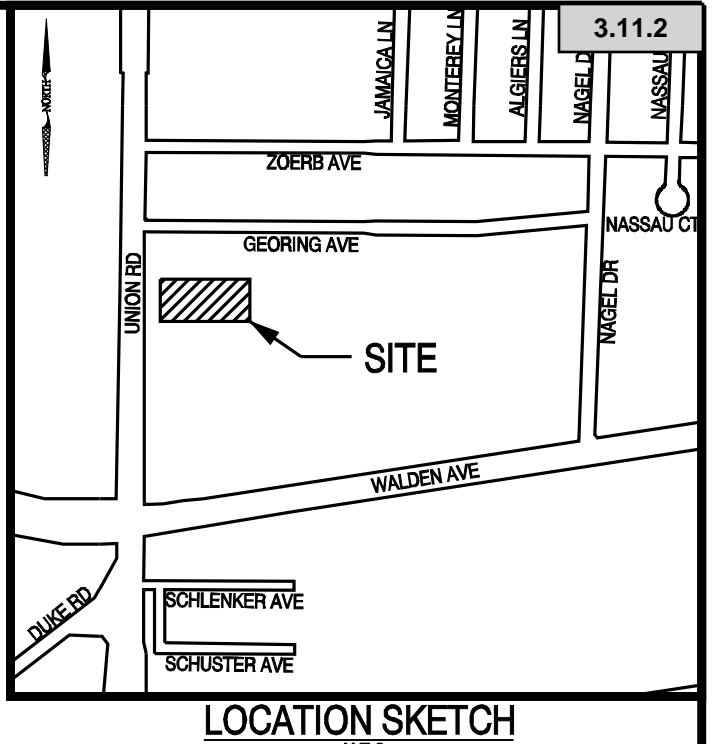
The Planning Board has reviewed this proposal and has recommended approval. The committee finds no adverse impacts as they will be constructing the buildings on what is presently a paved area. Therefore the committee is recommending a Negative Declaration subject to the planting of additional trees along Gardenville per Planning Board recommendation.

EAC – August 1, 2007
August 7, 2007
Page: 4

THE NEXT MEETING OF THE
ENVIRONMENTAL ADVISORY
COMMITTEE MEETING WILL BE
HELD
WEDNESDAY, AUGUST 22, 2007
AT 10:00 A.M.
IN THE COUNCIL OFFICE
CONFERENCE ROOM

SITE LEGEND

- PROPOSED BUILDING
- - - PROPOSED PROPERTY LINE
- - - EXISTING PARCEL LINE
- - - EXISTING LOT LINE
- - - PROPOSED STEEP SLOPE
- - - PROPOSED EDGE OF PAVEMENT
- - - PROPOSED 18" CURB AND GUTTER
- - - PROPOSED EASEMENT
- - - PROPOSED SETBACK
- - - PROPOSED SIDEWALK
- - - EXISTING FENCE
- PROPOSED PARKING STRIPING
- ▨ PROPOSED CONCRETE SIDEWALK
- ▨ PROPOSED HEAVY DUTY CONCRETE PAVEMENT
- ▨ PROPOSED REGULAR DUTY ASPHALT PAVEMENT
- ♿ PROPOSED HANDICAP PARKING BAY SYMBOL
- ← PROPOSED PAINTED DIRECTIONAL ARROW
- STOP PROPOSED STOP BAR, SIGN, AND LETTERS
- PROPOSED SIGN
- EXISTING SIGN
- PROPOSED LIGHT POLE
- EXISTING LIGHT POLE



PROPERTY/BUILDING/PARKING DATA:

PROPERTY INFORMATION
TOTAL LOT AREA 35,354 +/- SF

BUILDING INFORMATION
PIZZA HUT 4,232 +/- SF

PARKING INFORMATION
PARKING REQUIRED BY TOWN
REQUIRED PARKING STALL SIZE 9' X 19' N/A
(1) EATING OR DRINKING ESTABLISHMENTS 10.4 SPACES N/A
(A) FIVE SPACES FOR EACH 25 SF OF NET TAKE OUT AREA. (PROVIDED 52 SF)
(B) TWO SPACES FOR EACH FIVE SEATS. (PROVIDED 138 SEATS) 55.2 SPACES N/A
(2) HOTELS OR MOTELS
(A) ONE SPACE PER ROOM PLUS PARKING REQUIRED FOR BAR, RESTAURANT, AND ASSEMBLY ROOMS N/A 53 SPACES
TOTAL REQUIRED 66 SPACES 53 SPACES

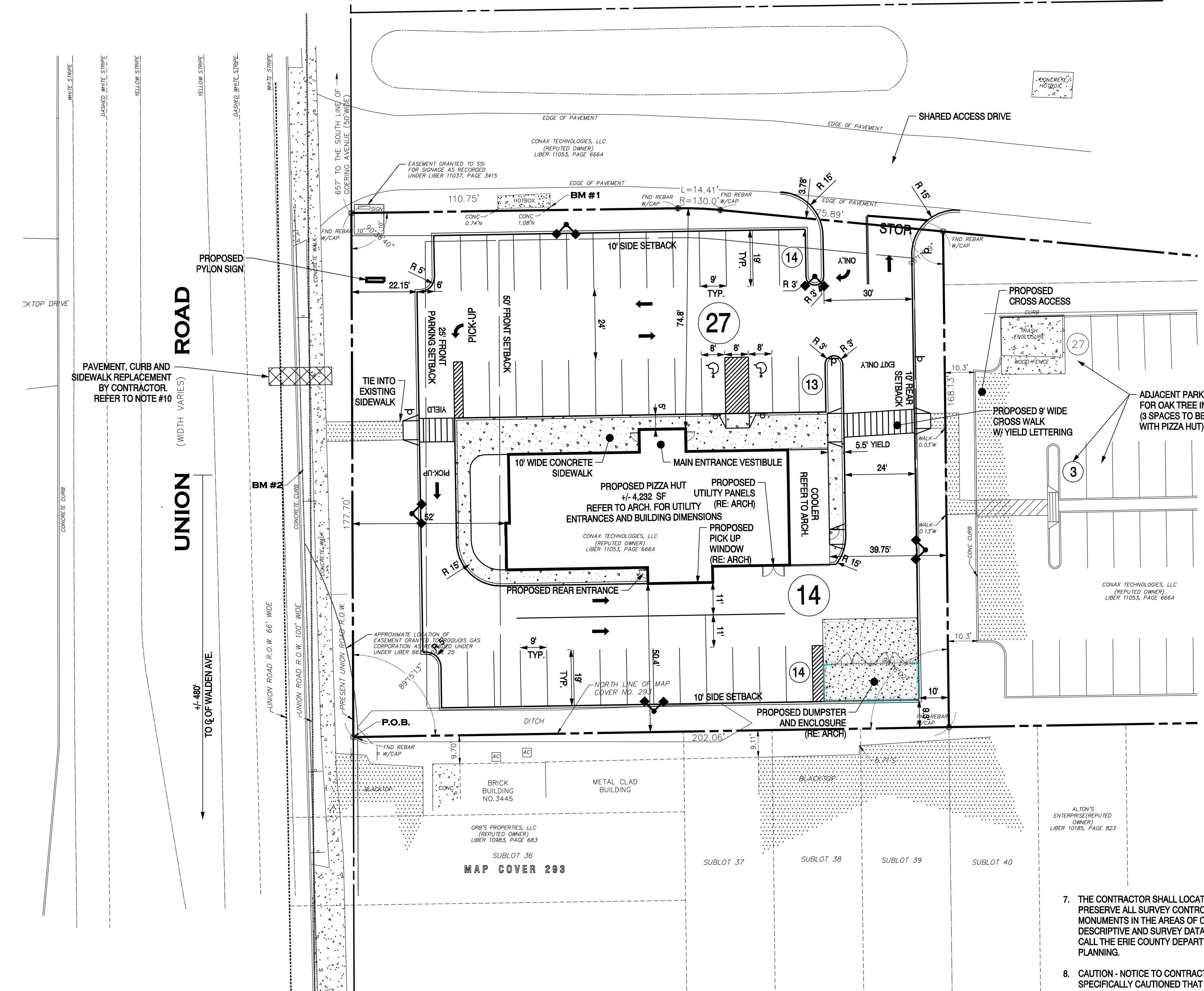
PARKING PROVIDED
PROVIDED PARKING STALL SIZE 9' X 19' 9' X 19'
SHARED PARKING 3 SPACES -3 SPACES
HANDICAP 2 SPACES N/A
STANDARD PARKING 39 SPACES 56 SPACES
TOTAL PARKING PROVIDED 44 SPACES * 53 SPACES

SITE DATA:

ZONING: TOWN OF CHEEKTOWAGA
C - RETAIL BUSINESS DISTRICT
FULL-SERVICE RESTAURANT (AS DEFINED IN ARTICLE XI)
ZONE "C" (AREA OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQ. MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.)

| BULK REQUIREMENTS | REQUIRED | PROPOSED PIZZA HUT |
|-------------------------------|--------------------------------|------------------------|
| FRONT YARD | 50' | 52.18' +/- |
| SIDE YARD (TWO REQUIRED) | 10' (1) | 53.07' +/-, 72.10' +/- |
| REAR YARD | 10' | 39.75' +/- |
| PARKING SETBACK | 25' FROM STREET LINE | 22.15' +/- |
| MINIMUM LOT WIDTH | 50' | 168.13' +/- |
| MAXIMUM BUILDING HEIGHT | 30' | 24'-8" +/- |
| * INTERIOR GREENSPACE | 5% (+/- 1,356 SF) | 3% (+/- 830 SF) |
| * GREENSPACE | 15% (+/- 5,303 SF) | 25% (+/- 8,742 SF) |
| * LANDSCAPE BUFFER (SIDE) (2) | 10' | 3.78' |
| * LANDSCAPE BUFFER (FRONT) | 25' | 22.15' |
| SITE SIGNAGE (3) | PERMIT NEEDED | TBD |
| SIGN AREA | NOT TO EXCEED 80 SF (ONE FACE) | TBD |
| SIGN HEIGHT | NOT TO EXCEED 30' | TBD |

- WHERE A SIDE YARD IS USED FOR ONE-WAY VEHICULAR ACCESS, IT SHALL BE AT LEAST 18 FEET WIDE WITH A TWELVE-FOOT DRIVEWAY. WHERE A SIDE YARD IS USED FOR TWO-WAY VEHICULAR ACCESS, IT SHALL NOT BE LESS THAN 30 FEET WIDE WITH NO MORE THAN A TWENTY-FOUR-FOOT-WIDE DRIVEWAY.
- A LANDSCAPED AREA AT LEAST 25 FEET IN DEPTH SHALL BE PROVIDED ALONG THE FRONT AND EXTERIOR SIDE LOT LINE OF ALL PARKING AREAS AND SUCH LANDSCAPING SHALL HAVE A DEPTH OF AT LEAST 10 FEET ALONG ALL SIDE AND REAR LOT LINES.
- NO FREESTANDING SIGN SHALL BE PLACED IN A PUBLIC RIGHT-OF-WAY NOR PROJECT OVER ONE. SEE CODE FOR ADDITIONAL SIGN REQUIREMENTS.
* VARIANCE IS NEEDED
** OAK TREE INN HOTEL PARKING INFORMATION TAKEN FROM "SITE LAYOUT PLAN" DATED APRIL 2, 2003 PREPARED BY WM SCHUTT & ASSOCIATES.

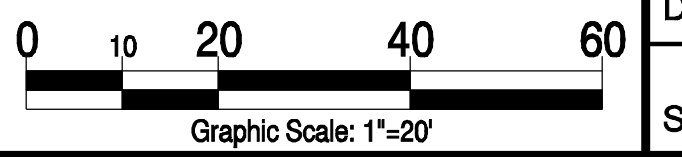


GENERAL NOTES:

- ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF CHEEKTOWAGA AND/OR THE APPROPRIATE WATER, SEWER AND/OR DRAINAGE DISTRICTS, UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO SECURE ALL PERMITS AND PROVIDE ALL BONDS REQUIRED FOR THIS WORK INCLUDING, BUT NOT LIMITED TO, UTILITY CONNECTIONS AND BUILDING AND SITE CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE THAT ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICES.
- MAINTENANCE AND PROTECTION OF TRAFFIC ALONG WITH SECURING THE WORK AREA SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL CONES, DRUMS, CONCRETE BARRIERS AND MARKERS ARE TO BE PLACED SO AS TO PROVIDE A MINIMUM 2' CLEARANCE TO THE TRAVELED WAY UNLESS OTHERWISE SHOWN ON THE PLANS AND/OR DIRECTED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL MAKE CERTAIN PLACEMENT OF CONES, DRUMS AND MARKERS OR BARRICADES SHALL NOT INTERFERE WITH SIGHT DISTANCE.
- ALL DEBRIS AND SOILS DERIVED FROM THE CONTRACTOR'S OPERATIONS FOUND IN THE PUBLIC RIGHT-OF-WAY OR CAUSING NUISANCE TO OPERATIONS SHALL BE CLEANED AND REMOVED ON A DAILY BASIS OR WHEN NOTIFIED BY THE OWNER'S REPRESENTATIVE.

- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION. FOR DESCRIPTIVE AND SURVEY DATA ON THE CONTROL MONUMENTS, CALL THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING.
- CAUTION - NOTICE TO CONTRACTOR: THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. THE CONTRACTOR SHALL MAKE EXPLORATION EXCAVATIONS TO LOCATE EXISTING UNDERGROUND UTILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS AS REQUIRED TO MEET EXISTING CONDITIONS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
- CONSTRUCTION WILL CONFORM TO ALL PERTINENT SECTIONS OF THE TOWN OF CHEEKTOWAGA AND NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WETLAND REGULATIONS.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REPLACEMENT OF CONCRETE PAVEMENT, CURBING AND SIDEWALK REMOVED/DISTURBED DURING WATERMAIN INSTALLATION/CONNECTION. THE CONTRACTOR SHALL REFER TO NYS DOT ENGINEERING INSTRUCTION, EI 04-015 FOR FURTHER INFORMATION.

SURVEY INFORMATION TAKEN FROM TOPOGRAPHIC, BOUNDARY AND UTILITY SURVEY PREPARED BY WM SCHUTT & ASSOCIATES DATED, 2/01/07



Revisions:

| 1 | MISCELLANEOUS REVISIONS | 3/27/07 |
|---|-------------------------|---------|
| 2 | MISCELLANEOUS REVISIONS | 5/30/07 |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |

Seal

| PROJECT MANAGER | DATE |
|-----------------|------|
| | |

PROJECT ENGINEER / ARCHITECT

| DATE |
|------|
| |

PROJECT DESIGNER

| DATE |
|------|
| |

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APD Engineering
3445 Winton Place - Suite 208
Rochester, NY 14623
585.273.0273
585.273.0276 fax
www.apd.com

PROPOSED PIZZA HUT WING STREET

UNION ROAD & WALDEN AVE
TOWN OF CHEEKTOWAGA
ERIE COUNTY, NY

Project Name & Location:

SITE PLAN

| | |
|-----------------|---------------|
| Drawing Name: | Project No. |
| Date: 3/2/07 | 07-0104 |
| Type: | C 2 |
| Drawn By: KMF | Dr |
| Scale: 1" = 20' | Packet Pg. 45 |



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, October, 9, 2007

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on October 9, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

- Kevin Schenk, Town Attorney
- William Pugh, Town Engineer
- Brian Krause, Director of Finance and Administration
- Thomas Adamczak, Supervising Building and Plumbing Inspector
- Christine Ziembra, Chief of Police
- Kerry Switalski, Senior Services Director
- Bob Ciesielski, Foreman, Central Garage
- Jon Nichy, Foreman, Main Pump Station
- Andrew Kulyk, Chairman, Zoning Board of Appeals
- John Glascott, Captain, Police Department

II. Public Comment Period

III. Public Hearings

1. Public Hearing: Benefit Basis Budget - 2008

Comments were heard. Decision was reserved.

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Jeff Swiatek, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

2. Public Hearing: Ad Valorem Budget - 2008

Comments were heard. Decision was reserved.

RESULT: CLOSED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Jeff Swiatek, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

IV. Adjourn

Motion by Supervisor Jankowiak, second by Councilmember Johnson to adjourn the meeting.



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, October, 15, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on October 15, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
John Jaroszewski, General Crew Chief
Anthony Romano, Coordinator of Employee Relations
Brian Hess, Assessor
Mark Wegner, Deputy Highway Superintendent

II. Public Comment Period

III. Public Hearing at 7 PM

1. Amend Traffic Law - Dubonnet Drive

This being the time and place advertised for a public hearing regarding the Town Code of the Town of Cheektowaga (Vehicle and Traffic), said amendments being as follows: Article V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations: Dubonnet Dr. 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.

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.

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| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

IV. Resolutions



1. RESOLUTION 2007-582

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|------------------------|--------------|
| FROM: | 100-1910-3088 | Misc. State Aid | \$ 10,000.00 |
| | 100-1910-3005 | Mortgage Tax | 44,400.00 |
| | 100-1910-2665 | Sale of Equipment | 8,025.00 |
| TO: | 100-7110-2304 | Park Equipment | \$ 3,500.00 |
| | 100-7110-4022 | Park Supplies | 6,500.00 |
| | 100-7110-4451 | Repairs & Maint. Parks | 15,000.00 |
| | 100-1420-2201 | Office Equipment | 4,400.00 |
| | 100-3120-2303 | Police Vehicles | 25,000.00 |
| | 100-1640-4441 | Equipment Repair | 8,025.00 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-583

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 12, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|----------------------|
| GENERAL FUND | \$ 227,869.29 |
| RISK RETENTION FUND | 9,360.07 |
| HUD HOUSING REHABILITATION FUND | 39,343.00 |
| SPECIAL DISTRICTS FUND | 184,587.66 |
| HIGHWAY FUND | 126,922.19 |
| CAPITAL FUND | 145,925.10 |
| TRUST & AGENCY FUND | 1,477.50 |
| HUD CDBG FUND | 13,483.67 |
| PART TOWN FUND | 2,119.32 |
| NYS AFFORDABLE HOUSING FUND | 16,320.00 |
| | <u>\$ 767,407.80</u> |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-584

Award of Bid Rental of Equipment & Operators for Emergency Snow Removal 2007-08 Winter Season

Sponsored By: Councilmember Zydel, Supervisor Jankowiak

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on October 3, 2007 for snow removal if a snow emergency should occur for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, AND

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

RESOLVED, that the bid for labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Custom Topsoil, Inc., 320 Crabapple Lane, Cheektowaga, NY 14227, AND BE IT FURTHERED

RESOLVED, that line item to be used of emergency is 300-5142-4029.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-585

Call for Public Hearing - 2008 CDBG Funds

Sponsored By: Councilmember Swiatek, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2008 Program Year, and

WHEREAS, the Town of Cheektowaga is required to prepare and submit an Annual Plan to the Department of Housing and Urban Development that identifies the activities that the Town will carry-out during the next program year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs and to review program performance during the previous program year, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on November 5, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Times on Thursday, October 25, 2007.

Notice of Public Hearing
Town of Cheektowaga FY 2008 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 5, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2007 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been determined by the Department of Housing and Urban Development. In 2007, the Town received \$ 1,026,387 in CDBG funds and \$368,486 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. CDBG or HOME funded activities may result in displacement. In the event displacement due to CDBG or

HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200) seven days prior to the hearing if you need such special arrangements. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



5. RESOLUTION 2007-586

Call for Public Hearing on Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga owns a Municipal Separate Storm Sewer System (MS4), the operation of which is regulated by the New York State Department of Environmental Conservation ("DEC") pursuant to the terms of a State Pollutant Discharge Elimination System ("SPDES") permit, and

WHEREAS, the United States Environmental Protection Agency Phase II Stormwater Regulations and the DEC SPDES General Permit require owners of MS4's to obtain permit coverage for stormwater discharges and to implement a stormwater management program by January 8, 2008, and

WHEREAS, pursuant to said requirements, the Town of Cheektowaga must enact an Illicit Discharge Detection and Elimination Law, and

WHEREAS, the Town Engineer and the Town Attorney have prepared a draft of a "Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 5th day of November, 2007 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 interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2007-6 of the Year 2007, entitled "A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 5th day of November, 2007 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2007-6 of the Year 2007, entitled "A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems". A summary of such Law is as follows:

A LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS

The purpose of this law is to provide for the health, safety and general welfare of the citizens of the Town of Cheektowaga through the regulation of non-stormwater discharges to the Town storm sewer system. This law establishes methods for controlling the introduction of pollutants into the Municipal Separate Sewer Systems ("MS4's") in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4's, Permit No. GP-02-02 or as amended or revised
- To regulate the contribution of pollutants to the MS4's
- To prohibit illicit connections, activities and discharges to the MS4's
- To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with law
- To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into MS4's

A copy of the entire text of Local Law Intro No. 2007-6 is on file in the Town Clerk's Office, where the same may be viewed during regular business hours

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

Dated: October 15, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-587

Call for Public Hearing on Local Law for Stormwater Management and Erosion & Sediment Control

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, the Town of Cheektowaga own a Municipal Separate Storm Sewer System ("MS4"), the operation of which is regulated by the New York State Department of Environmental Conservation ("DEC") pursuant to the terms of a State Pollutant Discharge Elimination System ("SPDES") permit, and

WHEREAS, the United States Environmental Protection Agency Phase II Stormwater Regulations and the DEC SPDES General Permit require owners of MS4's to obtain permit coverage for stormwater discharges and to implement a stormwater management program by January 8, 2008, and

WHEREAS, pursuant to said requirements, the Town of Cheektowaga must enact a Stormwater Management and Erosion & Sediment Control Law, and

WHEREAS, the Town Engineer and the Town Attorney have prepared a draft of a "Local Law for Stormwater Management and Erosion & Sediment Control", NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing shall be held on the 5th day of November, 2007 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 interested parties will be given an opportunity to be heard and at which time and place it may be determined by the Town Board whether Local Law Intro No. 2007-7 of the Year 2007, entitled "A Local Law for Stormwater Management and Erosion & Sediment Control" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA TIMES, the official Town newspaper.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 5th day of November, 2007 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2007-7 of the Year 2007, entitled "A Local Law for Stormwater Management and Erosion & Sediment Control". A summary of such Law is as follows:

A LOCAL LAW FOR STORMWATER MANAGEMENT AND

EROSION & SEDIMENT CONTROL

The purpose of this law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public. This

local law seeks to meet these purposes by achieving the following objectives:

- Meet the requirements of the NYS Department of Environmental Conservation ("DEC") Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems ("MS4's"), Permit No. GP-02-02
- Require land development activities to conform to the requirements of the DEC SPDES General Permit for Construction Activities, GP-2-01
- Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion, and maintain the integrity of stream channels
- Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality
- Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable
- Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained, and eliminate threats to public safety.

A copy of the entire text of Local Law Intro No. 2007-7 is on file in the Town Clerk's Office, where the same may be viewed during regular business hours

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

Dated: October 15, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



7. RESOLUTION 2007-588

Call for Public Hearing to Amend Planning Board Law

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, by resolution dated July 19, 2004, this Town Board enacted Local Law No. 4 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law Relating to the Planning Board" (now known as Chapter 26 of the Code of the Town of Cheektowaga) was adopted, and

WHEREAS, Section 26-7.A. of such law provides for monthly meetings of the Planning Board to be held on the second Thursday of each month at 7:30 P.M., and

WHEREAS, the Planning Board has recommended that this Town Board enact revisions to the Chapter 26 to have the regular meetings be held on the second Thursday of each month at 7:00 P.M., or at such other time as the Chairperson of the Planning Board may so determine, and

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

RESOLVED, that a public hearing be held on the 5th day of November 2007 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 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.

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 5th day of November, 2007 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. 2007-8 of the Year 2007, entitled "A Local Law to Amend A Local Law Relating to the Planning Board". Following is the text of the proposed Local Law Intro No. 2007-8:

Local Law Intro No. 2007-8

A Local Law to Amend a Local Law Relating to the Planning Board

Section 26-7.A., entitled "Regular meetings", shall be amended to read as follows:

- A. Regular meetings. The regular meetings of the Planning Board shall be held on the second Thursday of each month at 7:00 p.m. in the Council Chambers, Town Hall, 3301 Broadway, Cheektowaga, New York; or at such other time as may be determined by the Chairperson of the Planning Board.

Dated: October 15, 2007

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE

COUNTY, NEW YORK.

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-589

Call for Public Hearing to Amend Traffic Law - Rehm Road

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

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 November 5, 2007 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 18th day of October, 2007, 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 November 5, 2007 at 7:00 P.M. to consider the advisability of adopting amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic); said proposed amendments being as follows:

ARTICLE V, Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of § 235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

REHM ROAD - North side from the west terminus, east to the east curb line of Parwood Trail.

REHM ROAD - West terminus from the north curb line to the south curb line.

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

Dated: October 15, 2007

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-590

Notice to Bidders - Custodial Supplies for 2008, 2009, and 2010

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga Facilities Department requests that bids be advertised for the purchase of Custodial Supplies for 2008, 2009 and 2010, NOW THEREFORE BE IT

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

RESOLVED, that specifications for said Custodial Supplies 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 7th day of November, 2007 at 11:00 AM Eastern Standard Time at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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Notice to Bidders

Sealed proposals will be received by the Town Clerk on November 7, 2007 at 11:00 AM Eastern Standard Time at Town Hall, 3301 Broadway, for the Supplying of Custodial Supplies for 2008, 2009, and 2010.

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

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

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |



10. RESOLUTION 2007-591

Accept Land From Maryvale East Housing for Park

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, as part of the redevelopment of the Maryvale East Senior Apartments on Moorman Drive in the Town of Cheektowaga, the developer offered to convey a triangular-shaped parcel of land at the westerly side of its property to the Town of Cheektowaga for a neighborhood park, and

WHEREAS, since there is no neighborhood park in this area of Town, residents from this area were very enthusiastic about such offer, and

WHEREAS, Maryvale East Housing Development Corp., the owner of such property, has delivered a deed and survey for this land to the Town for acceptance, and

WHEREAS, the Town Attorney, Town Engineer and Director of the Facilities Department have reviewed the deed, survey and land to be deeded to the Town, and have recommended that this Town Board accept this land, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the above referenced property from Maryvale East Housing Development Corp., and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the deed for this property in the Erie County Clerk's Office.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-592

Accept Tree Replacement Monies for Union Road Pizza Hut

Sponsored By: Jankowiak, Swiatek, Johnson Jr.

WHEREAS, as part of the development of a proposed Pizza Hut restaurant along the east side of Union Road, south of 3511 Union Road, the developer needs to remove a number of trees on the site, and

WHEREAS, under the Town's Tree Preservation Law, the developer must either make provision for new trees to be planted on the site, or else the Town Board can accept moneys from the developer for the purpose of town-wide tree reforestation, and

WHEREAS, with respect to the aforementioned subdivision, physical limitations prevent the replacement of trees on a one-for-one basis, and

WHEREAS, this Board has met with the developer of the aforementioned subdivision, and has agreed on an amount of money to be paid by the developer to the Town in lieu of replacement trees on-site, NOW, THEREFORE, BE IT

RESOLVED, that, in lieu of replacement trees on the aforementioned property, this Town Board hereby agrees to accept \$1,650.00 from Hospitality Restaurant Group, Inc., said moneys to be deposited into a dedicated account established by the Town's Director of Administration and Finance for the purpose of town-wide reforestation efforts, and BE IT FURTHER

RESOLVED, that no tree removals shall take place until such time as the developer obtains the necessary approvals from the Town Engineer for clearing and grubbing.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Jeff Swiatek |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



12. RESOLUTION 2007-593

Authorize Grantmakers Advantage, Inc. to Complete Application Forms for Funding for Storm Sewer Improvements on Wayne Terrace

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the State Emergency Management Office and the Federal Emergency Management Agency provide grant funding opportunities under the Hazard Mitigation Grant Program and Flood Mitigation Assistance Program to assist communities with flood abatement projects, AND

WHEREAS, the Town Engineer has recommended that the Town pursue funding assistance under the aforesaid program associated with a proposed project to install storm sewer improvements on Wayne Terrace following the conclusion of the construction of downstream drainage improvements now being constructed by the New York State Department of Transportation on Harlem Road at the Wayne Terrace intersection, anticipated to be completed in 2008, NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, and Town Engineer be authorized and directed to complete the necessary application forms, etc. to be submitted to the State Emergency Management Office/Federal Emergency Management Agency for the purpose of securing funding in the amount of \$93,750.00 under the aforesaid program, 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 such funding, AND, BE IT FURTHER

RESOLVED, that the Town's matching share of funding, in an amount not to exceed \$31,250.00, shall be appropriated from the Town-Wide Drainage District.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-594

Request Thruway Authority to Complete Traffic Studies for and Construct an Off-Ramp on Broadway

Sponsored By: Johnson Jr., Rogowski, Jankowiak, Magierski, Swiatek, Jaworowicz, Zydel

WHEREAS, since the opening of the Thruway I-90 off-ramps on William Street in the Town of Cheektowaga, there has been a tremendous increase in vehicular traffic on William Street and at the William/Union/Losson area of Town, and

WHEREAS, previously, this Board went on record requesting the New York State Thruway Authority ("NYSTA") to construct and open an off-ramp for the Thruway on Broadway in the Town of Cheektowaga in order to alleviate some of this traffic congestion, and

WHEREAS, \$3.0 million in funding was previously appropriated through Congressman Jack Quinn's office through Public Law 105-178, Subtitle F, Section 1602 for traffic mitigation work in the Town of Cheektowaga, and

WHEREAS, in the Fiscal Year 2004 Consolidated Appropriations Bill Public Law 108-199, \$1.7 million of this \$3.0 million was appropriated to study and implement mitigation and diversion options for William Street and Broadway, I-90 Corridor Study; Interchange 53 to Interchange 49, PIN 552830 (Thruway ramp study for Broadway), and

WHEREAS, URS Greiner was retained by the Town of Cheektowaga to perform a traffic study of the intersections of Union Road/William Street and Union Road/Losson Road, and the study prepared by such consultant recommended that consideration be given to the addition of an off-ramp for the Thruway on Broadway as a means to alleviate the traffic congestion which exists on Losson Road and William Street, and

WHEREAS, since the removal of the Thruway tolls at Ogden Street, there has been even more traffic entering the Thruway at William Street, and

WHEREAS, traffic along the Losson Road/Union Road/William Street corridor has become unbearable to the residents and motorists, and something needs to be done as soon as possible, and

WHEREAS, this Town Board, by prior resolutions, has continued to request the NYSTA to complete the necessary traffic studies and to construct the indicated ramp or ramps on Broadway, but, to date, no final action has been taken by the NYSTA to accede to the Town's requests, and

WHEREAS, in light on the continued traffic congestion problems on William Street and the Thruway Exit 52A ramps, this Board needs to once again request an expedited study of the need for the Broadway ramp or ramps, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby renews it request to the NYSTA to provide the Town of Cheektowaga with an update as to the status of the traffic studies and the proposal to construct the indicated Thruway ramp or ramps on Broadway, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of

this resolution to the NYSTA, Congressman Brian Higgins, Governor Eliot Spitzer, Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Jankowiak, Jaworowicz, Swiatek, Magierski, Rogowski, Zydel |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



14. RESOLUTION 2007-595

October 2006 Storm/ 166 Fairvale Drive

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 166 Fairvale Drive, Cheektowaga, New York SBL# 91.12-1-37 that is a danger to the safety of others, and records kept by the Assessors Office identify John C. Skillcorn & Wife, 166 Fairvale Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 166 Fairvale 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 Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



15. RESOLUTION 2007-596

Unsafe-Unsecured / 1937-1941 Harlem Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 1937-1941 Harlem Road, Cheektowaga, New York SBL# 113.01-1-4.1 that is a danger to the safety of others, and records kept by the Assessors Office identify Mr. & Mrs. Robert M. Schultz, 2929 Lakeview Road, Hamburg, New York 14075, as the owner AND

WHEREAS, an inspection of such premises was conducted at 1937-1941 Harlem Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



16. RESOLUTION 2007-597

Youth & Recreation Transfer

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individual listed below be and hereby is transferred from Camp Flamingo (7310.1810) to the Adapted Recreation Program (7310.1803), effective 9/4/07:

--Amy McMahon

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-598

Hiring/Termination of Seasonal/Part-Time Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

SANITATION DEPARTMENT - Laborer \$7.50/hour effective 10/15/07

Anthony Jasinski, Depew, NY

Francis Kreppel, Cheektowaga, NY

Michael McGill, Cheektowaga, NY

Matt Rustowicz, Cheektowaga, NY

Christopher Weber, Cheektowaga, NY

Joseph Wiesmore, Cheektowaga, NY

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:

SENIOR SERVICES - Recreation Attendant (Substitute for Nutrition Site Manager) \$8/hour

Alberta Krejci, Depew, NY

Effective 10/16/07

POLICE DEPARTMENT - Assistant Dog Control Officer \$7.50/hour

Donald S. McCurdy II, Cheektowaga, NY

Effective 10/16/07

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

SANITATION DEPARTMENT effective 9/28/07

Thomas Buil

Cory Herr

Jesse Herr

Paul Herr

Bryan Kazmierczak

Thomas Manley

Kevin Menchini

Keith Pheasant

Kenneth Piatek

David Saskowski

Michael Sirgey
David Vinci
Andrew Wastchak

SANIATION DEPARTMENT effective 10/01/07
Kyle Phakkhonkham

Motion by Supervisor Jankowiak, Seconded by Councilmember Magierski to Waive the Reading of Names for this resolution. And the vote was Unanimous.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



18. RESOLUTION 2007-599

Appointment of Park Maintenance Worker I (Labor/Permanent) (Facilities Department) (Justin Henzler)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the title of Park Maintenance Worker I in the Facilities Department; AND

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

WHEREAS, no full-time bargaining unit bid on said vacancy; AND

WHEREAS, Justin Henzler, currently employed as a temporary Maintenance Worker in the Facilities Department, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Justin Henzler of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I in the Facilities Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 15, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-600

Appointment of Two (2) Public Safety Dispatchers (Jason Wojtaszczyk and Nicholas Mendez)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, two (2) vacancies exist in the position of Public Safety Dispatcher in the Police Department; AND

WHEREAS, said vacancies are in the competitive class of civil service; AND

WHEREAS, Jason R. Wojtaszczyk and Nicholas Mendez both appear on said civil service list and meet all the qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jason R. Wojtaszczyk of Cheektowaga, New York, and Nicholas Mendez of Depew, New York, be and hereby are appointed to the permanent position of Public Safety Dispatcher in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Public Safety Dispatchers Association effective October 29, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



20. RESOLUTION 2007-601

Travel Authorization (Building and Plumbing Department/Office of Community Development)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Niagara Frontier Building Officials Association Annual Conference is being held in Amherst, New York from January 28 through January 30, 2008; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has requested authorization for the following employees listed to attend said conference:

- Thomas Adamczak, Supervising Code Enforcement Officer
- Lawrence Kensy, Senior Housing Inspector
- Gary Parks, Code Enforcement Officer
- Matthew Kawczynski, Fire Inspector
- Edward Saternus, Fire Inspector
- Mark Radecki, Assistant Code Enforcement Officer
- Donald Wartinger, Housing Inspector
- Ronald Stepnick, Assistant Code Enforcement Officer
- Donald O'Neill, Assistant Plumbing Inspector
- Richard Coburn, Housing Inspector
- Gerald Gill, Housing Inspector (Part Time)
- Larry Rokitka, Housing Inspector (Part Time)
- Gregory Magnuszewski, Assistant Plumbing Inspector
- Daniel Ulatowski, Zoning Inspector
- Gerald Sprada, Housing Inspector
- Donald Bielefeld, Housing Inspector
- Yet to be appointed Assistant Code Enforcement Officer
- Dale Parks, Housing Inspector (Community Development)
- Richard Willis, Housing Inspector (Community Development)
- Gail Milburth, Assistant Code Enforcement Officer (Community Development); AND

WHEREAS, Mr. Adamczak 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 \$6,850 for the Building and Plumbing Department and \$250 for the Office of Community Development; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department as well as the Office of Community Development; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are approved to attend the Niagara Frontier Building Officials Association Annual Conference being held in Amherst, New York from January 28 through January 30, 2008.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

V. Suspension of Rules

Motion by Councilmember Magierski; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Three (3) Resolutions. And the vote was Unanimous.



1. RESOLUTION 2007-602

Authorize New York State Electric & Gas Corporation to Convert Four Luminaires From 175 Watt to 100 Watt

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

BE IT RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to convert four (4) luminaires on Warsaw Street, Line 456, Poles #2, 4, 6 & 8 from 175 watt mercury vapor to 100 watt high pressure sodium to improve the uniformity of lighting in accordance with the attached NYSEG proposal dated October 10, 2007 at a total annual increase to the General Lighting District of \$99.40, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is hereby requested to furnish a copy of this resolution to:

Mr. Donald Russo
Street Lighting Representative
New York State Electric & Gas
152 Border City Road
Geneva, New York 14456

Fax (315) 789-4135

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-603

Authorize Supervisor to Execute Equipment and Service Agreements

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, various departments in the Town of Cheektowaga purchase equipment and require maintenance agreements relating to the equipment which has been purchased, and

WHEREAS, since many of these agreements involve making long-term financial obligations on behalf of the Town and/or involve warranties, the Town Board must approve such agreements and the Town Supervisor must execute said agreements on behalf of the Town, and

WHEREAS, many times, there is insufficient time to present these agreements to the Town Board at a meeting for approval, and some mechanism needs to be put into place to expedite the process, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Town Supervisor to execute the aforementioned agreements on behalf of the Town, after review and approval by the Town Attorney and the Director of Administration and Finance.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-604

Notice to Bidders for Cube Van for Police Fire Investigation Unit

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of One (1) New and Unused 2008 12-foot Cube Van for the Cheektowaga Police Fire Investigation Unit, said notice to be published in the Cheektowaga Times; and it is further

RESOLVED, that sealed bids will be received by the Cheektowaga Town Clerk on November 1, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, 14227.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on November 1, 2007 at 11:00 A.M., in the Council Chambers, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, One (1) New and Unused 2008 12-foot Cube Van for the Cheektowaga Police Fire Investigation as specified.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town. One bid is to be submitted for the purchase of one (1) unmarked specialty use police vehicle 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: 16 October 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Communications

A. Departmental Communications

1. Town of Cheektowaga Emergency Services: Quarterly Report - July to September 2007
2. Minutes: Cheektowaga Conservation Advisory Council - September 15, 2007
3. Minutes - Cheektowaga Planning Board - September 13, 2007
4. Notice of Claim: Michael Gruenthaner As Parent & Natural Guardian of Anna Marie Gruenthaner, an Infant Vs. Town of Cheektowaga
5. Notice of Claim: Cindy Komosinski Vs. Town of Cheektowaga
6. Notice of Claim: Edwin P. Lane Vs. Town of Cheektowaga
7. Notice of Claim: Roberta A. Lukasik Vs. Town of Cheektowaga
8. Notice of Claim: Leon Podsiadlo, Parent and Natural Guardian of Chelsea Podsiadlo, a Minor Vs. Town of Cheektowaga
9. Notice of Claim: Eugenia Zygaj Vs. Town of Cheektowaga

B. General Communications

1. NYSDOT Extended Designation of Restricted Highway: a Portion of Genesee St, State Highway 1212, At the Intersection with Holtz Drive Beginning At STA F6+665, 270 M West of Holtz Dr., and Ending At STA F7+800, 865 Meters East of Holtz Drive.

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjournment

| |
|--|
| Motion by Councilmember Johnson; Seconded by Councilmember Rogowski to adjourn the Meeting at 7:45 PM. And the vote was Unanimous. |
|--|



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, October, 16, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on October 16, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Absent | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Absent | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Absent | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydell | Town of Cheektowaga | Councilmember | Present | |

II. Resolutions



1. RESOLUTION 2007-605

Authorize Supervisor to Sign Statement of Support for SPCA

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, the Town of Cheektowaga, through our Police Department and Dog Control Office, pick up stray dogs (and occasionally cats) pursuant to State and Town law, and

WHEREAS, pursuant to an agreement with the Erie County Society for the Prevention of Cruelty to Animals ("SPCA") dated April 23, 1998, the Town delivers dogs and cats to the SCPA for adoption and remits the appropriate fees to the SCPA, and

WHEREAS, the SCPA is the lead agency applying for a grant through "Maddie's Fund" to support community-wide collaborations for adoption guarantee organizations, traditional shelters, animal control agencies, and veterinarians working together to end the killing of healthy and treatable shelter dogs and cats, and

WHEREAS, the Cheektowaga Town Board wishes to express its support for this application and also appreciation for the excellent work performed by the SPCA in the community in support of our animal control program, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board and the Dog Control Program administered by the Police Department agree to support the efforts of the Animal Alliance of Western New York and the SPCA through partnering with them to save the lives of dogs and cats through ongoing communication, record-keeping and best practices, and BE IT FURTHER

RESOLVED, that the Dog Control Officer(s) and Police Department cooperate with the Animal Alliance of Western New York and the SPCA by providing them with requested data concerning our programs and records concerning the animals we handle, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Statement of Support presented to the Town by the SPCA.

Motion by Councilmember Zydel; Seconded by Councilmember Rogowski to Amend this Resolution to correct SPCA, and the Vote was Unanimous.

WHEREAS, the Town of Cheektowaga, through our Police Department and Dog Control Office, pick up stray dogs (and occasionally cats) pursuant to State and Town law, and

WHEREAS, pursuant to an agreement with the Erie County Society for the Prevention of Cruelty to Animals ("SPCA") dated April 23, 1998, the Town delivers dogs and cats to the **SPCA** for adoption and remits the appropriate fees to the **SPCA**, and

WHEREAS, the **SPCA** is the lead agency applying for a grant through "Maddie's Fund" to support community-wide collaborations for adoption guarantee organizations, traditional shelters, animal control agencies, and veterinarians working together to end the killing of healthy and treatable shelter dogs and cats, and

WHEREAS, the Cheektowaga Town Board wishes to express its support for this application and also appreciation for the excellent work performed by the SPCA in the community in support of our animal control program, NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board and the Dog Control Program administered by the Police Department agree to support the efforts of the Animal Alliance of Western New York and the SPCA through partnering with them to save the lives of dogs and cats through ongoing communication, record-keeping and best practices, and BE IT FURTHER

RESOLVED, that the Dog Control Officer(s) and Police Department cooperate with the Animal Alliance of Western New York and the SPCA by providing them with requested data concerning our programs and records concerning the animals we handle, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Statement of Support presented to the Town by the SPCA.

| | |
|------------------|--|
| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Thomas Johnson Jr., Alice Magierski, James Rogowski, Richard Zydel |
| ABSENT: | James Jankowiak, Patricia Jaworowicz, Jeff Swiatek |



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, November 5, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on November 5, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

- Kevin Schenk, Town Attorney
- William Pugh, Town Engineer
- Brian Krause, Director of Finance and Administration
- Thomas Adamczak, Supervising Building and Plumbing Inspector
- Jerry Gabryszak, Director of Community Development
- Christine Ziemba, Chief of Police
- Kerry Switalski, Senior Services Director
- Anthony Sisti, Planning Board Chairman
- Brian Hess, Town Assessor

II. Presentation of CERT (Citizens Emergency Response Team)

III. Public Comment Period

IV. Public Hearings at 7:00 PM

1. Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems

| | |
|------------------|---|
| RESULT: | CLOSED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

2. Local Law for Stormwater Management and Erosion & Sediment Control

RESULT: CLOSED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

3. Amend Planning Board Law

RESULT: CLOSED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Patricia Jaworowicz, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

4. Amend Traffic Law - Rehm Road

RESULT: CLOSED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

V. Resolutions



1. RESOLUTION 2007-606

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | | |
|-------|---------------|------------------------|----|--------|
| FROM: | 100-1355-2005 | Office Equipment | \$ | 300.00 |
| | 100-7140-4521 | Ice Hockey | | 400.00 |
| TO: | 100-1355-4082 | Conferences & Seminars | \$ | 300.00 |
| | 100-7140-4540 | Inline Hockey | | 400.00 |

HUD CDBG FUND

| | | | | |
|-------|---------------|------------------------|----|----------|
| FROM: | 700-1098-0602 | Clearance & Demolition | \$ | 3,183.18 |
| TO: | 700-1098-2200 | Acquisition | \$ | 3,183.18 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-607

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 2, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 2,844,529.39 |
| RISK RETENTION FUND | 68,986.38 |
| HUD HOUSING REHABILITATION FUND | 23,124.75 |
| SPECIAL DISTRICTS FUND | 910,134.10 |
| HIGHWAY FUND | 655,203.89 |
| CAPITAL FUND | 115,959.31 |
| TRUST & AGENCY FUND | 18,712.22 |
| HUD CDBG FUND | 3,198.62 |
| PART TOWN FUND | 111,546.77 |
| | <u>\$ 4,751,395.43</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-608

Adopt 2008 Benefit Basis Budget

Sponsored By: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

WHEREAS, James J. Jankowiak, Supervisor of the Town of Cheektowaga, New York, presented a Budget and Assessment Roll showing the various sums of money that were and will be required to defray the expenses of the Special Districts respectively and does determine same to be necessary and required as set forth, namely:

Town of Cheektowaga
Final Benefit Basis Budget, AND

WHEREAS, a Public Hearing was duly held on the 9th day of October, 2007 at 6:00 P.M. in relation to the Preliminary Benefit Basis Budget, as provided by law, with amendments made to same, NOW, THEREFORE, BE IT

RESOLVED, that the Budget and Assessment Roll for Special Districts in the Town of Cheektowaga, be and the same is hereby adopted, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to cause same to be spread on the Tax Roll for the Year 2008.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-609

Adopt 2008 Ad Valorem Budget

Sponsored By: Jankowiak, Johnson Jr., Jaworowicz, Swiatek, Magierski, Rogowski, Zydel

WHEREAS, officers and employees in charge of the various administrative units of the government of the Town of Cheektowaga have submitted estimate of revenues and expenditures for the 2008 fiscal year, AND

WHEREAS, the Supervisor, as the Town's Budget Officer, has caused a tentative budget to be prepared, and the Town Clerk has presented such budget to this Town Board, AND

WHEREAS, this Town Board has met and considered the preliminary budget for the fiscal year beginning January 1, 2008, and a public hearing was conducted there on October 9, 2007 as required by Section 108 of the Town Law, NOW, THEREFORE, BE IT

RESOLVED, that the preliminary budget as changed, altered and revised and as hereinafter set forth, is hereby adopted as the annual budget of the Town of Cheektowaga for the fiscal year beginning on January 1, 2008, and the same shall be entered in the minutes of the Town Board.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



5. RESOLUTION 2007-610

Adopt Amendments to Vehicle and Traffic Law

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, this Town Board held public hearings on October 15, 2007 and November 5, 2007, to consider the advisability of adopting proposed amendments to Chapter 235 of the Code of the Town of Cheektowaga (Vehicle and Traffic), said hearings being held in accordance with Notices thereof which were duly published as required by law, at which hearings 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 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of § 235-34, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

DUBONNET DRIVE - South side where the roadway turns from north to west at No. 23 for a distance of 30+/- feet west of the intersection and 30+/- feet south of the intersection.

DUBONNET DRIVE - South side where the roadway turns from north to east at No. 117 for a distance of 30+/- feet east of the intersection and 30+/- feet south of the intersection.

REHM ROAD - North side from the west terminus, east to the east curb line of Parwood Trail.

REHM ROAD - West terminus from the north curb line to the south curb line.

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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-611

Award Bid for Police Cube Van

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, bids were duly received by the Town Clerk at a bid opening on November 1, 2007 for the purchase of one (1) new and unused 2008 twelve foot cube van for use by the Fire Investigation Unit of the Town of Cheektowaga Police Department, and said bids were referred to the Cheektowaga Police Department for analysis, tabulation and report; and

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

RESOLVED, that the bid be awarded to Joe Basil Chevrolet, Inc., 5111 Transit Road, Depew, New York, 14043, for the purchase of said vehicle for the price of \$22,225.00 said bid being the lowest responsible bid meeting specifications; and BE IT FURTHER

RESOLVED, that funding for this vehicle shall be appropriated from Police Vehicle account number 100-3120-2303.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



7. RESOLUTION 2007-612

Award of Bid - Truck with 32 Cubic Yard Refuse Packer Body

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) truck with 32 cubic yard refuse packer for the Sanitation Department, which bids were duly received and opened at a public bid opening called for that purpose, AND

WHEREAS, said bids were referred to the Central Garage Crew Chief for analysis, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) truck with 32 cubic yard refuse packer body be awarded to:

Fleet Maintenance, Inc.
67 Ransier Drive
West Seneca, New York 14224

for their total bid in the amount of \$154,151.00 for one (1) 2008 Sterling Truck with Heil Refuse Packer Body; said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #1500-8160-2306.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-613

Call for Public Hearing: Vacant Land East Side of Burgess Drive, A-Loft Hotel Rezoning Request MS to CM

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, Manga, LLC with the permission of the owner Dynamic Hotel Development, Inc/Dynamic Operations, Inc. has made application and requested the rezoning of vacant land along the East side of Burgess Drive, identified as SBL Nos. 92.03-1-16.111 & 92.03-1-19.12 from MS- Motor Services to CM - General Commercial for the construction of an (8) eight story 147 room hotel NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on November 26th, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 26th day of November, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Manga, LLC

for the rezoning of vacant land along the East side of Burgess Drive, identified as SBL Nos. 92.03-1-16.111 & 92.03-1-19.12 from MS- Motor Services to CM - General Commercial for the construction of an (8) eight story, 147 room hotel.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY
Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot No. 5, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at the point of intersection of the northwesterly line of lands conveyed to the New York West Shore and Buffalo Railway Company recorded in Liber 447 of Deeds, Page 196 with the line established by Boundary Agreement recorded in Liber 6666 of Deeds, Page 587; thence (1) N 14-25-21 E 368.95 feet to a point; thence (2) S 76-31-17 E a distance of 43.63 feet to a point; thence (3) N 14-47-10 E a distance of 108.30 feet to a point; thence (4) N 16-36-15-W a distance of 55.00 feet to a point; thence (5) N 14-09-03 E a distance of 40.21 feet to a

point; thence (6) N 57-54-23 W a distance of 166.52 feet to a point; thence (7) S 14-42-02 E a distance of 61.63 feet to a point; thence (8) N 75-07-03 W a distance of 20.00 feet to a point; thence (9) S14-42-02 W a distance of 263.50 feet to a point; thence (10) S 75-17-58 W a distance of 146.64 feet to a point; thence (11) S 14-42-02 W a distance of 105.10 feet to a point; thence (12) S 80-40-42 W a distance of 334.68 feet to the point or place of beginning.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-614

Rescheduling of Public Hearing for 2008 CDBG Funds

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is eligible to receive funding from the Department of Housing and Urban Development under the Community Development Block Grant and HOME Investment Partnerships Programs for the 2008 Program Year, and

WHEREAS, a public hearing was scheduled for November 5, 2007 to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs and to review program performance during the previous program year, NOW, THEREFORE, BE IT

RESOLVED, that said public hearing be and hereby is rescheduled to be held on November 26, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Times on Thursday, November 15, 2007.

Notice of Public Hearing
Town of Cheektowaga FY 2008 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 26, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2008 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been determined by the Department of Housing and Urban Development. In 2007, the Town received \$ 1,026,387 in CDBG funds and \$368,486 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town's Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. CDBG or HOME funded activities may result in displacement. In the event displacement due to CDBG or HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200)

seven days prior to the hearing if you need such special arrangements. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211

ATTACHMENTS:

PH-NOTICE-2008A-Rescheduled (DOC)

RESULT: ADOPTED [UNANIMOUS]**MOVER:** Jeff Swiatek, Councilmember**SECONDER:** James Rogowski, Councilmember**AYES:** Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



10. RESOLUTION 2007-615

Notice to Bidders - Imaging Project

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town Clerk's Office has received a Local Government Records Management Improvement Grant from the New York State Archives for the purposes of imaging Town Board Minutes, NOW, THEREFORE, BE IT

RESOLVED, that the Town clerk be and hereby is directed to publish the attached notice to bidders in the Cheektowaga Times, and BE IT FURTHER

RESOLVED, that the Town Clerk is hereby designated as the officer to open bids on the aforesaid item at 11:00 A.M. on Wednesday, November 14, 2007 in the Council Chambers at the Cheektowaga Town Hall.

ATTACHMENTS:

08Specs (DOC)

NOTICE TO BIDDERS (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Alice Magierski, Councilmember

SECONDER: James Jankowiak, Supervisor

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



11. RESOLUTION 2007-616

Adopt Revised Building Permit and Plumbing Fees

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, the Town of Cheektowaga Law for Administration and Enforcement of Codes of New York State requires that all building, plumbing, etc. fees be as specified in a schedule approved by the Town Board, and

WHEREAS, it has been recommended that the attached Building Permit and Plumbing Fee Schedules be adopted, and

WHEREAS, it is in the public interest to adopt the attached Building Permit and Plumbing Fee Schedules, NOW, THEREFORE, BE IT

RESOLVED, that the attached Building Permit Fee Schedule and Plumbing Fee Schedule be and hereby is adopted, effective immediately.

ATTACHMENTS:

building permit fees 2007 (DOC)

plumbing fees 2007 (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Alice Magierski, Councilmember

SECONDER: Thomas Johnson Jr., Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



12. RESOLUTION 2007-617

Authorize Supervisor to Sign Agreement with Nussbaumer & Clarke, Inc. for Professional Services Associated with the Rein Road Bridge

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, a recent interim inspection of the Town owned Rein Road Bridge which spans Ellicott Creek, BIN 2212970, by the New York State Department of Transportation has identified structural deficiencies with a truss member, AND

WHEREAS, there is a need to prepare design plans for the rehabilitation of the subject bridge truss member to include bid specifications and detailed technical specifications for rehabilitation to be performed through the competitive bidding process, AND

WHEREAS, the engineering consulting firm of Nussbaumer & Clarke, Inc. has a familiarity with the Rein Road Bridge having assisted the Town with major structural improvements and redecking of this bridge in 1987, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Nussbaumer & Clarke, Inc. dated October 18, 2007 as submitted to the Town Engineer and Town Superintendent of Highways for professional services associated with the preparation of design plans and bid documents for the rehabilitation of the aforesaid bridge truss member is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with Nussbaumer & Clarke, Inc. for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional engineering services in an amount not to exceed \$8,950.00 shall be chargeable to the Highway Department Chips Capital Account #5714-5132-0002.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-618

Authorize Supervisor to Execute Agreement for Pick-Up Of Brush Grindings and Logs

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Town Highway Department is responsible for picking up and disposing of brush grindings and logs from various locations within the Town; and

WHEREAS, Lardon Construction Corp., has contacted the Superintendent of Highways with a proposal wherein Lardon would pick up all brush grindings and logs collected by the Highway Department from Highway Department property and dispose of same at no cost to the Town; and

WHEREAS, the Superintendent of Highways has recommended that the Town accept the Contractor's proposal; and

WHEREAS, the Town Attorney's Office has prepared an Agreement, a copy of which is annexed hereto, and which has been executed by Lardon Construction Corp.; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid Agreement with Lardon Construction Corp., under the terms and conditions set forth therein.

ATTACHMENTS:

[Lardon Construction Agreement](#)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Richard Zydel, Councilmember

SECONDER: James Rogowski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



14. RESOLUTION 2007-619

Approval of Application for Lincoln Life and Annuity Company

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Hartford Life Insurance Company presently provides group life insurance and accidental death and dismemberment insurance to the Town's employees; AND

WHEREAS, Hartford Life Insurance Company has notified the Town of a premium rate increase, effective November 1, 2007; AND

WHEREAS, the Lincoln Life and Annuity Company has offered to provide the same group insurance to the Town at a lower rate than being presently paid to Hartford Life by the Town, and Lincoln has guaranteed the rate for the next three years; AND

WHEREAS, this Town Board has determined that accepting this offer from the Lincoln Life and Annuity Company is a more cost-effective method of continuing the same coverage for Town employees; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves said application to the Lincoln Life and Annuity Company; AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute any and all documents effecting this coverage; AND, BE IT FURTHER

RESOLVED, that the funds shall be appropriated from the following budget line items: 100-9010-8151; 800-9010-8151; 300-9010-8151; 255-8135-8151; 150-8160-8151; and 255-8125-8151.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



15. RESOLUTION 2007-620

Accept Permanent Easement & Release Portion of Temporary Easement At 2365 Union Road

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, the Town of Cheektowaga owns a temporary drainage easement along the rear of 2365 Union Road in the Town, which was acquired by the Town by document recorded in the Erie County Clerk's Office on September 26, 1991, and

WHEREAS, the developer of 2365 Union Road, Garden Gate Manor Partnership needs the Town to terminate a portion of the easement, and has agreed to grant the Town a permanent easement elsewhere on its property, and

WHEREAS, the Town Engineer and the Town Attorney have reviewed this matter and have stated that they have no objection to the termination of the aforementioned portion of this temporary easement and the acceptance of a permanent easement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned partial termination of easement, and authorizes and directs the Town Supervisor to execute a partial termination of easement document for same, and BE IT FURTHER

RESOLVED, that this Town Board hereby accepts the aforementioned permanent easement from Garden Gate Manor Partnership, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

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

NOTICE OF ADOPTION OF RESOLUTION **SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town Of Cheektowaga, on October 6, 2003, adopted a resolution authorizing the Town Of Cheektowaga to terminate a portion of a drainage easement located along a portion of the north side of 2365 Union Road in the Town of Cheektowaga.

A copy of such partial termination of easement is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

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

Dated: November 5, 2007

MARY F. HOLTZ
Town Clerk

ATTACHMENTS:

Legal Notice for Partial Release of easement at 2365 Union Road (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Thomas Johnson Jr., Councilmember

SECONDER: Richard Zydel, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



16. RESOLUTION 2007-621

Accept Tree Replacement Monies From Krog Corp. for 866 Aero Drive

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, as part of the development of property located at 866 Aero Drive, the developer needs to remove a number of trees on the site; and

WHEREAS, under the Town's Tree Preservation Law, the developer must either make provision for new trees to be planted on the site, or else the Town Board can accept moneys from the developer for the purpose of town-wide tree reforestation; and

WHEREAS, with respect to the aforementioned property, physical limitations prevent the replacement of trees on a one-for-one basis; and

WHEREAS, this Board has met with the developer of the aforementioned property and has agreed on an amount of money to be paid by the developer to the Town in lieu of replacement trees on-site; NOW, THEREFORE, BE IT

RESOLVED, that, in lieu of replacement trees on the aforementioned property, this Town Board hereby agrees to accept \$30,000.00 from The Krog Corp., said monies to be deposited into a dedicated account established by the Town's Director of Administration and Finance for the purpose of town-wide reforestation efforts; and BE IT FURTHER

RESOLVED, that no tree removals shall take place until such time as the developer obtains the necessary approvals from the Town Engineer.

Motion by Councilmember Johnson, seconded by Councilmember Rogowski to amend this resolution by including the following at the end of the last paragraph:

"and Removal Permit from Building Inspection Department."

AMENDED RESOLUTION

WHEREAS, as part of the development of property located at 866 Aero Drive, the developer needs to remove a number of trees on the site; and

WHEREAS, under the Town's Tree Preservation Law, the developer must either make provision for new trees to be planted on the site, or else the Town Board can accept moneys from the developer for the purpose of town-wide tree reforestation; and

WHEREAS, with respect to the aforementioned property, physical limitations prevent the replacement of trees on a one-for-one basis; and

WHEREAS, this Board has met with the developer of the aforementioned property and

has agreed on an amount of money to be paid by the developer to the Town in lieu of replacement trees on-site; NOW, THEREFORE, BE IT

RESOLVED, that, in lieu of replacement trees on the aforementioned property, this Town Board hereby agrees to accept \$30,000.00 from The Krog Corp., said monies to be deposited into a dedicated account established by the Town's Director of Administration and Finance for the purpose of town-wide reforestation efforts; and BE IT FURTHER

RESOLVED, that no tree removals shall take place until such time as the developer obtains the necessary approvals from the Town Engineer and Removal Permit from Building Inspection Department.

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| RESULT: | ADOPTED AS AMENDED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-622

Approve Lease Purchase of Mower for Facilities Department

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, the Director of the Facilities Department is in need of a mower for use in maintaining Town parks, and

WHEREAS, the lease purchase of such equipment is available through Textron Financial Corporation under New York State bid, and

WHEREAS, moneys have been appropriated in the Facilities Department budget for this lease purchase, and

WHEREAS, Section 109-b of the General Municipal Law authorizes the Town to enter into a lease purchase agreement for machinery, equipment or apparatus, and

WHEREAS, the proposed Lease Purchase Agreement with Textron Financial Corporation contains the language required by Section 109-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the lease purchase of one (1) Jacobsen Mower HR9016 for use by the Facilities Department as per the terms of its Municipal Agreement, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town, be and hereby is authorized and directed to execute the lease purchase agreement and all other documents necessary for the lease purchase of the above referenced equipment, and BE IT FURTHER

RESOLVED, that funds for such monthly payment shall be appropriated from the Facilities Department budget to the extent of funds budgeted from year to year.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



18. RESOLUTION 2007-623

Youth & Rec Girl Power Club/Adapted Rec Campout

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, members of the Department of Youth & Recreational Services' Girl Power Club and Adapted Recreation Program have requested permission to conduct a sleep-over at the Dartwood Community Center and the Alexander Community Center, respectively, in early 2008, and

WHEREAS, the Director of Youth and Recreational Services has informed this Board that accommodations can be made for such group to utilize these Town buildings for a sleep-over, 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 Department of Youth and Recreational Services, BE IT

RESOLVED, that this Town Board hereby authorizes the Department of Youth and Recreational Services' Girl Power Club and Adapted Recreation Program to utilize the Dartwood and Alexander Community Centers for a sleep-over in early 2008, BE IT

RESOLVED, that the Director of Youth and Recreational Services is hereby directed to schedule such sleep-over for a date when such building is available, and BE IT FURTHER

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-624

New/Renewal Ambulance Driver/Attendant Licenses

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

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 list below 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.

TOWN OF CHEEKTOWAGA DRIVER/ATTENDANT LICENSE LIST

| <u>Name</u> | <u>Address</u> | <u>Expiration Date</u> |
|----------------------|---|------------------------|
| Adamchick, Kurt J | 5559 Johns Terrace, Hamburg, N.Y. 14075 | 8/31/2010 |
| Brong, Doug D | 29 Carla Lane, West Seneca, N.Y. 14224 | 8/31/2010 |
| Brown, Ryan P | 5035 Hidden Valley Ct, Clarence, N.Y. 14031 | 1/31/2010 |
| Collins, Jordan E | 1239 Norwood Ave, Niagara Falls, N.Y. 14305 | 6/30/2010 |
| Dalton, Kevin R | 61 Sunset Blvd, Angola, N.Y. 14006 | 8/31/2010 |
| Derkovitz, Martin T | 291 Cherokee Dr, Cheektowaga, N.Y. 14225 | 6/30/2010 |
| Dugan, Elisa C | 12352 Rapids Road, Newstead, N.Y. 14001 | 8/31/2010 |
| Gaulin, Nicole B | 115 Andover Ln, Williamsville, N.Y. 14221 | 6/30/2010 |
| Gorski, Mark C | 57 Braunview Way, Orchard Park, N.Y. 14127 | 6/30/2010 |
| Hoertz, Dale B | 3530 Dutch Hollow Rd, Strykersville, N.Y. 14145 | 8/31/2010 |
| Kappan, Thomas J | 4349 Twilight Ln, Hamburg, N.Y. 14075 | 3/31/2010 |
| Kemp, Joey | 61 Main St, Silver Creek, N.Y. 14136 | 5/31/2010 |
| Kim, Jeusun I | 120 Meyer Rd Apt 103, Amherst, N.Y. 14226 | 6/30/2010 |
| Krytus, Karyn A | 42 Strasbourg Dr, Cheektowaga, N.Y. 14227 | 8/31/2010 |
| Lama, Richard J | 5025 Clinton St #1, Batavia, N.Y. 14020 | 10/31/2010 |
| Lichtenthal, David T | 41 Pinebrook Ave, Williamsville, N.Y. 14221 | 8/31/2010 |
| Luke, Jeffrey K | 3655 Harrison St, Blasdell, N.Y. 14219 | 6/30/2010 |

| | | |
|-----------------------|--|------------|
| Maracle, Nicole L | 220 Kirkwood Dr, West Seneca, N.Y. 14224 | 7/31/2010 |
| Munson, Elizabeth A | 74 Lisa Ann Ln, West Seneca, N.Y. 14224 | 7/31/2010 |
| Niedzialek, Michael R | 104 Seventh St, Solvay, N.Y. 13209 | 7/31/2010 |
| Pangallo, David J | 281 Garry Dr, West Seneca, N.Y. 14224 | 2/28/2010 |
| Perez, Russell D | 137 Cherokee Dr, West Seneca, N.Y. 14224 | 4/30/2010 |
| Peters, Jodi L | 38 Brentwood Dr, upper, Cheektowaga, N.Y. 14227 | 6/30/2010 |
| Picart, Youzi I | 122 O'Connell (upper), Buffalo, N.Y. 14204 | 9/30/2010 |
| Ramirez, Stephanie A | 510 Bird Ave #6, Buffalo, N.Y. 14222 | 6/30/2010 |
| Rusinski, John M | 37 Fernwood Ave, West Seneca, N.Y. 14206 | 8/31/2010 |
| Sgro, Lyndsey A | 4535 Washington Dr, Lewiston, N.Y. 14092 | 5/30/2010 |
| Shanahan, Niall T | 84 Middlebury, Orchard Park, N.Y. 14127 | 6/30/2010 |
| Shaw, Timothy D | 13779 Sanders Hill Rd, Strykersville, N.Y. 14145 | 8/31/2010 |
| Sztaba, Joseph V | 3255 Lake Shore Road #1, Blasdell, N.Y. 14219 | 7/31/2010 |
| Wellspeak, Dennis R | 10376 Brookville Rd, Alexander, N.Y. 14005 | 10/31/2010 |
| Zimmerman, David M | 308 Riverside Ave, Buffalo, N.Y. 14207 | 7/31/2010 |

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



20. RESOLUTION 2007-625

Unsafe-Unsecured / 20 Randolph Avenue

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 20 Randolph Avenue, Cheektowaga, New York SBL# 101.60-1-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Zenas Fonville, 20 Randolph Avenue, Cheektowaga, New York 14211, as the owner AND

WHEREAS, an inspection of such premises was conducted at 20 Randolph Avenue, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



21. RESOLUTION 2007-626

Unsafe-Unsecured / 49 Isabelle Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 49 Isabelle Road, Cheektowaga, New York SBL# 81.17-4-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Paul Gajewski, 49 Isabelle Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 49 Isabelle Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



22. RESOLUTION 2007-627

Creation of Civil Service Titles For Job Inventory

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates the following positions pursuant to Civil Service Laws and Rules effective November 5, 2007:

- Clerk
- Court Officer (Part-Time)
- Assistant Town Engineer
- Court Clerk
- Senior Real Property Appraiser
- Community Development Aide

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



23. RESOLUTION 2007-628

Part-Time/Seasonal Employee Hire/Termination

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

SANITATION DEPARTMENT Laborer \$7.50/hour
Wayne A. Mack, Depew, NY
Effective 11/05/07

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:

SENIOR SERVICES Recreation Attendant (Substitute for Nutrition Site Manager) \$8/hour
Alberta Krejci, Depew, NY
Effective 10/16/07

SENIOR SERVICES Van Driver \$8.25/hour
David Widelski, Sloan, NY
John D. Stiegler, Cheektowaga, NY

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

RECORDS CENTER
Allison McKay
Effective 10/15/07

Ian Trapper
Effective 8/31/07

SANITATION DEPARTMENT
Anthony Jasinski
Effective 10/24/07

Joseph Cendrowski
Effective 10/13/07

SENIOR SERVICES
Joseph Zbtek
Effective 10/12/07

FACILITIES DEPARTMENT (Buildings & Grounds Division)
Mark Schiersing
Effective 10/15/07

FACILITIES DEPARTMENT (Parks Division)
Michael Beyer
Effective 9/21/07

TAX OFFICE effective 8/31/07
Jeanette Pajak
Regina Winger

Motion by Councilmember Magierski, seconded by Supervisor Jankowiak to waive the reading of the names on items 23 through 25 and the motion carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



24. RESOLUTION 2007-629

Youth & Recreation Terminations

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individuals listed below be and hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

| | | |
|-----------------------|-------|----------|
| --Jerome Okonzak | 14212 | 09/27/07 |
| --Joseph Duquette | 14212 | 08/30/07 |
| --Nicholas Russell | 14206 | 10/20/07 |
| --Andrew Zicarelli | 14225 | 06/06/07 |
| --Tiffany Wheeler | 14225 | 08/17/07 |
| --Katherine Tomaschko | 14225 | 08/19/07 |

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



25. RESOLUTION 2007-630

Youth & Recreation Hiring

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individual listed below be and hereby is hired in the Department of Youth & Recreational Services, effective immediately:

Regular part-time - \$7.15

Volleyball - 7140.1627/Basketball - 7140.1654

Ron Whitehead

14225

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



26. RESOLUTION 2007-631

Appointment of Senior Sewer Maintenance Worker (Michael Lewandowski)

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Michael Lewandowski was appointed by this Town Board to the position of Sewer Maintenance Worker effective May 2, 2006; AND

WHEREAS, Mr. Lewandowski has successfully completed eighteen (18) months in the title and is eligible to be promoted to the position of Senior Sewer Maintenance Worker; NOW, THEREFORE, BE IT

RESOLVED, that Michael Lewandowski of Depew, New York be and hereby is appointed to the position of Senior Sewer Maintenance Worker in the Sewer Maintenance Division under the terms and conditions of the bargaining agreement between the Town and the Town of Cheektowaga Employees Association effective November 2, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**27. RESOLUTION 2007-632****Appointment of Laborer (Sewer Maintenance) (Temporary)
(James Wozniak)**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, that James Wozniak of Cheektowaga, New York, currently employed as a Sewer Maintenance Worker, be appointed to the temporary position of Laborer in the Sewer Maintenance Division effective 10/22/07.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



28. RESOLUTION 2007-633

Appointment of Assistant Code Enforcement Officer (Daniel Lelito) (Competitive/Permanent)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the title of Assistant Code Enforcement Officer in the Building and Plumbing Department; AND

WHEREAS, said vacancy was posted in compliance with the bargaining agreement between the Town and the Town of Cheektowaga Employees Association; AND

WHEREAS, no bargaining member bid on said vacancy; AND

WHEREAS, said title falls under the competitive class of civil service; AND

WHEREAS, no Town residents appear on said list; AND

WHEREAS, the current Erie County list for said title was canvassed and candidates were interviewed; AND

WHEREAS, Daniel Lelito appeared on said list and meets the qualifications for permanent appointment to said vacancy; NOW, THEREFORE, BE IT

RESOLVED, that Daniel Lelito of Orchard Park, New York be and hereby is appointed the position of Assistant Code Enforcement Officer in the Building and Plumbing Department in compliance with the terms and conditions of the collective bargaining agreement between the Town and the Town of Cheektowaga Employees Association effective October 22, 2007; AND, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Daniel Lelito 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.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



29. RESOLUTION 2007-634

Appointment of Police Lieutenant (Scott Pilat)

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, a permanent vacancy exists in the position of Lieutenant in the Police Department; AND

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

WHEREAS, the Chief of Police recommends that Sergeant Scott E. Pilat be promoted to the position of Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that Scott E. Pilat of Cheektowaga, New York, be and hereby is appointed to the position of Lieutenant in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Captains and Lieutenants Association effective November 6, 2007.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



30. RESOLUTION 2007-635

Appointment of Police Sergeant (Brian Coons)

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, a permanent vacancy exists in the position of Police Sergeant in the Police Department; AND

WHEREAS, Police Officer Brian F. Coons currently appears on the Police Sergeant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Police Officer Coons be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Brian F. Coons of Cheektowaga, New York, be and hereby is appointed to the position of Police Sergeant in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective November 6, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



31. RESOLUTION 2007-636

Appointment of Police Lieutenant (Thomas S. Wentland)

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, a permanent vacancy will exist in the position of Police Lieutenant in the Police Department upon the anticipated retirement of Lieutenant David Przepiora November 30, 2007; AND

WHEREAS, Sergeant Thomas S. Wentland currently appears on the Police Lieutenant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Sergeant Wentland be promoted to the position of Police Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that Thomas S. Wentland of Depew, New York, be and hereby is appointed to the position of Police Lieutenant in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Captains and Lieutenants Association effective November 30, 2007 pending the retirement of Lieutenant David Przepiora.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



32. RESOLUTION 2007-637

Appointment of Police Sergeant (Brian Gould)

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, a permanent vacancy will exist in the position of Police Sergeant in the Police Department upon the anticipated retirement of Lieutenant David Przepiora and subsequent promotion of Thomas Wentland November 30, 2007; AND

WHEREAS, Police Officer Brian J. Gould currently appears on the Police Sergeant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Police Officer Gould be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Brian J. Gould of Cheektowaga, New York, be and hereby is appointed to the position of Police Sergeant in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective November 30, 2007 pending the retirement of Lieutenant David Przepiora and subsequent promotion of Thomas Wentland.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



33. RESOLUTION 2007-638

Travel Authorization - Town Assessor Brian Hess

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the National USPAP Update Course was held in Buffalo, New York on October 16, 2007; AND

WHEREAS, Town Assessor Brian Hess requested authorization to attend said course; AND

WHEREAS, Mr. Hess submitted a request for travel authorization along with the proper paperwork; AND

WHEREAS, the total cost to the Town shall not exceed \$170; AND

WHEREAS, these expenses have been budgeted by the Assessor's Department; NOW, THEREFORE, BE IT

RESOLVED, that Town Assessor Brian Hess be and hereby was authorized to attend the National USPAP Update Course held in Buffalo, New York on October 16, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Suspension of Rules

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| Motion by Councilmember Magierski, seconded by Supervisor Jankowiak to suspend the rules to include the following four (4) items and the motion carried. |
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1. RESOLUTION 2007-639

Authorize Supervisor to Execute Memorandum with Prism Health Network

Sponsored By: Councilmember Magierski, Councilmember Swiatek

WHEREAS, the Town Board of the Town of Cheektowaga is very concerned about the health of its employees, and

WHEREAS, the Town of Cheektowaga provides health insurance to many of its employees and, by resolution dated May 15, 2006, approved a single health insurance plan through Blue Cross Blue Shield of Western New York to provide said health insurance coverage to our employees at a savings to the Town, and

WHEREAS, the Town of Cheektowaga can realize further savings on its health insurance costs if Town employees take certain actions to become healthier or to maintain their health, and

WHEREAS, the Town, in an effort to encourage employees to maintain their health, negotiated an arrangement with Prism Health Networks to provide health and wellness program services, including exercise and nutrition programs, as part of a WellFlex option, to Town employees, and

WHEREAS, a Memorandum of Understanding was presented to this Town Board by Prism Health Networks for implementation of this program for the Town, and

WHEREAS, this Town Board is in agreement to offer these services to our employees for 2007, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Memorandum of Understanding with Prism Health Networks.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-640

Authorize Supervisor to Execute Contract with Wendel Duchsherer for Comprehensive Plan

Sponsored By: Magierski, Johnson Jr., Jaworowicz, Jankowiak, Swiatek, Rogowski, Zydel

WHEREAS, the Town of Cheektowaga desires to prepare a new comprehensive plan for the future development of the community, and

WHEREAS, the Town's current comprehensive plan was adopted in 1992 and is in need of updating, and

WHEREAS, a Request for Qualifications was previously issued for a comprehensive plan, and applicants submitted their information, and

WHEREAS, the field of prospective candidates was narrowed down to four (4) firms, and

WHEREAS, by resolution dated September 4, 2007, a Request for Proposals for the Town of Cheektowaga Comprehensive Plan was issued, and

WHEREAS, proposals were duly received and evaluated by the Zoning and Petitions Committee and by this Town Board, and have recommended that the Town award the contract for the Town of Cheektowaga Comprehensive Plan to Wendel Duchscherer Architects and Engineers ("Wendel Duchscherer"), and

WHEREAS, members of the Zoning and Petitions Committee and the Town Board met with Wendel Duchscherer to further define the scope of services and to negotiate the fees to be charged, and

WHEREAS, Wendel Duchscherer modified its proposal to accommodate the Town's request, and

WHEREAS, the proposal of Wendel Duchscherer, as modified, is acceptable to this Town Board, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Wendel Duchscherer to prepare the Town of Cheektowaga Comprehensive Plan, at an initial cost not to exceed \$223,000.00 without further Town Board approval, subject to review and approval of the form of the contract by the Town Attorney, and BE IT FURTHER

RESOLVED, that the cost for said Comprehensive Plan shall be appropriated from the following accounts:

Account Number 500-1440-9701-5123

Quality Communities Grant funding provided through the NYS Department of State

, and BE IT FURTHER

RESOLVED, that this contract award is contingent upon the approval of a fully executed Quality Communities grant contract from the NYS Department of State.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-641

Authorize Emergency Repairs At Police & Court Building

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

WHEREAS, an unforeseen dangerous condition has been recently detected with respect to the storefront/entranceway of the Police Section of the Police & Court building at 3223 Union Road, and

WHEREAS, it is necessary that the storefront be replaced and the stone threshold be repaired at this location as quickly as possible before further damage is done to the building or someone gets injured, and

WHEREAS, because of this emergency situation and the imminent threat of damage to property or injury to persons, it is necessary that the Town dispense with our procurement policies and guidelines, and

WHEREAS, Raymond E. Kelley, Inc., a contractor specializing in storefront replacement and stone threshold repair, is presently working on an emergency situation with respect to the front steps of Town Hall, and has indicated that it can quickly and professionally perform the necessary work at the Police & Court Building, and

WHEREAS, Raymond E. Kelley, Inc. has submitted a proposal to perform the necessary work at a cost of \$13,223.00, and

WHEREAS, moneys are available to perform this work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract/proposal with Raymond E. Kelley, Inc. for the aforementioned work, and BE IT FURTHER

RESOLVED, that moneys for said work shall be appropriated from budget line item number 100-3120-2520-5122.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-642

Decision on Local Law No. 6 of the Year 2007

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, by resolution dated July 19, 2004, this Town Board enacted Local Law No. 4 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law Relating to the Planning Board" (now known as Chapter 26 of the Code of the Town of Cheektowaga) was adopted, and

WHEREAS, Section 26-7.A. of such law provides for monthly meetings of the Planning Board to be held on the second Thursday of each month at 7:30 P.M., and

WHEREAS, the Planning Board has recommended that this Town Board enact revisions to the Chapter 26 to have the regular meetings be held on the second Thursday of each month at 7:00 P.M., or at such other time as the Chairperson of the Planning Board may so determine, and

WHEREAS, a draft of such amendment has been prepared by the Town Attorney, and

WHEREAS, a public hearing was held on the 5th day of November 2007 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 the Planning Board", and

WHEREAS, it is in the public interest to adopt the proposed amendments to the Planning Board Law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 6 of the Year 2007, entitled "A Local Law to Amend A Local Law Relating to the Planning Board", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 6 of the Year 2007 shall take effect upon filing with the Secretary of State.

Local Law No. 6 of the Year 2007

A Local Law to Amend a Local Law Relating to the Planning Board

Section 26-7.A. of the Town Code ("Planning Board Law"), entitled "Regular meetings", shall be amended to read as follows:

- A. Regular meetings. The regular meetings of the Planning Board shall be held on the second Thursday of each month at 7:00 p.m. in the Council Chambers, Town Hall, 3301 Broadway, Cheektowaga, New York; or at such other time as may be

determined by the Chairperson of the Planning Board.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VII. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds: September 2007
2. Building Permits
3. Conservation Advisory Council: Minutes of September 15, 2007 Meeting
4. Conservation Advisory Council: Minutes of October 4, 2007 Meeting
5. Environmental Advisory Committee: Minutes of October 10, 2007 Meeting
6. Public Library Committee: Minutes of October 17, 2007 Meeting
7. Traffic Safety Commission: Minutes of September 18, 2007 Meeting
8. Planning Board: Minutes of October 18, 2007 Meeting

B. General Communications

1. County of Erie: Public Notice 30-Day Period for Inclusion of Lands Into an Agricultural District
2. County of Erie: Notice of Highway Restriction: Portion of Youngs Road From Wehrle Drive to Aero Drive, and Portion of Aero Drive From Wehrle Drive to Holtz Drive
3. Notice of Claim: Richard L Hangen Vs Town of Cheektowaga
4. Notice of Claim: Brian T I ten Vs. Town of Cheektowaga
5. Notice of Claim: James H Olejniczak Vs Town of Cheektowaga
6. Notice of Claim: Leon Podsiadlo, Parent and Natural Guardian of Chelsea Podsiadlo Vs Town of Cheektowaga
7. Notice of Claim: Daniel P. Rohauer Vs Town of Cheektowaga
8. Notice of Claim: Herbert Samuel Vs Town of Cheektowaga
9. Notice of Claim: Cheryl Solanieh Vs Town of Cheektowaga

VIII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

IX. Closing

Motion by Councilmember Johnson, seconded by Supervisor Jankowiak to adjourn the meeting.

Notice of Public Hearing
Town of Cheektowaga FY 2008 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 26, 2007 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga=s Year 2008 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs.

The amount of CDBG and HOME funding for which the Town will be eligible next year has not yet been determined by the Department of Housing and Urban Development. In 2007, the Town received \$ 1,026,387 in CDBG funds and \$368,486 in HOME funds. The purpose of the hearing is to solicit the views of citizens, public agencies and other interested parties on housing and community development needs throughout the Town and to review program performance of the Town=s Community Development Program. A complete listing of eligible activities can be obtained from the Town Community Development Office at the address listed below.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. CDBG or HOME funded activities may result in displacement. In the event displacement due to CDBG or HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200) seven days prior to the hearing if you need such special arrangements. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

Town of Cheektowaga
Imaging
Imaging Project
2007-08 State Archives Grant

September 24, 2007

NOTICE: This specification is only valid for the Town of Cheektowaga (hereinafter referred to as the Town). Vendors that accept projects other than herein specified using this specification are subject to nonpayment and penalties. This specification is automatically voided, for bidding purposes, one year after the above date.

These specifications are in accordance with the State Archives and Records Administration's Imaging and Microfilm Production Guidelines.

The Town of Cheektowaga's Central Records Management Department is interested in receiving quotes to image Town Board Minute Books.

Once the Minutes have been imaged, they will need to be stored on disk and text searchable. The town would like to first scan the typed minute books, and then export the ACSII text from the Minutes via OCR processing to DVD. The text needs to be searchable and the scanned image available.

The images should be scanned as .tiff images and returned to the Town on DVD. The Minute images require indexing. Records are to be scanned and written to CD or DVD media in .TIFF format with minimum 200 dpi, in accordance with all NYS Archive guidelines. Please provide pricing on the enclosed pricing form and return the form as directed.

All quotes should include scanning the books without breaking the binding, converting the images to searchable DVDs, and the cost of transportation both to and from the Records Center.

Below you will find the information needed to quote the Minute Books Scanning Project.

Total number of images is approximately 100,000. Please quote on per image basis.

The records are in poor to good condition. Most of the images are on white paper with black ink. The images range from 1925 to 1995.

Requirements for image formats shall depend on the particular purpose of the image:

1. For black and white line-art documents:
 - Format: 1-bit TIFF (latest version)
 - Tonal depth: Bitonal
 - Compression: Uncompressed
 - Spatial resolution: At least 200 dpi (unenhanced true scan)
2. For documents in which color is essential:
 - Format: 16-bit, 24-bit, or 36-bit TIFF (latest version)
 - Tonal depth: Color
 - Compression: No additional compression
 - Spatial resolution: At least 200 dpi (unenhanced true scan)
3. For backup images of the above:
 - Format: As applicable above
 - Tonal depth: As applicable above
 - Compression: Allowed (latest ITU standard compression preferred)
 - Spatial resolution: As applicable above

User copies of images, if they must differ technically from the master copies, shall meet one of the following guidelines:

1. General Requirement:
 - Format: TIFF (latest version)
 - Tonal depth: Bitonal, grayscale, or color as appropriate
 - Compression: Allowed (latest ITU standard compression preferred)
 - Spatial resolution: At least 200 dpi for bitonal or grayscale images

Maintain record copies uncompressed to ensure easy accessibility to the image over time. Compress access or use copies using non-proprietary, lossless compression algorithms.

Scale access images so most documents fit within the typical computer screen or window for the given application. For instance, 640X480 pixels might be appropriate for systems using low-resolution monitors, but a particular application may require documents be scaled to half their size or less to function well over the Internet.

Upright image orientation is needed, and maintain portrait or landscape orientation as appropriate.

Store the master images on DVD-Rs.

1. Removable storage media shall have a manufacture date of less than a year before date of first use.
2. Removable storage media shall have a pre-write shelf life of at least five years, and a minimum post-write life of twenty years, based on accelerated aging test results that report on specific disc areas.
3. Discs used as storage media must comply with the applicable ISO standards, which specify how this type of media disc must store information and which allow the interchange of discs within different systems, such as ISO/IEC 13590-1:1995 ("Information technology – Volume and file structure of read-only and write-once compact disk media for information interchange") and ISO/IEC 20563:2001 ("Information technology – 80mm and 120 mm DED-recordable disk").

All images in a single document shall be accessible and presentable in their original order and be clearly associated with each other as parts of a single document.

Inspection of the images by the vendor for quality shall verify the following:

1. Correct image filename (unique identifier)
2. Correct file format for each image type (master, access)
3. Image scanned at appropriate unenhanced dpi for each image type
4. Image oriented properly, whether landscape or portrait
5. Image is correct size (in pixels along both dimension)
6. Image is not skewed
7. Image is not rotated or flipped
8. Image is neither too light nor too dark
9. Appropriate contrast within the image
10. No distortion of the image
11. No extraneous materials (fingers, fasteners, etc.)
12. No error messages or other problems in TIFF headers
13. Appropriate indexing terms associated with the scanned image

Correction of unacceptable images shall consist of the following:

1. Correcting image filename
2. Deskewing, rotating, or flipping the image to correct its orientation
3. Adjusting brightness, contrast, or tone through rescanning
4. Rescanning, followed by a re-inspection of the new image
5. Updating index database to correct errors

Unacceptable modifications to the images include the following:

1. Sharpening the image
2. Retouching or despeckling
3. Dithering or quantization

4. Removing information from the images, except clearly marked and necessary annotations or “sticky notes” that do not obscure the image

Resolution shall be equivalent to the dpi required for the original image type as explained above. Use commercially produced resolution targets, such as those outlined in ANSI/AIIM TR38-1996, “Identification of Test Images for Document Imaging Applications”, and following techniques in ANSI/AIIM MS44-1988 (“Recommended Practice for Quality Control of Image Scanners”) to verify scanner performance. Provide evidence of adherence to these standards at the close of the project.

Scan the following documentation with the records, ensuring that this documentation is clearly associated with this specific set of records:

1. State Archives Records Inventory Data Worksheet
2. File Information Form
3. Local government or state agency name and address
4. Contractor’s name and address, and dates of scanning
5. Resolution Target that complies with ANSI/AIIM TR38-1996 (“Identification of Test Images for Document Imaging Applications”) or other industry-standard resolution target
6. Indices, finding aid, and other metadata associated with the documents, if supplied by the Town (which differs from the index database for the images)
7. Annotations (“sticky notes”) burned into or associated with the image, as necessary, to indicate defects to records (including “DAMAGED DOCUMENT,” “POOR QUALITY,” etc.) so long as these do not obscure any information on the image or otherwise change or limit the readability of the image file.

Indexing shall comply with specific requirements of the Town, but shall at the minimum include the following:

1. Each image shall have unique identifier, preferably sequential, which can be number, alphanumeric, or alphabetic as required by the Town. Each filename shall be unique across all separate external media, not merely within a single disc or tape. If required, file the documents in appropriate electronic folders. The Town will provide the indexing to the maps, which is derived from the Town’s Maps and Plans database.
2. The vendor shall verify the index to ensure accuracy

Disc media (DVD-Rs, etc.) shall be in unbroken jewel cases and shall rest on the inner spindle without pressure that could produce damage during removal or replacement. The vendor shall deliver separate sets of master copies of media to the Town in boxes, with the media fitting firmly, but not tightly, in the cases. The cases should be labeled properly.

At a minimum, the following data, machine-printed on plain white adhesive labels, shall appear on each disc and each jewel case or other storage container of both the originals and backups:

Town of Cheektowaga
Town Board Minutes
Range of Records
Package or Media Number

Scanning shall capture each digital image of a document page so that every line and character on the document appears in the image. Removable media shall be free of scratches, cracks, finger marks, warping or any other defect that might adversely affect quality or usability.

The vendor shall inspect each individual image, disc, tape, or other storage medium for compliance with the requirements herein, including resolution, image quality, accuracy of the index, and general workmanship. The vendor shall include an inspection report or certification covering each disc, tape, or other storage medium included in each shipment.

The Town of Cheektowaga shall have the right, after inspection, to reject any images determined not to meet the requirements of these specifications. In such cases the contractor must rescan at their expense.

When the Town rejects an entire disc, the Town or vendor may deface the rejects by cracking, punching, or shredding. The Town shall retain rejected media at its discretion.

Unless otherwise specified, the vendor shall maintain the original documents in their existing file order before, during, and after scanning. The vendor shall return file material to the original storage containers in the same order that existed before scanning, except that the vendor shall maintain any corrections to file order made during the scanning process.

The vendor is responsible for any lost or damaged documents while the records are off the premises of the Town. The documents should be kept in a vault for fire protection and safe keeping.

The following minimum insurance shall be purchased and maintained in continuous effect by the Vendor at no cost to the Town. All such insurance shall be endorsed to provide at least 30 days advance written notice of cancellation, reduction, or non-renewal of coverage to the Town project designation and address shown below.

Coverages Required/ Limits Required:

General Liability, including Products, Completed Operations and Contractual Liability

Bodily Injury & Property Damage *Combined \$1,000,000.00

Each Occurrence /Aggregate**

This insurance shall be "primary" to any other insurance and shall be endorsed to name the "Town of Cheektowaga, its agents and employees" as Additional Insureds using ISO Endorsement "Additional Insured - Designated Person or Organization" form CG20261185 or an equivalent acceptable to the Town.

*This insurance shall not contain any exclusion for the Explosion (x), Collapse (c) or Underground (u) hazards.

**The annual aggregate limits must apply "per project" (Endorsement CG 2503 or equivalent) and the Certificate of Insurance must confirm it.

Automobile Liability, including all owned, non-owned and hired autos

Bodily Injury & Property Damage Combined \$1,000,000 .00

Each Occurrence

Excess/Umbrella Liability over

Coverages A and B above

Bodily Injury & Property Damaged Combined \$1,000,000.00

Each Occurrence/Aggregate

Workers Compensation New York Statutory / Employers Liability \$1,000,000.00

Each Accident if self-insured

Disability Benefits New York Statutory (or approved substitute)

The Contractor further agrees that it will indemnify and hold harmless the Town of Cheektowaga and/or officers, employees, agents, or servants from any and all claims and/or losses, legal or equitable, and liabilities of any kind or nature arising out of, or by reason of this Contract.

Vendor must, upon request of the Records Manager, be able to provide within two hours, any or all documents that are in the temporary possession of the vendor. All requested documents are to be dropped of by the Vendor.

Town of Cheektowaga

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All original records to be returned to the Town after imaging is complete. No original documents shall be off the premises of the Town for more than twenty-one calendar days.

Vendor must have been in business for at least five years and serviced at least three similar accounts in size and scope.

Payment to the successful bidder for the selected services shall be on a regular basis upon submission of vouchers for services performed.

The contractor shall have complete in-house capability to perform all the operations as specified herein. *No other operation or portion of an operation may be subcontracted.*

The Town reserves the right to inspect and approve the vendor's work site before and at any time during the performance of a contract to ensure the vendor's production and quality control capabilities.

Sealed proposals will be received and considered by the Cheektowaga Town Board on Wednesday, November 14, 2007 at a public bid opening at 11:00 A.M. at the Town Hall located at 3301 Broadway, Town of Cheektowaga, New York, for the purpose of imaging and microfilming services for the Town of Cheektowaga Maps/Plans.

Specifications for imaging and microfilm services may be picked up at the office of the Town Clerk located at 3301 Broadway, Town of Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

NON-COLLUSION FORMS MUST BE SIGNED

AND SUBMITTED WITH EACH BID.

Town of Cheektowaga

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If you need further information, please contact Lisa-Marie Bolognese at lbolognese@tocny.org, or at the phone number below.

Lisa-Marie Bolognese
Records Manager
Town of Cheektowaga
(716) 929-0459

NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Board on Wednesday, November 14, 2007, at a public bid opening at 11:00 A.M. at the Town hall located at 3301 Broadway, Town of Cheektowaga, New York, for the purpose of scanning services for the Town of Cheektowaga Town Board Minutes.

Specifications for imaging services may be picked up at the office of the Town Clerk located at 3301 Broadway, Town of Cheektowaga, New York, between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday.

**NON-CULLUSION FORMS MUST BE SIGNED
AND SUBMITTED WITH EACH BID.**

Mary F. Holtz
Town Clerk
Town of Cheektowaga

DATED: November 1, 2007

TOWN OF CHEEKTOWAGA

BUILDING PERMIT FEE SCHEDULE

Each application shall be accompanied by the required fee based upon the valuation of the structure or improvement except where a specific fee is provided herein.

COMMERCIAL STRUCTURES

\$10.00 per thousand for the first \$100,000 valuation plus
\$8.00 per thousand for valuation over \$100,000 or fraction thereof.
(Minimum fee shall be \$100.00)

RESIDENTIAL STRUCTURES

\$7.00 per thousand for the first \$100,000 valuation plus
\$5.00 per thousand for valuation over \$100,000 or fraction thereof.
(Minimum fee shall be \$25.00)

SPECIFIC FEES

Table listing specific fees: CERTIFICATES of OCCUPANCY or ZONING COMPLIANCE, CHANGE IN COMMERCIAL OCCUPANT, DEMOLITION, FOUNDATION REPAIRS, MANUFACTURED HOME, BUILDING RELOCATION, DORMER, ROOF, WINDOWS, EAVE EXTENTIONS, SIGNS-Identification, STORAGE TANKS, SWIMMING POOLS.

In the event that work requiring a building or plumbing permit is commenced prior to the issuance of the permit or filing of the permit, the fee for the permit shall be double the

regular rate. This shall be in addition to any other penalty provided for under applicable laws.

In the event an application for a building permit is not approved or is denied or when a valid building permit shall have expired by limitation or abandonment, and construction has not started, the applicant shall be entitled to a refund of 50% of the fee paid with a minimum to be retained of \$15.00.

OPERATING PERMITS

(Required by 19NYCRR Part 1203 once every three years unless otherwise noted)

| | | |
|---------------------------------|----------|-------------------|
| Assembly Group A..... | \$100.00 | yearly |
| Business Group B..... | \$100.00 | |
| Educational Group E..... | \$100.00 | yearly |
| Factory/industrial Group F..... | \$150.00 | |
| High hazard Group H..... | \$150.00 | |
| Institutional Group I..... | \$100.00 | |
| Mercantile Group M..... | \$100.00 | |
| Residential Group R..... | \$100.00 | common areas only |
| Storage Group S..... | \$150.00 | |
| Elevators..... | \$35.00/ | elevator, yearly |

***NOTE:** Cost of construction shall be determined using tables developed by the International Code Council as an average construction cost. Tables are available in the Cheektowaga Building Inspection Office.*

Town of Cheektowaga

Plumbing Fee Schedule

Master Plumbers Examination..... \$150.00
 Master Plumbers License Renewal.....\$100.00

SPECIFIC FEES – (Permits not attached to building permits expire six months from issue date)

Sump pump, sewer repair, bubbler system, lawn sprinkler system.....\$40.00
 Hot water tanks, tankless water heaters, water services, repipe water lines, sewer caps, boiler/hot water heating systems, furnace and/or duct work, backup generators (permanent installation).....\$30.00
 Drain tile (interior/exterior).....\$40.00
 Catch basins/manholes (new and replacement).....\$50.00

* Fixture replacement w/o rough plumbing change.....\$30.00
 * Fixture replacement with rough plumbing.....\$40.00
 (* includes up to 3 fixtures, \$10.00 for each additional fixture)

NOTE: All fees include one inspection, a \$25.00 fee will be added for each additional inspection.

ATTENTION! NYS Law requires smoke detectors be installed when any permit for interior work is issued! These must be in prior to inspection.

NEW CONSTRUCTION – (Permits expire one year from issue date, \$100.00 to renew for one additional year) (**sewer taps extra**)

- * 1 and 2 family dwellings, townhouses, and condominiums (includes all interior/exterior plumbing).....\$250.00
- * M, B, F, H, S and U buildings.....\$250.00
- * I, E, A, R1 and R2 buildings.....\$250.00+
\$25.00 per sleeping unit or classroom
- * Exterior storm drainage systems for all commercial properties.....
\$200.00 for the first 1st acre + \$100.00 for each additional acre
- * Roof drains for building shells and drains for parking ramps....\$100.00

NOTE: All fees include three inspections, a \$25.00 fee will be added for each additional inspection.

SEWER TAPS

Mobile homes.....\$125.00
Two family dwelling.....\$300.00

One family dwelling.....\$200.00
Apartments...\$200.00 base + \$100.00 per
additional unit

Commercial (based upon water service size)

1" water service.....\$500.00
1 ½" water service.....\$1,000.00
2" water service.....\$2,000.00
2 ½" or greater....as set by the Town Engineer

**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town Of Cheektowaga, on October 6, 2003, adopted a resolution authorizing the Town Of Cheektowaga to terminate a portion of a drainage easement located along a portion of the north side of 2365 Union Road in the Town of Cheektowaga.

A copy of such partial termination of easement is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

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

Dated: November 5, 2007

MARY F. HOLTZ
Town Clerk



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Tuesday, November, 13, 2007

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on November 13, 2007 at Council Office, Conference Room, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydell | Town of Cheektowaga | Councilmember | Present | |

II. Resolutions



1. RESOLUTION 2007-643

Change Town Board Meeting Date

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, the Town Board has a Regular Town Board Meeting scheduled for Monday, November 19, 2007 AND

WHEREAS, there will not be a quorum for the Meeting, NOW THEREFORE BE IT

RESOLVED, that the Town Board has Rescheduled for Town Board Meeting for Monday, November 26, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

<http://www.town.cheektowaga.ny.us>

~ Minutes ~

Mary Holtz
(716) 686-3400

Monday, November, 26, 2007

6:45 PM

Council Chambers

I. Public Hearings at 6:30 PM

1. Vacant Land East Side of Burgess Drive, A-Loft Hotel Rezoning Request MS to CM

Comments were heard. Decision was reserved.

RESULT: CLOSED [UNANIMOUS]

MOVER: James Jankowiak, Supervisor

SECONDER: Thomas Johnson Jr., Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

2. 2008 Community Development FY 2008 Annual Plan

Comments were heard. Decision was reserved.

RESULT: CLOSED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember

SECONDER: James Rogowski, Councilmember

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

II. Call to Order

6:45 PM Meeting called to order on November 26, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney

William Pugh, Town Engineer

Brian Krause, Director of Finance and Administration

Thomas Adamczak, Supervising Building and Plumbing Inspector

Jerry Gabryszak, Director of Community Development

Andrew Kulyk, Zoning Board Chairman

Brian Hess, Assessor

Anthony Romano, Coordinator of Employee Relations

Emil Lennert, Planning Board Member

Mark Wegner, Deputy Highway Superintendent

III. Public Comment Period

IV. Resolutions

1. RESOLUTION 2007-644

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|------------------------------|---------------|
| FROM: | 100-1910-3005 | Misc. State Aid | \$ 420,000.00 |
| | 100-1356-1053 | Board of Assessment Review | 280.64 |
| | 100-6410-4194 | Media, Publicity | 1,000.00 |
| TO: | 100-9950-8729 | Transfer to Capital Projects | \$ 420,000.00 |
| | 100-1355-4082 | Seminars | 280.64 |
| | 100-1220-4001 | Office Supplies | 1,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

2. RESOLUTION 2007-645

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 16, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 2,601,129.76 |
| RISK RETENTION FUND | 62,472.96 |
| DEBT SERVICE FUND | 209,431.60 |
| HUD HOUSING REHABILITATION FUND | 13,173.14 |
| SPECIAL DISTRICTS FUND | 803,138.54 |
| HIGHWAY FUND | 425,670.03 |
| CAPITAL FUND | 49,843.61 |
| TRUST & AGENCY FUND | 1,156.31 |
| HUD CDBG FUND | 59,112.25 |
| PART TOWN FUND | 116,314.88 |
| NYS AFFORDABLE HOUSING FUND | 2,725.00 |
| | <u>\$ 4,344,168.08</u> |

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

3. RESOLUTION 2007-646**Adopt Local Law No. 7 of 2008 - a Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems**

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town of Cheektowaga own a Municipal Separate Storm Sewer System (MS4), the operation of which is regulated by the New York State Department of Environmental Conservation ("DEC") pursuant to the terms of a State Pollutant Discharge Elimination System ("SPDES") permit, and

WHEREAS, the United States Environmental Protection Agency Phase II Stormwater Regulations and the DEC SPDES General Permit require owners of MS4's to obtain permit coverage for stormwater discharges and to implement a stormwater management program by January 8, 2008, and

WHEREAS, pursuant to said requirements, the Town of Cheektowaga must enact a Illicit Discharge Detection and Elimination Law, and

WHEREAS, the Town Engineer and the Town Attorney have prepared a draft of a "Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 5th day of November, 2007 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 interested parties were given an opportunity to be heard concerning Local Law Intro No. 2007-6 of the Year 2007, entitled "A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 7 of the Year 2007, entitled "A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 7 of the Year 2007 shall take effect January 1, 2008.

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| RESULT: | WITHDRAWN |
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4. RESOLUTION 2007-647

Adopt Local Law No. 8 of 2007 - a Local Law for Stormwater Management and Erosion & Sediment Control

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town of Cheektowaga owns a Municipal Separate Storm Sewer System ("MS4"), the operation of which is regulated by the New York State Department of Environmental Conservation ("DEC") pursuant to the terms of a Pollutant Discharge Elimination System ("SPDES") permit, and

WHEREAS, the United States Environmental Protection Agency Phase II Stormwater Regulations and the DEC SPDES General Permit require owners of MS4's to obtain permit coverage for stormwater discharges and to implement a stormwater management program by January 8, 2008, and

WHEREAS, pursuant to said requirements, the Town of Cheektowaga must enact a Stormwater Management and Erosion & Sediment Control Law, and

WHEREAS, the Town Engineer and the Town Attorney have prepared a draft of a "Local Law for Stormwater Management and Erosion & Sediment Control", and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 5th day of November, 2007 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 interested parties were given an opportunity to be heard concerning Local Law Intro No. 2007-7 of the Year 2007, entitled "A Local Law for Stormwater Management and Erosion & Sediment Control", and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Law for Stormwater Management and Erosion & Sediment Control, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 8 of the Year 2007, entitled "A Local Law for Stormwater Management and Erosion & Sediment Control", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 8 of the Year 2007 shall take effect January 1, 2008.

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| RESULT: | WITHDRAWN |
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5. RESOLUTION 2007-648

Award of Rehabilitation Contract for 37 Willowlawn Parkway

Sponsored By: Councilmember Swiatek, Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga has acquired the property at 37 Willowlawn Parkway which will be sold to an income-eligible household through the Town's First-Time Homebuyer Program , and

WHEREAS, said property is in need of certain repairs to correct existing deficiencies before it can be sold, and

WHEREAS, written proposals were solicited from an adequate number of contractors for said rehabilitation work by the Office of Community Development based on a Work Write-Up prepared by the Community Development Housing Inspector, and

WHEREAS, proposals submitted were reviewed and evaluated by the Office of Community Development, and

WHEREAS, based upon said review and evaluation, the Director of Community Development recommends that a contract for the required rehabilitation work be awarded to Big Little Construction, Inc. for an amount not to exceed \$19,930.00, Now Therefore Be It

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement for rehabilitation work at 37 Willowlawn Parkway in the Town of Cheektowaga with Big Little Construction Inc., 73 Sixth Avenue, Lancaster, New York, 14086 for an amount not to exceed \$19,930.00, said contractor having submitted the lowest responsible proposal for said work, and Be It

FURTHER RESOLVED, that said rehabilitation work be funded with Community Development Block Grant funds.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

6. RESOLUTION 2007-649

**Call for Public Hearing on Amendments to Zoning Law
Relating to Adult Uses**

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

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

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to further regulate the location of adult uses in the M2-General Manufacturing Zoning District, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 17th day of December, 2007 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 he Adult Use Provisions of the Zoning Law", 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 Sate of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 17th day of December, 2007 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. 2007-9 of the Year 2007, entitled "A Local Law to Amend the Adult Use Provisions of the Zoning Law". Following is a synopsis of the proposed Local Law Intro No. 2007-9:

Local Law Intro No. 2007-9

A Local Law to Amend the Adult Use Provisions of the Zoning Law

Section 260-37.A.(1)(h)[3], which restricts the location of adult uses within the Town of

Cheektowaga, shall be amended to read as follows:

[3] Restrictions affecting adult uses. In addition to the requirements of this chapter and the Code of the Town of Cheektowaga, adult uses shall be permitted subject to the following restrictions:

- [a] No adult use shall be permitted within 1,500 feet of another existing adult use.
- [b] No adult use shall be located within 1,500 feet of the boundaries of any zoning district which is zoned for residential use (including senior housing, condominiums and assisted living/nursing homes).
- [c] No adult use shall be located within 1,500 feet of a pre-existing school or place of worship, day-care center, park or playground, restaurant with indoor/outdoor seating, hotel, motel, theater, or amusement/recreational enterprise (private or open to the public).
- [d] No adult use shall be located in any zoning district except those districts zoned for general manufacturing use (M2). No more than one of the uses governed by these provisions shall be permitted on any single lot in the Town of Cheektowaga.

Dated: November 26, 2007

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

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

7. RESOLUTION 2007-650

Call for Public Hearing of Amendment to Law for the Administration and Enforcement of the Codes of New York State Relating to Outdoor Furnaces

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, by resolution dated September 7, 2004, Local Law No. 5 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law for Administration and Enforcement of the Codes of New York State" was adopted, and

WHEREAS, the Building Inspections Department has recommended that this Town Board enact revisions to the Law for Administration and Enforcement of the Codes of New York State to prohibit the use of exterior solid fuel furnaces in the Town of Cheektowaga, exclusive of the Villages of Sloan and Depew, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 17th day of December, 2007 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 the Local Law for Administration and Enforcement of the Codes of New York State", and BE IT FURTHER

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, 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 17th day of December, 2007 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. 2007-10 of the Year 2007, entitled "A Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State". Following is a synopsis of the proposed Local Law Intro No. 2007-10:

Local Law Intro No. 2007-10

A Local Law to Amend the Local Law for the Administration and Enforcement of the

Codes of New York State

A new section, **Section 70-29a, entitled "Outdoor Furnaces - Prohibited"**, shall be added to read as follows:

§70-29.a. Outdoor Furnaces - Prohibited.

In order to protect the health, safety and general welfare of the residents of the Town of Cheektowaga, the use of exterior solid fuel furnaces is not permitted within any zoning district within the Town of Cheektowaga, exclusive of the Villages of Sloan and Depew.

Dated: November 26, 2007

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

MARY F. HOLTZ
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

8. RESOLUTION 2007-651

Unsafe-Unsecured / 89 Ivanhoe Road

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 89 Ivanhoe Road, Cheektowaga, New York SBL# 90.76-3-54 that is a danger to the safety of others, and records kept by the Assessors Office identify Phillip & Susan Vernon, 89 Ivanhoe Road, Cheektowaga, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 89 Ivanhoe Road, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

9. RESOLUTION 2007-652

Unsafe-Unsecured / 78 Hedley Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 78 Hedley Street, Cheektowaga, New York SBL# 113.69-5-3 that is a danger to the safety of others, and records kept by the Assessors Office identify Agnes Hnat, Social Services, 95 Franklin Street, Room 1304, Buffalo, New York 14202, as the owner AND

WHEREAS, an inspection of such premises was conducted at 78 Hedley Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

10. RESOLUTION 2007-653

Unsafe-Unsecured / 223 Alaska Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 223 Alaska Street, Cheektowaga, New York SBL# 113.61-4-28.1 that is a danger to the safety of others, and records kept by the Assessors Office identify Irene Slisz, 62 Gorski Street, Buffalo, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 223 Alaska Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

11. RESOLUTION 2007-654

Unsafe-Unsecured / 138 Colby Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 138 Colby Street, Cheektowaga, New York SBL# 113.61-4-9 that is a danger to the safety of others, and records kept by the Assessors Office identify Walter Sllisz & Wife, 138 Colby Street, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 138 Colby Street, 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

12. RESOLUTION 2007-655

Open Burning Permit for 2 First Street

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

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

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

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

WHEREAS, an application for a permit was submitted by the Bellevue Fire Department to conduct a open burn on December 1, 2007, rain date of December 8, 2007 at the property located at 2 First Street, Cheektowaga, New York AND

WHEREAS, the applicant intends to burn small fires within this structure for training purposes. The owner of the property, Buffalo Crushed Stone, Inc., has provided a letter of permission and has obtained a building permit to remove the structure following the training evolutions., AND

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

WHEREAS, this Town Board has reviewed the application submitted by the Bellevue Fire Department and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

13. RESOLUTION 2007-656

Authorize Supervisor to Execute Agreement with County of Erie for Snow & Ice Removal From County Roads for 2007-2010

Sponsored By: Councilmember Zydel, Supervisor Jankowiak

WHEREAS, the Town's current agreement with the County of Erie for the removal of snow and ice on certain County roads expired on August 31, 2007, and

WHEREAS, the County of Erie has submitted to the Town Of Cheektowaga a snow and ice removal contract for a three (3) year period, from September 1, 2007 to August 31, 2010, and

WHEREAS, said agreement is acceptable to the Town Superintendent of Highways,
NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said agreement with the County of Erie for snow and ice removal on behalf of the Town Of Cheektowaga.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Richard Zydel, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

14. RESOLUTION 2007-657

Authorize Supervisor to Execute Second Amendment to Payment In Lieu of Taxes Agreement Relating to 5074 Transit Road

Sponsored By: Councilmember Rogowski, Councilmember Johnson Jr.

WHEREAS, the Town of Cheektowaga, Southwind Landing Apartments, L.P., and Attica Housing Development Fund Company, Inc., entered into a Payment in Lieu of Taxes Agreement (PILOT) on October 30, 2003 for a senior housing development located at 5074 Transit Road in the Town of Cheektowaga; and

WHEREAS, pursuant to said PILOT Agreement, Southwind Landing Apartments, L.P. agreed to make payments in lieu of taxes to the Town of Cheektowaga and the County of Erie for fifteen (15) years, and

WHEREAS, by resolution dated January 18, 2005, an amendment to such agreement was approved to add clarifying language in said Agreement; and

WHEREAS, the County of Erie has now requested that it be included as a party to said agreement, and

WHEREAS, all other terms of the PILOT agreement will remain in full force and effect, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute the Second Amendment to the aforementioned Payment in Lieu of Taxes Agreement, subject to approval by the Town Attorney's Office.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

15. RESOLUTION 2007-658

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

POLICE DEPARTMENT - School Crossing Guard \$7.86/hour
Daniel J. Witkowski, Cheektowaga, NY
Effective 11/19/07

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:

SANITATION DEPARTMENT - Laborer \$7.50/hour
Michael McGloin, Sloan, NY
Effective 11/27/07

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

SANITATION DEPARTMENT
Michael Skowron
Effective 11/03/07

Wayne Mack
Effective 11/05/07

SENIOR SERVICES
David Widelski
Effective 11/09/07

Motion by Supervisor Jankowiak, seconded by Councilmember Rogowski to waive the reading of the names on this resolution and the motion carried.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

16. RESOLUTION 2007-659

Termination of Pump Operator (Temporary/Williams)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, Steven Williams was appointed to the temporary position of Pump Operator on September 30, 2007 to fill in for an employee on medical leave; AND

WHEREAS, said employee has returned to full duty; NOW, THEREFORE, BE IT

RESOLVED, that Steven Williams be and hereby is terminated from the temporary position of Pump Operator effective November 12, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

17. RESOLUTION 2007-660

Appointment of Real Property Appraiser (Grube)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a vacancy exists in the title of Real Property Appraiser in the Office of the Town Assessor; AND

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

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

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

WHEREAS, Derrick Grube, currently employed as a Real Property Appraisal Technician in the Office of the Town Assessor, has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE BE IT

RESOLVED, Derrick Grube of Depew, New York, be and hereby is appointed provisionally to the position of Real Property Appraiser in the Office of the Town Assessor, pending the results of the civil service examination, and in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective November 27, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

18. RESOLUTION 2007-661

Travel Authorization Police Department (Michael McDonough)

Sponsored By: Councilmember Magierski, Councilmember Jaworowicz

WHEREAS, Commercial Vehicle General Hazardous Materials School is being held in New Braintree, Massachusetts from November 26-30, 2007; AND

WHEREAS, Police Officer Michael McDonough has requested authorization to attend said school; AND

WHEREAS, Chief of Police Christine Ziemba 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 \$815; AND

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

RESOLVED, that Police Officer Michael McDonough be and hereby is authorized to attend Commercial Vehicle General Hazardous Materials School in New Braintree, Massachusetts from November 26-30, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

V. Suspension of Rules

Motion by Councilmember Rogowski, seconded by Councilmember Magierski to suspend the rules to include the following and the motion carried.

1. RESOLUTION 2007-662

Authorize Supervisor to Execute Agreement with NFTA

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS, the Niagara Frontier Transportation Authority Police Department (NFTA PD) is responsible for patrolling NFTA-owned properties and maintaining peace in and about the Buffalo Niagara International Airport located within the Town of Cheektowaga; and

WHEREAS, the NFTA PD provides aid and assistance to the Town's Police Department when requested and/or when deemed necessary for the enforcement of law; and

WHEREAS, inasmuch as the NFTA does not maintain its own lock-up facilities, it has requested permission to transport individuals who are arrested on NFTA-owned properties within the Town's boundaries to the Cheektowaga Police Department for detention pending initial court appearances as required; and

WHEREAS, in recognition of this mutual aid and cooperation, this Town Board is willing to enter into an Agreement with the NFTA governing the NFTA PD's use of the Cheektowaga Police Department facilities; and

WHEREAS, the Town Attorney's office has prepared an Agreement which has been executed by the NFTA; **NOW THEREFORE, BE IT**

RESOLVED, that the Agreement between the Town of Cheektowaga and the Niagara Frontier Transportation Authority, a copy of which is attached, is hereby approved, effective as of the 1st day of November, 2007; and be it further

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Agreement, subject to approval by the Town Attorney's Office.

ATTACHMENTS:

NFTA Cell Block Agreement 10.18.2007 (DOC)

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Communications

A. Departmental Communications

- 1. Supervisor's Statement of Funds - October 2007**
- 2. Minutes: Cheektowaga Conservation Advisory Council - October 20, 2007 (Corrected Copy)**
- 3. Minutes: Cheektowaga Conservation Advisory Council - November 1, 2007**
- 4. Minutes: Town Environmental Advisory Committee - November 7, 2007**
- 5. Minutes: Cheektowaga Traffic Safety Commission - October 16, 2007**

B. General Communications

- 1. NYSDOT - Designation of Restricted Highway: a Portion of Genesee Street, State Highway 1212, At the Intersection with Holtz Drive Beginning At STA F6+665, 270 M West of Holtz Drive and Ending At STA F7-800 865 Meters East of Holtz Drive.**
- 2. Notice of Claim: Gerald/Maria Harlach Vs. Town of Cheektowaga**
- 3. Notice of Claim: Thomas Lacki Vs. Town of Cheektowaga**
- 4. Notice of Claim: Verizon, Claims Department Vs. Town of Cheektowaga**
- 5. Notice of Claim: Josephine Ward Vs. Town of Cheektowaga**

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Closing

| |
|---|
| Motion by Supervisor Jankowiak, seconded by Councilmember Zydel to adjourn the meeting. |
|---|

AGREEMENT

THIS AGREEMENT is made as of November 1st, 2007, by and between the **TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK**, a municipal corporation with a business address of 3301 Broadway, Cheektowaga, New York, 14227 (hereinafter referred to as "Town") and the **NIAGARA FRONTIER TRANSPORTATION AUTHORITY**, a public benefit corporation with a business address of 181 Ellicott Street, Buffalo, New York, 14203 (hereinafter referred to as "NFTA").

WITNESSETH:

WHEREAS, the NFTA maintains its own police force, known as the Niagara Frontier Transportation Authority Police Department (the "NFTA PD"), which police force is responsible for patrolling NFTA owned properties and maintaining the peace in and about said properties in Erie and Niagara Counties and including the Buffalo Niagara International Airport which is located within the Town of Cheektowaga; and

WHEREAS, the Town of Cheektowaga maintains its own police force, known as the Town of Cheektowaga Police Department ("CPD"), which police force is generally responsible for maintaining the peace in and about the Town of Cheektowaga; and

WHEREAS, the NFTA PD does not maintain its own lock-up facilities and would like to be permitted to transport individuals arrested within the Town's boundaries to the CPD for detention pending initial court appearances as

required; and

WHEREAS, the parties desire to execute an Agreement governing the NFTA PD's use of the CPD's detention facility.

NOW, THEREFORE, in consideration of terms, conditions, and covenants contained in this Agreement and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the parties agree as follows:

SECTION I

Definitions

For the purpose of this Agreement, the following terms shall have the meanings set forth below:

(a) **"Booking Service"** shall mean NFTA PD prisoners brought to the detention facility will be logged into the cell block book, searched, screened and property inventoried by the Cheektowaga Police Department.

(b) **"Detention Facility"** shall mean the holding area, and cell block located on the first floor of the Cheektowaga Police Department Headquarters 3223 Union Rd. Cheektowaga N.Y., 14227, used to house arrestees prior to their initial appearance in Cheektowaga Town Court.

(c) **"Pat down/Inventory Search"** shall mean a search conducted by touch and metal detection device through an arrestee's clothing to locate personal property, contraband and/or weapons.

(d) **"Strip Search"** shall mean any search that necessarily includes exposure

of the unclothed genitals and/or buttocks.

SECTION II

Provision of Booking Services and Detention Facilities

The Town's Obligations:

1. The Town agrees to:
 - (a) Permit the NFTA PD to transport individuals arrested by the NFTA PD within the Town's boundaries to the detention facility;
 - (b) Provide booking services, pat down/inventory searches, and strip searches of said NFTA PD prisoners;
 - (c) Provide the NFTA PD prisoners brought to the detention facility with necessary food and beverages;
 - (d) Transport the NFTA PD prisoners in the detention facility to and from the detention facility and the Town Justice Court.
2. Nothing contained in this agreement shall require the Town to accept into its Detention Facility any arrestee who is, in the judgment of a Cheektowaga Police Department Supervisor, injured or in need of medical attention. When an arrestee detainee is determined to be in need of medical attention after he is accepted into the detention facility, Cheektowaga Police Department PD personnel shall provide appropriate medical treatment and notify the NFTA PD. The NFTA PD will provide an officer to supervise any of their arrestees that are in need of hospital treatment. Any costs shall be paid by the NFTA PD.
3. The Town reserves the right to summon emergency medical assistance for

any arrestee under appropriate circumstances. Any cost shall be paid by the NFTA PD.

4. Use of the pre-appearance detention facility is limited to available space at 3223 Union Road, Cheektowaga New York.

5. Prisoners brought to the Cheektowaga Police detention facility by the NFTA PD will be pat frisked for weapons.

6. A Cheektowaga Police officer or Detention Officer may, upon an appropriate showing of suspicion or cause to believe the arrestee has a weapon or contraband in his possession, conduct a strip search of an NFTA arrestee.

7. The Cheektowaga Police Department will provide use of their Data Master equipment with a trained operator for the processing of statutes contained in Section 1192 of the New York State Vehicle and Traffic Law.

The NFTA's Obligations:

1. The NFTA PD shall be responsible for obtaining all medical attention necessary for arrestees prior to confinement in the Town's Detention facility. Should medical attention become necessary after an arrestee has been accepted into the detention area, the NFTA PD shall provide transport and medical services upon notification by Cheektowaga Police Department personnel. The CPD is not obligated to re-admit any arrestee to the detention area without the signature of medical personnel evidencing that the appropriate medical services have been rendered.

2. Supervision of any NFTA PD arrestee while being treated at any medical facility is the responsibility of the NFTA PD.

3. If an NFTA police officer or an agent or employee of the NFTA or its wholly owned subsidiary has information about the medical or psychiatric condition or history of an arrestee, or any other relevant circumstances regarding the condition, history or status of an arrestee, he/she will so advise CPD personnel in the detention area.

4. NFTA officers and agents or employees of the NFTA or its wholly owned subsidiary utilizing the CPD detention facility or services shall comply with all rules, regulations, policies, and procedures governing the conduct of Town officers and employees in the Town's detention facility and further, shall comply with and enforce all rules and regulations governing the supervision of arrestees in those areas.

5. The NFTA PD shall be responsible, at its sole cost and expense, to transport any of its prisoners to CPD. NFTA PD officers will notify the CPD prior to transporting any prisoner to CPD headquarters.

6. The NFTA will reimburse the Town for personnel costs associated with court pay when CPD officers or other Town employees are required to testify in matters involving NFTA PD arrestees.

7. The NFTA PD will provide all required court paperwork with a copy of the arrest sheet to be retained by the CPD.

8. The NFTA PD will continue to provide support services to the CPD.

9. The NFTA PD will pay the Town of Cheektowaga a sum of Two Hundred Dollars (\$200.00) a month for the duration of this agreement.

SECTION III

Terms of Agreement

This agreement shall commence on November 1, 2007 and terminate on October 31, 2010, unless otherwise extended in writing by the parties, or unless terminated pursuant to Section IV herein.

SECTION IV

Termination of Agreement

Either party to this Agreement may terminate this Agreement upon thirty (30) days prior written notice to the other party. Notice to the Town should be directed to the Captain of Administration of the Cheektowaga Police Department. Notice to the NFTA should be directed to the Chief of the NFTA Police Department.

SECTION V

Miscellaneous

(a) This Agreement constitutes the entire Agreement and understanding between the parties, and supersedes all offers, negotiations and other Agreements. There are no representations or understandings of any kind not set forth herein. Any amendments to this Agreement must be in writing and executed by both parties.

(b) This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

(c) Failure or delay on the part of either party to exercise any right, power, or privilege hereunder shall not operate as a waiver thereof.

IN WITNESS WHEREOF, the Town has caused this Agreement to be executed by its Supervisor, and the NFTA has caused this Agreement to be executed by its Executive Director.

**THE TOWN OF CHEEKTOWAGA,
COUNTY OF ERIE, NEW YORK**

Date Executed: _____, 2007

By: _____

James J. Jankowiak
Supervisor

**NIAGARA FRONTIER
TRANSPORTATION AUTHORITY**

Date Executed: _____, 2007

By: _____

Lawrence M. Meckler
Executive Director

Attachment: NFTA Cell Block Agreement 10.18.2007 (RES-2007-662 : Authorize Supervisor to Execute Agreement /NFTA)

Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Regular Meeting

<http://www.town.cheektowaga.ny.us>

~ Minutes ~

Mary Holtz
(716) 686-3400

Monday, December 3, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 3, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Emil Lennert, Representative, Cheektowaga Planning Board
John Marriott, Representative, Cheektowaga Planning Board
Mark Wegner, Deputy Highway Superintendent
Brian Hess, Assessor
Anthony Romano, Coordinator of Employee Relations

II. Public Comment Period

III. Resolutions

1. RESOLUTION 2007-663

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|----------------------------|-------------|
| FROM: | 100-1356-1901 | Board of Assessment Review | \$ 1,426.36 |
| | 100-1355-4411 | Petition Refunds | 215.00 |

| | | | |
|-----|---------------|------------------|-------------|
| TO: | 100-1355-2005 | Office Equipment | \$ 1,641.36 |
|-----|---------------|------------------|-------------|

HIGHWAY FUND

| | | | |
|-------|---------------|------------------|-------------|
| FROM: | 300-5110-4331 | Machinery Rental | \$ 6,500.00 |
| | 300-5110-4469 | Disposal | 5,000.00 |

| | | | |
|-----|---------------|-----------|-------------|
| TO: | 300-5130-2407 | Equipment | \$11,500.00 |
|-----|---------------|-----------|-------------|

HUD CDBG FUND

| | | | |
|-------|---------------|----------------------------|-------------|
| FROM: | 700-1003-0604 | Housing Rehab Mobile Homes | \$ 3,048.00 |
| | 700-1003-2300 | Temporary Relocation | 1,316.89 |
| | 700-1003-0684 | Fair Housing | 1,355.01 |
| | 900-8600-4910 | NYS AHC Revenues | 15,000.00 |

| | | | |
|-----|---------------|--------------------|-------------|
| TO: | 700-1003-0606 | Disposition | \$ 5,719.90 |
| | 900-8668-4005 | Loans from Program | 15,000.00 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

2. RESOLUTION 2007-664

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrant submitted to the Town of Cheektowaga prior to November 30, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|------------------------|
| GENERAL FUND | \$ 3,578,079.77 |
| RISK RETENTION FUND | 13,712.07 |
| HUD HOUSING REHABILITATION FUND | 44,472.00 |
| SPECIAL DISTRICTS FUND | 597,417.67 |
| HIGHWAY FUND | 441,397.40 |
| CAPITAL FUND | 218,072.66 |
| TRUST & AGENCY FUND | 9,162.18 |
| HUD CDBG FUND | 157,400.69 |
| PART TOWN FUND | 104,052.33 |
| | <u>\$ 5,163,766.77</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

3. RESOLUTION 2007-665

Negative SEQR Declaration - Stormwater Management/Erosion & Sediment Control

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Cheektowaga Engineering Department for the adoption of a local law for the management of storm water and the control of erosion and sedimentation , AND

WHEREAS, the Environmental Advisory Committee has recommended a determination of non-significance at its meeting of November 28, 2007, AND

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

4. RESOLUTION 2007-666

Negative SEQR Declaration - Prohibition of Illicit Sewer Discharges

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

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 Cheektowaga Engineering Department for the adoption of a local law prohibiting illicit discharges to separate storm sewers, AND

WHEREAS, the Environmental Advisory Committee has recommended a determination of non-significance at its meeting of November 28, 2007, AND

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

5. RESOLUTION 2007-667

Adopt Local Law No. 7 of 2007 - a Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town of Cheektowaga owns a Municipal Separate Storm Sewer System(MS4), the operation of which is regulated by the New York State Department of Environmental Conservation ("DEC") pursuant to the terms of a State Pollutant Discharge Elimination System("SPDES") permit, and

WHEREAS, the United States Environmental Protection Agency Phase II Stormwater Regulations and the DEC SPDES General Permit require owners of MS4's to obtain permit coverage for stormwater discharges and to implement a stormwater management program by January 8, 2008, and

WHEREAS, pursuant to said requirements, the Town of Cheektowaga must enact a Illicit Discharge Detection and Elimination Law, and

WHEREAS, the Town Engineer and the Town Attorney have prepared a draft of a "Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 5th day of November, 2007 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 interested parties were given an opportunity to be heard concerning Local Law Intro No. 2007-6 of the Year 2007, entitled "A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 7 of the Year 2007, entitled "A Local Law to Prohibit Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 7 of the Year 2007 shall take effect January 1, 2008.

| | |
|------------------|-----------------------------------|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

6. RESOLUTION 2007-668

Adopt Local Law No. 8 of 2007 - a Local Law for Stormwater Management And Erosion & Sediment Control

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town of Cheektowaga owns a Municipal Separate Storm Sewer System("MS4"), the operation of which is regulated by the New York State Department of Environmental Conservation ("DEC") pursuant to the terms of a Pollutant Discharge EliminationSystem ("SPDES") permit, and

WHEREAS, the United States Environmental Protection Agency Phase II Stormwater Regulations and the DEC SPDES General Permit require owners of MS4's to obtain permit coverage for stormwater discharges and to implement a stormwater management program by January 8, 2008, and

WHEREAS, pursuant to said requirements, the Town of Cheektowaga must enact a Stormwater Management and Erosion & Sediment Control Law, and

WHEREAS, the Town Engineer and the Town Attorney have prepared a draft of a "LocalLaw for Stormwater Management and Erosion & Sediment Control", and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 5th day of November, 2007 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 interested parties were given an opportunity to beheard concerning Local Law Intro No. 2007-7 of the Year 2007, entitled "A Local Law for Stormwater Management and Erosion & Sediment Control", and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Lawfor Stormwater Management and Erosion & Sediment Control, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 8 of the Year 2007, entitled "A Local Law for Stormwater Management and Erosion & Sediment Control", which is attached hereto and madea part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 8 of the Year 2007 shall take effect January 1, 2008.

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

7. RESOLUTION 2007-669

Call for Public Hearing - 590 Cayuga Creek Road

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, Woodbridge Contracting with the permission of the owner, Danann Concrete, has made application and requested the rezoning of 590 Cayuga Creek Road from R- Residence to RA- Apartment District for the demolition of the existing warehouse use and the construction of (3) eight unit apartment buildings, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on December 17, 2007 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 17th day of December, 2007 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Woodbridge Contracting /Danann Concrete

for the rezoning of 590 Cayuga Creek Road from R-Residence to RA - Apartment District for the demolition of the existing warehouse use and the construction of (3) eight unit apartment buildings.

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

BY ORDER OF THE TOWN BOARD
Town of Cheektowaga, NY
Mary F. Holtz, TOWN CLERK

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lots 66 and 67 township 10 range 7 of the Buffalo Creek Reservation, described as follows:

Beginning at a point in the center line of Cayuga Creek Road (66 feet wide), 241.29 feet northeasterly from the west line of Lot no. 66, Township 10, Range 7, as measured along the centerline of Cayuga Creek Road; thence westerly at an interior angle of 126-45'-43", 234.46 feet to a point, which is also the northerly line of deed recorded Erie County Clerks' Office in liber 6548 of deeds page 3; thence westerly at an interior angle of 187-34'-11", 78.82 feet to a point; thence westerly at an interior angle of 163-44-00, 100.04 feet to a point on the west line of Subdivision Lot no. 7 according to map filed in Erie County Clerk's Office under cover no. 720; 210.70 feet to a point; thence easterly at an interior angle of 89-42'-20", 269.40 feet to a point on the west line of lot no. 66, township 10, range 7; thence southeasterly at an interior angle of 139-52'-10", 256.98 feet to a point on the centerline of Cayuga Creek Road, 66 feet wide;

thence southwesterly along the centerline of Cayuga Creek Road, 63.26 feet to the point or place of beginning.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

8. RESOLUTION 2007-670

Notice to Bidders - Furnishing of Equipment & Operators for Drainage System Maintenance and Erosion Control Projects

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for drainage systems maintenance and erosion control projects in the Town of Cheektowaga for the years 2008 and 2009, AND

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of equipment, operators and laborers for said drainage system maintenance and erosion control projects, 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 December, 2007 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 December 19, 2007 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the Furnishing of Equipment and Operators for Drainage Systems Maintenance and Erosion Control Projects in the Town of Cheektowaga for the years 2008 and 2009.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Drainage Systems Maintenance and Erosion Control Projects" and submitted to the Town Clerk prior to bid opening.

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

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

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

Please be advised that in accordance with a resolution adopted by the Cheektowaga Town Board on February 23, 2004, effective March 15, 2004, contractors on all construction contracts with a value in excess of \$250,000 and up to \$3,000,000 must have apprenticeship agreements appropriate for the type and scope of work to be performed that have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

Mary F. Holtz
Town Clerk

DATAED: December 3, 2007

| | |
|------------------|--|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell |

9. RESOLUTION 2007-671

Notice to Bidders - Furnishing of Equipment, Operators and Laborers for the Installation and Repair of Sanitary Sewers

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the installation and repair of sanitary sewers in the Town of Cheektowaga for the years 2008 and 2009, AND

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders in connection with the furnishing of equipment, operators and laborers for said installation and repair of sanitary sewers, 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 December, 2007 at 11:00 A.M. at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 19, 2007 at 11:00 A.M., Eastern Standard Time, at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the Furnishing of Equipment, Operators and Laborers for the Installation and Repair of Sanitary Sewers in the Town of Cheektowaga for the years 2008 and 2009.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Equipment, Operators and Laborers for Sanitary Sewer Projects" and submitted to the Town Clerk prior to bid opening.

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

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

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

Please be advised that in accordance with a resolution adopted by the Cheektowaga Town Board on February 23, 2004, effective March 15, 2004, contractors on all construction contracts with a value in excess of \$250,000 and up to \$3,000,000 must have

apprenticeship agreements appropriate for the type and scope of work to be performed that have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York Labor Law.

Mary Holtz
Town Clerk

DATED: December 3, 2007

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

10. RESOLUTION 2007-672

Notice to Bidders - One (1) 2008 Chevrolet Malibu LT

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, it is in order that bids be advertised for the purchase of one (1) new and unused 2008 Chevrolet Malibu LT for the motor pool, 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 for the motor pool, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 12th day of December, 2007 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on December 12, 2007 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) 2008 new and unused Chevrolet Malibu LT, or equal, for the motor pool.

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 Holtz
Town Clerk

DATED: December 3, 2007

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Jankowiak, Supervisor
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

11. RESOLUTION 2007-673

Notice to Bidders: Clothing and Uniforms for Parks/Recreation & Youth Programs

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS it is in order that bids be advertised for the purchase of clothing and uniforms for the Town of Cheektowaga Department of Youth and Recreational Services, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders, to be published in the CHEEKTOWAGA TIMES, for the furnishing of said clothing and uniforms. Information for bidders and specifications may be obtained from the office of Mary Holtz, Town Clerk, and BE IT FURTHER

RESOLVED that sealed bids will be received on December 19, 2007 at 11:00 a.m. Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 19, 2007 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of clothing for use in various Parks, Recreation & Youth Services programs.

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

Bid prices will be in effect for the calendar years 2008, 2009, and 2010.

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

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

Mary Holtz
Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydell

12. RESOLUTION 2007-674

**Authorize Supervisor to Execute Gasoline and Diesel
Certificates for Exemption From Federal Tax**

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, Kurk Fuel Company provides the Town with gasoline and diesel fuel for its fleet of vehicles under New York State Contract; and

WHEREAS, gasoline and diesel certificates are required to be signed by the Town under the Internal Revenue Tax Code for Kurk Fuel Company to claim an exemption from paying Federal Excise Taxes, from which the Town is exempt, and receive a refund for all prepaid taxes; NOW THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized to execute Certificates for State Use of Gasoline and Certificate of State Use of Diesel Fuel, or any other document necessary to effect said exemption for Kurk Fuel Company, subject to approval by the Town Attorney.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

13. RESOLUTION 2007-675

Accept Easement for Access to U-Crest Ditch

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

WHEREAS, the Town of Cheektowaga needs to perform periodic maintenance on the U-Crest ditch which runs along the rear of properties located on the south side of Genesee Street, and

WHEREAS, 4243 GS Associates, LLC owns property located at 4243 Genesee Street, which property abuts the aforementioned U-Crest ditch, and

WHEREAS, the Town Engineer requested an ingress/egress easement over 4243 Genesee Street for access to maintain the U-Crest ditch, and

WHEREAS, 4243 GS Associates has submitted an easement to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easement be and hereby is accepted by the Town, subject to final review and approval by the Town Attorney and Town Engineer, and BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file such easement in the Erie County Clerk's Office.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

14. RESOLUTION 2007-676

Accept Proposal of Stohl Environmental, LLC

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

WHEREAS, a visual survey of the former south branch library located on William Street, owned by the Town and currently being marketed for sale, has identified various building material components having a likelihood of containing asbestos, AND

WHEREAS, there is a need to perform confirmatory sampling and analysis of suspect asbestos containing materials and to prepare a detailed Findings Report to further the Town's efforts to market this structure, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Stohl Environmental, LLC dated November 26, 2007 as submitted to the Town Engineer for professional services associated with asbestos sampling, testing and report preparation is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby authorized to execute the agreement with Stohl Environmental, LLC for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$2,865.00 shall be chargeable to account #500-1910-2520-5122.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

15. RESOLUTION 2007-677

Accept Quote for Repairs At Galleria Basin Pump Station Facility

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

WHEREAS, the Town has the oversight of maintenance at the Galleria Basin Pump Station Facility, AND

WHEREAS, it is necessary to make repairs to the Pump Station, AND

WHEREAS, two (2) quotes were received for the required repairs to be made, NOW, THEREFORE, BE IT

RESOLVED, that the bid is awarded to Quackenbush Company, Inc., 495 Kennedy Road, Buffalo, New York 14227 for submitting the lowest quote in the amount of \$2,611.00, AND, BE IT FURTHER

RESOLVED, that the funds shall be taken out of the Galleria Basin Maintenance Account.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

16. RESOLUTION 2007-678

Approve Military Reservist Salary Act to December 31, 2008

Sponsored By: Jankowiak, Rogowski, Johnson Jr.

WHEREAS, the United States' involvement in the War in Iraq has necessitated the United States Military to call reservists to active duty; and

WHEREAS, pursuant to Sections 242 and 243 of Civil Service Military Law, Town employees who are reservists may annually take up to twenty-two paid working days from their civil service positions when they are absent thirty calendar days in order to fulfill their military requirements; and

WHEREAS, this Town Board fully supports all United States reservists and their defense of our great nation, and as such, in this time of war, the Cheektowaga Town Board seeks to waive its requirements under the various union contracts and the Civil Service Military Law for military call-up to pursue the counter-attack on a one-time basis; and

WHEREAS, as a show of this Town Board's complete support of its employees being called to active duty, no reservist employed by the Town of Cheektowaga shall be penalized monetarily while serving their country; and

WHEREAS, by previous Resolutions, this Town Board enacted a policy whereby any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; **NOW, THEREFORE, BE IT**

RESOLVED that any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; and **BE IT FURTHER**

RESOLVED, that such policy shall be extended to and including December 31, 2008 and be subject to further review at that time.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

17. RESOLUTION 2007-679

**Creation of Assistant Natural Disaster Services Coordinator
Title**

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

BE IT RESOLVED, the Town Board hereby creates the position of Assistant Natural Disaster Services Coordinator (Part Time) pursuant to Civil Service Laws and Rules effective December 3, 2007.

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|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

18. RESOLUTION 2007-680

Unsafe-Unsecured / 9 Siberling Drive

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 9 Siberling Drive, Cheektowaga, New York SBL# 91.14-11-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Gerald & Joan Male, 9 Siberling Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 9 Siberling 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 Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

19. RESOLUTION 2007-681

Debris-Clean-Up / 2190 Clinton Street

Sponsored By: Magierski, Johnson Jr., Zydel

WHEREAS, Town of Cheektowaga Law for the Administration and Enforcement of the codes of New York State; and the Property Maintenance Code of New York State require that all vacant structures and premises shall be maintained in clean, safe, secure and sanitary conditions so as not to cause a blighting problem or adversely affect the public health or safety and all nuisances abated, AND

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2190 Clinton Street, Cheektowaga, New York SBL# 123.36-6-10 that is a danger to the safety of others, and records kept by the Assessors Office identify GLW Enterprises of WNY Inc., 2190 Clinton Street, Buffalo, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2190 Clinton Street, 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 Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

RESOLVED, that pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for the Administration and enforcement of the codes of New York State that the vacant structure premises be safeguarded and all nuisances abated; and all costs incurred be assessed against the property hereinbefore described

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

IV. Suspension of Rules

Motion by Councilmember Magierski, seconded by Councilmember Johnson to suspend the rules to include the following three (3) items, and the motion carried.

1. RESOLUTION 2007-682

Authorize ECWA to Install Hydrants

Sponsored By: Councilmember Johnson Jr., Councilmember Zydel

WHEREAS, the Erie County Water Authority (ECWA) is preparing design plans for the replacement of the existing watermains on Aberdeen Street and Pleasant Street with a new 8" D.I.P. on each street between Genesee Street and Broad Street, AND

WHEREAS, in order to meet required regulations and guidelines for hydrant placement, an additional hydrant is proposed to be added to both Aberdeen Street and Pleasant Street at the following locations:

- (1) west side of Aberdeen Street at the north line of #44 Aberdeen Street
- (2) west side of Pleasant Street just north of #4 Pleasant Street

AND,

WHEREAS, the Board of Fire Commissioners of U-Crest Fire District #4, by letter dated November 27, 2007 to the Town Engineer, have reviewed and granted approval to the installation of the aforesaid hydrants, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install one (1) additional hydrant on Aberdeen Street, and one (1) additional hydrant on Pleasant Street under the referenced contract at the aforesaid locations as part of the waterline improvements project and that the Town of Cheektowaga shall be responsible for the payment of annual hydrant rental charges to the ECWA for said hydrants, which charges shall be funded by the respective Hydrant District, AND, BE IT FURTHER

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

Mr. Daniel Seider
Distribution Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

2. RESOLUTION 2007-683

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

TOWN CLERK'S OFFICE Clerk (Temporary) \$8/hour effective 12/04/07
Victoria Nowak, Depew, NY

RECORDS CENTER Clerk (Temporary) \$8/hour effective 12/04/07
Evelyn Adamski, Cheektowaga, NY

SUPERVISORS OFFICE Assistant Natural Disaster Services Coordinator \$15/hour
Michael A. Mazurowski, Cheektowaga, NY
Effective 12/04/07

POLICE DEPARTMENT Police Attendant \$15/hour effective 12/03/07
David Deguire, Cheektowaga, NY
Joseph Tamarazio, Cheektowaga, NY

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

SANITATION DEPARTMENT
Thomas Schleer
Effective 11/15/07

BUILDINGS AND GROUNDS DIVISION
Margaret Kowalow
Effective 11/13/07

SEWER MAINTENANCE
Brandon Hill
Effective 8/26/07

John Lockhart
Effective 8/26/07

Joseph Martin
Effective 8/19/07

Justine Nowak
Effective 8/12/07

Michael O'Sullivan

Effective 9/23/07

William Olewniczak
Effective 8/26/07

Sean Ross
Effective 11/25/07

Shane Latshaw
Effective 8/19/07

Adam Bobeck
Effective 9/02/07

Motion by Supervisor Jankowiak, seconded by Councilmember Jaworowicz to waive the reading of the names on this resolution, and the motion carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

3. RESOLUTION 2007-684

Appointment of Court Clerk (Provisional) (Kimberly K. Kent-Chojnicki)

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, a provisional vacancy exists in the position of Court Clerk in the Justice Court; AND

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

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

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, a valid civil service list is not in existence for said title; AND

WHEREAS, Kimberly K. Kent-Chojnicki, currently employed as a part-time Court Officer, applied for said vacancy and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Kimberly K. Kent-Chojnicki of Cheektowaga, New York be and hereby is appointed to the provisional position of Court Clerk in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective December 10, 2007.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Communications

A. Departmental Communications

1. Building Permits - November 2007
2. Cheektowaga Conservation Advisory Council - Minutes of November 17, 2007 Meeting
3. Cheektowaga Planning Board - Minutes of November 14, 2007 Meeting

B. General Communications

1. Notice of Claim: Ashley Rydza Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Closing

Motion by Supervisor Jankowiak, seconded by Councilmember Johnson to adjourn the meeting.



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Monday, December 17, 2007

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 17, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Other Attendees

Kevin Schenk, Town Attorney
Brian Krause, Director of Finance and Administration
Bill Pugh, Town Engineer
Tom Adamczak, Supervising Building & Plumbing Inspector
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
Brian Hess, Town Assessor
John Jaroszewski, General Crew Chief - Parks Division
John Marriott, Representative, Cheektowaga Planning Board

II. Public Hearings at 6:30 pm

1. Public Hearing - 590 Cayuga Creek Road

RESULT: CLOSED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

III. Public Comment Period

IV. Public Hearings at 7:00 PM

1. Public Hearing on Amendments to Zoning Law Relating to Adult Uses

This being the time and place advertised for a public hearing regarding Amendments to Zoning Law Relating to Adult Uses. 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.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: Thomas Johnson Jr., Councilmember
SECONDER: Alice Magierski, Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

2. Public Hearing of Amendment to Law for the Administration and Enforcement of the Codes of New York State Relating to Outdoor Furnaces

This being the time and place advertised for a public hearing Amend to Law for Administration and Enforcement of the Codes of New York State Relating to Outdoor Furnaces. 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.

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.

RESULT: CLOSED [UNANIMOUS]
MOVER: Alice Magierski, Councilmember
SECONDER: Thomas Johnson Jr., Councilmember
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

V. Resolutions



1. RESOLUTION 2007-685

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|--|-------------|
| FROM: | 100.7110.2201 | Office Equipment | \$ 4,604.00 |
| | 100.7110.4141 | Chemicals | 9,565.00 |
| TO: | 100.7110.4451 | Building & Grounds Maintenance & Repair | \$14,169.00 |

HUD CDBG FUND

| | | | |
|-------|---------------|----------------------------------|-----------|
| FROM: | 700.1000.0704 | Contingency | \$ 142.72 |
| TO: | 700.1000.0723 | Drainage & Sewer Improvements | \$ 142.72 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-686

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 14, 2007 are hereby approved and made a part hereof;

| | |
|------------------------|------------------------|
| GENERAL FUND | \$ 1,169,754.84 |
| RISK RETENTION FUND | 29,586.81 |
| DEBT SERVICE FUND | 170,000.00 |
| SPECIAL DISTRICTS FUND | 932,873.10 |
| HIGHWAY FUND | 377,020.97 |
| CAPITAL FUND | 98,583.64 |
| TRUST & AGENCY FUND | 100.00 |
| HUD CDBG FUND | 96,153.77 |
| PART TOWN FUND | 47,282.00 |
| | <u>\$ 2,921,355.13</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-687

Adopt Local Law No. 9 of 2007 - a Local Law to Amend the Adult Uses Provisions of the Zoning Law

Sponsored By: Councilmember Johnson Jr., Councilmember Magierski

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

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to further regulate the location of adult uses in the M2-General Manufacturing Zoning District, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 17th day of December, 2007 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 the Adult Use Provisions of the Zoning Law", and

WHEREAS, it is in the public interest to adopt the proposed amendments to the Zoning Law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 9 of the Year 2007, entitled "A Local Law to Amend the Adult Uses Provisions of the Zoning Law", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 9 of the Year 2007 shall take effect upon filing with the Secretary of State.

Local Law No.9 of the Year 2007

A Local Law to Amend the Adult Uses Provisions of the Zoning Law

Section 260-37.A.(1)(h)[3], which restricts the location of adult uses within the Town of

Cheektowaga, shall be amended to read as follows:

[3] Restrictions affecting adult uses. In addition to the requirements of this chapter and the Code of the Town of Cheektowaga, adult uses shall permitted subject to the following restrictions:

[a] No adult use shall be permitted within 1,500 feet of another existing adult use.

- [b] No adult use shall be located within 1,500 feet of the boundaries of any zoning district which is zoned for residential use (including senior housing, condominiums and assisted living/nursing homes).

- [c] No adult use shall be located within 1,500 feet of a pre-existing school or place of worship, day-care center, park or playground, restaurant with indoor/outdoor seating, hotel, motel, theater, or amusement/recreational enterprise (private or open to the public).

- [d] No adult use shall be located in any zoning district except those districts zoned for general manufacturing use (M2). No more than one of the uses governed by these provisions shall be permitted on any single lot in the Town of Cheektowaga.

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| RESULT: WITHDRAWN |
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4. RESOLUTION 2007-688

Adopt Local Law No. 10 of 2007 - a Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State

Sponsored By: Councilmember Magierski, Councilmember Johnson Jr.

WHEREAS, by resolution dated September 7, 2004, Local Law No. 5 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law for Administration and Enforcement of the Codes of New York State" was adopted, and

WHEREAS, the Building Inspections Department has recommended that this Town Board enact revisions to the Law for Administration and Enforcement of the Codes of New York State to prohibit the use of exterior solid fuel furnaces in the Town of Cheektowaga, exclusive of the Villages of Sloan and Depew, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 17th day of December, 2007 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 the Local Law for the Administration and Enforcement of the Codes of New York State", and

WHEREAS, it is in the public interest to adopt the proposed amendments to said law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 10 of the Year 2007, entitled "A Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 10 of the Year 2007 shall take effect upon filing with the Secretary of State.

Local Law No. 10 of the Year 2007

A Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State

A new section, Section 70-29a, entitled "Outdoor Furnaces - Prohibited", shall be added, to read as follows:

§70-29.a. Outdoor Furnaces - Prohibited.

In order to protect the health, safety and general welfare of the residents of the Town of Cheektowaga, the use of exterior solid fuel furnaces is not permitted within the boundaries of the Town of Cheektowaga, exclusive of the Villages of Depew and Sloan.

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| RESULT: | WITHDRAWN |
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5. RESOLUTION 2007-689

Award of Bid - 2008 Chevrolet Malibu LT

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, this Town Board invited sealed bids for one (1) 2008 Chevrolet Malibu LT, AND

WHEREAS, bids were received and opened at a public bid opening held on December 12, 2007 at 11:00 a.m., NOW, THEREFORE, BE IT

RESOLVED, that the bid for one (1) 2008 Chevrolet Malibu LT be and hereby is awarded to Gillogly Chevrolet, 1777 Union Road, West Seneca, New York 14224 in the amount of \$17,096.63, said being the lowest bidder meeting all the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #100-1640-2502.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



6. RESOLUTION 2007-690

Notice to Bidders Baseball/Softball Equipment

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

WHEREAS it is in order that bids be advertised for the purchase of baseball and softball equipment for the Town of Cheektowaga Department of Youth and Recreational Services, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders, to be published in the CHEEKTOWAGA TIMES, for the furnishing of said equipment. Information for bidders and specifications may be obtained from the office of Mary Holtz, Town Clerk, and BE IT FURTHER

RESOLVED that sealed bids will be received on January 2, 2008 at 11:00 a.m. Eastern Standard Time at a public bid opening to be held in the Town Clerk's Office located in Cheektowaga Town Hall.



NOTICE TO BIDDERS

Sealed bid proposals will be received and considered by the Town Board of the Town of Cheektowaga, publicly opened and read by the Town Clerk of the Town of Cheektowaga, Erie County, New York, on January 2, 2008 at 11:00 a.m. Eastern Standard Time at Town Hall, corner of Broadway and Union Road for the purchase of baseball and softball equipment.

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

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

Mary Holtz
Town Clerk

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



7. RESOLUTION 2007-691

Notice to Bidders: 2008 Portable Chemical Toilets

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, The Town of Cheektowaga, Facilities Department, Parks Division, utilizes Portable Chemical Toilets at various locations to service their recreational activities and Special Events, NOW BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice To Bidders for the Leasing and Servicing of Portable Chemical Toilets, AND BE IT FURTHER

RESOLVED, that specifications for said Leasing and Servicing of Portable Chemical Toilets 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 2nd day of January, 2008 at 11:00 AM Eastern Standard Time at a Public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

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Town of Cheektowaga
Notice to Bidders

Sealed proposals will be received by the Town Clerk on January 2, 2008 at 11:00 AM Eastern Standard Time at the Town Hall, 3301 Broadway, for Leasing and Servicing of Portable Chemical Toilets for the year 2008.

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

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

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

Mary F. Holtz
Town Clerk

Date: December 17, 2007

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-692

Authorization to Attend 2008 Association of Towns Meeting

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, the Association of Towns of the State of New York Year 2008 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 17th - 20th, 2008; and

WHEREAS, said training meeting and annual school covers numerous municipal topics of interest to town officials, and

WHEREAS, it is advantageous to the Town to have certain town officials attend such meeting, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are authorized to attend the 2007 Training School and Annual Meeting of the Association of Towns:

Town Supervisor-Elect Mary F. Holtz
 Deputy Town Supervisor (Appointment Pending)
 Town Clerk-Elect Alice Magierski
 Town Engineer William Pugh
 Town Attorney Kevin G. Schenk
 Councilmember Richard Zydel
 Councilmember-Elect Charles Markel
 Councilmember Patricia A. Jaworowicz
 Director of Administration and Finance Brian M. Krause
 Town Judge Thomas S. Kolbert
 Town Judge James Vallone
 Superintendent of Highways-Elect Mark Wegner

and BE IT FURTHER

RESOLVED, that the Supervisor-Elect and/or the Deputy Supervisor (appointment pending) be and hereby is designated as the Official Voting Delegate to represent the Town at the Association of Towns meeting, and BE IT FURTHER

RESOLVED, that the Town shall reimburse the above named individuals for the reasonable and necessary expenses incurred in attending such meeting out of budget line numbers 100-1220-4088, 100-1910-4082, 100-1010-4080, 100-1315-4088 and 100-1110-4082.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-693

Authorize Supervisor to Execute Contract with Archival Consultant

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

WHEREAS, the Town was awarded a State Archives grant which enabled the Town to engage the services of an Archival Consultant; and

WHEREAS, the consultant will be retained to review written plans of the Town's archives research facility, conduct an on-site assessment of the center, and produce a final report containing recommendations for improving the structure for use as an archives facility; and

WHEREAS, Philip B. Eppard is qualified to perform said services and wishes to do so under the terms of the State Archives Grant and an agreement with the Town; and

WHEREAS, the fees for consultant services are not to exceed \$5,000 and shall be appropriated from the State Archives Grant budget line number 100-1415-4001-1001, NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby retains the services of Philip B. Eppard of Troy, New York as consultant to perform the duties of Archival Consultant, in accordance with the terms and conditions of the attached agreement and the State Archives Grant, and BE IT FURTHER

RESOLVED, that the Supervisor or the Deputy Supervisor is authorized and directed to execute said agreement with Philip B. Eppard, Archival Consultant.

ATTACHMENTS:

AwardLtr08 (DOC)

contract (DOC)

noncollusion (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Alice Magierski, Councilmember

SECONDER: James Jankowiak, Supervisor

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel



10. RESOLUTION 2007-694

Support Agreement with County of Erie And U.S. Department of Interior for Walleye Pond

Sponsored By: Johnson Jr., Jankowiak, Rogowski

WHEREAS, the Town of Cheektowaga currently leases certain land from the County of Erie/Erie County Sewer District No. 1 located on the south side of Cayuga Creek Road known as the Overflow Retention Facility ("ORF") site, and

WHEREAS, the Town is permitted to use such land for erosion control, to construct and utilize a nature trail; plant trees; construct and use a canoe launch; and other specified purposes; and

WHEREAS, such lease was subject to the right of the County of Erie to use such land for the ORF and for a proposed Walleye rearing pond; and

WHEREAS, pursuant to the terms of a proposed Cooperative Agreement between the United State Department of the Interior and the County of Erie, the U.S. Department of the Interior would provide the County of Erie with \$115,000.00 to construct, operate and maintain a walleye rearing pond on the ORF site as a means to restore walleye in the Buffalo River system, and

WHEREAS, the Cheektowaga Conservation Advisory Council has expressed its strong support for this project, and

WHEREAS, the terms of the aforementioned agreement would restore a naturally-reproducing, self-sustaining, steam spawning walleye population in the Buffalo River system, using appropriate walleye stocks; support a high quality, springtime walleye sport fishery in the Buffalo River system; enhance summer walleye sport fishing opportunities; and enhance the overall Lake Erie walleye spawning success, NOW, THEREFORE, BE IT

RESOLVED, that this Board hereby voices its support for the construction and operation of a walleye rearing pond on the County-owned ORF site, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes the County of Erie to enter into the aforementioned Cooperative Agreement with the United State Department of the Interior, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward certified copies of this resolution to the County Executive, and the County Legislators Thomas Mazur, Thomas Loughran, Michael Ranzenhofer, Timothy Kennedy, and Cynthia Locklear.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-695

Accept Medicare Advantage Health Insurance Plan

Sponsored By: Councilmember Magierski, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga offers health insurance coverage to our retirees through various union contracts and personnel policies, and

WHEREAS, BlueCross BlueShield of Western New York has offered its Medicare Advantage Plan (Town of Cheektowaga Retirees 799 Plan) to the Town of Cheektowaga for eligible retirees, effective January 1, 2008, and has submitted a Group Health Care Contract to the Town for our approval, and

WHEREAS, this Medicare Advantage Plan would result in substantial savings to the Town for each eligible retiree who opts to accept such plan, and

WHEREAS, this Town Board wishes to offer such plan to our retirees, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Medicare Advantage Plan offered through BlueCross BlueShield of Western New York for any eligible Town retiree who agrees to accept such plan, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract and any other documents with BlueCross BlueShield of Western New York necessary to effectuate the Medicare Advantage Plan.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Councilmember |
| SECONDER: | Jeff Swiatek, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



12. RESOLUTION 2007-696

Retain Appraisal Company

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, Eckerd Corporation has commenced a proceeding in State Supreme Court contesting the assessment of its property located at 2407 Genesee Street in the Town; and

WHEREAS, this matter is proceeding to trial and the Town needs to retain the services of an appraisal company for pre-trial preparation and court testimony during the trial; and

WHEREAS, Gar Associates, Inc., has previously prepared the court-ready appraisal for this property, and has submitted a proposal to assist the Town counsel with this matter; NOW, THEREFORE, BE IT

RESOLVED, that Gar Associates, Inc., be and hereby is retained as per its proposal dated December 5, 2007 relating to the above matter, at a cost not to exceed \$6,750.00; and BE IT FURTHER

RESOLVED, that funding for said services shall be appropriated from budget line item number 100-1355-4575.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-697

Hire Youth & Recreation

Sponsored By: Councilmember Jaworowicz, Councilmember Magierski

BE IT RESOLVED that the individual listed below be and hereby is hired in the Department of Youth & Recreational Services, effective immediately:

Regular part-time - \$7.15

Basketball - 7140.1627/Volleyball - 7140.1654/Recreation Attendants - 7140.1614

Donald McEvoy

14225

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



14. RESOLUTION 2007-698

Hire/Terminate Part-Time/Seasonal Employees

Sponsored By: Councilmember Magierski, Supervisor Jankowiak

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:

MAIN PUMP STATION - Laborer \$8/hour effective 1/02/08
Ronald Strong, Cheektowaga, NY

BUILDING MAINTENANCE DIVISION - Laborer \$7.25/hour effective 12/18/07
Derek Prellwitz, Cheektowaga, NY

SANITATION DEPARTMENT - Laborer \$7.50/hour effective 1/01/08
Gary Kuerzdoerfer, Cheektowaga, NY

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:

JUSTICE COURT - Court Officer (Temporary) \$14.767/hour effective 12/10/07
John E. Stronka, Cheektowaga, NY

SENIOR SERVICES - Recreation Attendant \$8.25/hour effective 12/27/07
Barbara Kornecki, Cheektowaga, NY

FACILITIES DEPARTMENT - Buildings & Grounds - Laborer \$8.25/hour effective 12/18/07
Ronald Lewandowski, Cheektowaga, NY

BE IT RESOLVED, the following part-time employee's name be amended as follows:

TOWN CLERK'S OFFICE Clerk (Temporary) \$8/hour effective 12/04/07
Victoria Nowak, Depew, NY amend to Victoria Witaszek-Nowak

BE IT RESOLVED, that the following employee's name appeared on two separate Town Board resolutions with two different termination dates and that the correct termination date be and is as follows:

FACILITIES DEPARTMENT (Parks Division)
Michael Beyer
Effective 9/21/07

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

BUILDING MAINTENANCE DIVISION
Adam Nowicki effective 12/13/07

PARKS DIVISION effective 12/17/07
Paul Taylor
Donald Larkman
Joseph Boccio
Richard Gramza

SANITATION DEPARTMENT effective 12/29/07
Ashraf Brandon
Daniel Piccuilla
Francis Kreppel
Matthew Rustowicz
Gary Kuerzdoerfer
Nick Szalkowski
Michael McGill
Christopher Weber
Michael McGlorir
Joseph Wiesmore
William Philpot

POLICE DEPARTMENT - Crossing Guard
Daniel J. Witkowski
Effective 11/19/07

POLICE DEPARTMENT - Sign Maintenance
Sean Trapper
Effective 8/31/07

PARKS DIVISION
David DeFields
Effective 12/31/07

Motioned by Supervisor Jankowiak; Seconded by Councilmember Magierski to waive the Reading of Names for this Resolution. Motion carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alice Magierski, Councilmember
SECONDER: James Jankowiak, Supervisor
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

VI. Suspension of Rules

Motioned by Councilmember Johnson; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions. Motion Carried.



1. RESOLUTION 2007-699

Establish First Town Board Meeting for 2008

Sponsored By: Supervisor Jankowiak, Councilmember Magierski

WHEREAS, this Town Board wishes to establish the first Town Board meeting date for 2008, NOW, THEREFORE, BE IT

RESOLVED, that the first Town Board meeting for 2008 shall be held on the following referenced date at the following time in the Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York:

January 7, 2008

7:00 P.M. (6:45 P.M. public comment)

and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the time and place of such meeting to the news media and to conspicuously post notice of same at least seventy-two (72) hours before such meeting.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-700

Reassign Sanitation Department Supervision Duties

Sponsored By: Zydel, Johnson Jr., Rogowski

WHEREAS, by resolutions dated April 19, 1999, the Cheektowaga Town Board assigned the duties of the supervision of Sanitation/Recycling to the Superintendent of Highways, at a salary which was in addition to the salary for Superintendent of Highways, and

WHEREAS, this Town Board desires to return the Sanitation Department supervisory duties to the Sanitation Department, and, in order to do so, has posted the position of General Crew Chief in the Sanitation Department; and

WHEREAS, it is the intent of this Board that the Sanitation Department General Crew Chief shall, as of January 1, 2008, perform all of the duties of the supervision of the Sanitation Department, including, but not limited to, supervising all department employees; keeping appropriate time and material records; certifying payrolls; preparing department rules, practices and procedures; maintaining discipline; as well as any and all matters relating to supervision and control; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolutions dated April 19, 1999 be and hereby are rescinded and repealed by this Town Board, effective January 1, 2008; and BE IT FURTHER

RESOLVED, that, effective January 1, 2008, the General Crew Chief of the Sanitation Department shall perform all of the duties of the supervision of the Sanitation Department, including, but not limited to, supervising all department employees; keeping appropriate time and material records; certifying payrolls; preparing department rules, practices and procedures; maintaining discipline; as well as any and all matters relating to supervision and control.

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| RESULT: | TABLED [UNANIMOUS] Next: 12/27/2007 6:00 PM |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-701

Appoint General Crew Chief In Sanitation Department

Sponsored By: Zydel, Johnson Jr., Rogowski

WHEREAS, there is a vacancy in the position of General Crew Chief in the Sanitation Department; and

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit; and

WHEREAS, applicants for said position were duly interviewed; and

WHEREAS, Frank Max, Jr. applied for said position and has all of the qualifications for General Crew Chief; NOW THEREFORE BE IT

RESOLVED, that Frank Max, Jr., of Cheektowaga, New York, be and hereby is appointed General Crew Chief in the Sanitation Department, effective January 1, 2008, in accordance with the terms of the collective bargaining agreement with the Town of Cheektowaga Supervisory Unit.

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| RESULT: | TABLED [UNANIMOUS] Next: 12/27/2007 6:00 PM |
| MOVER: | Jeff Swiatek, Councilmember |
| SECONDER: | Alice Magierski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VII. Communications

A. Departmental Communications

1. Minutes: Town Environmental Advisory Committee - November 28, 2007
2. Minutes: Cheektowaga Conservation Advisory Council - November 17, 2007
3. Minutes: Cheektowaga Traffic Safety Commission - November 20, 2007

B. General Communications

1. Summons & Complaint: Joan T. Moores Vs. Town of Cheektowaga
2. Notice of Claim: Rudolphus Boans, Jr. Vs. Town of Cheektowaga
3. Notice of Claim: Robert C. Croft Vs. Town of Cheektowaga
4. Notice of Claim: Bernadette Lesinski Vs. Town of Cheektowaga

5. Notice of Claim: Liberty Mutual Fire Ins. Co./John Williams Vs. Town of Cheektowaga
6. Notice of Claim: Gale Matthews-Benson Vs. Town of Cheektowaga
7. Notice of Claim: Angeline SanFilippo Vs. Town of Cheektowaga
8. Notice of Claim: Travelers Insurance for Doris Ortiz Vs. Town of Cheektowaga
9. Notice of Claim: Josephine Ward Vs. Town of Cheektowaga
10. Notice of Claim: Theresa Wojkowiak Vs. Town of Cheektowaga
11. Request to Speak: Jim Majerowicz

VIII. Adjournment

Motioned by Supervisor Jankowiak; Seconded by Councilmember Magierski to adjourn the Meeting at 9:30 PM. Motion Carried.



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Mary Holtz
(716) 686-3400

Thursday, December, 27, 2007

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on December 27, 2007 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

| Attendee Name | Organization | Title | Status | Arrived |
|---------------------|---------------------|---------------|---------|---------|
| James Jankowiak | Town of Cheektowaga | Supervisor | Present | |
| Patricia Jaworowicz | Town of Cheektowaga | Councilmember | Present | |
| Thomas Johnson Jr. | Town of Cheektowaga | Councilmember | Present | |
| Jeff Swiatek | Town of Cheektowaga | Councilmember | Present | |
| Alice Magierski | Town of Cheektowaga | Councilmember | Present | |
| James Rogowski | Town of Cheektowaga | Councilmember | Present | |
| Richard Zydel | Town of Cheektowaga | Councilmember | Present | |

2. Additional Attendees

Kevin Schenk, Town Attorney
William Pugh, Town Engineer
Brian Krause, Director of Finance and Administration
Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Christine Ziemba, Chief of Police
Kerry Switalski, Senior Services Director
John Jaroszewski, General Crew Chief
Andrew Kulyk, Zoning Board Chairman
John Marriott, Planning Board Representative

II. Public Comment Period

III. From the Table



1. RESOLUTION 2007-700

Reassign Sanitation Department Supervision Duties

Sponsored By: Zydel, Johnson Jr., Rogowski

WHEREAS, by resolutions dated April 19, 1999, the Cheektowaga Town Board assigned the duties of the supervision of Sanitation/Recycling to the Superintendent of Highways, at a salary which was in addition to the salary for Superintendent of Highways, and

WHEREAS, this Town Board desires to return the Sanitation Department supervisory duties to the Sanitation Department, and, in order to do so, has posted the position of General Crew Chief in the Sanitation Department; and

WHEREAS, it is the intent of this Board that the Sanitation Department General Crew Chief shall, as of January 1, 2008, perform all of the duties of the supervision of the Sanitation Department, including, but not limited to, supervising all department employees; keeping appropriate time and material records; certifying payrolls; preparing department rules, practices and procedures; maintaining discipline; as well as any and all matters relating to supervision and control; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolutions dated April 19, 1999 be and hereby are rescinded and repealed by this Town Board, effective January 1, 2008; and BE IT FURTHER

RESOLVED, that, effective January 1, 2008, the General Crew Chief of the Sanitation Department shall perform all of the duties of the supervision of the Sanitation Department, including, but not limited to, supervising all department employees; keeping appropriate time and material records; certifying payrolls; preparing department rules, practices and procedures; maintaining discipline; as well as any and all matters relating to supervision and control.

This Resolution was Motioned by Unanimous; and Seconded by Unanimous.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-701

Appoint General Crew Chief In Sanitation Department

Sponsored By: Zydel, Johnson Jr., Rogowski, Magierski, Jankowiak, Swiatek, Jaworowicz

WHEREAS, there is a vacancy in the position of General Crew Chief in the Sanitation Department; and

WHEREAS, such position was duly posted in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit; and

WHEREAS, applicants for said position were duly interviewed; and

WHEREAS, Frank Max, Jr. applied for said position and has all of the qualifications for General Crew Chief; NOW THEREFORE BE IT

RESOLVED, that Frank Max, Jr., of Cheektowaga, New York, be and hereby is appointed General Crew Chief in the Sanitation Department, effective January 1, 2008, in accordance with the terms of the collective bargaining agreement with the Town of Cheektowaga Supervisory Unit.

This resolution was Motioned by Unanimous; Seconded by Unanimous.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jankowiak, Jaworowicz, Magierski, Rogowski, Zydel

SECONDER: Thomas Johnson Jr., Jeff Swiatek

AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

IV. Resolutions



1. RESOLUTION 2007-702

Transfer of Funds

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

| | | | |
|-------|---------------|--|-------------|
| FROM: | 100.1680.2204 | Computer Hardware | \$ 3,980.79 |
| | 100.7110.4022 | Park Supplies | 10,000.00 |
| | 100.7110.2304 | Park Equipment | 7,000.00 |
| TO: | 100.1680.2202 | Network Hardware | \$ 1,261.92 |
| | 100.1680.4321 | Software Licensing | 2,718.87 |
| | 100.7110.4451 | Building & Grounds Maintenance & Repair | 17,000.00 |

HUD CDBG FUND

| | | | |
|-------|---------------|----------------------|-----------|
| FROM: | 700.1003.2300 | Temporary Relocation | \$ 626.64 |
| TO: | 700.1003.0606 | Disposition | \$ 626.64 |

PART TOWN FUND

| | | | |
|-------|---------------|-----------------------|-------------|
| FROM: | 800.3620.4088 | Travel | \$ 1,006.50 |
| TO: | 800.3620.4191 | Miscellaneous Expense | \$ 1,006.50 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-703

Warrant

Sponsored By: Supervisor Jankowiak, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 21, 2007 are hereby approved and made a part hereof;

| | |
|---------------------------------|----------------------|
| GENERAL FUND | \$ 111,796.92 |
| HUD HOUSING REHABILITATION FUND | 1,525.00 |
| SPECIAL DISTRICTS FUND | 90,702.20 |
| HIGHWAY FUND | 39,090.25 |
| CAPITAL FUND | 100,292.28 |
| TRUST & AGENCY FUND | 14,960.14 |
| HUD CDBG FUND | 4,930.00 |
| PART TOWN FUND | 1,795.94 |
| | <u>\$ 365,092.73</u> |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | Patricia Jaworowicz, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-704

Issue Negative Declaration - Adult Use Amendments - Zoning Law

Sponsored By: Councilmember Johnson Jr., Town Clerk 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 Office of Building Inspections for amendments to section 260-37 A(1)(h) of the Zoning Law of the Town of Cheektowaga (Adult Uses), AND

WHEREAS, the Environmental Advisory Committee at its meetings held on December 19, 2007 recommended a determination of non-significance, AND

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



4. RESOLUTION 2007-705

Issue Negative Declaration - Exterior Solid Fuel Furnaces

Sponsored By: Councilmember Johnson Jr., Town Clerk 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 Office of Building Inspections for amendments to Chapter 70 of the Town Code to prohibit the use of exterior solid fuel furnaces, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on December 19, 2007 recommended a determination of non-significance, AND

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

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

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



5. RESOLUTION 2007-706

Positive SEQR Declaration- A- Loft Hotel - Burgess Boulevard

Sponsored By: Councilmember Thomas Johnson Jr.

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 Manga, LLC for the rezoning of vacant land along Burgess Boulevard from MS- Motor Services to CM- General Commercial for the construction of an (8) eight story, 97.5 foot tall hotel, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on December 19, 2007 has recommended a determination of positive significance , AND

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

WHEREAS, on November 26, 2007 this Town Board conducted a public hearing on the rezoning request and heard concerns from nearby residents regarding the scale of the proposed building , AND

WHEREAS, this Town Board believes that the project as proposed will have an adverse impact on the character of the adjacent residential neighborhood due to the proposed scale of the hotel and the proximity of the nearby one and two family residences to the south, AND

WHEREAS, the existing hotels within proximity of the project are between five to six stories in height, AND

WHEREAS, the applicant's project site can accommodate a hotel of a lesser scale consistent with the neighboring hotels and of a lesser impact to the character of the nearby residences, NOW THEREFORE BE IT,

RESOLVED, that this Town Board issues a positive declaration for purposes of SEQRA, pursuant to section 617.7(c) of the SEQRA regulations and based on the rationale supported in the attached determination of environmental significance, and BE IT FURTHER

RESOLVED, that pursuant to SEQRA, scoping will be required for this project and the Environmental Advisory Committee shall hold a scoping session and direct that the application

address potentially adverse impacts of the project, including not not limited to the discussion of alternates relating to the height and layout of the proposed project.

RESULT: WITHDRAWN



6. RESOLUTION 2007-707

Adopt Local Law No. 9 of 2007 - a Local Law to Amend the Adult Uses Provisions of the Zoning Law

Sponsored By: Councilmember Johnson Jr., Town Clerk Magierski

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

WHEREAS, the Building Inspections Department and Zoning and Petitions Committee have recommended that this Town Board enact revisions to the Zoning Law to further regulate the location of adult uses in the M2-General Manufacturing Zoning District, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 17th day of December, 2007 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 the Adult Use Provisions of the Zoning Law", and

WHEREAS, it is in the public interest to adopt the proposed amendments to the Zoning Law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 9 of the Year 2007, entitled "A Local Law to Amend the Adult Uses Provisions of the Zoning Law", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 9 of the Year 2007 shall take effect upon filing with the Secretary of State.

Local Law No.9 of the Year 2007

A Local Law to Amend the Adult Uses Provisions of the Zoning Law

Section 260-37.A.(1)(h)[3], which restricts the location of adult uses within the Town of

Cheektowaga, shall be amended to read as follows:

[3] Restrictions affecting adult uses. In addition to the requirements of this chapter and the Code of the Town of Cheektowaga, adult uses shall permitted subject to the following restrictions:

[a] No adult use shall be permitted within 1,500 feet of another existing adult use.

- [b] No adult use shall be located within 1,500 feet of the boundaries of any zoning district which is zoned for residential use (including senior housing, condominiums and assisted living/nursing homes).

- [c] No adult use shall be located within 1,500 feet of a pre-existing school or place of worship, day-care center, park or playground, restaurant with indoor/outdoor seating, hotel, motel, theater, or amusement/recreational enterprise (private or open to the public).

- [d] No adult use shall be located in any zoning district except those districts zoned for general manufacturing use (M2). No more than one of the uses governed by these provisions shall be permitted on any single lot in the Town of Cheektowaga.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



7. RESOLUTION 2007-708

Adopt Local Law No. 10 of 2007 - a Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State

Sponsored By: Town Clerk Magierski, Councilmember Johnson Jr.

WHEREAS, by resolution dated September 7, 2004, Local Law No. 5 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law for Administration and Enforcement of the Codes of New York State" was adopted, and

WHEREAS, the Building Inspections Department has recommended that this Town Board enact revisions to the Law for Administration and Enforcement of the Codes of New York State to prohibit the use of exterior solid fuel furnaces in the Town of Cheektowaga, exclusive of the Villages of Sloan and Depew, and

WHEREAS, a draft of such amendment has been prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 17th day of December, 2007 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 the Local Law for the Administration and Enforcement of the Codes of New York State", and

WHEREAS, it is in the public interest to adopt the proposed amendments to said law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 10 of the Year 2007, entitled "A Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

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

RESOLVED, that Local Law No. 10 of the Year 2007 shall take effect upon filing with the Secretary of State.

Local Law No. 10 of the Year 2007

A Local Law to Amend the Local Law for the Administration and Enforcement of the Codes of New York State

A new section, **Section 70-29a, entitled "Outdoor Furnaces - Prohibited"**, shall be added, to read as follows:

§70-29.a. Outdoor Furnaces - Prohibited.

In order to protect the health, safety and general welfare of the residents of the Town of Cheektowaga, the use of exterior solid fuel furnaces is not permitted within the boundaries of the Town of Cheektowaga, exclusive of the Villages of Depew and Sloan.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Town Clerk |
| SECONDER: | Thomas Johnson Jr., Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



8. RESOLUTION 2007-709

Award Custodial Supplies for 2008, 2009 and 2010

Sponsored By: Councilmember Rogowski, Supervisor Jankowiak

WHEREAS, bids were received on November 7, 2007 for the Supplying of Custodial Supplies for 2008, 2009 and 2010, AND

WHEREAS, said bids were referred to the Town of Cheektowaga Facilities Department, Parks Division, for analysis, tabulation and report, AND

WHEREAS, the only bidder to furnish bids for all categories was Corr Distributors, Inc.: and Corr Distributors, Inc. was also the low bidder for all categories; NOW THEREFORE BE IT

RESOLVED, that the contract for the Supplying of Custodial Supplies for the fiscal years 2008, 2009 and 2010 be awarded to Corr Distributors, Inc. for the following bid prices for the categories listed below:

| | | <u>TOTAL BID PRICE</u> |
|--------------|-----------------------|--|
| CATEGORY I- | Paper Products | \$ 61.00 Inc./Del. |
| CATEGORY II | - Polyethylene Liners | \$ 53.27 Inc./Del. |
| CATEGORY III | Cleaner/Disinfectant | \$184.22 Inc./Del (Includes Super Strip for Item #3) |
| | | \$193.89 Inc./Del. (Includes Strip & Go for Item #3) |
| CATEGORY IV | Cleaner/Polishers | \$ 43.16 Inc./Del. (Includes Blue Bowl for Item #3) |
| | | \$ 48.60 Inc./Del. (Includes Orange T/C for Item #3) |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



9. RESOLUTION 2007-710

Establish First Work Session for 2008

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, this Town Board wishes to establish the first Town Board Work Session date for 2008, NOW, THEREFORE, BE IT

RESOLVED, that the first Town Board Work Session for 2008 shall be held on the following referenced date at the following time in the Town Hall Council Office Conference Room, 3301 Broadway, Cheektowaga, New York:

January 2, 2008

6:00 P.M.

and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to give public notice of the time and place of such meeting to the news media and to conspicuously post notice of same at least 72 hours before such meeting.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Rogowski, Councilmember |
| SECONDER: | Richard Zydel, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



10. RESOLUTION 2007-711

Establish Salaries of Elected Officials

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

BE IT RESOLVED, the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 2008:

| | |
|-------------------------------|-----------|
| Supervisor | \$ 79,140 |
| Councilmember (6) | \$ 20,680 |
| Town Clerk | \$ 80,960 |
| Highway Superintendent | \$ 80,145 |
| Town Justice (2) | \$ 74,960 |
| Budget Director | \$ 7,000 |
| Registrar of Vital Statistics | \$ 5,000 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



11. RESOLUTION 2007-712

Establish Salaries of Town Officials and Employees

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2008:

| | |
|--|-----------|
| Town Engineer | \$ 83,042 |
| Director of Administration & Finance | \$ 79,473 |
| Accountant | \$ 57,427 |
| Assessor | \$ 76,688 |
| Supervising Building & Plumbing Inspector | \$ 71,494 |
| Executive Director Parks, Youth & Recreation | \$ 85,197 |
| Program Coordinator - I | \$ 42,950 |
| Town Attorney | \$ 74,310 |
| Deputy Town Attorney (1) | \$ 41,101 |
| Deputy Town Attorney - Prosecutors (2) | \$ 18,302 |
| Clerk of Justice Court | \$ 48,537 |
| Clerk to Town Justice | \$ 37,519 |
| Director of Community Development | \$ 71,750 |
| Council Office Clerk Steno | \$ 43,817 |
| Administrative Assistant (Town Board) | \$ 43,817 |
| Municipal Administrative Assistant Legal | \$ 44,576 |
| Deputy Town Clerk | \$ 52,786 |
| Deputy Tax Receiver | \$ 44,866 |
| Deputy Superintendent of Highways | \$ 73,187 |
| Director of Senior Services | \$ 59,956 |
| Director of Employee Relations | \$ 78,023 |
| Employee Relations Administrative Clerk | \$ 47,027 |
| Secretary to Town Supervisors office | \$ 40,968 |
| Principal Personnel Specialist | \$ 42,328 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



12. RESOLUTION 2007-713

Establish Salaries of Officials and Employees Who Are Not Covered by Any Bargaining Unit

Sponsored By: Supervisor Jankowiak, Councilmember Rogowski

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2008:

| | |
|--|--------------|
| Disaster Coordinator | \$ 18,766 |
| Bingo Chairman (1) | \$ 6,402 |
| Bingo Inspectors (5) | \$ 6,114 |
| Planning Board Chairman (1) | \$ 5,158 |
| Planning Board Members (5) | \$ 3,491 |
| Planning Board Secretary (1) | \$ 4,419 |
| Zoning Board Chairman | \$ 5,574 |
| Zoning Board Members (4) | \$ 4,115 |
| Assessment Review Board Chairman (1) | \$ 2,106 |
| Assessment Review Board Member (4) | \$ 1,695 |
| Police Matron | \$ 13.25/hr |
| Cell Block Attendants | \$ 15.25/hr. |
| School Crossing Guard Supervisor | \$ 16,983 |
| School Crossing Guard | \$ 8.11/hr |
| Town Historian | \$ 2,000 |
| Secretary to Traffic Safety Commission | \$ 4,418 |

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Jankowiak, Supervisor |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



13. RESOLUTION 2007-714

Memorialize State Department of Transportation to Remove Snow From Union Road Bridge Over Cayuga Creek

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Union Road in the Town of Cheektowaga is a State highway maintained by the New York State Department of Transportation ("DOT"), and

WHEREAS, the Union Road bridge which crosses Cayuga Creek has public sidewalks located on the east and west sides of such bridge, and

WHEREAS, when the DOT vehicles plow the snow over the Union Road bridge, the sidewalks on both sides of the bridge become covered with snow and impassable, and

WHEREAS, this is a dangerous condition for pedestrians who need to cross over the bridge, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the DOT to take all necessary steps to ensure that the sidewalks on the east and west sides of the Union Road bridge crossing Cayuga Creek are maintained and kept free and clear of snow and ice, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Alan E. Taylor, Regional Director of the DOT Western New York Regional Office.

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



14. RESOLUTION 2007-715

Agreement with Catholic Charities (SIS)

Sponsored By: Councilmember Jaworowicz, Town Clerk Magierski

WHEREAS, the Cheektowaga Department of Youth & Recreational Services is desirous of continuing the operation of a joint program with Catholic Charities of Buffalo Metropolitan Services Department, 525 Washington Street, Buffalo, New York, 14203, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2008 through December 31, 2008 with a total cost not to exceed the sum of \$187,827.00 and BE IT FURTHER

RESOLVED that Catholic Charities Metropolitan Services will reimburse the Town \$43,476.00 of the total budget for said program and the New York State Office of Children and Family services will reimburse the Town \$27,989.00 leaving the actual cost to the Town at \$116,362.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



15. RESOLUTION 2007-716

Agreement with Child & Family Services

Sponsored By: Councilmember Jaworowicz, Town Clerk Magierski

WHEREAS, the Cheektowaga Department of Youth & Recreational Services is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York, 14202, for the purpose of providing group, individual and family counseling to police and court referred juveniles, youthful offenders, and runaway and homeless youth, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Child and Family Services to continue said program for a twelve month period, January 1, 2008 through December 31, 2008 with a total cost not to exceed \$153,087.31 and BE IT FURTHER

RESOLVED that Child and Family Services will reimburse the Town for up to \$13,000.00 of the total budget for said program and the New York State Office of Children and Family Services will reimburse the Town for up to \$21,662.00.00 leaving the actual cost to the Town at \$118,425.31.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



16. RESOLUTION 2007-717

Agreement with Cheektowaga Public Library

Sponsored By: Councilmember Jaworowicz, Town Clerk Magierski

WHEREAS, the Cheektowaga Department of Youth & Recreational Services is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at Cheektowaga's two branch libraries, to provides special activities that encourage children to read and become more familiar with the library, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2008 through December 31, 2008 with a total cost not to exceed \$2,200.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



17. RESOLUTION 2007-718

Agreement with Catholic Charities - Y.E.S.

Sponsored By: Councilmember Jaworowicz, Town Clerk Magierski

WHEREAS, the Cheektowaga Department of Youth & Recreational Services is desirous of continuing the operation of the Youth Engaged in Service (Y.E.S.) program with Catholic Charities of Buffalo, 525 Washington Street, Buffalo, New York, AND

WHEREAS, said program, which prepares and provides teenagers with opportunities to assist their community in various projects that have a need for volunteers and is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo to continue said program for a twelve month period, January 1, 2008 through December 31, 2008 with a total payment to Catholic Charities not to exceed the sum of \$76,572.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | Alice Magierski, Town Clerk |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

**18. RESOLUTION 2007-719****Termination of Brenda Iwanski, Records Inventory Clerk
(Temporary) In the Records Center**

Sponsored By: Town Clerk Magierski, Supervisor Jankowiak

BE IT RESOLVED, that Brenda Iwanski of Cheektowaga, New York is hereby terminated from the position of temporary Records Inventory Clerk effective December 31, 2007.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Town Clerk |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



19. RESOLUTION 2007-720

Youth & Recreation - Hires

Sponsored By: Councilmember Jaworowicz, Town Clerk Magierski

BE IT RESOLVED that the individuals listed below be and hereby are hired. as indicated,
in the Department of Youth & Recreational Services, effective immediately

Beach and Pool Supervisors - 7180.1902

Regular Part-time

Recreation Instructor - \$9.09

Jeffrey Kunkel 14225

Lifeguards - 7180.1903

Regular Part-time

Level II - \$8.16

Sara Schwab 14043

Pre-K - 7140.1664

Part-time

Recreation Attendant - \$8.00

Kathleen Carnall 14225

Motioned by Supervisor Jankowiak; Seconded by Councilmember Rogowski to waive the Reading of Names for Resolution 2007-720 & 2007-721. Motion Carried

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Alice Magierski, Town Clerk
AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel

FACILITIES DEPARTMENT (Building and Grounds Division)

Derek Prellwitz

12/31/07

FACILITIES DEPARTMENT (Parks Division)

David DeFields

01/06/08

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| <p>RESULT: ADOPTED [UNANIMOUS]</p> <p>MOVER: Alice Magierski, Town Clerk</p> <p>SECONDER: James Jankowiak, Supervisor</p> <p>AYES: Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel</p> |
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21. RESOLUTION 2007-722

Appointment of Timothy Schlegel to Real Property Appraisal Technician (Temporary) In the Office of the Town Assessor

Sponsored By: Town Clerk Magierski, Supervisor Jankowiak

WHEREAS, a temporary vacancy exists in the position of Real Property Appraisal Technician in the Office of the Town Assessor; AND

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

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

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

WHEREAS, Timothy Schlegel, currently employed as a Pump Operator in the Main Pump Station, has applied for said position and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE BE IT

RESOLVED, Timothy Schlegel of Depew, New York, be and hereby is appointed temporarily to the position of Real Property Appraisal Technician in the Office of the Town Assessor in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 7, 2008.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Town Clerk |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



22. RESOLUTION 2007-723

Travel Authorization Youth & Recreation Department

Sponsored By: Town Clerk Magierski, Supervisor Jankowiak

WHEREAS, an Administrative Assistant Conference will be held on February 22, 2008 in Cheektowaga, New York; AND

WHEREAS, Youth & Recreation Department employee Sherry Maran has requested authorization to attend said conference; AND

WHEREAS, Ms. Maran 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 \$199; AND

WHEREAS, these expenses have been budgeted by the Youth & Recreation Development; NOW, THEREFORE, BE IT

RESOLVED, that Youth & Recreation Department employee Sherry Maran be and hereby is authorized to attend the Administrative Assistant Conference on February 22, 2008 in Cheektowaga, New York.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Alice Magierski, Town Clerk |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

V. Suspension of Rules

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| Motioned by Councilmember Johnson; Seconded by Councilmember Jaworowicz to Suspend the Rules to Include the Following Three (3) Resolutions. Motion Carried. |
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1. RESOLUTION 2007-724

Appointment to Cheektowaga Conservation Advisory Council

Sponsored By: Councilmember Johnson Jr., Supervisor Jankowiak

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

WHEREAS, pursuant to such law, the Cheektowaga Town Board appointed voting members to such Cheektowaga Conservation Advisory Council ("CCAC"), and

WHEREAS, Raymond Unger moved out of the Town of Cheektowaga and resigned from his position as member of the CCAC, and

WHEREAS, Joseph Fischer has expressed an interest in serving as a member of the CCAC, and

WHEREAS, Joseph Fischer is a member of the Southtowns Walleye Association of WNY; a member of the New York State Conservation Council; and First Vice President of the Erie County Federation of Sportsmen, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the resignation of Raymond Unger from his position as member of the CCAC, effective immediately, and BE IT FURTHER

RESOLVED, that Joseph Fischer of Cheektowaga, New York be and hereby is appointed to the CCAC, effective immediately and terminating on October 15, 2008.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Jankowiak, Supervisor |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



2. RESOLUTION 2007-725

Accept Withdrawal of Application for a Telecommunications Monopole At 440 Cleveland Drive

Sponsored By: Councilmember Johnson Jr., Councilmember Rogowski

WHEREAS, Omnipoint Communications, Inc. previously filed an application to erect a 90 foot high monopole on property located at 440 Cleveland Drive owned by Cleveland Hill Fire District No. 6, and

WHEREAS, said application was processed through the telecommunications provisions of the Town Zoning Law and the State Environmental Quality Review Act/Town Environmental Impact Review Law, and

WHEREAS, the Town of Cheektowaga requested that the applicant look at alternate sites not in a residential neighborhood, and

WHEREAS, the applicant has notified the Town of Cheektowaga that it has decided to collocate its antennas on the existing AT & T communications tower at 93 Maryvale Drive, and is withdrawing its application for a telecommunications monopole at 440 Cleveland Drive, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the withdrawal of the application of Omnipoint Communications, Inc. for a telecommunications monopole at 440 Cleveland Drive

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Thomas Johnson Jr., Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |



3. RESOLUTION 2007-726

Retain Drug Court Stenographers

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, in 2006, the Town of Cheektowaga was awarded a Division of Justice Services Byrne Grant ("DCJS Byrne Grant"), a portion of which enabled the Town to engage the services of a court stenographer for court reporting services regarding the Justice (Drug) Court directed Diversion-to-Treatment Program; and

WHEREAS, previously, this Town Board retained the services of Diana Proudman as court stenographer to provide court-reporting services in connection with the Drug Diversion-to-Treatment Program for 2007; and

WHEREAS, in 2007, there was a need to retain alternate court stenographers for the Justice (Drug) Court; and

WHEREAS, Paula Bielat of Clarence, New York and Martha Emiliana of Cheektowaga, New York are qualified and have substantial experience to provide said services and wish to do so under the terms of said DCJS Byrne Grant and an Agreement with the Town; NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby retains the services of Paula Bielat and Martha Emiliana as alternate court stenographers to provide court reporting services and transcripts as required, regarding the court-directed Drug Diversion-to-Treatment Program for the calendar year 2007; in accordance with the terms of Agreements between them and the Town; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute said Agreements, subject, however, to approval of same by the Town Attorney's Office.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Patricia Jaworowicz, Councilmember |
| SECONDER: | James Rogowski, Councilmember |
| AYES: | Jankowiak, Jaworowicz, Johnson Jr., Swiatek, Magierski, Rogowski, Zydel |

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Closing

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| Motioned by Supervisor Jankowiak; Seconded by Councilmember Johnson to adjourn the Meeting at 7:30 PM. Motion Carried. |
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