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3301 Broadway

Cheektowaga, NY 14227

**Regular Meeting**<http://www.town.cheektowaga.ny.us>

~ M



Alice Magierski

Monday, February 4, 2008

6:45 PM

Council Chambers

**I. Call to Order**

6:45 PM Meeting called to order on February 4, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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 Romano, Coordinator of Employee Relations  
 Brian Hess, Assessor  
 John Marriott, Planning Board Member  
 Emil Lennert, Planning Board Member

**II. Public Comment Period****III. Public Hearing at 7:00 PM****1. Public Hearing - Local Law Intro No. 2008-1****A Local Law to Create a Special Review Zoning District for Drive Through Businesses**

This being the time and place advertised for a public hearing regarding enactment of Local Law Intro No. 2008-1 of the Year 2008, entitled "A Local Law creating a Special Review Zoning District for Drive Through Businesses. The Supervisor directed the Town Clerk to present proof 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:** Mary Holtz, Supervisor**SECONDER:** James Rogowski, Stanley Kaznowski**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski**IV. Resolutions**



**Transfer of Funds - 2007**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED,** that the following transfer is hereby approved and made a part hereof;

2007

GENERAL FUND

FROM:	100.3120.4031	Prisoner Meals	\$ 840.00
TO:	100.3120.4093	Patrol Training	\$ 105.00
	100.3120.2204	Computer Equipment	735.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-64

**Transfer of Funds - 2008**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED,** that the following transfer is hereby approved and made a part hereof;

2008

HUD CDBG FUND

FROM: 700.1099.0600 Housing Rehabilitation \$ 9,000.00

TO: 700.1099.2200 Acquisition \$ 9,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-65

**Warrant**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 1, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 632,084.08
RISK RETENTION FUND	90,622.73
HUD HOUSING REHABILITATION	5,625.00
SPECIAL DISTRICTS FUND	190,728.97
HIGHWAY FUND	134,943.47
CAPITAL FUND	202,613.61
TRUST & AGENCY	24,441.94
HUD CDBG FUND	10,244.89
PART TOWN FUND	<u>21,608.31</u>
	\$1,312,913.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





SOLUTION 2008-66

## **Award of Bid - Baseball and Softball Equipment**

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on January 23, 2008 for the furnishing of baseball and softball equipment as a result of advertising thereof, and such bids were referred to the Department of Youth & Recreational 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 2008:

--Jim Ludtka Sporting Goods, Inc.  
3950 Broadway  
Depew, NY 14043

--Sport Supply Group, Inc.  
dba Passon's Sports  
P.O. Box 49  
Jenkintown, PA 19046

--Laux Sporting Goods  
25 Pineview Drive  
Amherst, NY 14228

--Anaconda Sports, Inc.  
85 Katherine Lane  
Lake Katherine, NY 12449

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-67

**Call for Public Hearing on Traffic Law Amendments**

**Sponsored By:** Councilmember Zydel, Councilmember Markel

**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 25, 2008 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 7th day of February, 2008, 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 25, 2008 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 235-46, Schedule VII: Stop Intersections**, shall be amended by adding thereto the following:

In accordance with the provisions of § 235-18, the following described intersections and locations are designated stop intersections:

<u>Stop Signs on</u>	<u>Direction Traffic Stops</u>	<u>At Intersection of</u>
South Roycroft Boulevard	Both	Gilmore Road

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

In accordance with the provisions of § 235-39, no person shall park a vehicle between the times specified upon any of the following described streets or parts of streets:

WILLIAM STREET - South side: from the east curblineline of Bright Street to the west curblineline of Helen Street, school days - 7:00 a.m. to 4:00 p.m.

**ARTICLE V, Schedules, Section 235-39, Schedule XVI: No Parking Certain Hours**, shall be amended by adding thereto the following:

WILLIAM STREET - South side: from the east curblineline of Bright Street to a point 150 +/- Feet west of the west curblineline of Helen Street, school days - 7:00 a.m. to 4:00 p.m.

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

Dated: February 4, 2008

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-68

**~~2008~~ Community Development Annual Plan**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$1,008,721 in Community Development Block Grant Funds, \$342,184 in HOME Investment Partnership funds and \$2,819 in American Dream Downpayment Initiative assistance funds for the 2008 program year from the United States Department of Housing & Urban Development, and

WHEREAS, Public Hearings regarding the use of said funds were held on November 26, 2007and January 22, 2008, 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 2008 program year to the United States Department of Housing and Urban Development which includes the projects contained in the attached CDBG, HOME and ADDI Budget Summary, 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.

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**Town of Cheektowaga  
Community Development Block Grant Program Budget  
2008 Program Year-Final**

Administration .....		\$ 167,000
Housing Rehabilitation - Single Family Owner-Occupied Units .....	181,000	
Housing Rehabilitation - Multi-Family Units .....		50,000
Rehabilitation Activity Delivery Costs .....	276,000	
\$ 238,000 - Inspections		
38,000 - Staff & other program expenses		
Environmental Hazard Testing (Lead Paint, Asbestos & Mold) .....		38,000
Code Enforcement/Neighborhood Preservation Activities .....		8,000
Demolition .....	25,000	
Acquisition .....		40,000
Public Safety - Police Foot Patrols .....		33,000
Domestic Violence Investigation Program .....		11,000
Housing Counseling Services .....		12,000
Weatherization .....		6,000
Senior Citizen Services Outreach Assistant .....		9,000
Summer Day Camp for Children .....		22,000
<u>Village of Depew</u> .....	91,180	
\$ 36,000 - Public Safety-Police Foot Patrols		
17,000 - Senior Citizen Van Driver		
18,000 - Senior Services Center Support Staff		
20,180 - Accessibility Improvements - Depew Ice Rink		
<u>Village of Sloan</u> .....	32,142	
\$ 2,642 - Recreation Improvements & Facility Equipment		
\$ 18,000 - Parking Lot Resurfacing - Sloan Fire Hall		
\$ 4,500 - Sidewalk Improvements		
\$ 7,000 - Drainage and Sewer Improvements		
Contingency B Unprogrammed Funds .....		7,398

**CDBG Grant Amount - Revised 1/31/2008          \$ 1,008,721**

Projected Revolving Program Income - Housing Rehabilitation .....	200,000
Projected Revolving Program Income - Economic Development .....	250,000

**TOTAL CDBG BUDGET: Entitlement & Revolving Income Funds          \$ 1,458,721**

**Town of Cheektowaga  
HOME Investment Partnership &  
American Dream Downpayment Initiative Programs  
2008 Program Year-Final**

**HOME Funds**

First-Time Homebuyers Program

Loans of up to \$7,500 for closing cost/downpayment assistance for First-Time Homebuyers.

\$ 60,000

Special Needs Housing

75,000

Housing Rehabilitation

197,184

Funds will be used for rehabilitation of owner-occupied housing units in the Town of Cheektowaga.

Administration and Program Delivery Costs

10,000

**TOTAL B HOME Funds \$ 342,184**

**American Dream Downpayment Initiative (ADDI) Funds**

First-Time Homebuyers Program

\$

Forgivable subsidies of up to \$7,500 for closing cost-downpayment assistance for First-Time Homebuyers.

2,819

**Total - HOME & ADDI Funds \$ 345,003**

CDBG

\$

HOME

1,008,721

ADDI

342,184

2,819

Projected Program Income

450,000

**TOTAL - ALL FUNDS**

**\$ 1,803,724**

ATTACHMENTS:

Budget 2008 - Final-2nd Revised (DOC)

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Charles Markel, Councilmember

**SECONDER:** Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-69

## **Authorization to Execute Housing Rehabilitation Program Documents**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 the Supervisor 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## **Authorize Supervisor to Sign Agreement with Nussbaumer & Clarke, Inc. for Professional Services**

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, as part of the operation and maintenance responsibilities associated with the Main Pump Station, numerous sanitary sewer pump station facilities, various Town buildings and Town wide infrastructure, the Town has relied on engineering consultant technical assistance to resolve problems as they occur which involve highly specialized components, and by conducting preventative maintenance inspections to insure efficient facilities operation, AND

WHEREAS, there is need to continue to obtain specialized technical assistance in order to assure continuous uninterrupted operation of sanitary sewer system facilities, Town facilities and infrastructure components, AND

WHEREAS, occasionally throughout the year there is a need to obtain technical engineering services that may not be included within the scope of any on-going project, AND

WHEREAS, said services are essential in assisting the Town with long term stormwater and drainage system improvement initiatives, management and regulatory compliance associated with the operation and maintenance of Town sanitary sewer districts, and in securing grant monies available through various State and Federal programs, AND

WHEREAS, the engineering consulting firm of Nussbaumer & Clarke, Inc. has been found qualified to perform such services and has vast experience in the management of the Town's infrastructure, and has also aided the Town in securing grants for numerous major projects, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for general technical services for calendar years 2008 through 2010, as submitted by the consulting firm of Nussbaumer & Clarke, Inc. and as recommended by the Town Engineer and reviewed by the Office of the Town Attorney, is approved and accepted, AND, BE IT FURTHER

RESOLVED, that the professional fees shall be based on the hourly rates established in the agreement and shall be chargeable to the Consolidated Sanitary Sewer District, Town-Wide Drainage District or other appropriate departmental account as budgeted and when authorized by the Town Engineer, AND, BE IT FURTHER

RESOLVED, that the Supervisor is directed and authorized to sign said agreement for professional services with Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Buffalo, New York 14219-1494.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-71

## ~~Authorize Supervisor to Execute Agreement with Erie County for Youth Tobacco Enforcement and Prevention Program~~

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the New York State Department of Health has appropriated funds to establish a Youth Tobacco Enforcement and Prevention Program with the County of Erie to undertake compliance checks using underage operatives as decoys of merchants who sell tobacco products, and

WHEREAS, the County of Erie has made some of this funding available to the Town of Cheektowaga Police Department to assist them with this program, and

WHEREAS, the Town of Cheektowaga Police Department has been participating in this program with the County of Erie for the past 6± years, and wishes to continue participating in such program, and

WHEREAS, the County of Erie has prepared and submitted to the Town an Intermunicipal Agreement for this program for the period October 1, 2007 through September 30, 2008, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid Intermunicipal Agreement with the County of Erie for the Youth Tobacco Enforcement and Prevention program subject to approval by the Town Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



RESOLUTION 2008-72

**Authorize Supervisor to Execute Agreement with UB for Student Internship**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the State University of New York has established an educational program in criminal investigations; and

WHEREAS, Brian Gruenauer, a student at the State University of New York, is a participant in said program and is interested in an internship in the Criminal Investigations Unit of the Cheektowaga Police Department; and

WHEREAS, Mr. Gruenauer has been interviewed by the Police Department and they are willing to afford him the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute the Affiliation Agreement with the State University of New York, allowing Brian Gruenauer to participate in the aforementioned criminal investigations internship, under the terms and conditions of said agreement, subject, however, to approval by the Town Attorney; and BE IT FURTHER

RESOLVED, that this approval is contingent on the intern executing a Confidentiality Agreement with the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





RESOLUTION 2008-73

**Approve Amended P.I.L.O.T. Agreement for Collegiate Village**

**Sponsored By:** Holtz, Jaworowicz, Zydel, Markel, Rogowski, Swiatek, Kaznowski

WHEREAS, by resolution dated September 11, 2007 (Resolution 2007-519), the Cheektowaga Town Board approved a Payment in Lieu of Taxes ("P.I.L.O.T.") Agreement with WNY Student Housing for a project located at 105 Kenville Road (existing Kensington Village Apartments) to be developed by WNY Student Housing, LLC known as Collegiate Village, and

WHEREAS, the Project has changed since said resolution was adopted in that the Buildings and the underlying property will be sold by Ken-Vil Associates to WNY Student Housing LLC, and

WHEREAS, the developer has submitted paperwork to the Town to show that the revised Project will 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 P.I.L.O.T. agreement wherein it will make annual payments in lieu of taxes to the Town as set forth in the P.I.L.O.T. agreement submitted to this Town Board for approval, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board concurs that the Project is exempt from real property taxes under New York State Real Property Tax Law, and BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized and directed to execute and deliver the aforementioned P.I.L.O.T. agreement on behalf of the Town of Cheektowaga, subject to review and approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that this resolution replaces in its entirety the aforementioned resolution dated September 11, 2007 (Resolution 2007-519).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-74

### **Approval of Out-Of-District Agreement by Erie County Sewer District No. 4**

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, properties located at #6700 and #6704 Transit Road, within the Town's Consolidated Sanitary Sewer District north of the New York State Thruway crossing, currently rely on a private septic tank and leach field system as the Town's wastewater collection system does not serve the immediate area, AND

WHEREAS, owners of the aforesaid properties have requested that Erie County Sewer District No. 4, which agency operates a sanitary sewer main on the east side of Transit Road in the Town of Lancaster, approve an Out-of-District Service Agreement enabling connection to its wastewater collection system and the abandonment of the private septic systems, AND

WHEREAS, the on-going NYSDOT Reconstruction Project on Transit Road fronting said parcels provides a favorable opportunity to connect to the ECSD No. 4 trunkline at this time, AND

WHEREAS, the Erie County Sewer District No. 4 Board of Managers, at a meeting conducted on December 5, 2007, have approved of the proposed Out-of-District Agreement, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the approval of the Out-of-District Agreement by ECSD No. 4 for the referenced parcels, AND, BE IT FURTHER

RESOLVED, that the subject parcels within the Town's Consolidated Sewer District shall remain responsible for payment of indirect sewer district annual charges, AND, BE IT FURTHER

RESOLVED, that site work associated with the installation of building sewers and septic tank abandonment shall be subject to issuance of a Town Plumbing Permit following final approval of plans.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-75

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## Authorize Installation of Hydrant on Walden Avenue

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**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Erie County Water Authority is preparing design plans for the replacement of the existing watermain located on the north side of Walden Avenue with a new 12" D.I.P. watermain between Harlem Road and Galleria Drive, AND

WHEREAS, in order to meet required regulations and guidelines for hydrant placement, one (1) additional hydrant is proposed to be added approximately 300 L.F. east of Harlem Road, AND

WHEREAS, the Board of Fire Commissioners of Walden Fire District No. 2, by letter dated January 16, 2008 to the Town Engineer, have reviewed and granted approval to the installation of the one (1) additional hydrant at the aforesaid location, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install one (1) additional hydrant on the north side of Walden Avenue, approximately 300 L.F. east of Harlem Road, 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 hydrant, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-76

## **Accept Proposal for Emergency Exit Door and Venting Window for the Renovated Sign Maintenance Building**

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the recent renovations to the Sign Maintenance Building have provided for a heated office space for temperature sensitive equipment and materials, AND

WHEREAS, New York State Building Code dictates the need for an emergency exit and natural ventilation for said office space, AND

WHEREAS, two (2) proposals were solicited by the Town Engineering Department to furnish and install an emergency exit door and window to meet the aforesaid code requirements, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the aforesaid improvements be awarded to Kaz Brothers Construction Company, 150 North America Drive, West Seneca, New York 14224 for submitting the lowest proposal in the amount of \$4,187.50, AND, BE IT FURTHER

RESOLVED, that the funds for this project shall be chargeable to Account #500-1910-2520-5122.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-77

## ~~Acceptance of Withdrawal of Rezoning Application for 590 Cayuga Creek Road~~

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Woodbridge Contracting Group, Inc. petitioned for a rezoning from R-Residence District to RA-Apartment District for property owned by 8137198, Inc./Danann Concrete and located at 590 Cayuga Creek Road, Cheektowaga, New York for apartment buildings, and

WHEREAS, after the public hearing held before this Town Board on December 17, 2007, the applicant notified the Town of Cheektowaga that it would be withdrawing its application due to the lack of support from the community and because its option to purchase the property was expiring shortly, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the withdrawal of the aforementioned rezoning application, and will not entertain the petition to rezone 590 Cayuga Creek Road.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-78

## **Home Rule Request to State Legislature Relating to Extension of Golf Course Lease**

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

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, by resolution dated June 18, 2007, the Cheektowaga Town Board made a Home Rule Request to the State Senate and Assembly to enact Assembly Bill No. A.9171 and Senate Bill No. S.6232, and

WHEREAS, said Home Rule Request bills died at the end of 2007 since the Assembly Bill had not yet been enacted, and

WHEREAS, bills have been re-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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



RESOLUTION 2008-79

## **Grant Application for Dingens Street Storm Sewer Extension**

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, in 1998 the Town of Cheektowaga constructed a storm sewer trunkline from Harlem Road at Dingens Street outletting to 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, and to construct storm sewer extensions in subsequent phases within Town streets north of Dingens Street currently lacking a proper drainage system, 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 \$1.5 million dollars, AND

WHEREAS, Federal moneys may be available to fund up to a maximum of 55% of the cost of this storm 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. for the purpose of securing a Federal 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-80

## **Request Grant for Workflow Management Software**

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga seeks to improve workflow management , including responses to residents' requests for services; and

WHEREAS, the acquisition of Everest software will enable the Town to better manage these functions, and

WHEREAS, the Town seeks grant monies in the amount of \$50,000 to offset the cost of purchasing this software, and

WHEREAS, grant monies may be available through New York State Senator William Stachowski to assist with the purchase of this software, 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 office of Senator William Stachowski and New York State for the purpose of securing this grant, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





RESOLUTION 2008-81

## New/Renewal Ambulance Driver Attendance Licenses

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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>
Al-Saidi, Samirah A	118 Ivy Lea, Tonawanda, N.Y. 14223	9/30/2010
Barrett, Ronald J	69 Krakow St, Buffalo, N.Y. 14206	10/31/2010
Begier, Scott F	1750 West Blood Rd, East Aurora, N.Y. 14052	6/30/2010
Bluhm, Garry F	P. O. Box 16, Medina, N.Y. 14103	9/30/2010
Burkley, Kevin D	889 Mill Rd, West Seneca, N.Y. 14224	7/31/2010
Chanthavong, Nancy J	2619 Porter Rd, Niagara Falls, N.Y. 14305	1/31/2010
Chiz, Bradley E	2354 Kensington Ave, Amherst, N.Y. 14226	7/31/2010
Clemons, David C	300 Hunters Heights, South Wales, N.Y. 14139	10/31/2010
Davies, Richard K	250 Schwartz Rd, Lancaster, N.Y. 14086	9/30/2010
Dickie, Judith L	11 Fairways Boulevard, Williamsville, N.Y. 14221	9/30/2010
Dudkowski, Michael A	6168 Old Beattie Road, Lockport, N.Y. 14094	10/31/2010
Farrell, Sean T	7035 Potter Rd, Derby, N.Y. 14047	7/31/2009
Gray, Catherine A.	65 Garden Village Terrace #4, Cheektowaga, N.Y.	10/31/2010
Heusinger, Tonya MK	12297 Big Tree Rd Lot #2, Wales Center, N.Y. 14169	7/31/2010
Holt, James B	34 Eaglebrook Drive, West Seneca, N.Y. 14224	10/30/2010
Hunt, John L	93 McIntosh Dr, Lockport, N.Y. 14096	7/31/2010
Jamil, Mohammed S	73 Baker Court, Lackawanna, N.Y. 14218	9/30/2010
Kenyan, Matthew A	15 Willow Wood Dr, Cheektowaga, N.Y. 14225	7/31/2009
Kibbe, Jamie T	6969 Northview Drive, Lockport, N.Y. 14094	8/31/2010
Leas, Adam C	835 Center Rd apt 11, West Seneca, N.Y. 14224	10/31/2010
Lockett, Develle A	37 Harvard Pl, Buffalo, N.Y. 14209	7/31/2010
Magin, Lisa Marie	4484 Main St, Gasport, N.Y. 14067	9/30/2010
Mazgajewski, Eric T	35 Edmund St, Cheektowaga, N.Y. 14227	7/31/2010
McCrossan, Michael G	4059 Knoll Dr #1, Hamburg, N.Y. 14075	5/31/2010
Mclsaac, Sandy	2189 N French Rd Apt. 1, Getzville, N.Y. 14068	7/31/2010
Miles, Jason J	4451 Four Rod Rd, Wales Center, N.Y. 14169	9/30/2010
Miller, Jacob A	P O Box 288, Collins, N.Y. 14034	9/30/2010
Nati, Frank A	815 Beach Road, Cheektowaga, N.Y. 14225	7/31/2010
O'Malley, John J	2013 LaSalle Ave, Niagara Falls, N.Y. 14301	7/31/2010
Peasland, Erik R	605 Harrison Ave., Tonawanda, N.Y. 14223	9/30/2010
Perkins, Andrew P	2210 Judge Rd, Oakfield, N.Y. 14125	4/30/2010
Potoczak, Lynne M	10502 Brant-Angola Rd, Brant, N.Y. 14027	12/31/2010

Redmond, Tracie L	132 College St, Buffalo, N.Y. 14201	8/31/2010
Rozler, Stephen M	1 Huntley Dr, Lancaster, N.Y. 14086	7/31/2009
Rudyk, John P	6702 Wayne Dr, Derby, N.Y. 14047	9/30/2010
Sala, Brent A	16 Hampton Ct, Lancaster, N.Y. 14086	10/31/2010
Sauer, Edward R	111 Jamison Rd, Elma, N.Y. 14059	10/31/2010
Smith, Eric D	219 William St. Upper, Tonawanda, N.Y. 14150	6/30/2010
Stearns, Mallory C	299 Curtis Pkwy, Tonawanda, N.Y. 14223	7/31/2010
Szczepaniak, Thomas D	9205 Erie Road, Angola, N.Y. 14006	9/30/2010
Taylor, Christopher T	40 West Summerset Ln, Amherst, N.Y. 14228	1/31/2010
Toenniessen Jr, Peter R	112 Findlay Ave, Tonawanda, N.Y. 14150	8/31/2010
Vongwattanakit, Amy	103 DA Hadley Village, Buffalo, N.Y. 14261	6/30/2010
Westbrook, George E	2 Newton St, Silver Creek, N.Y. 14136	4/30/2009
Whitfield, Jacobi A	461 Lisbon Ave, Buffalo, N.Y. 14215	6/30/2010
Yaeger, Sean C	1847 Dryden Rd, Freeville, N.Y. 13068	7/31/2010
Ziamba, Donald L	54 Spring St, Fredonia, N.Y. 14063	12/31/2010
Zolnowski, Bobby J	4564 Harlem Rd, Amherst, N.Y. 14226	7/31/2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



**Unsafe-Unsecured / 87 Yvonne Avenue**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**Unsafe-Unsecured / 3501 Harlem Road**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**Unsafe-Unsecured / 150 Westbrook Drive**

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 150 Westbrook Drive, Cheektowaga, New York SBL# 91.10-12-16 that is a danger to the safety of others, and records kept by the Assessors Office identify Midfirst Bank, 999 NW Grand Blvd., Suite 100 Oklahoma City, OK 73118, as the owner AND

WHEREAS, an inspection of such premises was conducted at 150 Westbrook 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-85

**Hire/Termination Part-Time/Seasonal Employees**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 department 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 (Buildings & Grounds Division) Laborer \$8/hour  
Michael R. Ivansitz, Depew, NY  
Effective 2/05/08

BE IT RESOLVED, that the following individual be and hereby is hired as a PART-TIME EMPLOYEE in the department 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:

RECORDS MANAGEMENT Clerk \$8/hour effective 1/24/08  
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  
Katherine Edenhofer effective 12/31/07  
William D. Mecca effective 1/14/08

Motion by Supervisor Holtz, second by Councilmember Rogowski to waive the reading of the names on resolution numbers 2008-85 through 2008-86, and the motion carried.

**RESULT:**        **ADOPTED [UNANIMOUS]**

**MOVER:**         Jeff Swiatek, Councilmember

**SECONDER:**     Mary Holtz, Supervisor

**AYES:**          Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-86

## Youth and Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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

--Megan Brown  
72 E. Toulon Dr.  
14227  
12/01/07

--Brian Hansen  
14043  
8/30/07

--Jessica Stiglmeier  
14212  
8/11/06

--Jeffrey Filipski  
14227  
1/20/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-87

## ~~Termination of General Mechanic (Larry Rutkowski) in Facilities Department~~

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that Larry Rutkowski, a General Mechanic in the Facilities Department, be and hereby is terminated effective at the close of business February 1, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





RESOLUTION 2008-88

## **Appointment to Traffic Safety Commission**

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, due to the passing of Dominick Selvaggio, a vacancy exists on the Traffic Safety Commission; and

WHEREAS, David Przepiora, recently retired from the Cheektowaga Police Department, has expressed an interest in serving on said Commission; and

WHEREAS, the Traffic Safety Commission has interviewed Mr. Przepiora, has determined that he has the necessary qualifications and recommends that he be appointed to serve the remainder of the term vacated by the passing of Mr. Selvaggio; NOW THEREFORE, BE IT

RESOLVED, that David Przepiora of Cheektowaga, New York, be and hereby is appointed to the Traffic Safety Commission, effective immediately, said appointment terminating on December 31, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-89

**Travel Authorization Emergency Services (Earl Loder)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the New York State Emergency Management Winter Conference is being held from February 19-21, 2008 in Syracuse, New York; AND

WHEREAS, Earl Loder, the Natural Disaster Coordinator, has requested authorization to attend said conference; AND

WHEREAS, Mr. Loder 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 \$250; AND

WHEREAS, these expenses have been budgeted by Emergency Services; NOW, THEREFORE, BE IT

RESOLVED, that Natural Disaster Coordinator Earl Loder be and hereby is authorized to attend the New York State Emergency Management Winter Conference being held from February 19-21, 2008 in Syracuse, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-90

**Travel Authorization Accounting Department (Brian Krause)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the New York State Government Finance Officers Association Annual Conference is being held from April 3-4, 2008 in Albany, New York; AND

WHEREAS, Director of Administration and Finance Brian Krause has 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 \$466.50; AND

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

RESOLVED, that Director of Administration and Finance Brian Krause be and hereby is authorized to attend the New York State Government Finance Officers Association Annual Conference being held from April 3-4, 2008 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



RESOLUTION 2008-91

**Travel Authorization Employee Relations (Anthony Romano)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Society for Human Resource Management Annual Conference and Exposition is being held from June 22-26, 2008 in Chicago, Illinois; 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 \$2,500; AND

WHEREAS, these expenses have been budgeted by the Employee Relations Department; NOW, THEREFORE, BE IT

RESOLVED, that Coordinator of Employee Relations Anthony Romano be and hereby is authorized to attend the Society for Human Resource Management Annual Conference and Exposition being held June 22-26, 2008 in Chicago, Illinois.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**V. Suspension of Rules**

Motion by Supervisor Holtz, second by Councilmember Swiatek to suspend the rules to include the following six (6) resolutions, and the motion carried.



**Adopt Local Law No. 1 of the Year 2008 Entitled "A Local Law Creating a Special Review Zoning District for Drive Through Businesses"**

**Sponsored By:** Holtz, Rogowski, Kaznowski

WHEREAS, the Town of Cheektowaga Zoning Law currently permits drive through windows and service at said windows as an accessory use in certain zoning districts within the Town, and

WHEREAS, said Zoning Law lacks specificity as to the location, design standards and stacking of vehicles for such drive through windows, and there is a concern that these types of drive through businesses could result in traffic congestion and back ups onto public highways, especially during peak times, 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 drive through businesses 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 4th day of February, 2008 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 as to whether Local Law Intro No. 2008-1 of the Year 2008, entitled "A Local Law creating a Special Review Zoning District for Drive Through Businesses" 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 for Drive Through Businesses, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2008, entitled "A Local Law Creating a Special Review Zoning District for Drive Through Businesses", 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 2008 shall take effect immediately upon filing with the Secretary of State

\*\*\*\*\*

**LOCAL LAW NO. 1 OF THE YEAR 2008**

**A LOCAL LAW CREATING A**

**SPECIAL REVIEW ZONING DISTRICT FOR DRIVE THROUGH BUSINESSES**

1. For a period of ninety (90) days, the following type of business use is declared to be a Special Review Zoning District:  
Any drive through business (including drive through windows for restaurants/food service establishments, drive-through banks or any other drive through business use), as permitted in the Zoning Law. This Special Review Zoning District shall include all zoning districts within the Town of Cheektowaga and 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, and with the health, safety, morals and general welfare of the Town.
4. This local law shall not apply to drive through businesses which have previously received site plan and/or environmental (Negative Declaration) approvals through Town Board resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## Amend Resolution to Purchase Copy Machines

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, by resolution dated January 22, 2008 (Resolution 2008-46), this Town Board agreed to purchase copy machines through a contract awarded by the New York State Office of General Services through Eagle Systems, Inc. at a total cost (over three years) not to exceed \$156,928.00, and

WHEREAS, the Town of Cheektowaga has decided to add and/or revise copy machines, FAX boards, surge protectors, finishers to copy machines and to modify the purchase of copy machines for Town departments as follows:

<u>Department</u>	<u>Machine (with accessories)</u>	<u>Toshiba/NYS Contract Price</u>
Personnel	E352	\$ 7,261
Town Clerk	E600	\$11,407
Attorney	E352	\$ 7,261
Assessors	E-3500c	\$ 9,922 *
Council	E352	\$ 7,261
Housing	E-3500c	\$ 9,922 *
Building & Plumbing	E-3500c	\$ 9,986 *
Sanitation	E352	\$ 7,261
Police	ET-523-T	\$10,433
	E-3500C	\$ 9,986
	E203T	\$ 3,712
	E-3500C	\$ 9,956
	E-3500C	\$ 9,956
	<b>POLICE TOTAL</b>	<b>\$44,043 *</b>
Engineering	E-3500c	\$10,198
Records	E352	\$ 7,261
Tax Receiver	E352	\$ 7,261
Supervisor	E-3500c	\$ 9,922 *
Youth & Recreation	E600	\$12,169 *
Highway	E352	\$ 7,261
Community Develop	E-3500C	\$ 9,986 *
Surge Protectors (20)		\$ 2,000 *
<b>TOTAL</b>		<b>\$180,382</b>

\* indicates new or revised

and

WHEREAS, this Board wishes to revise the aforementioned resolution to provide that to reflect the above and that the total cost for the purchase of the copy machines and accessories shall not exceed \$180,382, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to provide that the Town shall purchase the aforementioned copy machines and accessories, as further detailed on the cost breakdown prepared by Eagle Systems, Inc. at a total cost not to exceed \$180,382.

Assessors	E-3500C	7408
	M R3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	GD1210	504
Bldg/Plum	&35000	7408
	MR3018	499
	MY1021	163
	KD1011	333
	MJ1101	944
	KN3500	135
	GD1210	504
Engineer	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	MJ6004	276
	GD1210	504
Supervisor	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	GD1210	504
CommDev	E-3500C	7408
	MR3018	499

	KD1011	333
	MJ1101	944
	MY1021	163
	KN3500	135
	GD1210	504
Town Clerk	E-603T	7859
	MJ1027	1397
	GM2040	1468
	GD1170	546
	G01050	137
Housing	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	GD1210	504
Youth	E-603T	7859
	MJ1028	2159
	GM2040	1468
	G D1170	546
	G01050	137
Police	E-523T	6885
	MJ1027	1397
	GM2040	1468
Dept	Machine/Con	Cost
Personnel	E-352	2928
	MR3018	499
	KD1012	432
	GM2050	1819
	GD1200	504 <sup>1</sup>
	MJI 101	944
	KN3520	135
Attorney	E-352	2928
	MR3018	499
	KD1012	432
	GM2050	1819
	G D1200	504
	MJ1101	944
	KN3520	135
Council	E-352	2928
	MR3018	499
	KD1012	432
	GM2050	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Sanitation	E-352	2928
	MR3018	499
	KD1012	432
	GM2050	1819
	GD1200	504
	MJi 101	944
	KN3520	135
Records	E-352	2928
	MR3018	499
	KD1012	432
	_ GM2050	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Tax Rec	E-352	2928
	MR3018	499
	KD1012	432
	GM2050	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Highway	E-352	2928
	MR3018	499
	KD1012	432
	GM2050	1819
	GD1200	504
	MJ1101	944
	KN3520	135
GD1170		546
G01050		137

Police E-3500C	7408
MR3018	499
KD1011	333
MJ1101	944
MY1021	163
KN3500	135
G D1210	504
Police E203T	1636
M R3020	499
GM2080	842
MD0102	136
GD1150	504
stand35111451'	95
Police E-3500C	7408
MR3018	499
KD1011	333
MJ1101	944
MY1021	133
KN3500	<b>135</b>
GD1210	504
Police E-3500C	7408
MR3018	499
KD1011	333
MJ1101	944
MY1021	133
KN3500	135
G01210	504
surge x20	2000
	180382

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





SOLUTION 2008-94

## Reappoint Secretary of Planning Board

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the term of Joan Meyers as Secretary of the Planning Board expired as of December 31, 2007, and

WHEREAS, Joan Meyers has expressed an interest in continuing to serve as Secretary of the Planning Board, and

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

RESOLVED, that Joan Meyers be and hereby is reappointed to the position of Secretary of the Planning Board, effective January 1, 2008 and terminating on December 31, 2014.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## **Reappoint Member of Zoning Board**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the term of Jane Wiercioch as Member of the Zoning Board of Appeals expired on December 31, 2007, and

WHEREAS, Jane Wiercioch has expressed an interest in being reappointed to this position, and

WHEREAS, Jane Wiercioch 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 Jane Wiercioch of Depew, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2008 and terminating on December 31, 2012.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## Award of Bid for Police Vehicles

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, bids were duly received by the Town Clerk at a bid opening on January 30, 2008 for the purchase of Seven (7) New and Unused 2008 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 \$149,611.00, 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 from line item number 100-3120-2303.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



SOLUTION 2008-97

## **Authorization to Attend Association of Towns Meeting**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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 and employees attend such meeting; and

WHEREAS, by resolution dated December 17, 2007, the Town Board authorized certain Town officials to attend said meeting; and

WHEREAS, Stephanie Lewandowski, Clerk to Justice Court, has requested permission to attend; NOW, THEREFORE, BE IT

RESOLVED, that Stephanie Lewandowski be and hereby is authorized to attend the 2008 Training School and Annual Meeting of the Association of Towns; 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 numbers 100-1220-4088, 100-1910-4082, 100-1010-4080, 100-1315-4088 and 100-1110-4082.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VI. Communications**

### *A. General Communications*

1. **Notice of Claim: Norman Meredith Vs. Town of Cheektowaga**
2. **Notice of Claim: Ralph E. Collins Vs. Town of Cheektowaga**
3. **Notice of Claim: Elaine C. Orszulak Vs. Town of Cheektowaga**
4. **Notice of Claim: Lewis Ealey Vs. Town of Cheektowaga**

### *B. Departmental Communications*

1. **Cheektowaga Public Library Board - Minutes of November 28, 2007 Meeting**
2. **Environmental Advisory Committee - Minutes of January 16, 2008 Meeting**

## **VII. Comments**

### *A. Supervisor's Comments*

### *B. Councilmember's Comments*

### *C. Public Comments*

## **VIII. Adjourn**

Motion by Supervisor Holtz, second by Councilmember Rogowski to adjourn the meeting and observe a moment of silence in memory of Brian Hansen, former employee of the Youth and Recreation Department.



# Town of Cheektowaga

## Special Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, January 1, 2008

4:45 PM

Cheektowaga Senior Center

## I. Call to Order

4:45 PM Meeting called to order on January 1, 2008 at Cheektowaga Senior Center, 3349 Broadway St., Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney  
Thomas Adamczak, Supervising Building and Plumbing Inspector  
Jerry Gabryszak, Director of Community Development  
Anthony Romano, Coordinator of Employee Relations  
Kerry Switalski, Senior Services Director  
Frank Max, General Crew Chief  
John Jaroszewski, General Crew Chief  
Mark Wegner, Highway Superintendent  
Jeffrey Whiting, Deputy Town Attorney  
Thomas S Kolbert, Town Justice  
James Vallone, Town Justice  
Anthony Sisti, Planning Board Chairman  
John Marriott, Planning Board Representative

## II. Resolutions



## 1. RESOLUTION 2008-1

### Appointment to Councilmember Vacancy

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, as a result of the resignation of Alice Magierski as Councilmember and her election to the position of Town Clerk of the Town of Cheektowaga, the position of one Councilmember in the Town of Cheektowaga became vacant, and

WHEREAS, Stanley J. Kaznowski III has expressed an interest in serving as Councilmember for the Town of Cheektowaga, and

WHEREAS, Stanley J. Kaznowski III meets all of the requirements for Councilmember for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Stanley J. Kaznowski of Cheektowaga, be and hereby is appointed to the position of Councilmember for the Town of Cheektowaga, effective immediately, at a salary established for such position, and BE IT FURTHER

RESOLVED, that such appointment shall be effective until December 31, 2008.

This Resolution was Motioned by Unanimous; Seconded by Unanimous.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Patricia Jaworowicz, Jeff Swiatek, James Rogowski  
**SECONDER:** Richard Zydel, Charles Markel  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel

### III. Closing

Motioned by Supervisor Holtz; Seconded by Councilmember Swiatek to adjourn the meeting at 5:00 PM. Motion Carried.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, January, 7, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on January 7, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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, Working Crew Chief  
Brian Hess, Assessor  
Anthony Romano, Director of Employee Relations  
Kenneth Kopacz, Executive Director of Youth and Recreation

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2008-2

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

#### 2007

#### GENERAL FUND

FROM:	100.1680.4088	Travel Training & Conferences	\$ 2,688.91
	100.1680.4206	Internet Services	6,500.00
	100.1680.4431	Hardware Maintenance	16,433.27
	100.1110.4321	Data Processing	2,100.00
	100.1110.4013	Law Books	2,000.00
	100.1110.4431	Equipment Maintenance	700.00
	100.1910.2701	Refund P/Y Expense	8,848.33
TO:	100.1680.2204	Lan Hardware	\$ 9,608.20
	100.1680.4146	Outsourcing Services	14,041.25
	100.1680.4204	Communications	1,972.73
	100.1110.2105	Equipment	4,800.00
	100.1640.4446	Maintenance & Repair	8,848.33

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-3

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 4, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 809,113.47
RISK RETENTION FUND	20,027.59
DEBT SERVICE FUND	90,000.00
HUD HOUSING REHABILITATION FUND	14,377.00
SPECIAL DISTRICTS FUND	3,049,336.68
HIGHWAY FUND	186,314.43
CAPITAL FUND	66,096.00
TRUST & AGENCY FUND	10,635.37
HUD CDBG FUND	1,721.37
PART TOWN FUND	38,369.81
NYS AFFORDABLE HOUSING FUND	4,744.00
	<u>\$ 4,290,735.72</u>

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-4

## Call for Public Hearing - 2008 CDBG Funds

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the Town is eligible to receive approximately \$1,026,387 in Community Development Block Grant funds and approximately \$351,667 in Home Investment Partnership program funds for the 2008 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 2008 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 22, 2008 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 the attached public notice of such public hearing be published in the Cheektowaga Times on Thursday, January 10, 2008.

\*\*\*\*\*

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 22, 2008 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 on the Town's Fiscal Year 2008 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) Programs. For the purpose of obtaining the views of citizens and interested parties on housing and community development needs in 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 2008 CDBG and HOME Program funds. The Town is eligible to receive approximately \$1,026,387 in CDBG funds and \$351,667 in HOME Investment Partnership Program funds from HUD in 2008. The Town estimates approximately \$200,000 in program income from its revolving housing rehabilitation loan program and \$250,000 in economic development revolving business loan program income will be received. 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 need such special arrangements, contact the Cheektowaga Community Development Office at 897-7200 seven (7) business days prior to the hearing. The hearing location is accessible to the physically handicapped.

ATTACHMENTS:

PH-NOTICE-2008B (DOC)

**RESULT:**        **ADOPTED [UNANIMOUS]**

**MOVER:**         Jeff Swiatek, Councilmember

**SECONDER:**    James Rogowski, Councilmember

**AYES:**          Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 4. RESOLUTION 2008-5

## Notice to Bidders - Rodent Control Services

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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, 2006 and 2007, 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 2008, and

WHEREAS, moneys are available in the 2008 Town budget for this purpose, and

WHEREAS, due to the expected cost of rat control in 2008, 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 January 30, 2008 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 January 30, 2008 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.

ALICE MAGIERSKI  
Town Clerk

Dated: January 7, 2008

**ATTACHMENTS:**

Notice to bidders rat control 2008 (DOC)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-6

### Notice to Bidders Baseball Softball Equipment

**Sponsored By:** Jaworowicz, Swiatek, Rogowski

WHEREAS no bids were received in response to a Notice to Bidders submitted 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 re-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 Alice Magierski, Town Clerk, and BE IT FURTHER

RESOLVED that sealed bids will be received on January 23, 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 23, 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.

Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 6. RESOLUTION 2008-7

## Notice to Bidders for 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 Seven (7) New and Unused 2008 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 30th day of January, 2008 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, 3301 Broadway, Cheektowaga, New York, 14227.

\*\*\*\*\*

### NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on January 30, 2008 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the purchase of seven (7) new and unused 2008 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, 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.

Alice Magierski

Town Clerk

Dated: January 7, 2008

**ATTACHMENTS:**

Notice to Bidders 2008 Police Vehicles (DOC)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-8

### Establish Town Board Meeting Dates for 2008

**Sponsored By:** Councilmember Kaznowski, Councilmember Swiatek

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2008 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 7<sup>th</sup> & 22<sup>nd</sup>
- February 4<sup>th</sup> & 25<sup>th</sup>
- March 3<sup>rd</sup> & 17<sup>th</sup>
- April 7<sup>th</sup> & 21<sup>st</sup>
- May 5<sup>th</sup> & 19<sup>th</sup>
- June 2<sup>nd</sup> & 16<sup>th</sup>
- July 7<sup>th</sup> & 21<sup>st</sup>
- August 4<sup>th</sup> & 18<sup>th</sup>
- September 2<sup>nd</sup> & 15<sup>th</sup>
- October 6<sup>th</sup> & 20<sup>th</sup>
- November 3<sup>rd</sup> & 17<sup>th</sup>
- December 1<sup>st</sup> & 15<sup>th</sup>

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 29, 2008 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 8. RESOLUTION 2008-9

### Establish Work Sessions for 2008

**Sponsored By:** Councilmember Kaznowski, Councilmember Rogowski

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2008 at 6:00 P.M. on the following dates:

- January 2<sup>nd</sup>, 15<sup>th</sup> and 29<sup>th</sup>
- February 14<sup>th</sup> & 26<sup>th</sup>
- March 11<sup>th</sup>
- April 1<sup>st</sup>, 15<sup>th</sup> & 29<sup>th</sup>
- May 13<sup>th</sup> & 27<sup>th</sup>
- June 10<sup>th</sup>
- July 1<sup>st</sup>, 15<sup>th</sup> & 29<sup>th</sup>
- August 12<sup>th</sup> & 26<sup>th</sup>
- September 9<sup>th</sup> & 30<sup>th</sup>
- October 14<sup>th</sup> & 28<sup>th</sup>
- November 12<sup>th</sup> & 25<sup>th</sup>
- December 9<sup>th</sup> & 23<sup>rd</sup>

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-10

### Establish Holidays for 2008

**Sponsored By:** Councilmember Zydel, Councilmember Markel

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2008:

Martin Luther King, Jr. Day	January 21, 2008	Monday
President's Day	February 18, 2008	Monday
Good Friday	March 21, 2008	Friday
Memorial Day	May 26, 2008	Monday
Independence Day	July 4, 2008	Friday
Labor Day	September 1, 2008	Monday
Columbus Day	October 13, 2008	Monday
Election Day	November 4, 2008	Tuesday
Veterans Day	November 11, 2008	Tuesday
Thanksgiving Day	November 27, 2008	Thursday
Day After Thanksgiving	November 28, 2008	Friday
Christmas Eve	December 24, 2008	Wednesday
Christmas Day	December 25, 2008	Thursday
New Year's Day	January 1, 2009	Thursday

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-11

### Establish Hourly Rates for Part-Time Employees

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

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 7, 2008:

#### Employee Relations

KEHOE, BARBARA N 10.75 CLERK PART-TIME

#### Assessors

O'NEILL, SUZANNE T 8.50 CLERK PART-TIME

PIJACKI, MARLEEN A 8.00 CLERK PART-TIME

SZYMKOWIAK, BEATRICE 8.00 CLERK PART-TIME

#### Building Maintenance

PFALZER, KAREN A 8.25 CLERK PART-TIME

STRONG, FRANCIS G 8.75 LABORER PART-TIME

LEWANDOWSKI, RONALD J 8.50 LABORER PARTTIME

SZYMKOWIAK, ROBERT 7.50 LABORER PART-TIME

PRELLWITZ, DEREK J 7.50 LABORER PT SEASONAL

#### Central Garage

PAGANO, JOVINA 8.75 CLERK PART-TIME

GAWRON, EDWARD F 7.50 LABORER PART-TIME

#### Facilities

MEYERS, JOAN C 11.50 CLERK PART-TIME

SOMOGYE, THOMAS F 9.75 LABORER PART-TIME

ARNE, RAYMOND F 8.25 LABORER PART-TIME

ELLER, JAMES M 8.25 LABORER PART-TIME

GALLETTA, JOSEPH A 8.25 LABORER PART-TIME

GRIFFIN, RICHARD E 8.25 LABORER PART-TIME

KANTOR, PATRICIA 8.25 LABORER PART-TIME

KRAWCZYK, THOMAS L 8.25 LABORER PART-TIME

KREAVY, PETER M 8.25 LABORER PART-TIME

MAZIARZ, MICHAEL S. 8.25 LABORER PART-TIME

OLEJNICZAK, DANIEL E 8.25 LABORER PART TIME

POCOBELLO, RONALD E 8.25 LABORER PART-TIME

STEVENSON SR., TIMOTHY D 8.25 LABORER PART-TIME

STUCKE SR, MARK P 8.25 LABORER PART-TIME

SZYM CZUK, KAROL J 8.25 LABORER PART-TIME

O'SULLIVAN, ROBERT D 7.75 LABORER PART-TIME

DECECCO, MICHAEL 7.50 LABORER PART-TIME

SCHAEFER, JOHN A 7.50 LABORER PART-TIME

DEFIELDS JR, DAVID J 7.75 LABORER PT SEASONAL

#### Justice Court

FAULKNER, JUDITH A 9.25 CLERK PART-TIME

MAJCHRZAK, THERESA M 9.25 CLERK PART-TIME

DIGIACOMO, MARTHA 8.75 CLERK PART-TIME

ZAJDOWICZ, MARY ANN J 8.75 CLERK PART-TIME

SZCZEPANOWSKI, MARY ANN 8.25 CLERK PART-TIME

GABRYSZAK, SALLY 7.75 CLERK PART-TIME

KUBALA, JENNIFER L 7.75 CLERK PART-TIME

MORATH, MARCIA B 7.75 CLERK PART-TIME

KOZAK, JOHN R	8.50	LABORER PART-TIME
<b>Law</b>		
WILES, PATRICIA A	12.00	CLERK PART-TIME
<b>Police</b>		
KURKOWSKI, RITA	8.25	CLERK PART-TIME
OWENS, AUDREY G	8.25	CLERK PART-TIME
TRAPPER, CYNTHIA L	8.00	CLERK PART-TIME
RUCINSKI, FRANCES	7.75	CLERK PART-TIME
WACIENGA, BARBARA R	7.75	CLERK PART-TIME
ZIELONKA, DENISE	7.75	CLERK PARTTIME
BOJARSKI, JULIE A	7.40	CLERK PART-TIME
BUCZKOWSKI, CHRISTOPHER R	7.40	CLERK PART-TIME
FIAL, CRYSTAL M	7.40	CLERK PART-TIME
JANKOWSKI, MICHAEL A	7.40	CLERK PART-TIME
ROSENBERRY, JOAN V	7.40	CLERK PART-TIME
SUSZEK, CAMILLE M	7.40	CLERK PART-TIME
EDENHOFER, KATHERINE L	7.40	CLERK PT SEASONAL
HEISLER, JACOB R	7.40	STUDENT ASSISTANT
HOCKWATER III, PAUL F	7.40	STUDENT ASSISTANT
KOLBERT, STEPHEN T	7.40	STUDENT ASSISTANT
SMITH, JESSICA L	7.40	STUDENT ASSISTANT
STROUD, MELISSA E	7.40	STUDENT ASSISTANT
STROUD, SAMANTHA L	7.40	STUDENT ASSISTANT
<b>Dog Control</b>		
KANDEFER, AARON D	10.25	ASST DOG CONTROL OFF
MENTH, AMY L	10.25	ASST DOG CONTROL OFF
BURGETT, AMANDA M	10.00	ASST DOG CONTROL OFF
MCCURDY II, DONALD S	10.00	ASST DOG CONTROL OFF
<b>Sign Maintenance</b>		
CLIFFORD, DANIEL K	7.60	LABORER PT SEASONAL
<b>Town Clerk</b>		
GEMBKA, DELPHINE F	8.50	CLERK PART-TIME
KANTOWSKI, ELEANOR A	8.50	CLERK PART-TIME
MILLER, PATRICIA M	8.50	CLERK PART-TIME
PANER, NANCY A	8.50	CLERK PART-TIME
RUDNICKI, ELAINE	8.50	CLERK PART-TIME
SISTI, MARGARET M	8.50	CLERK PART-TIME
ADAMCZAK, VIRGINIA M	8.25	CLERK PART-TIME
ADAMSKI, EVELYN M	8.25	CLERK PART-TIME
CISKAL, TAMMY J	8.25	CLERK PART-TIME
EBERTH, VICKIE L	8.25	CLERK PART-TIME
HANNEL, CHRISTOPHER J	8.25	CLERK PART-TIME
HANNEL, MEGHAN B	8.25	CLERK PART-TIME
MYERS, DENISE M	8.25	CLERK PART-TIME
SWIATEK, KAREN E	8.25	CLERK PART-TIME
WITASZEK-NOWAK, VICTORIA A	8.25	CLERK PART-TIME
<b>Senior Services</b>		
GALLAGHER, DIANE M	8.25	LABORER PART-TIME
KIEDEL, JANINE M	8.25	LABORER PART-TIME
WOJCINSKI, PATRICIA F	10.25	REC ATTENDANT PT
BIALY, GENEVIEVE K	8.25	REC ATTEN PT/SEASONA
FOURNIER, MILDRED	8.25	REC ATTEN PT/SEASONA
KOLB, LINDA	8.25	REC ATTEN PT/SEASONA
KREJCI, ALBERTA C	8.25	REC ATTN PT/SEASONAL
PALISTRANT, ALICE J	8.25	REC ATTEN PT/SEASONA
REGIAN, JUDITH A	8.25	REC ATTENDANT PT
STEPNICK, NANCY A	8.25	REC ATTEN PT/SEASONA
TATKO, SHARON M	8.25	REC ATTEN PT/SEASONA
ZULAWSKI, SHIRLEY A	8.25	REC ATTEN PT/SEASONA

STEIN, PATRICIA A	8.00	RECREATION ATTEN PT
KAWA, KIMBERLY M	13.00	REC INSTRUCTOR-PT(SE
GEARY, DEBRA A	9.25	REC INSTRUCTOR-PT/SE
BENZINGER, ROBERT T	8.50	VAN DRIVER PT
COLLINS, FRANKLIN M	8.50	VAN DRIVER PT
CUMMINGS, ROBERT E	8.50	VAN DRIVER PT
GABRYSZAK, ALEX J	8.50	VAN DRIVER PT
GRANAT, JOSEPH E	8.50	VAN DRIVER PT
HERLAN, ROBERT A	8.50	VAN DRIVER PT
KARASZEWSKI, ROBERT	8.50	VAN DRIVER PT
KWIATKOWSKI, CYNTHIA T	8.50	VAN DRIVER PT
LIEGL, SHAWN P	8.50	VAN DRIVER PT
LUMADUE, JOHN F	8.50	VAN DRIVER PT
MILLER, JOSEPH B	8.50	VAN DRIVER PT
PAPROCKI, RAYMOND H	8.50	VAN DRIVER PT
PRELL, MARY ELLEN	8.50	VAN DRIVER PT
STIEGLER, JOHN D	8.50	VAN DRIVER PT
SZPRYGADA, RICHARD J	8.50	VAN DRIVER PT
<b>Community Development</b>		
SOKOL, ANN M	8.25	CLERK PART-TIME
<b>Sanitation</b>		
RAIMONDO, CAROLYN	8.75	CLERK PART-TIME
KOTRYS, SHARON A	7.75	CLERK PART-TIME
KUBIAK, DEBORAH S	10.25	PEST CONTROL WKR PT
SALA, JAMES G	10.25	PEST CONTROL WKR PT
<b>Sewer</b>		
LATCHFORD, FRANK A	7.75	LABORER PART-TIME
<b>Main Pump</b>		
FALKIEWICZ, FLORENCE	10.75	CLERK PART-TIME
WODOWSKI, JACOB T	8.00	LABORER PT SEASONAL
<b>Highway</b>		
INDELICATO, JOSEPHINE	8.75	CLERK PART-TIME
PAJAK, SUSAN M	8.75	CLERK PART-TIME
BESSING, MATTHEW M	8.50	LABORER PT SEASONAL
DEMYANICK, DERIC M	8.50	LABORER PT SEASONAL
SLOWINSKI, DAVID M	8.50	LABORER PT SEASONAL
<b>Code Enforcement</b>		
PARKS, JANET T	8.00	CLERK PART-TIME
RATCLIFF, TAMMY M	8.00	CLERK PART-TIME
GILL, GERALD J	12.75	HOUSING INSPECT PT
ROKITKA, LAWRENCE E	12.75	HOUSING INSPECT PT

Motion by Supervisor Holtz, second by Councilmember Rogowski to waive the reading of the names on this resolution, and the motion carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Patricia Jaworowicz, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-12

### Designate Depositories for Town Funds

**Sponsored By:** Councilmember Markel, Supervisor Holtz

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2008:

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-13

### Direct Depositories to Accept Supervisor's Facsimile Signature

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

BE IT RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Dick Road Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Buffalo 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 Supervisor, and BE IT FURTHER

RESOLVED, that HSBC Bank (Cheektowaga Office), Bank of America (Dick Road Office), Key Bank (Cheektowaga Office), JP Morgan Chase Bank, N.A. (Buffalo 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 Supervisor, the Town Clerk or other officers of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-14

### Designation of Official Newspaper

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 14. RESOLUTION 2008-15

### Award of Bid: Portable Chemical Toilets

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on January 2, 2008, AND

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

RESOLVED, that the Cheektowaga Town Board hereby award said Bid for the Leasing and Servicing of Portable Chemical Toilets to:

J. B. New York Enterprises, Inc. DBA  
Ball Toilet & Septic Services  
P. O. Box 2072  
Blasdell, NY 14219

Category A	-	Single Units	\$2.28 per day per unit	Items I through XII
Category B	-	Handicapped Units	\$3.10 per day per unit	Item I
Category C	-	Special Events	\$46.00 per day ,	per unit Items I through VIII

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-16

### Award of Bid - Equipment & Operators for Drainage Systems Maintenance and Erosion Control

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, as a result of advertisement, bids were received on December 19, 2007 for the furnishing of equipment and operators for drainage systems maintenance and erosion control projects during the calendar years of 2008 and 2009 in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the contract 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 be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunnville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

		2008 Per 8 hr day	2009 Per 8 hr day
Item I	Tandem	\$650.00	\$696.00
Item II	Rubber Tire Backhoe	650.00	685.00
Item III	Laborer	732.00	765.00
Item IV	Walk Behind Saw	1.00	1.00
Item V	Vermeer Road Saw	2.00	2.00
Item VI	Equipment Truck "A"	1.00	1.00
Item VII	Equipment Truck "B"	1.00	1.00
Item VIII	Shield - 8' X 10'	1.00	1.00
Item IX	Shield - 6' X 16'	1.00	1.00
Item X	Transport Shield	1.00	1.00
Item XI	Roller	1.00	1.00
Item XII	13' Hydraulic Crawler Backhoe	2.00	2.00
Item XIII	19' Hydraulic Crawler Backhoe	940.00	990.00
Item XIV	21' Hydraulic Crawler Backhoe	400.00	425.00
Item XV	24' Hydraulic Crawler Backhoe	795.00	820.00
Item XVI	Dozer D-3	100.00	110.00
Item XVII	Dozer D-4	725.00	765.00
Item XVIII	Dozer D-6	340.00	350.00
Item XIX	Front End Loader	330.00	350.00
Item XX	Landscape Tractor	1.00	1.00

AND, BE IT FURTHER

RESOLVED, that payment for said equipment and operators for drainage systems maintenance and erosion control projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-17

### Award of Bid - Equipment & Operators for the Installation and Repair of Sanitary Sewers

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, as a result of advertisement, bids were received on December 19, 2007 for the furnishing of equipment and operators for the installation and repair of sanitary sewers during the calendar years of 2008 and 2009 in the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment and operators for the installation and repair of sanitary sewers in the Town of Cheektowaga for the years 2008 and 2009 be awarded to Nichols, Long & Moore Construction Corporation, 149 Gunville Road, Lancaster, New York 14086 for submission of the lowest bid meeting the specifications as per the unit prices of:

		2008	2009
		Per 8 hr day	Per 8 hr day
Item I	Single Axle Dump	\$120.00	\$125.00
Item II	Tandem Dump	650.00	696.00
Item III	Rubber Tire Backhoe	675.00	725.00
Item IV	Laborers	732.00	765.00
Item V	Crawler Hydraulic Backhoe	325.00	355.00
Item VI	Front End Loader	132.00	140.00
Item VII	Walk Behind Saw	1.00	1.00
Item VIII	Vermeer Road Saw	1.00	1.00
Item IX	Equipment Truck "A"	1.00	1.00
Item X	Equipment Truck "B"	1.00	1.00
Item XI	Shield 6' X 8'	1.00	1.00
Item XII	Shield 8' X 16'	1.00	1.00
Item XIII	Transport Shield	1.00	1.00
Item XIV	Roller (small)	1.00	1.00
Item XV	Dozer D-3	40.00	45.00
Item XVI	Dozer D-4	50.00	55.00
Item XVII	Dozer D-5	50.00	55.00
Item XVIII	Dozer D-6	60.00	65.00

AND, BE IT FURTHER

RESOLVED, that payment for said equipment and operators for sanitary sewer projects is to be chargeable on an as-needed basis by any Town departments who wish to avail themselves of this service within their appropriated budget items.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



17. RESOLUTION 2008-18

Re-Adopt Investment Policy

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, by resolution dated May 3, 1993, the Cheektowaga Town Board adopted an Investment Policy as the comprehensive investment policy of the Town of Cheektowaga, and

WHEREAS, by subsequent resolutions, the Cheektowaga Town Board adopted amendments to such Investment Policy, and

WHEREAS, periodically, this Town Board must readopt and reaffirm such Investment Policy as the Investment Policy of the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the attached Investment Policy as the comprehensive investment policy of the Town of Cheektowaga, effective immediately.

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TOWN OF CHEEKTOWAGA

INVESTMENT POLICY

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on behalf of the Town of Cheektowaga or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objectives of the Town of Cheektowaga investment activities are to conform with all applicable federal, state, and other legal requirements; to adequately safeguard principal; to provide sufficient liquidity to meet all operating requirements; and to obtain a reasonable rate of return.

III. DELEGATION OF AUTHORITY

The Town Board's responsibility for administration of the investment program is delegated to the Chief Fiscal Officer (Supervisor), and Director of Administration & Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating

description and amount of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

#### IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Cheektowaga to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudent discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

#### V. DIVERSIFICATION

It is the policy of the Town of Cheektowaga to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling if this proves to be advantageous to the Town.

#### VI. INTERNAL CONTROLS

It is the policy of the Town of Cheektowaga for all moneys collected by any officer or employee of the Town of Cheektowaga to transfer those funds to the Supervisor and/or Director of Administration & Finance within 3 days of deposit, or within the time period specified in law, whichever is shorter.

The Supervisor, Director of Administration & Finance, or other officer having custody of money is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with

applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The banks and trust companies authorized for the deposit of monies up to the maximum amount are designated in Appendix A to the policy.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Sec. 10, all deposits of the Town of Cheektowaga, including certificates of deposits, and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of “eligible securities” with an aggregate “market value” as provided by GML Sec. 10, equal to the aggregate amount of deposits from the categories designated in Appendix B to the policy.
2. By an eligible “letter of credit” issued by a qualified bank other than the bank with the deposits in favor of the Town of Cheektowaga for a time not to exceed 90 days with an aggregate value equal to the 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest recognized statistical rating organizations or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the Town of Cheektowaga for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.



IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure the Town of Cheektowaga deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the Town of Cheektowaga to exercise its rights against the pledged securities. In the event that the securities are not registered on inscribed in the manner of the Town of Cheektowaga, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Cheektowaga or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the Town of Cheektowaga, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm to receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Town of Cheektowaga a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Sec. 11, the Town of Cheektowaga authorizes the Chief Fiscal Officer, Director of Administration & Finance, or other officer having custody of money to invest moneys not required for immediate expenditure for terms not to exceed 185 days or its projected cash flow needs in the following types of investments:

- . Special Time Deposit accounts;

- . Certificate of Deposits;
- . Obligations of the United States of America;
  - . Obligations issued pursuant to LFL Sec. 24.00 of 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Town of Cheektowaga;
  - . Obligations of public housing authorities, urban renewal agencies and industrial development agencies where general State statutes governing such entities or whose specific enabling legislation authorizes such investment;
  - . Certificates of Participations (COPS) issued pursuant to GML Sec. 109-b;
  - . Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML Sec(s) 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Cheektowaga within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds, or notes, shall be payable or redeemable at the option of the Town of Cheektowaga within two years of the date of purchase.

#### XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Cheektowaga shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution of dealer. All financial institutions with which the Town of Cheektowaga conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the

Town of Cheektowaga. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Chief Fiscal Officer and/or the

Director of Administration & Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

## XII. PURCHASE OF INVESTMENTS

The Chief Fiscal Officer and/or the Director of Administration & Finance, or other officer having custody of money is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized trading partner pursuant to a contract authorized by the Town Board.

All purchased obligations, unless registered or inscribed in the name of the Town, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Cheektowaga by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Sec. 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Town of Cheektowaga, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall

describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the Town of Cheektowaga a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- . All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- . Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- . Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- . No substitution of securities will be allowed.
- . The custodian shall be a party other than the trading partner.

## Appendix A

BANK	TYPE	ACCOUNT NUMBER	MAXIMUM AMOUNT	TOWN OFFICER
Bank of America	Joint Bail	3251314	200,000	Justice
Bank of America	Parking	8064164	75,000	Justice
Bank of America	Small claims	7302363	25,000	Justice
Bank of America	Town Fees	8064148	200,000	Justice
Bank of America	Town Fees	4834444320	200,000	Justice
Chase	Block Grant	957253141		Dir. Of Admin & Finance
Chase	Consolidated Savings	777134217	3,000,000	Dir. Of Admin & Finance
Chase	Controlled Disbursement account (Zero balance Account)	615775888	-	Dir. Of Admin & Finance
Chase	First Niagara Risk Management	753873827		Dir. Of Admin & Finance
Chase	Investment account	530800853	5,000,000	Dir. Of Admin & Finance
Chase	JAG Grant	530457385		Dir. Of Admin & Finance
Chase	Municipal Clearing Checking	0735589	3,000,000	Dir. Of Admin & Finance
Chase	NYS Home Program	530429969		Dir. Of Admin & Finance
Chase	Payroll Checking	0000903914	\$2,000,000	Dir. Of Admin & Finance
Chase	School Tax	957130376		Town Clerk
Chase	Tax Collection Savings Account	957130422		Town Clerk
Chase	Tax Receiver	957130368		Town Clerk
Chase	Town Clerk	957130384		Town Clerk
Chase	Trust & Agency - Asset Forfeiture	777199955	500,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Checking	777199890	7,000,000	Dir. Of Admin & Finance
Chase	Trust & Agency - DARE	777199963	50,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Library	1456144	800,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Pyramid	777199939	500,000	Dir. Of Admin & Finance
Chase	Trust & Agency - Sewer Drainage	777199971	500,000	Dir. Of Admin & Finance
Chase	W.C.S. Of NY	530457377		Dir. Of Admin & Finance
Citizens	General Fund - Checking	400332-855-7		Dir. Of Admin & Finance
Citizens	Risk Retention Fund - Checking	400407-689-6		Dir. Of Admin & Finance
HSBC	HUD Rehab Loan Program	762-36975-2		Dir. Of Admin & Finance
HSBC	Money Market Account	762-62045-5		Dir. Of Admin & Finance

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HSBC	NYS Affordable Housing	762-36885-3		Dir. Of Admin & Finance
M&T bank	General - Checking	0577346		Dir. Of Admin & Finance
M&T bank	General - Savings	0111037271	6,000,000	Dir. Of Admin & Finance
MBIA-Class	Debt Reserve Fund	NY-01-0273-0001	6,000,000	Dir. Of Admin & Finance
MBIA-Class	General Fund	NY-01-0273-0003	2,000,000	Dir. Of Admin & Finance
MBIA-Class	Risk Retention Fund	NY-01-0273-0002	2,000,000	Dir. Of Admin & Finance
MBIA-Class	Special Districts Fund	NY-01-0273-0004	1,000,000	Dir. Of Admin & Finance
			3,000,000	Dir. Of Admin & Finance

## APPENDIX B

## Schedule of Eligible Securities

- (i) Obligations issued or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, Inter-American Development Bank, the Asian Development Bank and the African Development Bank.
- (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- (iv) Obligations issued or fully guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State of obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

- (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by the bank regulatory agencies.
- (x) Commercial paper and banker's acceptances issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- (xi) Zero coupon obligations of the United States government marketed as "Treasure Strips".

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 18. RESOLUTION 2008-19

### Authorize Tax Receiver/Town Clerk to Invest Property Tax Moneys

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

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 Alice Magierski, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-20

### Retain Firm to Provide Accounting Services

**Sponsored By:** Swiatek, Kaznowski, 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, 2007.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2007.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2007.
- D. Preparation of management letter relating to observations during 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, 2007.
- F. Other Services B 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 Compilation B Assistance and alternatives will be provided to the Supervisor, the Town Board and the Town's Director of Administration and Finance in various phases of the compilation of the 2009 benefit basis and ad valorem budgets. Will assist/advise in the compilation of the Town's 2009 tax rates for submission to Erie County.
- H. Audit of Departments. Audit the cash receipts and cash disbursements of the Tax Receiver, Town Clerk, Town Justices, the Parks, Recreation and Youth Services Department and the Senior Services Department for the year ended December 31, 2007.
- I. Comprehensive Annual Financial Report - Will compile the Comprehensive Annual Financial Report for the year ended December 31, 2007 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 B Will compile the Town's 2009 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 possesses the aforementioned attributes and is 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 2008 (which would entail the audits for the year ended December 31, 2007) for a fee not to exceed \$98,000.00 (which represents approximately a 2% increase from the prior year).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-21

### Retain Grant Consultant

**Sponsored By:** Zydel, Markel, Rogowski

WHEREAS, funding is periodically available from miscellaneous public and private grant sources to assist the Town with various projects, and

WHEREAS, Sue Ann Barnes of Grantmakers Advantage, Inc. has had experience in the past preparing grant applications for the Town to assist the Town with obtaining grants and

WHEREAS, moneys obtained from grants procured outweigh the cost to the Town for such firm's services, and

WHEREAS, this Town Board wishes to continue to retain the services of a grants consultant firm for the 2008 calendar year, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Grantmakers Advantage, Inc for grant services for 2008, and BE IT FURTHER

RESOLVED, that the fee stipulated in such agreement, \$35,000.00, shall be appropriated from budget line item number 0100-1220-4957.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-22

### Approve Agreement with Village of Depew Re: Tax Credit for Police Services

**Sponsored By:** Councilmember Markel, 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, 2008 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 be and hereby is authorized and directed to execute same on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-23

### Debris-Clean-Up / 3501 HARLEM ROAD

**Sponsored By:** Councilmember Swiatek, Councilmember Markel

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-24

### Hire/Terminate Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

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 (Buildings & Grounds Division) Laborer \$7.50/hour effective 1/1/08  
Derek Prellwitz, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.50/hour effective 1/1/08  
David DeFields, 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:

SANITATION DEPARTMENT - Laborer \$8/hour effective 1/07/08  
Patricia Krzemien, Sloan, NY  
Michael McGloin, Sloan, NY  
Christopher Weber, Cheektowaga, NY  
Daniel Piccuilla, Depew, NY  
Matthew Rustowicz, NY

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

SANITATION DEPARTMENT  
Henry Krzemien effective 1/05/08

SENIOR SERVICES  
Ronald Lewandowski effective 12/17/07

Motion by Supervisor Holtz, second by Councilmember Rogowski to waive the reading of the names on this resolution, and the motion carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Patricia Jaworowicz, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



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**24. RESOLUTION 2008-25**

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**Reappoint Town Attorney**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

BE IT RESOLVED, that Kevin G. Schenk of Cheektowaga, New York be and hereby is reappointed as Town Attorney, effective January 1, 2008 to December 31, 2009.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





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**25. RESOLUTION 2008-26**

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**Reappoint Town Engineer**

**Sponsored By:** Councilmember Rogowski, Councilmember Jaworowicz

BE IT RESOLVED, that William R. Pugh, of Cheektowaga, New York be and hereby is reappointed as Town Engineer, effective January 1, 2008 to December 31, 2009.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2008-27

### Reappoint Members to Traffic Safety Commission

**Sponsored By:** Councilmember Zydel, Councilmember Jaworowicz

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Vice Chairman Paul Gasiewicz and members Thaddeus Skowron, Charles Getz and Mark Nacke expired on December 31, 2007, and

WHEREAS, Paul Gasiewicz, Thaddeus Skowron, Charles Getz and Mark Nacke 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 as to the Traffic Safety Commission, effective immediately and terminating on December 31, 2009:

Paul Gasiewicz, Vice Chairman  
Thaddeus Skowron, Member  
Charles Getz, Member  
Mark Nacke, Member

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 27. RESOLUTION 2008-28

### Reappoint Members to Veterans Affairs Committee

**Sponsored By:** Councilmember Zydel, Supervisor Holtz

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, 2007, 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, 2008 and expiring on December 31, 2008:

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  
 Jeff Sundquist, Depew, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 28. RESOLUTION 2008-29

### Appoint Registrar of Vital Statistics

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the term of office of Registrar of Vital Statistics for the Town of Cheektowaga expired on December 31, 2007, and

WHEREAS, pursuant to Section 4121 of the Public Health Law of the State of New York, a Town Clerk is eligible for appointment as a Registrar of her town, and

WHEREAS, the Town Clerk of the Town of Cheektowaga has traditionally acted as the Registrar of Vital Statistics for the Town of Cheektowaga, and all such records are maintained in her office, NOW, THEREFORE, BE IT

RESOLVED, that Town Clerk Alice Magierski be and hereby is appointed as the Registrar of Vital Statistics for the Town of Cheektowaga for a term expiring on December 31, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 29. RESOLUTION 2008-30

### Appoint Marriage Officers

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, Section 11-c of the Domestic Relations Law of the State of New York authorizes town boards to appoint marriage officers who shall have the authority to solemnize marriages, and

WHEREAS, the Cheektowaga Town Board appointed marriage officers pursuant to such law, and

WHEREAS, the terms of such marriage officers expired on December 31, 2007, and this Town Board wishes to continue the availability of the services of marriage officers for the benefit of Town taxpayers, NOW, THEREFORE, BE IT

RESOLVED, that the following named individuals be and hereby are appointed marriage officers authorized to solemnize marriages within the territory of the Town of Cheektowaga:

Alice Magierski  
Vickie L. Dankowski

effective immediately for a term expiring on December 31, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**30. RESOLUTION 2008-31****Appointment of Acting Detectives (Police Officers David M. Mossman and Scott A. Scharlau)**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, two (2) vacancies exist 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 David M. Mossman of Marilla, New York, and Scott A. Scharlau of Cheektowaga, New York, be and hereby are 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 8, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**31. RESOLUTION 2008-32****Appointment of Police Officers (Mecca, Harte, DeVincentis, Fiegl)**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, four (4) vacancies exist in the position of Police Officer in the Town of Cheektowaga; AND

WHEREAS, the civil service list for the title of 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:

- William D. Mecca, Cheektowaga, New York,
- Caleb J. Harte, Cheektowaga, New York,
- Anthony J. DeVincentis, Cheektowaga, New York, and
- Paul C. Fiegl, Cheektowaga, New York; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective January 17, 2008, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 32. RESOLUTION 2008-33

### Travel Authorization Youth & Recreation Services Department (Program Coordinator Jillian Gorman)

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the Association of New York State Youth Bureaus 2008 Youth Leadership Forum is being held from February 11-12, 2008 in Albany, New York; AND

WHEREAS, Program Coordinator Jillian Gorman has requested authorization to attend said forum; AND

WHEREAS, Youth and Recreational Services Department 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 \$400; AND

WHEREAS, these expenses have been budgeted by the Youth and Recreational Services Department; NOW, THEREFORE, BE IT

RESOLVED, that Program Coordinator Jillian Gorman be and hereby is authorized to attend the Association of New York State Youth Bureaus 2008 Youth Leadership Forum being held February 11-12, 2008 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Councilmember Swiatek, second by Supervisor Holtz, to suspend the rules to include the following three (3) items, and the motion carried.
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## 1. RESOLUTION 2008-34

### **Authorize Supervisor to Execute Application Service Provider Agreement with Manning & Napier Information Services, LLC**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the Town Board of the Town of Cheektowaga has selected Manning & Napier Benefits, LLC to act as its insurance broker; AND

WHEREAS, Manning & Napier Benefits, LLC, via Manning & Napier Informational Services, LLC will provide the Town with an online business application known as Beneficiency Online Platform and Modules, Beneficiency Content and the Beneficiency Material ("Service"); AND

WHEREAS, fees for the implementation of this online business application shall be paid by Manning & Napier Benefits, LLC; AND

WHEREAS, the Town Board is in agreement to utilize this online business application; NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the aforementioned Application Service Provider Agreement and any other documents necessary to effectuate the terms of this agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-35

### Weatherization Services Agreement

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga has received funding for the 2007-2008 program year from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, energy conservation and weatherization services for low-moderate income persons is an eligible activity under the Community Development Block Grant Program, and

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assisting in providing energy conservation and weatherization services for low-moderate income Town residents, and

WHEREAS, funding for such services is available in the 2007-2008 Community Development Block Grant program budget, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York for an amount not to exceed \$6,000 to provide energy conservation and weatherization services for income-eligible Town residents for the 2007-2008 Program Year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-36

## Terminate Leases for Copy Machines

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, various departments within the Town of Cheektowaga have entered into leases with various vendors for copy machines in their departments, and

WHEREAS, pursuant to the Town Law of the State of New York, all contracts, including leases, must be approved by a formal resolution of the Town Board and must be signed by the Town Supervisor in the name of the Town before the Town can be bound by a contract, and

WHEREAS, after investigation, the Town Supervisor determined that the Town can save tens of thousands of dollars by purchasing copy machines through the New York State bid contracts, and

WHEREAS, it would be advantageous to the Town to terminate all copy machines leases entered into by various Town departments, and purchase comparable copy machines through New York State bid contracts, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines that all leases for copy machines entered into by department heads in the Town of Cheektowaga be and hereby are terminated, effective January 31, 2008, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to forward letters to all companies leasing copy machines to Town departments notifying them that the leases will be terminated effective January 31, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Building Permits - December 2007
2. Cheektowaga Conservation Advisory Council: Minutes of December 6, 2007 Meeting
3. Earl Loder, Coordinator of Emergency Services: Annual Report for 2007
4. Cheektowaga Planning Board: Minutes of December 13, 2007 Meeting

***B. General Communications***

1. Notice of Claim: Darren A. Powell Vs Town of Cheektowaga
2. Notice of Claim: Liberty Mutual (Fire) Insurance Co. A/S/O Deborah Wyatt
3. Notice of Claim: Craig/Is Ltd. A/S/O John Elbersen
4. Notice of Claim: Robert Bolognese Vs Town of Cheektowaga

**VI. Comments**

***A. Supervisor's Comments***

***B. Councilmember's Comments***

***C. Public Comments***

**VII. Adjourn**

Motion by Councilmember Rogowski, second by Supervisor Holtz to adjourn the meeting at 7:20 PM.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, January 22, 2008

6:45 PM

Council Chambers

## I. Public Hearing at 6:30 PM

1. Public Hearing - 2008 Community Development Block Grant Funds

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## II. Call to Order

6:45 PM Meeting called to order on January 22, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Kevin Schenk, Town Attorney  
William Pugh, Town Engineer  
Thomas Adamczak, Supervising Building and Plumbing Inspector  
Jerry Gabryszak, Director of Community Development  
Brian Hess, Assessor  
Christine Ziemba, Chief of Police  
Andrew Kulyk, Zoning Board Chairman  
Emil Lennert, Planning Board Representative

## III. Public Comment Period

## IV. Resolutions



## 1. RESOLUTION 2008-37

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**GENERAL FUND**

FROM:	100.1110.4321	Data Processing	\$ 1,500.00
TO:	100.1110.4082	Training	\$ 1,500.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-38

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 18, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,479,815.33
RISK RETENTION FUND	81,763.54
DEBT SERVICE FUND	70,957.25
HUD HOUSING REHABILITATION FUND	43,886.19
SPECIAL DISTRICTS FUND	1,092,003.07
HIGHWAY FUND	480,666.53
CAPITAL FUND	25,626.60
TRUST & AGENCY FUND	1,290.71
HUD CDBG FUND	33,362.10
PART TOWN FUND	105,138.21
	<u>\$ 4,414,509.53</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-39

## Amend Resolution Reappointing Traffic Safety Commission Members

**Sponsored By:** Councilmember Zydel, Councilmember Jaworowicz

WHEREAS, by resolution dated January 7, 2008, this Town Board reappointed Paul Gasiewicz, Thaddeus Skowron, Charles Getz and Mark Nacke to the Cheektowaga Traffic Safety Commission, and

WHEREAS, such resolution stated that said appointments terminate on December 31, 2009, but should have stated that they terminate on December 31, 2010, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to provide that said appointments terminate on December 31, 2010.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 4. RESOLUTION 2008-40

### Award of Bid - Youth & Recreation Clothing

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on December 19, 2007 for the furnishing of clothing as a result of advertising thereof, and such bids were referred to the Department of Youth and Recreational Services for analysis, tabulation and report, and

WHEREAS, such analysis, tabulation and report have been complete, 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 2008, 2009, 2010 calendar years:

Pine Ridge Enterprises  
8386 North Main Street  
Eden, NY 14057

Laux Sporting Goods Inc  
25 Pineview Drive  
Amherst, NY 14228

Great Idea Promotions  
9980 Main Street  
Clarence, NY 14031

Jim Ludtka Sporting Goods  
3950 Broadway  
Depew, NY 14043

C\* Shore Design  
37 South Shore Drive  
Alden, NY 14004

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-41

### Close-Out Documents - Cheektowaga Records Center

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the contract for Alterations to the Cheektowaga Records Center, Phase I, Heating, Ventilating and Air Conditioning Work was awarded to MJ Mechanical Services, Inc. by resolution dated December 18, 2006 for the contract amount of \$173,765.00, AND

WHEREAS, Kideney Architects, Project Architect, and the Town Engineer have advised that work under the aforesaid contract has been completed in accordance with the contract requirements and further recommend the approval of Change Order No. 1 (final) which provides for contract modifications as outlined in a letter from Kideney Architects dated December 12, 2007, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute final contract acceptance documents with MJ Mechanical Services, Inc., 2040 Military Road, Tonawanda, New York 14150, including Change Order No. 1 (final) which provides for an increase to the aforesaid contract in the amount of \$1,927.00 which shall be chargeable to Account #500-1685-2520-5622.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-42

Call for Public Hearing - Local Law Intro No. 2008-1 A Local Law to Create a Special Review Zoning District for Drive Through Businesses

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Zoning Law currently permits drive through windows and service at said windows as an accessory use in certain zoning districts within the Town, and

WHEREAS, said Zoning Law lacks specificity as to the location, design standards and stacking of vehicles for such drive through windows, and there is a concern that these types of drive through businesses could result in traffic congestion and backing up onto public highways, especially during peak times, 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 drive through windows for businesses 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, 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 4th day of February, 2008 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. 2008-1 of the Year 2008, entitled "A Local Law creating a Special Review Zoning District for Drive Through Businesses" 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.

\*\*\*\*\*

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 4th day of February, 2008 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2008-1 of the Year 2008, entitled "A Local Law creating a Special Review Zoning District for Drive Through Businesses". A

summary of such Special Review Zoning District Law is as follows:

SPECIAL REVIEW ZONING DISTRICT LAW  
FOR DRIVE THROUGH BUSINESSES

1. For a period of ninety (90) days, the following type of business use is declared to be a Special Review Zoning District:  
  
Any drive through associated with any business (including drive through windows for restaurants/food service establishments, drive through windows for banks or for any other drive through business use), as referenced in the Zoning Law. This Special Review Zoning District shall include all zoning districts within the Town of Cheektowaga and 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, 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: January 22, 2008

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 7. RESOLUTION 2008-43

## Notice to Bidders - Work Uniforms

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, it is in order that bids be advertised to cover the purchase of work uniforms for the year of 2008 for the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms for the Town of Cheektowaga for the year of 2008, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 6th day of February, 2008 at 11:00 a.m., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

\*\*\*\*\*

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on February 6, 2008 at 11:00 a.m., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 2008 calendar year.

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.

Alice Magierski  
Town Clerk

DATED: January 22, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-44

### Authorize Supervisor to Execute Polish Festival Contracts

**Sponsored By:** Supervisor Holtz, 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 30th Annual Polish American Arts Festival, to be held on July 18th, 19th, and 20th, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-45

### Authorize Supervisor to Sign Agreement with Prism Health Networks

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, In October, 2006, the Town and Prism Health Networks entered into a Memorandum of Understanding for the implementation of a health and wellness program known as "WellFlex" for Town employees for the calendar year 2007; AND

WHEREAS, the Town is desirous of continuing to offer the WellFlex Program for the year 2008; AND

WHEREAS, a Memorandum of Agreement has been prepared continuing the terms of the 2006 Memorandum of Understanding for the calendar year 2008; NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is authorized and directed to execute the aforementioned Memorandum of Agreement with Prism Health Networks, subject to approval by the Town Attorney's Office.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 10. RESOLUTION 2008-46

### Authorize Supervisor to Execute Contract for Copiers

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated January 7, 2008, this Town Board terminated all existing leases for copy machines entered into by department heads without Town Board authorization, effective January 31, 2008, and

WHEREAS, Toshiba America Business Solutions, Inc. was awarded a bid through the New York State Office of General Services for various Toshiba copy machines (Contract Award Number PC59471), and

WHEREAS, a local vendor, Eagle Systems, Inc. is a vendor/authorized dealer for Toshiba under said State contract, and

WHEREAS, the Town of Cheektowaga solicited a quotation from Eagle Systems to purchase copy machines for various Town departments through said State contract with payments to be made over three (3) years pursuant to a deferred payment plan at 0% interest, and

WHEREAS, after evaluating the quotation received from Eagle Systems, Inc., it appears that the Town of Cheektowaga would save \$102,000 over a five (5) year period by purchasing copy machines from State bid as stated above, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board agrees to purchase copy machines shown on the attached list through the following contract awarded by the New York State Office of General Services utilizing a local vendor/authorized dealer, Eagle Systems, Inc., 2421 Harlem Road, Cheektowaga, New York 14225,:

Group No. 22424:  
Contract Award Number: PC59471  
Vendor: Toshiba America Business Solutions, Inc.,

at a total cost (over three years) not to exceed \$156,928.00 (includes a 90-day warranty); and BE IT FURTHER

RESOLVED, that the cost per copy for maintenance and supplies, for the first three (3) year Guaranteed Performance Period, will be \$0.00795 for black and white copies and \$0.10 for color copies; said cost per copy for maintenance and supplies to thereafter be increased after the three (3) year Guaranteed Performance Period a maximum of 5% per year for years four (4) and five (5); and BE IT FURTHER

RESOLVED, that the effective date for said purchase shall be February 1, 2008, and BE IT FURTHER

RESOLVED, that moneys for said purchases shall be appropriated from the equipment line items in the respective Town departments' budgets, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a

deferred payment purchase contract and/or financing agreement with Toshiba America Business Solutions, Inc. and/or Eagle Systems, Inc. and/or Baystone Financial, and any other documents necessary to effectuate the purchase of said copy machines, subject to the review and approval of same by the Town Attorney.

\*\*\*\*\*

Department	Machine	Toshiba/NYS Contract Price
Personnel	E352	\$7,261
Town Clerk	E600	\$11,407
Attorney	E352	\$7,261
Assessors	E-3500c	\$10,198
Council	E352	\$7,261
Housing	E-3500c	\$10,198
Building & Plumbing	E-3500c	\$10,198
Sanitation	E352	\$7,261
Police	E-520	
	3500c	
	E-452	
	202L (2)	\$31,830
Engineering	E-3500c	\$10,198
Records	E352	\$7,261
Tax Receiver	E352	\$7,261
Supervisor	E-3500c	\$10,198
Youth & Recreation	E600	\$11,874
Highway	E352	\$7,261
<b>TOTAL</b>		<b>\$156,928</b>

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-47

### Authorize Supervisor to Execute Agreement With Hy-View Fire District No. 8

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, Hy-View Fire District No. 8 has requested permission from the Town of Cheektowaga to purchase fuel (gasoline and diesel) from the Town; and

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

WHEREAS, the Town's fuel pumps located at the Town's Central Garage will be utilized by Hy-View Fire District No. 8 for the purposes of fueling the fire trucks owned by them pursuant to the terms and conditions of said Agreement; NOW THEREFORE, BE IT

RESOLVED, that the Agreement For Purchasing Fuel (Gas & Diesel) between the Town of Cheektowaga and Hy-View Fire District No. 8 is hereby approved, effective as of the 1st day of February 2008; and be it further

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

#### AGREEMENT FOR PURCHASING FUEL (GAS & DIESEL)

**THIS AGREEMENT**, made and entered into as of the 1st day of February 2008 by and between the **Town of Cheektowaga, Erie County, New York**, hereinafter referred to as "Town", a municipal corporation organized and existing under and by virtue of the laws of the State of New York with offices at 3301 Broadway, Cheektowaga, New York, party of the first part; and **Hy-View Fire District No. 8**, hereinafter referred to as "Hy-View", a fire district organized and existing under and by virtue of the laws of the State of New York, with offices at 8 Airport Drive, Depew, New York, 14043, party of the second party.

#### WITNESSETH:

**WHEREAS**, that pursuant to, and in accordance with the provisions of Section 209-s of the General Municipal Law, the above mentioned parties are desirous of entering into an agreement which will allow Hy-View to have access to the Town's fuel pumps for fire equipment owned by Hy-View;

**NOW, THEREFORE**, for consideration hereinafter named, the parties do hereby mutually agree as follows:

1. The Town and Hy-View hereby agree that Hy-View will have access to the fuel (Gas & Diesel) pumps located at the Town's Central Garage. Hy-View will be provided with master keys and assigned to specific vehicle identification numbers by the Town for the purpose of utilizing the Town's fuel pumps. Vehicle descriptions and designation numbers are attached hereto and made a part hereof as Exhibit "A".

2. In exchange for the use of the Town's fuel pumps, Hy-View hereby agrees that it will provide the Town with Six Hundred Dollars (\$600.00), for the purpose of establishing a non-interest bearing escrow account as a condition precedent to utilizing the Town's fuel pumps. The amount in escrow may be changed by the Town at any time that the price of fuel rises to beyond \$2.50 per gallon at the retail pump, and may be re-calculated from time to time by the Town's Accounting Department in light of the usage by in connection with this agreement. The Town shall send a letter thirty (30) days prior to any increase of the escrow amount contained hereunder.

3. The Town's Central Garage shall set a policy for vehicle fueling with Hy-View and shall designate a time or times for the re-fueling of the vehicles covered by this agreement. The scheduling shall be done strictly in compliance and consistent with the Town's Central Garage fuel policy.

4. The Town's Accounting Department will send Hy-View an invoice on a monthly basis for the fuel used the previous month. Hy-View hereby agrees that prompt payment for the fuel will be through the aforementioned escrow account.

5. Each month, payment for fuel usage shall be determined by the Town's Accounting Department. The manner utilized will be a compilation of the records of the Central Garage as to the vehicle designation numbers and the amount of fuel utilized for each vehicle, added together. Payment shall be made at the Town's cost per gallon for the time period, together with a three cent (\$.03) per gallon administrative charge.

6. The administrative charge shall be set by the Town in accordance with its policy of setting administrative fees to its various departments for gasoline usage and administrative expenses of the gasoline pumps. This amount may be changed from time to time, in accordance with the Town's policy for administrative charges to its own departments. Hy-View will be notified of any changes in the administrative policies concerning the administrative fee at the time of any change.

7. Hy-View hereby agrees to replenish any depleted funds in said account, upon the presentation of said invoice, but no later than the 15<sup>th</sup> of the next succeeding month.

8. Any violation of the fuel policy as set forth by the Town's Central Garage, or any violation of any provision of this agreement including the prompt payment of invoices or failure to escrow monies as set forth herein, shall be deemed a breach of this agreement and shall terminate the obligation of the Town to provide future fuel to Hy-View if it is found to be in breach of any provision herein.

9. This Agreement shall become effective, by resolution of the Town Board of the Town of Cheektowaga, on the 1<sup>st</sup> day of February, 2008.

10. This Agreement shall be construed in accordance with the laws of the State of New York, and constitute the complete understanding and agreement of the parties. No modification or amendment of any of the provisions hereof shall be valid unless in writing and signed by all parties hereto.

**IN WITNESS WHEREOF**, the Town of Cheektowaga has caused its corporate seal to be affixed hereto and these presents to be signed by Mary F. Holtz, Supervisor, duly authorized to do so, and Hy-View Fire District No. 8, on the day and year first above written.

**TOWN OF CHEEKTOWAGA  
ERIE COUNTY, NEW YORK**

**HY-VIEW FIRE DISTRICT NO. 8**

By: \_\_\_\_\_  
**MARY F. HOLTZ**  
Supervisor

By: \_\_\_\_\_  
**ALLAN B. BLACHOWSKI**  
Commissioner

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**KEVIN G. SCHENK**  
Town Attorney  
Resolution 1.22.2008

**STATE OF NEW YORK** :  
: **SS:**  
**COUNTY OF ERIE** :

On this \_\_\_\_ day of \_\_\_\_\_, 2008 before me, the undersigned, a notary public in and for the said County of Erie, personally appeared **MARY F. HOLTZ**, Supervisor of the Town of Cheektowaga, Erie County, New York, personally known to me or proven to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

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 NOTARY PUBLIC

**STATE OF NEW YORK** :  
 : **SS:**  
**COUNTY OF ERIE** :

On this \_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, a notary public in and for the said County of Erie, personally appeared **ALLAN B. BLACHOWSKI, Commissioner, Hy-View Fire District No. 9**, personally known to me or proven to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

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 NOTARY PUBLIC

### HY-VIEW FIRE DISTRICT NO. 8

#### EXHIBIT A

YEAR	DESCRIPTION	VIN/ID NUMBER	HFD TRUCK NO	GAS/DIESEL	CAPACITY
1974	Oshkosh/Ladder	7087-7513 8VA275294	Ladder-6	Diesel	43
1990	Pierce Pumper	4P1CT0AF6LA000680	Engine-3	Diesel	65
1998	Chevrolet Rescue1GCHK33J6WF041046		Rescue 7-1	Gas	34
2001	Chevrolet Tahoe	1GNEK13T91R191191	HV 9-2	Gas	26
2003	Pierce Pumper	4P1CT02S03A002789	Engine-1	Diesel	75
2003	Chevrolet Tahoe	1GNEK13V03J285740	HV 9-1	Gas	26
2006	Pierce Pumper	4P1CD01H86A006452	Engine-2	Diesel	75
2008	Chevrolet Tahoe	1GNFK130X8J117216	HV 9	Gas	26

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-48

### Authorize Supervisor to Execute Grant Application

**Sponsored By:** Councilmember Jaworowicz, 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 continue efforts to electronically scan the Town's maps and drawings; 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 and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-49

### Nutrition Contracts for 2008

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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  
Cheektowaga Senior Center, 3349 Broadway

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 2008, 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 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 14. RESOLUTION 2008-50

### Authorize Supervisor to Execute Contract with Erie County for Van Service for Elderly

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-51

### Unsafe-Unsecured / 107 Girard Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 107 Girard Avenue, Cheektowaga, New York SBL# 113.47-5-5 that is a danger to the safety of others, and records kept by the Assessors Office identify Paul Zyblewski & Joann Pellegrini, 107 Girard Avenue, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 107 Girard 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-52

### Tree Nuisance - 79E Windwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 79E Windwood Court, Cheektowaga, New York SBL# 91.14-2-6 that is a danger to the safety of others, and records kept by the Assessors Office identify Donato Ciminelli, 11580 Walden Avenue, Alden, New York 14004, as the owner AND

WHEREAS, an inspection of such premises was conducted at 79E Windwood Court, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



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**17. RESOLUTION 2008-53**

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**Youth & Recreation Upgrade**

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED, that Catherine Tomasik, of Cheektowaga, New York, currently a part-time Recreation Attendant in the Youth and Recreation Department be upgraded to the rate of \$8.55 per hour (7310.1804), effective immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-54

### Hire/Termination Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed 19 hours on a weekly basis, in compliance with 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 \$8/hour effective 1/14/08  
Brandon Ashraf, Cheektowaga, NY

POLICE DEPARTMENT - Clerk \$7.15/hour effective 1/22/08  
Jeffrey M. Filipski, Cheektowaga, NY

BE IT RESOLVED, the following employees' termination information be and hereby is amended as follows:

SANITATION DEPARTMENT  
Michael McGlorir amended to Michael McGloin effective 12/29/07  
Ashraf Brandon amended to Brandon Ashraf effective 12/29/07

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

SENIOR SERVICES  
Robert Karaszewski effective 1/22/08

SANITATION DEPARTMENT  
Gary Kuerzdoerfer effective 1/15/08  
Matthew Rustowicz effective 1/08/08

POLICE DEPARTMENT  
Crystal Fial effective 4/02/06

TOWN CLERK'S OFFICE  
Meghan Hannel effective 1/01/08

JUSTICE COURT  
Sally Gabryszak effective 4/21/07

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the Reading of Names for this Resolution. Motion Carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-55

### Appointment to Veterans Affairs Committee

**Sponsored By:** Councilmember Zydel, Supervisor Holtz

WHEREAS, by resolution dated January 7, 2008, this Town Board appointed members to the Veterans Affairs Committee for 2008, and

WHEREAS, this Board wishes to add another member to the Veterans Affairs Committee, NOW, THEREFORE, BE IT

RESOLVED, that Kelly Robinson of Depew, New York be and hereby is appointed to the Veterans Affairs Committee for a term expiring on December 31, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-56

### Appointment of Program Leader (Youth & Recreational Services) (Provisional) (Timothy M. White)

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, Timothy M. White was appointed by this Town Board to the temporary position of Program Leader (Youth) in the Youth and Recreational Services Department on March 5, 2007; AND

WHEREAS, Jillian L. Gorman, also an employee of the Youth and Recreational Services Department, was appointed to the permanent position of Program Coordinator effective February 6, 2007; AND

WHEREAS, Ms. Gorman has completed her ninety-day (90) probationary period in the position and therefore the nature of her permanent position has changed; AND

WHEREAS, Mr. White's appointment in the position of Program Leader (Youth) in the Youth and Recreational Services Department needs to be revised from temporary to provisional; NOW, THEREFORE, BE IT

RESOLVED, that Timothy M. White of Cheektowaga, New York, be and hereby is appointed provisionally to the position of Program Leader (Youth) in the Youth and Recreational Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 16, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 21. RESOLUTION 2008-57

### Appointment of Senior Maintenance Worker (Facilities Department) (John E. Rogowski)

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Senior Maintenance Worker in the Building Maintenance Division; AND

WHEREAS, the Building Maintenance Division was canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, John E. Rogowski, currently employed as a General Mechanic in the Building Maintenance Division, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that John E. Rogowski of West Seneca, New York, be and hereby is appointed to the position of Senior Maintenance Worker in the Building Maintenance Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective January 23, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-58

### Authorization for Student Trip to Albany

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, authorization has already been approved for Ms. Jillian Gorman to accompany three students to Association of New York State Youth Bureaus 2008 Youth Leadership Forum from February 11-12, 2008 in Albany, New York; AND

WHEREAS the authorization resolution inadvertently left off the three students names; NOW, THEREFORE, BE IT

RESOLVED that the following individuals being members of either the Supervisors Youth Council or Cheektowaga Youth Board, Gregory Tierney, Nicole Scherrer and Tyler Welsh be allowed to go on the trip, the only cost to the Town of Cheektowaga will be for the transportation not to exceed \$195.00 that was accounted for through a previous resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motioned by Supervisor Holtz; Seconded by Councilmember Swiatek to Suspend the Rules to Include the Following Resolution. Motion Carried.
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## 1. RESOLUTION 2008-59

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### Travel Authorization Emergency Services (Michael Mazurowski)

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, an Advanced Planning Workshop is being held from January 29-30, 2008 in Geneva, New York; AND

WHEREAS, Michael Mazurowski, the Assistant Natural Disaster Coordinator, has requested authorization to attend said workshop; AND

WHEREAS, Natural Disaster Coordinator Earl Loder has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, no costs shall be incurred to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Assistant Natural Disaster Coordinator Michael Mazurowski be and hereby is authorized to attend the Advanced Planning Workshop being held from January 29-30, 2008 in Geneva, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VI. Communications**

### ***A. Departmental Communications***

1. Supervisor's Statement of Funds - November 2007
2. Quarterly Report for October to December 2007 - Emergency Services
3. Minutes: Cheektowaga Planning Board - January 10, 2008
4. Minutes: Cheektowaga Conservation Advisory Council - January 3, 2008
5. Minutes: Cheektowaga Traffic Safety Commission - December 18, 2007

### ***B. General Communications***

1. Summons & Complaint: Calvin L. Bradley Vs. Town of Cheektowaga
2. Notice of Claim: Mohamed Khalil Vs. Town of Cheektowaga
3. Notice of Claim: Mary Lou Miller Vs. Town of Cheektowaga
4. Notice of Claim: Rosemary Zanda/Ted's Jumbo Red Hots Inc. Vs. Town of Cheektowaga
5. Petition Regarding Dunkin Donuts on William Street

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Closing**

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the Meeting at 7:15 PM.

ALICE MAGIERSKI, Town Clerk



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, January, 29, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on January 29, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney  
Brian Krause, Director of Finance and Administration  
Brian Hess, Assessor  
Atty. Michael Hughes

## II. Motion

Motion by Councilmember Markel; Seconded by Councilmember Kaznowski to enter into Executive Session at 6:03 pm Motion Carried.

## III. Motion

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to Exit the Executive Session at 6:53 PM Motion Carried.

## IV. Resolutions



## 1. RESOLUTION 2008-60

### Authorize Execution of Memoranda with Town Unions

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the workforce of the Town of Cheektowaga is comprised of several bargaining units, and

WHEREAS, periodically, there are grievances and other actions commenced by such bargaining units or town department heads which need to be resolved in an expedient manner, NOW, THEREFORE, BE IT

RESOLVED, that Mary F. Holtz, Supervisor, and/or Jeff Swiatek, Councilmember/Chairman of the Personnel Committee be and hereby are authorized to execute memoranda of understanding or other agreements with any and all of the collective bargaining units within the Town of Cheektowaga to resolve labor management matters which do not require (a) monetary payments by the Town in excess of that provided by the applicable collective bargaining agreement; or (b) language changes in the collective bargaining agreements, provided that the Town Board shall be provided notice of any such executed memoranda or agreements by the Coordinator of Employee Relations no later than the next regularly-scheduled work session of the Town Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 2. RESOLUTION 2008-61

### Authorize Settlement of Assessment Litigation

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

**WHEREAS**, the following named entities/property owners commenced Article 7 proceedings against the Town for Tax Year 2006/07 and 2007/08, seeking a reduction in the assessment of property owned by them located at the following respective locations in the Town of Cheektowaga:

<u>Property Owner(s)</u>	<u>Property Location</u>
Randall Benderson 1993-1 Trust	2090 George Urban Blvd (S.B.L. #92.18-17-23.21)
Walden Project Associates, LLC	1775 Walden Ave. (S.B.L. #102.04-1-1.1)
W & D Management Associates, LP	2920 Walden Ave. (S.B.L. #103.10-6-49./A)
First Berkshire Business Trust	101 French Rd. (S.B.L. #124.02-2-12.11)
Delta Sonic Car Wash Systems, Inc.	2275-2295 Walden Ave. (S.B.L. #102.16-2-7.11)
2525 Walden Associates	2525 Walden Ave. (S.B.L. #103.13-2-20.1)
NB/DS Associates	70 Benbro Dr. (S.B.L. #103.10-7-13)
Benderson Properties, Inc.	55 & 63 Benbro Dr. (S.B.L. #103.10-7-15.1)

, and

**WHEREAS**, the Town's outside counsel and Town Assessor have reviewed the petitions 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 these matters without further litigation and strongly recommend the proposed compromise for the 2006/07 and 2007/08 Tax Years;

#### ***NOW THEREFORE, BE IT***

**RESOLVED**, that the Town Board approves the above compromise and settlements, and the Town's outside counsel be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceedings in accordance with the above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



### 3. RESOLUTION 2008-62

## Approve Garbage Tax Adjustments for Utility Companies

**Sponsored By:** Zydel, Kaznowski, Holtz, Jaworowicz, Rogowski, Markel

WHEREAS, National Fuel Gas Distribution Corporation and other utility companies which service the Town of Cheektowaga have some of their transmission lines, etc. under, over and through easements in rights of way and other properties within the Town ("mass properties"), and

WHEREAS, presently, these properties are assessed for purposes of paying garbage taxes, and

WHEREAS, recent court decisions in New York State have opined that said utility company mass properties which are not capable of receiving the municipal/garbage service should not be required to pay garbage taxes, and

WHEREAS, National Fuel Gas Distribution Corporation has petitioned this Town Board to remove the garbage tax charges from its mass properties, and

WHEREAS, after reviewing the particular circumstances concerning the utility companies' mass properties in the Town of Cheektowaga, it appears that said mass properties are not capable of receiving garbage services and this should no longer be charged for garbage taxes, NOW, THEREFORE, BE IT

RESOLVED, that, effective beginning with the 2009 Town tax year, the Town Assessor be and hereby is authorized and directed to remove garbage tax charges against mass properties within the Town of Cheektowaga owned by utility companies, and BE IT FUTRHER

RESOLVED, that this resolution is subject to said utility companies executing a release stating that they will not seek garbage tax refunds from prior years for their mass properties.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

## V. Adjournment

Motion by Councilmember Markel; Seconded by Councilmember Zydel to adjourn the Work Session at 7:00 PM. Motion Carried.





# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Thursday, February, 14, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on February 14, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Late	6:07 PM
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney  
Brian Krause, Director of Finance and Administration  
Jerry Gabryszak, Director of Community Development  
Christine Ziemba, Chief of Police  
Tom Adamczak, Supervising Building Inspector

## II. Resolutions

### 1. Motion To: Motion to move into Executive Session at 6:03 PM

#### COMMENTS - Current Meeting:

Resolution Number 2008-99 was acted on during the Executive Session, before Resolution Number 2008-98 which was acted upon after the close of the Executive Session.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-99

### Prefer Charges Against Police Officer and Appoint Hearing Officer

**Sponsored By:** Jaworowicz, Rogowski, Markel, Swiatek, Holtz, Zydel, Kaznowski

WHEREAS, Cheektowaga Chief of Police Christine M. Ziembra has recommended disciplinary charges against a certain Town of Cheektowaga Police Officer (the "Officer"); and

WHEREAS, a Notice of Hearing ("Notice") and accompanying Charges and Specifications ("Charges") have been prepared for service upon the Officer; NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby issues the prepared Notice and prefers the accompanying Charges, for service upon the Officer at the Officer's address indicated therein; and BE IT FURTHER

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 (the "Deputy Town Attorney") is hereby appointed to act as Hearing Officer to hear charges and report and recommend to the Cheektowaga Town Board proposed disciplinary action, upon the Charges preferred against the Officer; and BE IT FURTHER

RESOLVED that upon service of Notice of Hearing and Charges and Specifications, the Officer shall be suspended without pay for a period not exceeding 30 days pending the hearing and determination of charges, pursuant to Civil Service Law § 75(3); and BE IT FURTHER

RESOLVED that the Hearing to be conducted by the Deputy Town Attorney shall be bifurcated into two separate phases; and BE IT FURTHER

RESOLVED that, pursuant to the first phase of the Hearing, the Deputy Town Attorney shall take testimony to determine only whether the Officer is guilty of any of the Charges preferred; and BE IT FURTHER

RESOLVED that, if and only if the Officer is found guilty of one or more of the Charges preferred, the Hearing shall proceed to a second phase, pursuant to which the Deputy Town Attorney shall take testimony to determine a recommended punishment for the Officer.

This resolution was acted upon at 6:48 PM.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

3. Motion To: Motion to move out of Executive Session at 7:01 PM

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
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**MOVER:** Charles Markel, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-98

Call for Public Hearing - 2160 Clinton Street - Rezoning Request R- Residential & C- Retail to RA- Apartment District

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, Silvestri Architects, with the permission of the owner, Our Lady of Czestochowa Church, has made application and requested the rezoning of the former school at 2160 Clinton Street (S.B.L. #123.36-5-10.111) from C-Retail Business District and R-Residence District to RA-Apartment District for the conversion of the former school to a 24-unit apartment building for developmentally disabled/economically disadvantaged individuals, NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on February 25, 2008 at 6:30 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Public Hearing in the Cheektowaga Times on February 14, 2008, and also send, via certified mail, a copy of this Notice of Public Hearing to the Clerks of the City of Buffalo and Town of West Seneca.

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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 said Town of Cheektowaga at 3301 Broadway (corner of Union Road) on the 25th day of February, 2008 at 6:30 P.M. of said day for the purpose of considering the application of:

Silvestri Architects

for the rezoning of 2160 Clinton Street, identified as S.B.L. #123.36-5-10.111 from C-Retail Business District and R-Residence District to RA-Apartment District for the conversion of the former school to an apartment building for developmentally disabled/economically disadvantaged individuals.

All parties in interest and citizens will be given an opportunity to be heard in regards to such application.

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

Dated: February 14, 2008

ALICE MAGIERSKI
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 Number 162, Township 10, Range 7, of the Buffalo Creek Reservation, being further described as follows:

Beginning at the intersection of the north line of Clinton Street (66 feet wide) with the west line of Meadowbrook Parkway (50 feet wide) all as shown on a map recorded in the Erie County Clerk's Office under cover # 901; thence westerly along said north line of Clinton Street, a distance of 70.00 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 50.79 feet to a point; thence westerly parallel with the said north line of Clinton Street, a distance of 11.39 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 182.71 feet to a point; thence westerly parallel with the said north line of Clinton Street, a distance of 46.28 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 72.00 feet to a point; thence easterly parallel with the said north line of Clinton Street, a distance of 127.67 feet to a point in the west line of said Meadowbrook Parkway; thence southerly along the said west line of Meadowbrook Parkway, a distance of 305.5 feet to the point or place of beginning, containing 0.63 acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### ***5. Closing***

Motion by Supervisor Holtz, second by Councilmember Jaworowicz and the motion carried.
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# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, February, 25, 2008

6:45 PM

Council Chambers

## I. Public Hearing at 6:30 PM

1. Public Hearing - 2160 Clinton Street - Rezoning Request R- Residential & C- Retail to RA- Apartment District

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## II. Call to Order

6:45 PM Meeting called to order on February 25, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Bob Latshaw, Sewer Department  
Kerry Switalski, Senior Services Director  
Kenneth Kopacz, Director of Youth & Recreation  
Adam Locher, Assemblyman Dennis Gabryszak's Representative  
John Jaroszewski, General Crew Chief  
Anthony Sisti, Planning Board Chairman  
John Marriott, Planning Board Representative

### III. Public Comment Period

### IV. Public Hearing - 7:00 PM

1. Traffic Law Amendments - South Roycroft Blvd., William Street

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Resolutions



## 1. RESOLUTION 2008-100

### Transfer of Funds - 2007

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

#### 2007

#### GENERAL FUND

FROM:	100.3120.4031	Prisoner Meals	\$ 92.38
	100.3120.4031	Prisoner Meals	400.00
	100.3120.4031	Prisoner Meals	40.46
TO:	100.3120.4073	Police Uniforms	\$ 92.38
	100.3120.4093	Police Training	400.00
	100.3120.4009	SIU Supplies	40.46

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-101

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### Transfer of Funds - 2008

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

2008

**HUD CDBG FUND**

FROM: 700.1003.0604 Rehab Mobile Homes \$ 5,000.00

TO: 700.1003.0606 Disposition \$ 5,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-102

## Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 22, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,774,029.55
RISK RETENTION FUND	85,738.03
DEBT SERVICE FUND	538,100.00
HUD HOUSING REHABILITATION FUND	19,609.50
SPECIAL DISTRICTS FUND	952,524.65
HIGHWAY FUND	656,640.89
CAPITAL FUND	635,957.95
TRUST & AGENCY FUND	6,357,171.64
HUD CDBG FUND	196,475.34
PART TOWN FUND	117,143.89
NYS AFFORDABLE HOUSING FUND	3,914.00
	<u>\$ 12,337,305.44</u>

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-103

### Adoption of Amendments to Vehicle & Traffic Law

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, this Town Board held a public hearing on February 25, 2008 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 235-46, Schedule VII: Stop Intersections,** shall be amended by adding thereto the following:

In accordance with the provisions of § 235-18, the following described intersections and locations are designated stop intersections:

<u>Stop Signs on</u>	<u>Direction Traffic Stops</u>	<u>At Intersection of</u>
South Roycroft Boulevard	Both	Gilmore Road

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

In accordance with the provisions of § 235-39, no person shall park a vehicle between the times specified upon any of the following described streets or parts of streets:

WILLIAM STREET - South side: from the east curblineline of Bright Street to the west curblineline of Helen Street, school days - 7:00 a.m. to 4:00 p.m.

**ARTICLE V, Schedules, Section 235-39, Schedule XVI: No Parking Certain Hours,** shall be amended by adding thereto the following:

WILLIAM STREET - South side: from the east curblineline of Bright Street to a point 150 +/- Feet west of the west curblineline of Helen Street, school days - 7:00 a.m. to 4:00 p.m.

#### Section 2. Time to Take Effect

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

Law of the State of New York.

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

Section 3. Territorial Application

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

Section 4. Publication

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-104

### Award of Bid - Records Grant

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Imaging of Town Board Minutes. Bids were duly received and opened at a public bid opening held on Wednesday, November 14, 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 the Imaging Project be and hereby is awarded to Biel's Information Technology, 1201 Indian Church Rd., West Seneca NY 14224 at a bid cost of \$.03 per image and \$.005 per image to convert documents to PDF format, and BE IT FURTHER

RESOLVED, that any purchasing resulting from the award of this contract will be funded through the State Archives Local Government Records Management Improvement Fund Grant.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-105

### Award of Bid - Work Uniforms

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, bids were received and publicly opened on February 6, 2008 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)	\$13.65
Item 1B	Work Pants (sizes 46-50)	\$15.00
Item 1C	Work Pants (sizes 52-60)	\$15.00
Item 2A	Shirts (long sleeve, sizes up to 17-1/2)	\$12.25
Item 2B	Shirts (long sleeve, sizes 18 and up)	\$14.50
Item 3A	Chambray Shirts (long sleeve, sizes up to 17-1/2)	\$11.10
Item 3B	Chambray Shirts (long sleeve, sizes 18 and up)	\$12.20
Item 4A	Shirts (short sleeve, sizes up to 17-1/2)	\$11.20
Item 4B	Shirts (short sleeve, sizes 18 and up)	\$12.35
Item 5A	Chambray Shirts (short sleeve, sizes up to 17-1/2)	\$ 9.89
Item 5B	Chambray Shirts (short sleeve, sizes 18 and up)	\$10.89
Item 6A	Coveralls (long sleeve, sizes 36-46, short - X long)	\$21.95
Item 6B	Coveralls (long sleeve, sizes 48-50, short - X long)	\$24.15
Item 6C	Coveralls (long sleeve, sizes 52-60, regular - tall)	\$26.35
Item 7A	Denim Jeans (sizes to 42)	\$10.25

Item 7B	Denim Jeans (sizes 44-50)	\$11.25
Item 7C	Denim Jeans (sizes 52-56)	\$11.25
Item 8A	Bib Overalls (sizes to 44)	\$17.25
Item 8B	Bib Overalls (sizes 46-50)	\$19.50
Item 8C	Bib Overalls (sizes 52-60)	\$19.50
Item 9A	Women's Work Pants (sizes 4-20)	\$10.85
Item 9B	Women's Work Pants (sizes 22-28)	\$10.85

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Doritex  
11980 Walden Avenue  
Alden, New York 14004

BID ITEM II

Item 1A	Carhartt Jacket (M-2XL) Regular	\$42.08
Item 1B	Carhartt Jacket (3XL - 4XL) Regular	\$46.33
Item 1C	Carhartt Jacket (M - 2XL) Tall	\$50.50
Item 1D	Carhartt Jacket (3XL - 4XL) Tall	\$46.33
Item 2A	Carhartt Bib Overall (34 - 48)	\$55.83
Item 2B	Carhartt Bib Overall (50)	\$61.42
	Text (Town of Cheektowaga)	\$ 3.00
	Text (Employee First Name)	\$ 1.00

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Pine Ridge Enterprises  
8386 North Main Street  
Eden, New York 14057

BID ITEM III

## Item 1 - Hooded Pullover Sweatshirt

			Regular Colors	Safety Green
Item 1A	1 Dozen	Size S - XL	\$12.75	\$10.75
	2-4 Dozen	Size S - XL	\$12.50	\$10.50
	5-12 Dozen	Size S - XL	\$12.25	\$10.25
Item 1B	1 Dozen	Size XXL	\$14.25	\$12.25
	2-4 Dozen	Size XXL	\$14.00	\$12.00
	5-12 Dozen	Size XXL	\$13.75	\$11.75
Item 1C	1 Dozen	Size XXXL	\$15.25	\$13.25
	2-4 Dozen	Size XXXL	\$15.00	\$13.00
	5-12 Dozen	Size XXXL	\$14.75	\$12.75
Item 1D	1 Dozen	Size XXXXL	\$16.25	\$14.25
	2-4 Dozen	Size XXXXL	\$16.00	\$14.00
	5-12 Dozen	Size XXXXL	\$15.75	\$13.75

## Item 2 - Hooded Zipper Sweatshirt

			Regular Colors
Item 2A	1 Dozen	Size M - XL	\$16.40
	2-4 Dozen	Size M - XL	\$16.15
	5-12 Dozen	Size M - XL	\$15.90
Item 2B	1 Dozen	Size XXL	\$18.40
	2-4 Dozen	Size XXL	\$18.15
	5-12 Dozen	Size XXL	\$17.90
Item 2C	1 Dozen	Size XXXL	\$19.90
	2-4 Dozen	Size XXXL	\$19.65
	5-12 Dozen	Size XXXL	\$19.40

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 7. RESOLUTION 2008-106

### Accept Proposal of Stohl Environmental, LLC to Perform an Asbestos Survey at the Incinerator Building

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, in order to proceed with the proposed future demolition of the former Incinerator Building, it is necessary to perform a pre-demolition asbestos survey and lead paint inspection in accordance with NYS Industrial Code Rule 56 and 56-5-1, 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 and dated February 5, 2008 for professional services pertaining to asbestos and lead paint inspection, sampling, 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 #500-1440-4225-5121 in an amount not to exceed \$2,765.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-107

### Accept Proposal for Emergency Generator Maintenance Agreement

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, a regularly scheduled preventative maintenance program for Town owned emergency generator systems is required to ensure proper operation during an emergency, AND

WHEREAS, the Town Engineering Department has solicited quotations from various vendors to fulfill an annual preventative maintenance program for the 2008 calendar year for all Town owned emergency generator systems, NOW, THEREFORE, BE IT

RESOLVED, that the contract for preventative maintenance be awarded to R.B. U'Ren Equipment, Inc., 1120 Connecting Road, Niagara Falls, New York 14304 for the submission of their proposal in the amount of \$3,647.98, being the lowest proposal submitted, AND, BE IT FURTHER

RESOLVED, that \$1610.66 shall be chargeable to the Sewer Maintenance Department Account #2550-8125-4431 and \$1,731.74 shall be chargeable to the Facilities Department Account #100-1625-4432 and \$305.58 shall be chargeable to the Highway Department Account #100-5132-4432.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-108

### Authorize Supervisor to Execute a Contract with TVGA Consultants for Town Hall Complex Survey

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the firm of Kideney Architects P.C., who prepared the Town Master Facility Study of Town Buildings, has recommended that the Town engage a professional land surveying firm to provide detailed boundary and topographic mapping services for the Town Hall Campus necessary to properly plan and design future site improvements recommended by the study, AND

WHEREAS, Kideney Architects assisted the Town Engineering Department in requesting proposals from six (6) professional land surveyors to provide said services, AND

WHEREAS, the firm of TVGA Consultants submitted the lowest proposal meeting the detailed requirements for said survey work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a contract with TVGA Consultants, 1000 Maple Road, Elma, New York 14059 for the preparation of the Cheektowaga Town Hall Complex Survey in accordance with the specifications set forth in Kideney Architect's Request for Proposals dated January 25, 2008 for a fee not to exceed \$19,500, AND, BE IT FURTHER

RESOLVED, that said professional services shall be chargeable to Account #500-1440-9701-5123.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-109

### Authorize Supervisor to Sign Contracts - Concerts

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that subject to approval by the Town Attorney, Supervisor Mary F. Holtz 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 2008.

FUNDING SOURCE:           0100-7140-4503  
                                      0100-7140-4491  
                                      0100-7620-4491  
                                      0100-7620-4685  
                                      0100-7550-4374

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-110

### Authorize Supervisor to Execute Contract with Murray Roofing Company, Inc. to Replace the Roof at the George Urban Pump Station

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, recent high winds caused severe damage to the roof of the George Urban Pump Station located at 390 George Urban Boulevard, AND

WHEREAS, written proposals were solicited by the Engineering Department to remove the existing damaged roof and replace same with a new mechanically fastened insulated roof membrane, AND

WHEREAS, three (3) contractors submitted competitive bids to the Town Engineer whom, after analysis and tabulation has recommended that the bid for the roof removal and replacement at the George Urban Pump Station be awarded to Murray Roofing Company, Inc., having submitted the lowest of three (3) proposals, NOW, THEREFORE, BE IT

RESOLVED, that the bid for removal and replacement of the roof at the George Urban Pump Station, in accordance with specifications prepared by the Town Engineering Department, be and hereby is awarded to Murray Roofing Company, Inc., 600 Cayuga Creek Road, Cheektowaga, New York 14227 for the total price of \$13,722.00, which includes a 15 year warranty, being the lowest bidder meeting the requirements of the specifications, AND, BE IT FURTHER

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

RESOLVED, that funding for said project shall be chargeable to Account #255-8125-4453.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-111

### Authorize Supervisor to Execute Grant Application For Buckle Up New York Program

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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 \$11,817.60 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-112

### Authorize Supervisor to Execute Grant Application/Polish American Festival

**Sponsored By:** Supervisor Holtz, 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 consultants, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-113

### Authorization to Purchase One Pick-Up Truck From State Bid

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Sign Maintenance Department has requested authorization to purchase one (1) 2008 Ford Super Duty XL-250 Crew Cab 4 X 4 Pick-Up Truck as specified in the New York State OGS Contract No. 20339/PC62886 (P/U), AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 100-3310-2303, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2008 Ford Super Duty XL-250 Crew Cab 4 X 4 Pick-Up Truck in the amount of \$24,419.25 from:

VanBortel Ford  
7325 Route 96  
Victor, NY 14534

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 15. RESOLUTION 2008-114

### Unsafe-Unsecured / 17 Fath Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-115

### Recognizing March 13, 2008 As "World Kidney Day"

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, healthy kidneys are essential to regulate the body by water and other chemicals in your blood, remove fluids, waste, toxins and drugs introduced to the body, release hormones that regulate blood pressure, make red blood cells and promote strong bones, AND,

WHEREAS, more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease AND,

WHEREAS, of the 31,000 New Yorkers afflicted with end-stage renal disease, approximately 40 percent are African American and 16 percent are Hispanic, AND,

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases, AND

WHEREAS, the National Kidney Foundation of WNY has a health screening program to identify people in the early stages of kidney disease, AND,

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation, AND

WHEREAS, early detection including regular reporting of the GFR calculation, currently the best indication of kidney disease staging can help prevent the progression of kidney disease to kidney failure, which requires continual dialysis or kidney transplant to maintain life, AND,

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease, AND,

WHEREAS, most patients who have end-stage renal disease rely primarily on Medicare and Medicaid to cover the costs of their life-sustaining care, which includes dialysis treatment, medications, laboratory testing, and as necessary, transportation services to the dialysis facility, and as a consequence, any changes in Medicare and Medicaid eligibility, significantly put them at risk, NOW THEREFORE,

BE IT RESOLVED that March 13th is recognized as "World Kidney Day" in New York State and the Town of Cheektowaga in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and world.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Mary Holtz, Supervisor  
**SECONDER:**   Patricia Jaworowicz, Councilmember  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-116

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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

--Kevin Finn  
14227  
09/08/06

--Nicole Horton  
14227  
03/11/07

--Kelsey Stempien  
14227  
08/15/07

--Cheryl Stucke  
14225  
10/10/07

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names on Resolution #2008-116 and 2008-120. Motion Carried

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-117

### Appoint/Reappoint Bingo Inspectors and Chairman

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

BE IT RESOLVED, that the following individual be and hereby is appointed a Bingo Inspector, effective February 26, 2008 to December 31, 2008:

Anthony Prep, Depew, New York

and BE IT FURTHER

RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 1, 2008 to December 31, 2008:

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

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is appointed Bingo Inspector Chairman, effective February 26, 2008 to December 31, 2008:

Thaddeus I. Marciniak, Cheektowaga, New York.

<b>RESULT:</b>	<b>ADOPTED [5 TO 2]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>NAYS:</b>	Mary Holtz, Charles Markel



## 19. RESOLUTION 2008-118

### Appointment of Working Crew Chief (Sewer Maintenance) (Raymond Bobeck)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy currently exists in the position of Working Crew Chief in the Sewer Maintenance Department; AND

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

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

RESOLVED, that Raymond Bobeck of Cheektowaga, New York, be and hereby is appointed to the position of Working Crew Chief in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective March 3, 2008 pending the retirement of Working Crew Chief John Lysiak.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-119

### Appointment of Maintenance Worker (Facilities Department - Parks Division) (David Orlikowski)

**Sponsored By:** Swiatek, Holtz, Rogowski

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Parks Division); AND

WHEREAS, the Facilities Department was canvassed internally in accordance with an agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, David Orlikowski, currently employed as General Mechanic in the Facilities Department, bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that David Orlikowski of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Parks Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 26, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-120

### Hire/Termination of Seasonal/Part-Time Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 (Sign Maintenance) Laborer \$7.15/hour effective 2/25/08  
Collin Fritsch, Cheektowaga, NY

BUILDING & PLUMBING DEPARTMENT (Housing) Clerk \$8/hour effective 2/26/08  
Genevieve Fronczak, 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 (Buildings & Grounds Division) Laborer \$7.50/hour  
Joseph Steinbeck, Cheektowaga, NY  
Effective 3/03/08

BE IT RESOLVED, that the following part-time employee's hourly rate be amended as follows:

SENIOR SERVICES Recreation Attendant (Outreach Worker) \$10.50/hour effective 2/26/08  
Patricia Wojcinski, Cheektowaga, NY

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

SENIOR SERVICES  
Robert Cummings  
Effective 1/24/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 22. RESOLUTION 2008-121

### Justice Court Externship Program (Patrick Krey)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the State University of New York at Buffalo Law School Externship Program exists in order for law students to gain practical experience by working with not-for-profit or government office in the Buffalo area; AND

WHEREAS, the students must primarily perform legal work, be supervised by an attorney or person who has professional expertise in the projects the student is handling over a twelve (12) week semester; AND

WHEREAS, Patrick Krey has been accepted in the Spring 2008 Externship Program and been placed with the Cheektowaga Town Court from February 4 through May 1, 2008; NOW, THEREFORE, BE IT

RESOLVED, that State University of New York at Buffalo Law Student Patrick Krey be and hereby is authorized through the University of Buffalo Law School Externship Program to work in the Town Justice Court between the dates of February 4 through May 1, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-122

### Travel Authorization - Police Department (Police Officers Dominic Schwartz and James Patterson)

**Sponsored By:** Swiatek, Holtz, Jaworowicz

WHEREAS, a School Resource Officer Course will be given February 18-22, 2008 at Monroe Community College in Rochester, New York; AND

WHEREAS, Police Officers Dominic Schwartz and James Patterson 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 \$3,310.50; AND

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

RESOLVED, that Police Officers Dominic Schwartz and James Patterson be and hereby are authorized to attend the School Resource Officer Course being held February 18-22, 2008 at Monroe Community College in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### VI. Suspension of Rules

Motioned by Councilmember Swiatek; Seconded by Supervisor Holtz to Suspend the Rules to Include the Following Resolutions. Motion Carried
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## 1. RESOLUTION 2008-123

### Negative SEQR Declaration - Moratorium on Accessory Drive Thru's

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

WHEREAS, this Town Board is concerned that its existing zoning law which regulates commercial land uses does not adequately address design standards for accessory drive thru windows, placing the health safety and general welfare of the residents of the Town of Cheektowaga and the motoring public at risk, AND

WHEREAS, this Town Board desired to enact a moratorium on the approval of any new land use which has accessory drive thru windows in the Town of Cheektowaga, until it has had an opportunity to evaluate proposed changes to its zoning law, AND

WHEREAS, This Town Board held a public hearing on January 24, 2008 to allow all interested parties to be heard on this matter, AND

WHEREAS, This Town Board subsequently enacted the moratorium following the public hearing, 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 accessory drive thru windows did not have a significant affect on the environment, AND BE IT

FURTHER RESOLVED that a State Environmental Quality Review was not necessary prior to the adoption of a moratorium.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-124

### Negative SEQR Declaration - 2160 Clinton Street

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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, P.C. for the rezoning of 0.63 acres from R- Residence and C- Retail to RA- Apartment District for the conversion of an existing parochial school to(24) twenty four apartments for persons with developmental disabilities, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 6, 2008 recommended a determination of non-significance as shown on the attached memorandum dated February 12, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of September 13, 2007 and recommended the approval of the site plan at their meeting of February 14, 2008, AND

WHEREAS, the proposed project involves the construction of a building addition and accessory parking area which will require area variances from the Cheektowaga Zoning Board of Appeals, AND

WHEREAS, Savarino Companies and South East Works, the co-developers of the proposed project have committed to entering into a Payment on Lieu of Taxes P.I.L.O.T., agreement with the Town of Cheektowaga, 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 obtaining the necessary area variances from the Cheektowaga Zoning Board of Appeals.

2. The Town Engineer Approving the drainage and grading plan.
  
3. The Town Law Department approving a P.I.L.O.T agreement.

**ATTACHMENTS:**

Pages from EAC-February 6, 2008 minutes (PDF)

**RESULT:** **TABLED [UNANIMOUS] Next: 3/17/2008 6:45 PM**

**MOVER:** Stanley Kaznowski, Councilmember

**SECONDER:** James Rogowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2008-125

Decision on Rezoning - 2160 Clinton Street

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Silvestri Architects petitioned for a rezoning from R-Residence District and C-Retail Business District to RA-Apartment District for property owned by Our Lady of Czestochowa Church and located at 2160 Clinton Street, Cheektowaga, New York (which property is described in the attached legal description) for the conversion of a former school to a 24-unit apartment building for developmentally disabled/economically disadvantaged individuals, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 25th day of February, 2008 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 Silvestri Architects, Inc. for the rezoning from R-Residence District and C-Retail Business District to RA-Apartment 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.

\*\*\*\*\*

CZESTOCHOWA HOUSING

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 162, Township 10, Range 7, of the Buffalo Creek Reservation, being further described as follows:

Beginning at the intersection of the north line of Clinton Street (66 feet wide) with the west line of Meadowbrook Parkway (50 feet wide) all as shown on a map recorded in the Erie County Clerk's Office under cover # 901; thence westerly along said north line of Clinton Street, a distance of 70.00 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a

distance of 50.79 feet to a point; thence westerly parallel with the said north line of Clinton Street, a distance of 11.39 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 182.71 feet to a point; thence westerly parallel with the said north line of Clinton Street, a distance of 46.28 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 72.00 feet to a point; thence easterly parallel with the said north line of Clinton Street, a distance of 127.67 feet to a point in the west line of said Meadowbrook Parkway; thence southerly along the said west line of Meadowbrook Parkway, a distance of 305.5 feet to the point or place of beginning, containing 0.63 acres more or less.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 3/17/2008 6:45 PM</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-126

### Designation of Records Access Officer

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, by resolution dated April 6, 1981, the Cheektowaga Town Board adopted Rules and Regulations setting forth procedures for the public inspection and copying of records pursuant to the Freedom of Information Law ("FOIL"), and

WHEREAS, pursuant to said resolution, the Town Clerk was appointed Records Access Officer for the Town of Cheektowaga under the FOIL, and

WHEREAS, the Town of Cheektowaga employs an individual known as the "Municipal Records Manager" to manage and store all records for the Town of Cheektowaga; and this individual is also responsible for coordinating all requests for Town records, and

WHEREAS, this Town Board desires to designate the Municipal Records Manager as the Records Access Officer for the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that the Town's Municipal Records Manager, 735 Maryvale Drive, Cheektowaga, New York 14225, be and hereby is designated as a Records Access Officer under FOIL for the Town of Cheektowaga (in addition to the Town Clerk).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 5. RESOLUTION 2008-127

### Memorialize New York State to Enact Legislation Relating to Text Messaging While Driving

**Sponsored By:** Councilmember Markel, Councilmember Zydel

WHEREAS, Section 1225-c of the Vehicle and Traffic Law of the State of New York provides that no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion, and

WHEREAS, there have been instances throughout the State of New York where operators of motor vehicles are text messaging while driving and cause an accident, and

WHEREAS, this Town Board feels that the State Legislature should adopt an amendment to the Vehicle and Traffic Law to prohibit operators of motor vehicles from text messaging while they are driving, and

WHEREAS, bills have been proposed in the State Assembly and Senate to prohibit operators of motor vehicles from using a mobile telephone for writing, sending or reading a text message while such vehicle is in motion, and

WHEREAS, this Board feels that this proposed legislation is desirable to avoid any further accidents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Senate, Assembly and Governor to enact legislation to prohibit text messaging while operating a motor vehicle, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Senator Dale Volker, Senator William Stachowski, Assemblyman Dennis Gabryszak and Governor Eliot Spitzer, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to the Town Clerks of towns in Erie County requesting them to support this resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-128

### Support Project for Facility for Developmentally Impaired

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski, Markel

WHEREAS, Savarino Construction Company, in concert with Southeast Works, have entered into a contract with Our Lady of Czestochowa Church to convert the former Our Lady of Czestochowa School into a 24 unit apartment building for developmentally impaired individuals, on property located at 2160 Clinton Street, Cheektowaga, New York, AND

WHEREAS, said project involves the construction of a building addition and accessory parking, AND

WHEREAS, this project is presently undergoing review from various departments, boards and agencies of the Town, and has been recommended for approval, AND

WHEREAS, this project will utilize an existing building which may otherwise become vacant, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby expresses its support for the project to convert the existing church school into a facility for the developmentally impaired.

This Town Board has Unanimously motioned this resolution and This Town Board has Unanimously seconded this resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VII. Communications**

### ***A. Departmental Communications***

1. Supervisor's Statement of Funds - December 2007
2. Building Permit List - January 2008
3. Minutes: Town Environmental Advisory Committee - December 19, 2007
4. Minutes: Cheektowaga Conservation Advisory Council - January 19, 2008
5. Minutes: Cheektowaga Conservation Advisory Council - February 16, 2008

### ***B. General Communications***

1. Summons & Complaint: Beneficial Homeowner Service Corp. Vs. Thomas Kobos; Julie A. Kobos; Town of Cheektowaga Etal
2. Summons & Complaint: Washington Mutual Bank Vs. Marie Osika, Town of Cheektowaga Etal
3. Notice of Claim: David Balisteri Vs. Town of Cheektowaga
4. Notice of Claim: Roy Oryszak Vs. Town of Cheektowaga

## **VIII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **IX. Adjournment**

Motioned by Councilmember Swiatek; Seconded by Supervisor Holtz to adjourn the Meeting. Time of adjournment 8:55 PM.
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# The Town of Cheektowaga



- Office of Building and Plumbing Inspection:  
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 Mary F. Holtz  
Honorable Town Board Members  
Alice Magierski, Town Clerk  
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak  
Supervising Code Enforcement Officer

DATE: February 12, 2008

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on February 6, 2008 in the Town Hall Council Office Conference Room. All members present.

**ITEM I Burgess Boulevard - Proposed Rezoning from MS to CM for a Hotel**  
**Applicant: Manga LLC**

Sean Hopkins, the attorney for the applicant, was present as well as numerous residents. They presented a new plan showing a six-story, 139 room hotel. The height of the building would be 67 feet at the south end, 69 feet 7 inches which is most of the length of the building. and 76 feet at the north end where the "ski slope" sign is located. The hotel would be 68,756 square feet. It was noted on the south elevation there is glazing running from top to bottom which is to provide natural light for the corridors. It was suggested that this be tinted to reduce light transmission at night so that the neighbors would not be looking at a bright corridor light.

The site plan must be modified to show the landscaping and plantings along the south and east property lines. They've indicated that there would be no acquisition of the railroad right-of-way and therefore no plantings should be placed on the railroad right-of-way. The dumpster will be enclosed and screened with plantings around it, the exact location yet to be determined.

They've indicated that no FAA lighting is required for this height of building and that all on-site lighting will be of the down shining variety and will be shielded so that there will be little intrusion to the residences.

A suggestion was made that trees be planted on a triangular piece of the Maryvale Apartments. This is at the northeast corner of the property. Tom Johnson was in the audience and indicated that this had been promised at one of the meetings with the residents.

**EAC –February 6, 2008**  
**February 12, 2008**  
**Page: 2**

The site would be baited before and during construction since it may be the location of a number of rodent burrows.

This item will remain tabled for our next meeting while a detailed site plan is prepared and submitted with landscaping and showing all easements on the properties.

**ITEM II      3095 Harlem Road      -      Proposed Rezoning from RA to C**  
**For an 18,100 Sq. Ft Addition**

**Applicant:      Atwal Eye Center**

The architect, Anthony Mussachio, was present to present the site plan. The building owner has acquired two-five family apartment buildings within the Cedargrove Heights area and had them demolished. The purpose was to provide off-street parking for an expanded Atwal Eye Center. The applicant is proposing a 2-story, 18,100 square foot addition to the north of the building. The property acquired would be used for parking and for underground detention of storm waters. The architect noted that there is limited curbing within the parking area because of the need for plowing and is also working on the Windwood Court turn which needs modification. Additionally some Town right-of-way must be abandoned by the Town or sold to the Atwal Eye Center as it is located in the middle of the proposed parking lot. The architect also asked clarification on the type of fencing that would be required. He noted that the Maxim Medical Center is proposing to put up an 8 foot vinyl fence and they would like to continue with the same. Conifers would be planted along the interior lot lines and trees within the islands and along Harlem Road.

The existing building would receive decorative treatments to tie in to the new addition as one uniform building.

The committee would recommend that a public hearing be scheduled to get public comment on the project and final EAC comments or recommendations would be made after the public hearing.

This item will remain tabled for the public hearing.

**ITEM III      2160 Clinton Street      -      Proposed Rezoning from C&R to RA**  
**For the Former Our Lady of Czestochowa School**

**Applicant:      Savarino Construction in Partnership with Southeast Works**

This project had been presented to the Town at the end of 2007 as a conversion for apartments for the visual impaired; however, the visual impaired partner has dropped out and Southeast Works is willing to work with Savarino. The project remains the same, there will be 24 apartment units for the developmentally challenged on the site. The existing convent would be demolished and an addition put on for some of the housing units and to provide access with an elevator.

A revised site plan was presented which showed parking moved to the south to provide screening along the north property line with the adjacent neighbor on Meadowbrook. A number of variances will be required for this project primarily dealing with property line location and the distance of the new addition to the street line.

The committee finds this to be an appropriate use for the building and would request that a public hearing be scheduled to solicit public comment. The committee would recommend at this time that a Negative Declaration be provided for the project provided no new issues arise at the public hearing.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Monday, March 3, 2008

6:45 PM

Council Chambers

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## I. Call to Order

6:45 PM Meeting called to order on March 3, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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 Marriott, Planning Board Representative  
Emil Lennert, Planning Board Representative

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2008-129

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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

2007

#### General Fund

From:	100.1410.1902	Overtime Payroll	\$ 987.00
	100.1410.4111	Publishing Notices	613.00
	100.1420.1901	Regular Payroll	7,893.00
	100.1430.1931	Vacation Sellback	527.00
	100.1430.1971	PT Regular	5,378.00
	100.1430.2501	Office Equipment	159.00
	100.1430.4001	Office Supplies	824.00
	100.1430.4011	Printed Forms	85.00
	100.1430.4093	Town Training	1,500.00
	100.1430.4088	Travel & Training	1,588.00
	100.1430.4751	Employee Assistance	3,131.00
	100.1440.1990	Other Pay	1,200.00
	100.1440.4088	Travel & Training	602.00
	100.1010.1990	Other Pay	454.00
	100.1110.1971	PT Regular	12,864.00
	100.1110.2105	Equipment	191.00
	100.1220.1901	Regular Payroll	39,861.00
	100.1220.4088	Travel & Training	56.00
	100.1315.1902	Overtime Payroll	21.00
	100.1355.1971	PT Regular	274.00
	100.1355.1901	Regular Payroll	25,863.00
	100.1355.1902	Overtime Payroll	381.00
	100.1355.1931	Vacation Sellback	3,732.00
	100.7550.2039	Polish Festival Revenue	6,313.00
	100.1670.4002	Print Shop Paper & Supply	175.00
	100.1680.4434	Software Maintenance	7,315.00
	100.1680.1901	Regular Payroll	1,457.00
	100.1680.4001	Office Supplies	112.00
	100.1680.4147	Computer Recycling	1,000.00
	100.1680.4204	Communications	523.00
	100.1680.4431	Hardware Maintenance	1,398.00
	100.1685.1901	Regular Payroll	632.00
	100.1910.4081	Municipal Association Dues	1,055.00
	100.1910.4082	Government Business Travel	1,670.00

	100.1910.4083	Private Vehicle Reimb.	1,018.00
	100.3020.1901	Regular Payroll	21,626.00
	100.3020.1908	Training	1,824.00
	100.3120.1901	Regular Payroll	22,231.00
	100.3310.1901	Regular Payroll	1,042.00
	100.3510.1971	PT Regular	2,223.00
	100.3510.1902	Overtime Payroll	584.00
	100.3610.4001	Office Supplies	1.00
	100.7110.1901	Regular Payroll	42,809.00
	100.7140.4024	Arts & Crafts	1,055.00
	100.7510.4043	Maps Records Supplies	550.00
	100.7510.4052	Printing Historical Materials	1,100.00
	100.7510.4375	Historical Observance	2,142.00
	100.7510.4088	Travel & Training	190.00
	100.7620.1901	Regular Payroll	833.00
	100.9499.1917	Clothing Allowance	125.00
	100.1320.4581	Consulting Fees	20,000.00
	100.1320.4145	Professional Services	12,506.00
	100.7140.1901	Regular Payroll	7,391.00
	100.7140.1902	Overtime Payroll	3,800.00
	100.7140.1990	Other Pay	2,400.00
	100.7140.1971.1613	PT Regular	10,739.00
	100.7140.1971.1630	PT Regular	7,397.00
	100.9010.8141	Employee Hospitalization	62,467.00
	100.1640.1902	Regular Payroll	16,170.00
	100.1640.1971	PT Regular	806.00
	100.1640.2502	Pool Cars	768.00
	100.1640.4001	Office Supplies	875.00
	100.1640.4163	Diesel Purchases	31,615.00
	100.1640.4165	Gasoline Allocated	24,516.00
	100.1640.4167	Diesel Allocated	9,848.00
	100.1640.4441	Equipment Repair Police	328.00
	100.1640.4442	Equipment Repair Sewer	150.00
	100.1640.4443	Equipment Repair Sanitation	111.00
	100.1640.4446	Maint. & Repair	1,728.00
	100.1320.4145	Professional Services	6,554.00
To:	100.1410.1931	Vacation Sellback	\$ 987.00
	100.1410.4001	Office Supplies	613.00
	100.1420.1911	Longevity	130.00
	100.1420.1931	Vacation Sellback	2,632.00
	100.1420.2201	Office Equipment	4,912.00
	100.1420.4001	Office Supplies	219.00
	100.1430.1901	Regular Payroll	13.00
	100.1430.4013	Law Books	806.00
	100.1430.4502	Legal	67,292.00
	100.1430.4754	Drug Testing	516.00
	100.1440.1901	Regular Payroll	30.00
	100.1440.1902	Overtime Payroll	7,737.00



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100.1440.1932	Sick Sellback	1,067.00
100.1010.1901	Regular Payroll	13.00
100.1010.1931	Vacation Sellback	441.00
100.1110.1902	Overtime Payroll	12,844.00
100.1110.1911	Longevity	20.00
100.1110.4013	Law Books	9.00
100.1110.4321	Data Processing	182.00
100.1220.1971	PT Regular	30,528.00
100.1220.4001	Office Supplies	2,235.00
100.1220.4008	Disaster Coordinator	7,154.00
100.1315.1901	Regular Payroll	21.00
100.1355.2005	Office Furniture	274.00
100.1355.4561	Contracted Legal	29,976.00
100.7550.4374	Polish Festival	6,313.00
100.1670.1901	Regular Payroll	5.00
100.1670.1902	Overtime Payroll	169.00
100.1670.1932	Sick Sellback	1.00
100.1680.1902	Overtime Payroll	703.00
100.1680.1914	Shift Differential	765.00
100.1680.1917	Clothing Allowance	1,250.00
100.1680.2202	Network Hardware	565.00
100.1680.4146	Outsourcing Services	2,860.00
100.1680.4206	Internet Services	3,466.00
100.1680.4321	Software Licensing	2,196.00
100.1685.1971	PT Regular	606.00
100.1685.4001	Office Supplies	9.00
100.1685.4051	Records Management	17.00
100.1910.2200	Property Purchases	96.00
100.1910.4706	Real Property Taxes	2,629.00
100.3020.1902	Overtime Payroll	22,169.00
100.3020.1932	Sick Sellback	1,284.00
100.3120.1902	Overtime Payroll	5,392.00
100.3120.1908	Training	883.00
100.3120.1914	Shift Differential	13,012.00
100.3120.1917	Clothing Allowance	500.00
100.3120.1918	Education	1,000.00
100.3120.1936	Holiday Sellback	244.00
100.3120.1990	Other Pay	1,200.00
100.3310.1932	Sick Sell Back	1,042.00
100.3510.1901	Regular Payroll	2,804.00
100.3610.1971	PT Regular	1.00
100.7110.1902	Overtime Payroll	14,222.00
100.7110.1971	PT Regular	28,587.00
100.7140.4999	Credit Card Expense	1,055.00
100.7510.1901	Regular Payroll	5,000.00
100.7620.1914	Shift Differential	125.00
100.7620.1932	Sick Sellback	669.00
100.7620.4028	Ceramics & Crafts	39.00
100.9499.1901	Regular Payroll	22,568.00

100.9499.1902	Overtime Payroll	10,062.00
100.9499.1931	Vacation Sellback	1.00
100.7140.1971.1611	Personnel Playgrounds	4,613.00
100.7140.1971.1614	PT Rec. Attendant	8,247.00
100.7140.1971.1632	PT Regular	4,113.00
100.7140.1971.1636	PT Regular	1,253.00
100.7140.1971.1640	PT Regular	7,419.00
100.7140.1971.1646	PT Regular	6,082.00
100.1625.1901	Regular Payroll	200.00
100.1625.1902	Overtime Payroll	1,732.00
100.1625.1911	Longevity	850.00
100.1625.1932	Sick Sellback	885.00
100.1625.1951	Seasonal Regular	727.00
100.1625.4202	Telephone Town Wide	10,580.00
100.1625.4217	Utilities	16,768.00
100.1640.1901	Regular Payroll	17,831.00
100.1640.1911	Longevity	1,500.00
100.1640.1914	Shift Differential	1,608.00
100.1640.1932	Sick Sellback	4,702.00
100.1640.4021	Maintenance Supplies	3,668.00
100.1640.4161	Gasoline Central Garage	28,296.00
100.1640.4445	Parks Equipment	925.00
100.1640.4447	Collision Repairs	2,781.00
100.1640.4449	Senior Citizens Repair	416.00

Highway Fund

From:	300.5141.1901	Regular Payroll	\$ 75,128.00
	300.5141.1911	Longevity	2,675.00
	300.5141.1914	Shift Differential	8,132.00
	300.5141.1917	Clothing Allowance	620.00
	300.5141.1951	Seasonal Regular	41,871.00
	300.5150.4178	Blacktop	62,094.00
To:	300.5110.4162	Gasoline & Oil	\$ 22,609.00
	300.5110.4911	Emergency Costs	26,115.00
	300.5141.1902	Overtime Payroll	138,735.00
	300.5141.1932	Sick Sellback	1,961.00
	300.5141.1990	Other Pay	1,100.00

Part Town Fund

From:	800.3620.1901	Regular Payroll	\$ 19,376.00
	800.3620.1971	PT Payroll	13,212.00
	800.3620.2770	Permits & Inspections	15,599.00
To:	800.3620.1902	Overtime Payroll	\$ 29,706.00
	800.3620.1931	Vacation Sellback	1.00
	800.3620.1932	Sick Sellback	2,498.00

800.3620.4001	Office Supplies	312.00
800.3620.4191	Miscellaneous Expenses	71.00
800.3620.4411	Refunds of Permits	15,599.00

Risk Retention Fund

From:	101.1710.4101	Insurance Premiums	\$ 18,586.00
To:	101.1710.4525	Claims Administration	\$ 4,234.00
	101.1710.4527	Admin. Claims - Liability	1.00
	101.1710.4528	Loss Control - WC Admin.	791.00
	101.1937.4703	Judgments & Claims	13,560.00

Special Districts Fund

From:	150.1910.5901	Sewer Allocation - Pfohl Bros.	\$ 55,798.00
	150.8160.1901	Regular Payroll	11,387.00
	150.8160.4160	Diesel Fuel	11,570.00
	255.8125.1901	Regular Payroll	5,421.00
	255.8135.1901	Regular Payroll	31.00
	990.5182.4432	Repairs & Maintenance	544.00
	990.5182.4212	Electric	2,811.00
	640.1910.2799	Appropriated Fund Balance	435.30
	400.1910.4589	Federal Emergency Aid	99,182.13
To:	150.8160.1971	PT Regular	\$ 11,387.00
	150.8173.4444	Recycling Contractor	67,368.00
	255.8125.1914	Shift Differential	384.00
	255.8125.2500	Sewer Maintenance	1,217.00
	255.8125.4911	Emergency Costs	968.00
	255.8135.1914	Shift Differential	2,852.00
	255.8135.1932	Sick Sellback	31.00
	990.5182.2100	Equipment	3,355.00
	640.8354.4339	Hydrant Rental	435.30
	400.8140.4911	Emergency Costs	99,182.13

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-130

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RSOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 29, 2008 are hereby approved and made a part hereof;

General Fund	\$524,963.11
Risk Retention Fund	4,730.26
HUD Rehabilitation	14,461.92
Special Districts Fund	131,642.07
Highway Fund	140,119.59
Capital Fund	36,761.00
Trust & Agency Fund	12,224.10
CDBG HUD Fund	9,155.73
Part Town Fund	<u>38,935.89</u>
	\$912,993.67

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-131

## Award of Bid for Rat Control Services

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 in 2008, 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 2008 be awarded to the following companies as follows:

<u>Company</u>	<u>Price for Initial Visit And Follow-Up Visit</u>
824 Ashland Avenue, Inc. d/b/a A P Pest Control	\$70.00
Mosquito Man & More LLC	\$70.00
Ashland Pest Control, Inc.	\$82.00

and BE IT FURTHER

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-132

Call for Public Hearing - Rezoning of SBL Nos. 91.14-1-9 & 91.14-1-11(Windwood Court) RA- Apartment District to C-Retail Business, Atwal Eye Center Expansion

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Anthony V. Mussachio, R.A. for Atwal Eye Center has made application and requested the rezoning of SBL Nos. 91.14-1-9 & 91.14-1-11 along Windwood Court from RA- Apartment District to C- Retail Business for a (2) two story 14,000 sf office building addition to 3095 Harlem Road, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on March 17, 2008 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 March, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Atwal Eye Center

for the rezoning of SBL Nos.91.14-1-9 & 91.14-1-11 from RA- Apartment District to C- Retail Business for a (2) two story 14,000 sf office building addition.

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
Alice Magierski, 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 26 Township 11 Range 7 of the Holland Land Company's survey, being more particularly described as follows:

Beginning at a point in the east line of Harlem Road as a 66 foot wide right of way, at a point being the southwest corner of Sublot 66 of Mapcover 1682 as recorded in the Erie County Clerk's Office; thence N 00-21-17 E along the said east line of Harlem Road, a distance of

134.56 feet to a point in the south Line of Adeline Road, said point being the northwest corner of said Sublot 66 of Mapcover 1682; thence N 89-44-03 E along the south line of said Adeline Road, a distance of 250.25 feet to a point being the northeast corner of Sublot 67 of said Mapcover 1682; thence S 00-17-53 E along the east line of said Sublot 67 of Mapcover 1682, a distance of 134.55 feet to the southeast corner of said Sublot 67 of Mapcover 1682; thence N 89-44-03 E along the south line of said Mapcover 1682, being the north line of lands formerly of the Holiday Drive-In, Inc. as described in a deed recorded in the Erie County Clerk's Office in Liber 7109 of Deeds at Page 383, a distance of 176.89 feet to a point; thence southerly at right angles to the previously described line, a distance of 128.95 feet to a point; thence southwesterly at an angle to the left of 135-00-00 with the previously described line, a distance of 62.00 feet to a point; thence northwesterly at right angles to the previously described line, a distance of 20.00 feet to a point; thence southwesterly at right angles with the previously described line, a distance of 24.00 feet to a point; thence northwesterly at right angles to the previously described line, a distance of 38.00 feet to a point; thence southwesterly at right angles with the previously described line, a distance of 178.52 feet to a point in a line being the easterly extension of the southerly line of lands of 3095 Harlem Road Inc., as described in a deed recorded in the Erie County Clerk's Office in Liber 10929 of Deeds at Page 2998; thence westerly at an angle to the left of 135-00-00 with the previously described line, along the said southerly line of lands of 3095 Harlem Road Inc. and its easterly extension, a distance of 186.59 feet to a point in the east line of a 17 foot wide strip of land reserved for highway widening purposes by the County of Erie in Liber 3164 of Deeds at Page 440; thence northerly along said east line of the 17 foot wide strip of land reserved for highway widening purposes, a distance of 275.00 feet to a point in the north line of said lands of 3095 Harlem Road Inc., also being a point in the south line of said Mapcover 1682; then westerly along the north line of said lands of 3095 Harlem Road Inc., a distance of 17.00 feet to the northwest corner of said lands of 3095 Harlem Road Inc. and the point of beginning, containing 2.93 Acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2008-133

Notice to Bidders: Topsoil for Various Departments

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose to purchase 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 19, 2008, at 11:00AM, in the Council Chambers of the Cheektowaga Town Hall.

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NOTICE TO BIDDERS

TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Clerk on March 19, 2008 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.

\_\_\_\_\_  
ALICE MAGERSKI  
TOWN CLERK  
TOWN OF CHEEKTOWAGA

DATED:

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember



**SECONDER:** Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-134

Notice to Bidders - Athletic White Stripe 2008

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, Facilities Department, Parks Division requires Athletic White Stripe for the purpose of lining athletic fields, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga 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 12th day of March, 2008 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 12, 2008, at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe 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 theTown Board of the Town of Cheektowaga, Erie County, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 7. RESOLUTION 2008-135

## Notice to Bidders -Pool Maintenance Chemicals 2008

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2008, 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 12th day of March, 2008 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 12, 2008, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-136

### Negative SEQR Declaration - 3101 Broadway

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Scheid Architectural for Cameron (formerly Cooper Industries) for the construction of a two building additions totaling 14,000 sf at 3101 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 6, 2008 recommended a determination of non-significance as shown on the attached memorandum dated February 12, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of February 14, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-137

### Approve Funding for Arts Society of Cheektowaga

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2008 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 2007 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

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 2008 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-138

### Designate Emergency Medical Services Board - 2008

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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 2008 for a term of one year:

<u>REPRESENTING</u>	<u>DESIGNATE</u>	<u>ALTERNATE</u>
Chairman	Robert Schmitt	
Bellevue	Dell Reitz	Jamie Casucci
Cleveland Hill	Robert Trautman	Mark Collett
Doyle	Richard Ralecki	None
Forks	Todd Schmigel	EMS Officers
Hy-View	Robert Schmitt	Roman Gawronski
Pine Hill	Brian Kirst	Rob Clerc
Sloan	Debbie Striewing	Kevin Lombardo
Southline	Ed Fialkowski	Kyle Tobolski, Jay Tolsma
U-Crest	Ronald Wanat	Michael Graczyk
Walden	Jack Tower	None
St. Joe's Hospital	Dr. Frank Lee	
Chief of Police	Capt. John Glascott	
Dispatch	Paul Hockwater Jr.	
Town Board	Supervisor Mary Holtz	

#### EX-OFFICIO MEMBERS (non voting)

Rural Metro County EMS	Brian Pfeiffer John Adolph
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APPOINTMENTS ARE FOR A ONE (1) YEAR PERIOD

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-139

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department 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 (Nutrition Site Manager) \$8.50/hour effective 3/3/08  
Wendi Pelkey, Cheektowaga, New York

SENIOR SERVICES Van Driver \$8.50/hour effective 3/3/08  
Thomas E. George, Cheektowaga, New York  
Harry W. Zbytek, Cheektowaga, New York  
Gary R. Kruger, Depew, New York

BE IT RESOLVED, that the following seasonal employee's name was misspelled on the Town Board Resolution appointing him and should be amended as follows:

FACILITIES DEPARTMENT (Buildings & Grounds Division) Laborer \$7.50/hour effective 3/3/08  
Joseph J. Steinbach, Cheektowaga, New York

Motion by Supervisor Holtz, second by Councilmember Rogowski to suspend the reading of the names on this resolution, and the motion carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 12. RESOLUTION 2008-140

### **Amend Appointment of Maintenance Worker (Facilities Department - Building & Grounds Division) David Orlikowski**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, David Orlikowski was appointed to the position of Maintenance Worker in the Facilities Department (Parks Division) at the February 25, 2008 Town Board Meeting; AND

WHEREAS, Mr. Orlikowski should have been appointed to the Facilities Department (Buildings and Grounds Division); AND

WHEREAS, an amendment to the original resolution is necessary to correct this appointment; NOW, THEREFORE, BE IT

RESOLVED, that David Orlikowski of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Buildings and Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 26, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-141

### Travel Authorization Police Department

**Sponsored By:** Jaworowicz, Swiatek, Holtz

WHEREAS, a course entitled "Executive Survival: Policing in the 21<sup>st</sup> Century" is being co-sponsored by Director Edward C. Hempling, the Erie County Law Enforcement Training Academy and the Federal Bureau of Investigation - Law Enforcement Executive Development Association at Erie Community College (North Campus) from April 7-10, 2008; AND

WHEREAS, Police Chief Christine Ziemba, Captain John Glascott, Captain Richard Chamberlin and Lieutenant Scott Prell have requested authorization to attend said course; AND

WHEREAS, Police Chief 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 \$1,925; AND

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

RESOLVED, that Police Chief Christine Ziemba, Captain John Glascott, Captain Richard Chamberlin and Lieutenant Scott Prell be and hereby are authorized to attend the course entitled, "Executive Survival: Policing in the 21<sup>st</sup> Century" being held at Erie Community College (North Campus) from April 7-10, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-142

### Travel Authorization Police Department (T. Gerace)

**Sponsored By:** Jaworowicz, Swiatek, Holtz

WHEREAS, the Federal Bureau of Investigation (FBI) National Academy is being held in Quantico, Virginia from March 31-June 6, 2008; AND

WHEREAS, Police Sergeant Thomas Gerace has requested authorization to attend said academy; 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 \$962; AND

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

RESOLVED, that Police Sergeant Thomas Gerace be and hereby is authorized to attend the FBI National Academy being held in Quantico, Virginia from March 31-June 6, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Councilmember Swiatek, second by Supervisor Holtz to suspend the rules to include the following two (2) items and the motion carried.
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## 1. RESOLUTION 2008-143

### Award of Bid - Work Uniforms

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, bids were received and publicly opened on February 6, 2008 for the furnishing of work uniforms to Town of Cheektowaga employees, AND

WHEREAS, by resolution dated February 25, 2008 work uniform Bid Item No. II was awarded to Dortex which firm has recently notified the Town that it is unable to furnish the work clothing as specified, NOW, THEREFORE, BE IT

RESOLVED, that the award of work uniform Bid Item II to Dortex be and hereby is rescinded, AND BE IT FURTHER

RESOLVED, that the contract for the furnishing of work uniforms under Bid Item II be awarded to:

Dival Safety  
1721 Niagara Street  
Buffalo, New York 14207

Item 1A	Carhartt Jacket	(M-2XL)	Reg	\$52.00
Item 1B	Carhartt Jacket	(3XL-4XL)	Reg	\$57.50
Item 1C	Carhartt Jacket	(M-2XL)	Tall	\$57.50
Item 1D	Carhartt Jacket	(3XL-4XL)	Tall	\$57.50
Item 2A	Carhartt Bib Overall	(34-48)		\$64.50
Item 2B	Carhartt Bib Overall	(50)		\$64.50
	Text (Town of Cheektowaga)			\$ 3.99
	Text (Employee First Name)			\$ 3.99

Said being the lowest bidder meeting the requirements of the specifications.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-144

### Retain Outside Counsel for Labor Matters

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, periodically, the Town of Cheektowaga requires the services of outside legal counsel to assist the Town with labor and employee relations matters, including disputes with the Town's Various Collective Bargaining units and other labor-related matters, and

WHEREAS, moneys have been budgeted by the Town for this purpose, and

WHEREAS, the law firm of Phillips, Lytle LLP has the necessary expertise in the area of labor law to assist the Town, and

WHEREAS, Phillips, Lytle LLP has submitted an engagement letter to the Town to provide these services to the Town, NOW, THEREFORE, BE IT

RESOLVED, that Phillips Lytle LLP, be and hereby is retained as outside counsel to assist the Town of Cheektowaga and the Town's Coordinator of Employee Relations on an as-needed basis with respect to labor matters within the Town as per its engagement agreement, and BE IT FURTHER

RESOLVED, that payments for said outside counsel shall be appropriated from budget line item number 100-1430-4502.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Building Permits - February 2008
2. Cheektowaga Environmental Advisory Committee: Minutes of February 6, 2008

### B. General Communications

1. Notice of Claim: James Corey Vs. Town of Cheektowaga
2. Notice of Claim: Patricia Netzel Vs. Town of Cheektowaga

## **VI. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VII. Closing**

Motion by Supervisor Holtz, second by Councilmember Rogowski to adjourn the meeting at 7:04 PM.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, March 17, 2008

6:45 PM

Council Chambers

### I. Public Hearing at 6:30 PM

1. Rezoning of SBL Nos. 91.14-1-9 & 91.14-1-11 (Windwood Court)

RA- Apartment District to C-Retail Business, Atwal Eye Center Expansion

Decision Reserved.

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### II. Public Comment Period

### III. Call to Order

6:45 PM Meeting called to order on March 17, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Andrew Kulyk, Zoning Board Chairman  
John Marriott, Planning Board Representative  
James Vallone, Town Justice  
Adam Locher, Assemblyman Gabryszak's Office

## IV. From The Table





## 1. RESOLUTION 2008-124

### Negative SEQR Declaration - 2160 Clinton Street

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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, P.C. for the rezoning of 0.63 acres from R- Residence and C- Retail to RA- Apartment District for the conversion of an existing parochial school to(24) twenty four apartments for persons with developmental disabilities, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 6, 2008 recommended a determination of non-significance as shown on the attached memorandum dated February 12, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of September 13, 2007 and recommended the approval of the site plan at their meeting of February 14, 2008, AND

WHEREAS, the proposed project involves the construction of a building addition and accessory parking area which will require area variances from the Cheektowaga Zoning Board of Appeals, AND

WHEREAS, Savarino Companies and South East Works, the co-developers of the proposed project have committed to entering into a Payment on Lieu of Taxes P.I.L.O.T., agreement with the Town of Cheektowaga, 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 obtaining the necessary area variances from the Cheektowaga Zoning Board of Appeals.

- 2. The Town Engineer Approving the drainage and grading plan.
- 3. The Town Law Department approving a P.I.L.O.T agreement.

+++++  
 MOTIONED BY COUNCILMEMBER ROGOWSKI, SECONDED BY COUNCILMEMBER ZYDEL TO AMEND THIS RESOLUTION AS FOLLOWS:

MOTION CARRIED.

+++++

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, P.C. for the rezoning of 0.63 acres from R- Residence and C- Retail to RA- Apartment District for the conversion of an existing parochial school to(24) twenty four apartments for persons with developmental disabilities, **and low income availability**, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on February 6, 2008 recommended a determination of non-significance as shown on the attached memorandum dated February 12, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of September 13, 2007 and recommended the approval of the site plan at their meeting of February 14, 2008, AND

WHEREAS, the proposed project involves the construction of a building addition and accessory parking area which will require area variances from the Cheektowaga Zoning Board of Appeals, AND

WHEREAS, Savarino Companies and South East Works, the co-developers of the proposed project have committed to entering into a Payment on Lieu of Taxes P.I.L.O.T., agreement with the Town of Cheektowaga, 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 obtaining the necessary area variances from the Cheektowaga Zoning Board of Appeals.
2. The Town Engineer Approving the drainage and grading plan.
3. The Town Law Department approving a P.I.L.O.T agreement.

**ATTACHMENTS:**

Pages from EAC-February 6, 2008 minutes (PDF)

**RESULT:** **ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** James Rogowski, Councilmember

**SECONDER:** Richard Zydel, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2008-125

Decision on Rezoning - 2160 Clinton Street

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Silvestri Architects petitioned for a rezoning from R-Residence District and C-Retail Business District to RA-Apartment District for property owned by Our Lady of Czestochowa Church and located at 2160 Clinton Street, Cheektowaga, New York (which property is described in the attached legal description) for the conversion of a former school to a 24-unit apartment building for developmentally disabled/economically disadvantaged individuals, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 25th day of February, 2008 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 Silvestri Architects, Inc. for the rezoning from R-Residence District and C-Retail Business District to RA-Apartment 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.

\*\*\*\*\*

CZESTOCHOWA HOUSING

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 162, Township 10, Range 7, of the Buffalo Creek Reservation, being further described as follows:

Beginning at the intersection of the north line of Clinton Street (66 feet wide) with the west line of Meadowbrook Parkway (50 feet wide) all as shown on a map recorded in the Erie County Clerk's Office under cover # 901; thence westerly along said north line of Clinton Street, a distance of 70.00 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 50.79 feet to a point; thence westerly parallel with the said north line of Clinton Street, a distance of 11.39 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 182.71 feet to a point; thence westerly parallel with the said north line of Clinton Street, a distance of 46.28 feet to a point; thence northerly parallel with said Meadowbrook Parkway, a distance of 72.00 feet to a point; thence easterly parallel with the said north line of Clinton Street, a distance of 127.67 feet to a point in the west line of said Meadowbrook Parkway; thence southerly along the said west line of Meadowbrook Parkway, a

distance of 305.5 feet to the point or place of beginning, containing 0.63 acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Resolutions



## 1. RESOLUTION 2008-146

### Transfer of Funds - 2007

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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

#### 2007

#### General Fund

From:	100.1355.1971	PT Regular	\$ 1,935.00
	100.1625.4432	Repairs & Maintenance	12,174.00
	100.1640.4165	Gasoline Allocated	8,942.00
	100.1640.4447	Collision Repairs	2,834.00
	100.1680.2204	Computer Hardware	109.00
	100.7110.4106	Wildlife Maintenance	12,050.00
	100.7310.4001	Office Supplies	100.00
	100.9010.8143	Reitrees Medical Insurance	18,159.00
	100.1680.2204	Computer Hardware	3,877.00
	100.3020.1908	Training	2,311.23
To:	100.1355.4561	Contracted Legal	1,935.00
	100.1430.4754	Drug Testing	140.00
	100.1625.4217	Utilities	12,174.00
	100.1640.4163	Diesel Purchases	27,685.00
	100.1680.4431	Hardware Maintenance	109.00
	100.7110.4211	Utilities	12,050.00
	100.7310.4683	Publications	100.00
	100.9499.1932	Sick Sellback	806.00
	100.9499.1971	PT Regular	1,304.00
	100.1680.4147	Computer Recycling	205.00
	100.1680.4431	Hardware Maintenance	3,672.00
	100.3020.1990	Other Pay	2,311.23

#### Highway Fund

From:	300.5130.2407	Highway Equipment	\$ 1,143.00
	300.5130.4087	Conference & Seminars	328.00
	300.5110.1701	General Repairs	68,352.03
	300.5130.1701	Highway Machinery	43,511.29
	300.5140.1379	Brush & Weed	906.31
	300.5141.1734	Labor Allocation	195,106.61
	300.5141.1735	Labor Allocation	15,994.71
	300.5148.1701	Other Governments	19,409.85
	300.5150.1701	Highway Improvements	66,874.70
To:	300.5130.4462	Parts & Supplies	\$ 1,471.00
	300.5141.1731	Labor Allocation	68,352.03
	300.5141.1733	Labor Allocation	43,511.29
	300.5140.1701	Brush & Weed	196,012.92
	300.5142.1701	Snow Removal	15,994.71

	300.5141.1736	Labor Allocation	19,409.85
	300.5141.1737	Labor Allocation	66,874.70
<u>HUD Affordable Housing Fund</u>			
From:	900.1910.2799	Appropriated Fund Balance	\$ 185.82
To:	900.8668.4004	NYS AHC Expense	\$ 152.30
	900.8668.4005	NYS AHC Expense	33.52
<u>HUD CDBG Fund</u>			
From:	700.1005.0706	Housing Counseling	\$ 900.00
	700.1005.0684	Fair Housing	548.00
To:	700.1005.0795	Senior Services Outreach	\$ 1,448.00
<u>Part Town Fund</u>			
From:	800.3620.4001	Office Supplies	\$ 50.00
	800.3620.1971	PT Regular	2,729.00
	800.9010.8141	Medical Insurance	160.00
To:	800.3620.4411	Refunds of Permits	\$ 50.00
	800.9010.8121	Social Security Employees	2,729.00
	800.9010.8151	Group Life Insurance	160.00
<u>Risk Retention Fund</u>			
From:	101.1932.4703	General Liabilities Expense	\$480,059.21
	101.1936.4703	Catastrophe Contingency	160,000.00
	101.1910.2401	Interest Earnings	115,000.85
	101.1931.4703	Unemployment Expense	15,249.94
To:	101.1930.4703	Workers' Comp Expense	\$770,310.00
<u>Special Districts Fund</u>			
From:	630.1910.2788	Appropriated Fund Balance	\$ 253.79
To:	630.8353.4339	Hydrant Rental	\$ 253.79

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-147

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 14, 2008 are hereby approved and made a part hereof;

General Fund	\$271,488.66
Risk Retention Fund	63,944.82
Debt Service Fund	1,637.00
HUD Rehabilitation Fund	4,350.00
Special Districts Fund	440,921.30
Highway Fund	50,554.62
Capital Fund	18,125.42
Trust & Agency Fund	6,753.42
Part Town Fund	471.00
	<hr/>
	\$858,246.24

**RESULT:**       **ADOPTED [UNANIMOUS]**

**MOVER:**       Mary Holtz, Supervisor

**SECONDER:**   Jeff Swiatek, Councilmember

**AYES:**       Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





### 3. RESOLUTION 2008-148

## Award of Bid - Pool Maintenance Chemicals 2008

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on March 12, 2008 at a meeting held for said purpose, AND

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

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

Bison Laboratories  
100 Leslie Street  
Buffalo, New York 14211

Category I	-	Bromine	-	\$2.40 per lb.
Category II	-	Diatomaceous Earth	-	\$ .33 per lb.
		Sodium Bicarbonate	-	\$ .24 per lb.
		Soda Ash	-	\$ .27 per lb.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-149

### Award of Bid - Athletic White Stripe 2008

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, bids for Athletic White Stripe were received on March 12, 2008 at a meeting held for said purpose, AND

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

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

Allied Building Products  
3401 Genesee Street  
Cheektowaga, New York 14225

Athletic White Stripe at \$.095

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2008-150

Notice to Bidders - Tree Planting 2008

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose of purchasing new trees for the Town's tree planting in the spring of 2008.

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 hereby designated as the Office to open bids on the aforesaid items at a public bid opening to be held on Wednesday, April 2, 2008, at 11:00 AM, 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 Clerk on April 2, 2008, 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 purchasing new trees for the Town's tree planting in the spring of 2008.

Specifications may be picked up at the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, 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.

\_\_\_\_\_  
Alice Magierski  
TOWN CLERK  
TOWN OF CHEEKTOWAGA

DATED: March 18, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-151

Notice to Bidders - 2008 Ford F-550 Low Boy Dump Truck/Plow

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga desires to purchase one (1) new and unused 2008 Ford F-550, 4 X 4 Low Boy Dump Truck/Plow, 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, 4 X 4 Low Boy Dump Truck/Plow, 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 2nd day of April, 2008 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 April 2, 2008 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, 4 X 4 Low Boy Dump Truck/Plow, 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.

Alice Magierski

Town Clerk

DATED: March 17, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-152

### Negative SEQR Declaration - 1747 Dale Road Niagara Transformer Corp.

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 LBM Construction Inc. for the construction of a 36,000 s.f. manufacturing building at 1747 Dale Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on March 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 March 13, 2008, 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. Revising the location of the proposed public walk consistent with the town's development review guidelines and making such pedestrian route separate from motor vehicle interference.
3. The applicant, at the time of building permit submittal, providing an action plan to the Building Department describing what protocols will be taken if hazardous materials are encountered during site excavations.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-153

### **Negative SEQR Declaration - Aloft Hotel - Burgess Boulevard**

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, and the State Environmental Quality Review Act ("SEQRA") 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 and SEQRA is designated the Lead Agency in most instances as a result of its jurisdiction over discretionary land use decisions, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Environmental 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, after several revisions by the applicant that have been made for the purpose of incorporating input from the EAC, the Planning Board, the Town Board and residents for the purpose of reducing identified potential adverse environmental impacts associated with the eight story hotel as originally proposed, the proposed hotel has been reduced to 6 stories in height, with an average height of 67'-8", AND

WHEREAS, the Environmental Advisory Committee at its meeting held on March 12, 2008 has recommended a determination of non-significance based on the project changes made by the applicant, and summarized in the attached correspondence from the applicant's counsel dated March 11, 2008, AND

WHEREAS, the applicant has met on several occasions with residents neighboring the project to try to address their concerns and as agreed to maintain open lines of communication with the residents during the construction phase to address any potential nuisances as shown on the attached correspondence dated to Thomas M. Johnson, Jr. dated March 11, 2008, AND

WHEREAS, to address future concerns of the neighboring residents the applicant has agreed to record a Declaration of Restrictions, which will limit the height of the hotel in the future for the current owner and all successors, AND

WHEREAS, the Cheektowaga Planning Board has recommended the rezoning request at its meeting of September 13, 2007 and has recommended the approval of the revised site plan and architectural character at its meeting of March 13, 2008, AND

WHEREAS, the Cheektowaga Zoning Board of Appeals has an area variance pending for relief from the supplemental height regulations, as well as building and parking setbacks, 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 issues a negative declaration for purposes of SEQRA, pursuant to section 617.7(c) of the SEQRA regulations after taking the required hard look at the identified potential adverse environmental impacts and based on the rationale supported in the attached determination of environmental significance, and BE IT FURTHER

RESOLVED, that this Town Board approves the attached site plan subject to:

1. The Town Engineer reviews and approves the civil engineering plans for the drainage infrastructure and the Town infrastructure.
2. The Town Attorney reviews and approves the draft Declaration of Restrictions for limiting the hotel height.
3. The Cheektowaga Zoning Board of Appeals grants the necessary area variances.
4. The applicant providing the off site vegetative screens/visual screens committed to in the afore mentioned correspondence.
5. The applicant provide the necessary easement documents to the Law Dept. and the Engineering Department for review and approval.

**ATTACHMENTS:**

Aloft Plans 2\_11\_08 (PDF)

Aloft Summary of Issues 03-11-08 (PDF)

Burgess Blvd\_Aloft Neg Dec form (PDF)

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Stanley Kaznowski, Councilmember

**SECONDER:** Charles Markel, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 9. RESOLUTION 2008-154

### Approval of Rezoning of Property on Burgess Boulevard

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Manga, LLC petitioned for a rezoning from MS-Motor Services District to CM-General Commercial District for vacant property owned by Dynamic Hotel Development, Inc./Dynamic Operations, Inc. and located along the east side of Burgess Boulevard, Cheektowaga, New York (S.B.L. Nos. 92.03-1-16.111 and 92.03-1-19.12), which property is described in the attached legal description, for the construction of an eight (8) story (97 foot high), 147 room hotel, and

WHEREAS, after extensive review and negotiations by the Town, the Developer has revised its plans for this project to show a six (6) story hotel with a maximum height of 69 feet on the southern and eastern sides), and

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of November, 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 Manga, LLC. for the rezoning from MS-Motor Services District to CM-General Commercial District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. Developer/purchaser execute and file in the Erie County Clerk's Office a Declaration of Restrictions stating that no building/structure in excess of 69 feet in height (exclusive of signs and architectural features not intended for human habitation) shall be erected on the property;
2. Applicant obtain landscape plan approval from the Planning Board;
3. Applicant obtain approvals from the Town Engineer and this Board relating to the relocation of an existing town sanitary sewer line on the property; obtain the necessary partial release of this easement from the town, and grant the Town of Cheektowaga an new easement over the area where the sanitary sewer line is to be relocated;
4. The Zoning Board of Appeals granting the necessary variances required for the project.

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

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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-155

### Special Event - Run for the Rosa's 5K Race

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 Paul and Elaine Rosa Foundation has made application to hold its Run for the Rosa's 5K Race on Sunday, June 8th, beginning at 9:00 A.M. for approximately three hours along the following route: Start/Finish in front of Masonic Hall at 2379 Union Road, travel down Union Road to Groell Avenue, to Losson Road, to Hillpine Road, back down Hillpine Road to Losson Road, to Groell Avenue, to Union 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 the Paul and Elaine Rosa Foundation for the said Run for the Rosa's 5K Race on Sunday, June 8th, beginning at 9:00 A.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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-156

### Special Event - Infant of Prague Church 5K Race

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 Saturday, April 12th, beginning at 11:00 A.M. for approximately thirty 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 Saturday, April 12th, beginning at 11:00 A.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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-157

### Agreement with Paws for Health

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, "Paws For Health," a therapy pet visitation program, is willing to visit the Cheektowaga Senior Center on a monthly basis at no cost to the Town of Cheektowaga, AND

WHEREAS, all therapy pets are certified by the Delta Society Therapy Pets International (or other certified agency), meaning the animals have gone through rigorous training and testing, and are friendly animals that enjoy being with people, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 13. RESOLUTION 2008-158

## Approve Ageements with Cultural Groups - Cheektowaga Garden Club, Cheektowaga Historical Association, Cheektowaga Community Symphony Orchestra, Cheektowaga Patriotic Commission, Inc.

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2008 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 2007 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>
Cheektowaga Garden Club	\$500.00
Cheektowaga Historical Association	\$1,350.00
Cheektowaga Community Symphony Orchestra	\$15,000.00
Cheektowaga Patriotic Commission, Inc.	\$16,500.00

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 2008 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-159

### Authorize Supervisor to Execute Grant Application For Police Department "STEP" Campaign

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the New York State Department of Motor Vehicles Governor's Traffic Safety Committee, has made National Highway Safety Administration funds available through the County of Erie for the 2008-2009 year to fund a Selective Traffic Enforcement Program ("STEP") grant to aid aggressive driving enforcement; and

WHEREAS, the Town of Cheektowaga Police Department has applied for such funding in the sum of \$11,817.60 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-160

### Application for Housing Rehabilitation Grant Funds From NYS Affordable Housing Corporation

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

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

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

RESOLVED, that the Supervisor be and hereby is authorized to sign said application, and any related documents, and submit same to the New York State Affordable Housing Corporation for a grant of up to \$500,000 for "home improvements" for low-to-moderate income Town homeowners under the Affordable Home Ownership Development Program, as authorized by Section 1113(1) of the Private Housing Finance Law, and Be It

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 16. RESOLUTION 2008-161

### Authorize Supervisor to Execute Agreement with USDA for Geese Control

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

**WHEREAS**, the Town of Cheektowaga is experiencing a problem with Canadian Geese in Stiglmeier Park and other areas in the Town, and

**WHEREAS**, the U.S. Department of Agriculture, Wildlife Services Division ("USDA"), administers a Canada Goose Management Program in certain areas of the United States; in the State of New York, the USDA works in coordination with the New York State Department of Environmental Conservation, and

**WHEREAS**, prior to implementation of this program, the USDA, pursuant to the National Environmental Policy Act ("NEPA"), prepared an environmental assessment and issued a Decision of Finding of No Significant Impact, and

**WHEREAS**, the Town of Cheektowaga Facilities Department submitted an application for funding and authorization of a Canada Goose Management Program administered by the USDA of lands owned and/or controlled by the Town of Cheektowaga, and on private lands with landowner permission for 2008, and

**WHEREAS**, the Town Environmental Advisory Committee previously reviewed this application and its impact on the Town and recommended that a determination of non-significance be issued for this program, and this Town Board rendered a Determination of Non Significance for same, and

**WHEREAS**, the USDA requires that anyone wishing to have the USDA implement this program on their behalf execute an agreement with the USDA and commit to remit payment to the USDA for this program, and

**WHEREAS**, the program proposed for the Town of Cheektowaga could cost as much as \$5,300.00, and

**WHEREAS**, this Board wishes to proceed with utilizing the services of the USDA to operate the Canada Goose Management Program for the Town of Cheektowaga in 2008, **NOW, THEREFORE, BE IT**

**RESOLVED**, that, subject to review and approval by the Town Attorney's Office, the Supervisor be and hereby is authorized and directed to execute an agreement with the USDA and all other documents necessary to authorize the USDA to administer its Canada Goose Management Program for the Town of Cheektowaga, and **BE IT FURTHER**

**RESOLVED**, that moneys not to exceed \$5,300.00 for this program, shall be appropriated from budget line item number 100-7110-4106.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember

**SECONDER:** Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-162

### Authorize Supervisor to Execute Agreement with the Center for Municipal Solutions

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has received applications in the past, and expects to continue to receive applications in the future, for the installation of telecommunications towers and poles in the Town, and

WHEREAS, oftentimes, these towers/poles are unattractive and pose problems with respect to their height and location, and

WHEREAS, the Town of Cheektowaga currently has, as part of our Zoning Law, provisions which regulate these telecommunications towers/poles, and

WHEREAS, these regulations need to be updated, and

WHEREAS, Richard Comi and The Center for Municipal Solutions have vast experience and knowledge concerning the federal and state regulations relating to telecommunications towers/poles, and have offered to assist the Town of Cheektowaga with re-writing our communications facilities regulations, and with reviewing applications for telecommunications towers/poles within the Town of Cheektowaga, and

WHEREAS, a proposed agreement has been submitted to the Town by The Center for Municipal Solutions wherein it would perform the following services to the Town:

1. Assist the Town with re-writing our communications facilities regulations at no cost to the Town;
2. Over a two (2) year period, assist the Town with reviewing applications submitted by telecommunications companies to locate towers/poles within the Town - hourly fee to be charged to the Town, which fee can be charged back by the Town to the telecommunications companies;
3. At the option of the Town, assist the Town with negotiating contracts with telecommunication companies which wish to locate their towers/poles on Town property - hourly fee to be charged to the Town, which fee could be charged back by the Town to the telecommunications company.

, and

WHEREAS, it would be advantageous to the Town to enter into this agreement as expeditiously as possible, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this agreement on behalf of the Town, after review and approval of same by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-163

### Approve Use of Private Property by Police for Practice Maneuvers

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Police Department occasionally performs training exercises at various privately-owned buildings and properties in the Town of Cheektowaga, and

WHEREAS, owners of these buildings, prior to granting permission to the Police Department to utilize these buildings, request indemnification agreements to be executed by the Town to protect them, and

WHEREAS, this Board feels it is important for the public safety for the Police Department to be able to conduct their training exercises on these properties, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the use by the Police Department of privately-owned buildings and properties on an as-needed basis, subject to the following:

- The Chief of Police or her designee shall approve the need for said use
- The Chief of Police or her designee shall notify the Chairperson of the Police Committee and the Town Attorney of the necessity of the use of this building/property prior to the date of use

,and BE IT FURTHER

RESOLVED, that the Supervisor, subject to the review and approval of the Town Attorney, be and hereby is authorized and directed to execute an agreement of indemnification with the property owner for the use of such property/building by the Police Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-164

### Tobacco Point of Purchase Advertising

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, smoking is the number one cause of preventable death in the United States; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, in 2003 tobacco companies spent \$15.1 billion to market cigarettes in the United States, including \$516 million in New York; and

WHEREAS, children are more likely than adults to notice and remember tobacco advertising; and

WHEREAS, children who report seeing cigarette advertising in stores are 33% more likely to have experimented with smoking; and

WHEREAS, three out of four teenagers are reported to shop at convenience stores at least once a week, and are therefore exposed at high rates and with great frequency to tobacco marketing; and

WHEREAS, an estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, retail stores are an integral part of our community; NOW THEREFORE BE IT

RESOLVED, that the Cheektowaga Town Board hereby supports the efforts of the Western New York Tobacco Free Programs and Erie County Reality Check to help protect the children of our town by reducing tobacco advertising.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-165

### Support of New York State Property Taxpayers Protection Act

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the tremendously high property tax burden on New York families and businesses is the number one issue facing our community today, and the sheer cost of living in New York has forced many residents and businesses to leave, thus slowing the economic engine of the State; AND

WHEREAS, young people are finding it difficult to purchase homes, seniors are struggling to maintain their homes, and businesses are facing immense challenges to create and retain jobs, AND

WHEREAS, New Yorkers face the highest property taxes in the nation; and when measured as a percentage of home value, nine of the top 10 property tax rates in the entire country belong to counties in New York; and the State must act now to thwart the detrimental effects that high property taxes are having on local governments; AND

WHEREAS, Assembly Minority Conference Members have introduced the "New York State Property Taxpayers Protection Act" (Assembly Bill 8775-A), which puts forth new and innovative ideas for property tax reform that limit the amount school districts can raise annually through local tax levies to four percent or the rate of inflation, whichever is less; in addition, the Act would relieve municipalities and school districts of unfunded mandates, reduce county Medicaid costs, strengthen financial accountability over school tax dollars, promote local government efficiency, and encourage local option insurance pooling; AND

WHEREAS, the "New York State Property Taxpayers Protection Act" will help fix New York's broken property tax system, providing homeowners, businesses and municipalities significant and lasting relief from the crushing burden of skyrocketing property taxes; AND, NOW, THEREFORE BE IT

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge New York State's property tax crisis and urge the immediate passage and chaptering of the "New York State Property Taxpayers Protection Act", which will help local governments reinvigorate New York's economy by providing incentives for people and businesses to move and stay here; AND, BE IT FURTHER

RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New York, the Temporary President of the New York State Senate, the Speaker of the New York State Assembly, and to each member of the New York State Legislature.

**RESULT:            WITHDRAWN**



## 21. RESOLUTION 2008-166

### Opposition to Proposed State Legislation Relating to Fire Districts

**Sponsored By:** Zydel, Markel, Rogowski, Swiatek, Holtz, Jaworowicz, Kaznowski

WHEREAS, legislation has been proposed (as part of the State Budget for 2008-09) in the State Senate (Bill No. 6806-A, Part U) and Assembly (Bill No. 9806-B, Part U) which would add a new Article 17-A to the General Municipal Law, and

WHEREAS, Article 17-A of the General Municipal Law would significantly modify the requirements and procedures for consolidating and dissolving fire districts within a town, and

WHEREAS, if this legislation is enacted, the result could be that town government could be compelled to take over financial responsibility for firefighting in the town; such responsibility could result in eliminating volunteer firefighters and having paid firefighters, and

WHEREAS, this would increase the tax burden on town taxpayers, and jeopardize the smooth functioning of fire protection in the town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby expresses its opposition to the above referenced portion of Senate and Assembly bills, and hereby memorializes the State Senate, Assembly and Governor to remove said language from the budget bill, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 22. RESOLUTION 2008-167

### NYS Legislation to Help Prevent Exploitation of Children

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Cheektowaga Town Board has gone on record to support legislation combating the exploitation of children in the Internet Age; and

WHEREAS, the molestation and sexual exploitation of children has been identified as a major public health issue; and

WHEREAS, recent advances in computer technology have been aiding sexual predators, stalkers, child pornographers, child traffickers and others with the intent of exploiting children; and

WHEREAS, Internet bulletin boards, chat rooms, private web sites and peer-to-peer networks are being used daily by pedophiles to meet unsuspecting children; and

WHEREAS, the New York State Senate and the New York State Assembly are currently addressing these issues through bills currently before these bodies; NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board is hereby in support of New York State Assembly Bill Number A9859-A, which enacts the electronic security and targeting of online predators act, protects people who use the Internet from convicted sex offenders, enables Internet entities to prescreen or remove sex offenders from its services and allows as a sentencing condition the imposition of a reasonable limitation of Internet use by sex offenders; AND BE IT,

FURTHER RESOLVED, that the Cheektowaga Town Board is hereby in support of New York State Senate Bill Number S6747, which enacts the "child sexual abuse and exploitation prevention act," relates to prostitution offenses and creating the crime of sexual exploitation of a child, relates to computer sex crimes against children and relates to the safe harbor for exploited children act; AND BE IT,

FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Governor, the Assembly Speaker, the Senate Majority Leader, the Attorney General and the local delegation to the New York State Legislature.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-168

### Memorialize State Legislature to Amend Section 581-A of the Real Property Tax Law

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, By Chapter 714 of the Laws of 2005, the State Legislature enacted Section 581-a of the Real Property Tax Law, and

WHEREAS, said law requires that all affordable rental housing units must be assessed under the income approach, and

WHEREAS, this law was not intended to reward poorly operated properties or to eliminate real estate tax liabilities of properties with temporary financial difficulties; it was intended that these properties would pay a fair share for the services they receive, and

WHEREAS, in at least one instance to date, the Town of Cheektowaga has seen the assessment of one of these properties in the town be reduced from \$140,000± to \$6,000±, and

WHEREAS, there are other properties in this Town that could be affected by this law, and

WHEREAS, the Town of Cheektowaga and its special districts, including the fire districts, are being hurt by this law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the State Legislature to revise Section 581-a of the Real Property Tax Law to be fairer to local governments, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski and the Governor.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-169

### Purchase of 4.9 GHz Microwave Mesh Network Program Under NYS Contract

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, the Town of Cheektowaga is interested in improving the communications systems between town employees in order for them to be able to provide better and quicker service to Town residents and to otherwise enhance public safety, and

WHEREAS, Saia Communications, Inc. has proposed the installation of microwave hops between Town Hall and remote receiver sites at Cleveland Hill Fire Hall, South Line Fire Hall, the Greater Buffalo Niagara International Airport ("GBNIA"), the Walden Galleria Mall, and Saia Communication Company's telecommunications tower at 100 Stradtman Street to operate a 4.9 GHz Microwave Mesh Network, and

WHEREAS, Saia Communications, Inc. was awarded the New York State contract to provide these microwave hops throughout the State; and has offered the Town of Cheektowaga a preferred discount rate, saving the Town an additional 5%-6% over New York State contract pricing, and

WHEREAS, the purchase and installation of these microwave hops would save the Town tens of thousands of dollars each year by allowing the Town to eliminate services presently being provided by Verizon, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby opts to utilize the New York State contract for the purchase and installation of microwave hops for the 4.9 MHz Microwave Mesh Network Program through Saia Communications, Inc. for the following contract amounts:

- Voter Sites at Cleveland Hill Fire Hall, South Line Fire Hall, Greater Buffalo Niagara International Airport and Walden Galleria Mall	\$51,368.00
- Voter Hardware @ Cheektowaga Town Center	\$ 2,426.00
- Suggested Spares	\$ 6,200.00
- Voter Site at 100 Stradtman Street	<u>\$18,428.42</u>
<b>TOTAL</b>	<b>\$78,422.42</b>

, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all and all documents to effectuate the purchase and installation of the aforesaid 4.9 MHz Microwave Mesh Network Program, and BE IT FURTHER

RESOLVED, that the moneys for this project shall be appropriated from budget line item number 100-3020-2513.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember

**SECONDER:** Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2008-170

### Asbestos Abatement at 64 Glidden Street

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town has acquired the vacant, deteriorated property located at 64 Glidden Street with Community Development Block Grant funds, and

WHEREAS, the Town wishes to demolish said property which has been severely damaged by fire and constitutes a safety and health hazard to the general public, and

WHEREAS, said property has been found to contain asbestos materials that must be abated prior to demolition, and

WHEREAS, Stohl Environmental, LLC has submitted a proposal to the Community Development Office for the preparation of specifications and abatement drawings and related services necessary to obtain bids for the demolition of 64 Glidden Street, and

WHEREAS, the Community Development Director has recommended engaging the services of Stohl Environmental for said services, Now Therefore Be It

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$2,400 with Stohl Environmental, 4169 Allendale Parkway, Suite 100, Blasdell, New York 14219 for asbestos abatement services pursuant to their proposal dated March 7, 2008, said amount to be paid from Community Development Block Grant funds.

**ATTACHMENTS:**

64 Glidden-Stohl Proposal for Asbestos Plans and Drawings-2008 (PDF)

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Charles Markel, Councilmember

**SECONDER:** Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2008-171

### Title Change in Traffic Safety Commission (Osswald)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Anthony W. Osswald has held the title of Part-Time Executive Secretary with the Traffic Safety Commission; AND

WHEREAS, the Erie County Personnel Department has notified the Town that Mr. Osswald's title must be amended in accordance with civil service law; NOW, THEREFORE, BE IT

RESOLVED, that Anthony W. Osswald of Cheektowaga, New York be and hereby be reassigned to the title of Part-Time Clerk in the Traffic Safety Commission at the annual salary of \$4,418 effective March 18, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 27. RESOLUTION 2008-172

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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:

ACCOUNTING DEPARTMENT Clerk \$7.75/hour effective 3/17/08  
Jaclyn Eckel, Cheektowaga, New York

ACCOUNTING DEPARTMENT Clerk \$7.75/hour effective 3/18/08  
Lorraine Lewandowski, Cheektowaga, New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**28. RESOLUTION 2008-173****Appointment of Senior Sewer Maintenance Worker (Sewer Maintenance Division) (Permanent) (Louis Arricale)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Louis J. Arricale was appointed by this Town Board to the position of Sewer Maintenance Worker effective September 18, 2006; AND

WHEREAS, Mr. Arricale 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 Louis J. Arricale 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 March 18, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 29. RESOLUTION 2008-174

### **Appointment of Sewer Maintenance Worker (Sewer Maintenance Division) (Permanent) (David Orlikowski)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position 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, David Orlikowski, currently employed as a Maintenance Worker in the Facilities Department (Buildings & Grounds Division), bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that David Orlikowski 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 18, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**30. RESOLUTION 2008-175****Appointment of Sr Clerk Typist (Police Department) (Cheryl Witt)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a vacancy exists in the position of Senior Clerk Typist in the Police Department; AND

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

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

WHEREAS, Cheryl J. Witt, currently employed as a Clerk Typist in the Police Department, appears on the existing Civil Service promotional list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Cheryl J. Witt of Depew, New York, be and hereby is appointed to the position of Senior Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 31, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**31. RESOLUTION 2008-176****Appointment of Maintenance Worker (Facilities Department - Building & Grounds Division) Richard D. C. Latshaw**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings & Grounds Division); AND

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

WHEREAS, Richard D. C. Latshaw, currently employed as General Mechanic in the Facilities Department (Parks Division), bid on said vacancy, and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Richard D. C. Latshaw of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Buildings & Grounds Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective March 18, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



32. RESOLUTION 2008-177

Appointment of Two (2) Park Maintenance Workers (Facilities Department) (Permanent)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, two (2) vacancies exist in the title of Park Maintenance Worker I in the Facilities Department; AND

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

WHEREAS, no full-time bargaining unit bid on said vacancies; AND

WHEREAS, , applied for said positions and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that , be and hereby are 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 .

MOTIONED BY COUNCILMEMBER SWIATEK; SECONDED BY COUNCILMEMBER JAWOROWICZ TO AMEND THIS RESOLUTION AS FOLLOWS:

MOTION CARRIED

WHEREAS, a vacancy exists in the title of Park Maintenance Worker I in the Facilities Department; AND

WHEREAS, notice of said 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, Joseph Ferris of Sloan, NY, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph Ferris, 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 March 18, 2008 .

Table with 2 columns: Label (RESULT, MOVER, SECONDER) and Value (ADOPTED AS AMENDED [6 TO 0], Jeff Swiatek, Councilmember, Patricia Jaworowicz, Councilmember)

<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSTAIN:</b>	Stanley Kaznowski



### 33. RESOLUTION 2008-178

## Travel Authorization (Police) (McDonough/Rottger)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "New York State Truck & Safety Education Conference 2008" is being held in Albany, New York from April 9-10, 2008; AND

WHEREAS, Police Officers Michael McDonough and James Rottger 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 \$652; AND

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

RESOLVED, that Police Officers Michael McDonough and James Rottger be and hereby are authorized to attend the "New York State Truck & Safety Education Conference 2008" being held in Albany, New York from April 9-10, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 34. RESOLUTION 2008-179

### Travel Authorization (Police) (Mendez/Wojtaszczyk)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, an "Advanced EMD Certification Course" is being held in Buffalo, New York from March 28-30, 2008; AND

WHEREAS, Public Safety Dispatchers Nicholas Mendez and Jason Wojtaszczyk 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 \$590; AND

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

RESOLVED, that Public Safety Dispatchers Nicholas Mendez and Jason Wojtaszczyk be and hereby are authorized to attend an "Advanced EMD Certification Course" being held in Buffalo, New York from March 28-30, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### VI. Suspension of Rules

Motioned by Supervisor Holtz; Seconded by Councilmember Kaznowski to Waive the Rules to Include the following (2) TWO Resolutions. Motion Carried.
--



## 1. RESOLUTION 2008-180

### Revise Picnic Shelter Policy

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, by resolution dated February 28, 1994, this Town Board adopted a Shelter Permit Policy for the use of picnic shelters in Stiglmeier Park and Town Park, and

WHEREAS, the Director of the Facilities Department has recommended that this Shelter Permit Policy be revised to add other uses which are prohibited at picnic shelters, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga Shelter Permit Policy is hereby revised as follows, effective immediately:

C. Prohibited Use of Picnic Shelters, is amended to include the following:

- 9. Dogs;
- 10. Personal sanitary facilities (i.e., portable toilets);
- 11. Any use of the park area which is not a customary use for a park in the Town of Cheektowaga shall receive the prior written approval of the Director of the Facilities Department.

Any reference to the Director of the Department of Parks, Recreation and Youth Services issuing or being in charge of the issuance of permits shall be amended to reference the Director of the Facilities Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-181

### Approve Sale of 2660 William Street

**Sponsored By:** Holtz, Rogowski, Swiatek, Jaworowicz, Zydel, Kaznowski, Markel

WHEREAS, the former South Branch Library building, owned by the Town of Cheektowaga, located at 2660 William Street, ceased to be used as a library; and the Town Board determined that it was surplus to the Town's needs, and

WHEREAS, the Town of Cheektowaga previously retained Pyramid Brokerage Company to assist the Town with the sale of such property, and

WHEREAS, Pyramid Brokerage Company has marketed the property on behalf of the Town, and has received a reasonable offer to purchase such property, and

WHEREAS, Pyramid Brokerage Company and the Town Attorney have negotiated some changes to the offer made, and such changes have been accepted by the prospective purchaser, and

WHEREAS, the proposed offer contains some contingencies and is subject to:

- the prospective purchaser completing its due diligence, including environmental audits;
- obtaining a rezoning of the property to NS-Neighborhood Services District, and

, and

WHEREAS, this Town Board feels that the proposed offer is reasonable and is advantageous to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the offer submitted to Pyramid Brokerage Company for this property, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract, subject to the approval of the Town Attorney, for the sale of this property.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VII. Communications**

### ***A. Departmental Communications***

1. Minutes - Cheektowaga Conservation Advisory Council - March 6, 2008
2. Minutes -Town Environmental Advisory Committee - February 27, 2008
3. Minutes: Town Environmental Advisory Committee - March 12, 2008
4. Minutes - Cheektowaga Planning Board - February 14, 2008

### ***B. General Communications***

1. Summons & Complaint: Liberty Mutual Fire Ins. Co./John Williams Vs. Town of Cheektowaga
2. Summons & Complaint: Nikola K. Nikolov Vs. Town of Cheektowaga
3. Notice of Claim: Susan Campbell Vs. Town of Cheektowaga
4. Notice of Claim: Marcia Greene Vs. Town of Cheektowaga
5. Notice of Claim: Greg Meyers Vs. Town of Cheektowaga
6. Notice of Claim: William J. Pascall Vs. Town of Cheektowaga
7. Notice of Claim: Lisa Saalfield Vs. Town of Cheektowaga
8. Notice of Claim: Arlo Smith Vs. Town of Cheektowaga
9. Notice of Claim: State Farm Insurance/Philip Ortiz Vs. Town of Cheektowaga

## **VIII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **IX. Adjournment**

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting. Time of adjournment - 7:46 PM

# The Town of Cheektowaga



- Office of Building and Plumbing Inspection:  
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 Mary F. Holtz  
Honorable Town Board Members  
Alice Magierski, Town Clerk  
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak  
Supervising Code Enforcement Officer

DATE: February 12, 2008

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on February 6, 2008 in the Town Hall Council Office Conference Room. All members present.

**ITEM I Burgess Boulevard - Proposed Rezoning from MS to CM for a Hotel**  
**Applicant: Manga LLC**

Sean Hopkins, the attorney for the applicant, was present as well as numerous residents. They presented a new plan showing a six-story, 139 room hotel. The height of the building would be 67 feet at the south end, 69 feet 7 inches which is most of the length of the building. and 76 feet at the north end where the "ski slope" sign is located. The hotel would be 68,756 square feet. It was noted on the south elevation there is glazing running from top to bottom which is to provide natural light for the corridors. It was suggested that this be tinted to reduce light transmission at night so that the neighbors would not be looking at a bright corridor light.

The site plan must be modified to show the landscaping and plantings along the south and east property lines. They've indicated that there would be no acquisition of the railroad right-of-way and therefore no plantings should be placed on the railroad right-of-way. The dumpster will be enclosed and screened with plantings around it, the exact location yet to be determined.

They've indicated that no FAA lighting is required for this height of building and that all on-site lighting will be of the down shining variety and will be shielded so that there will be little intrusion to the residences.

A suggestion was made that trees be planted on a triangular piece of the Maryvale Apartments. This is at the northeast corner of the property. Tom Johnson was in the audience and indicated that this had been promised at one of the meetings with the residents.

**EAC –February 6, 2008**  
**February 12, 2008**  
**Page: 2**

The site would be baited before and during construction since it may be the location of a number of rodent burrows.

This item will remain tabled for our next meeting while a detailed site plan is prepared and submitted with landscaping and showing all easements on the properties.

**ITEM II      3095 Harlem Road      -      Proposed Rezoning from RA to C**  
**For an 18,100 Sq. Ft Addition**

**Applicant:      Atwal Eye Center**

The architect, Anthony Mussachio, was present to present the site plan. The building owner has acquired two-five family apartment buildings within the Cedargrove Heights area and had them demolished. The purpose was to provide off-street parking for an expanded Atwal Eye Center. The applicant is proposing a 2-story, 18,100 square foot addition to the north of the building. The property acquired would be used for parking and for underground detention of storm waters. The architect noted that there is limited curbing within the parking area because of the need for plowing and is also working on the Windwood Court turn which needs modification. Additionally some Town right-of-way must be abandoned by the Town or sold to the Atwal Eye Center as it is located in the middle of the proposed parking lot. The architect also asked clarification on the type of fencing that would be required. He noted that the Maxim Medical Center is proposing to put up an 8 foot vinyl fence and they would like to continue with the same. Conifers would be planted along the interior lot lines and trees within the islands and along Harlem Road.

The existing building would receive decorative treatments to tie in to the new addition as one uniform building.

The committee would recommend that a public hearing be scheduled to get public comment on the project and final EAC comments or recommendations would be made after the public hearing.

This item will remain tabled for the public hearing.

**ITEM III      2160 Clinton Street      -      Proposed Rezoning from C&R to RA**  
**For the Former Our Lady of Czestochowa**  
**School**

**Applicant:      Savarino Construction in Partnership with Southeast Works**

This project had been presented to the Town at the end of 2007 as a conversion for apartments for the visual impaired; however, the visual impaired partner has dropped out and Southeast Works is willing to work with Savarino. The project remains the same, there will be 24 apartment units for the developmentally challenged on the site. The existing convent would be demolished and an addition put on for some of the housing units and to provide access with an elevator.

A revised site plan was presented which showed parking moved to the south to provide screening along the north property line with the adjacent neighbor on Meadowbrook. A number of variances will be required for this project primarily dealing with property line location and the distance of the new addition to the street line.

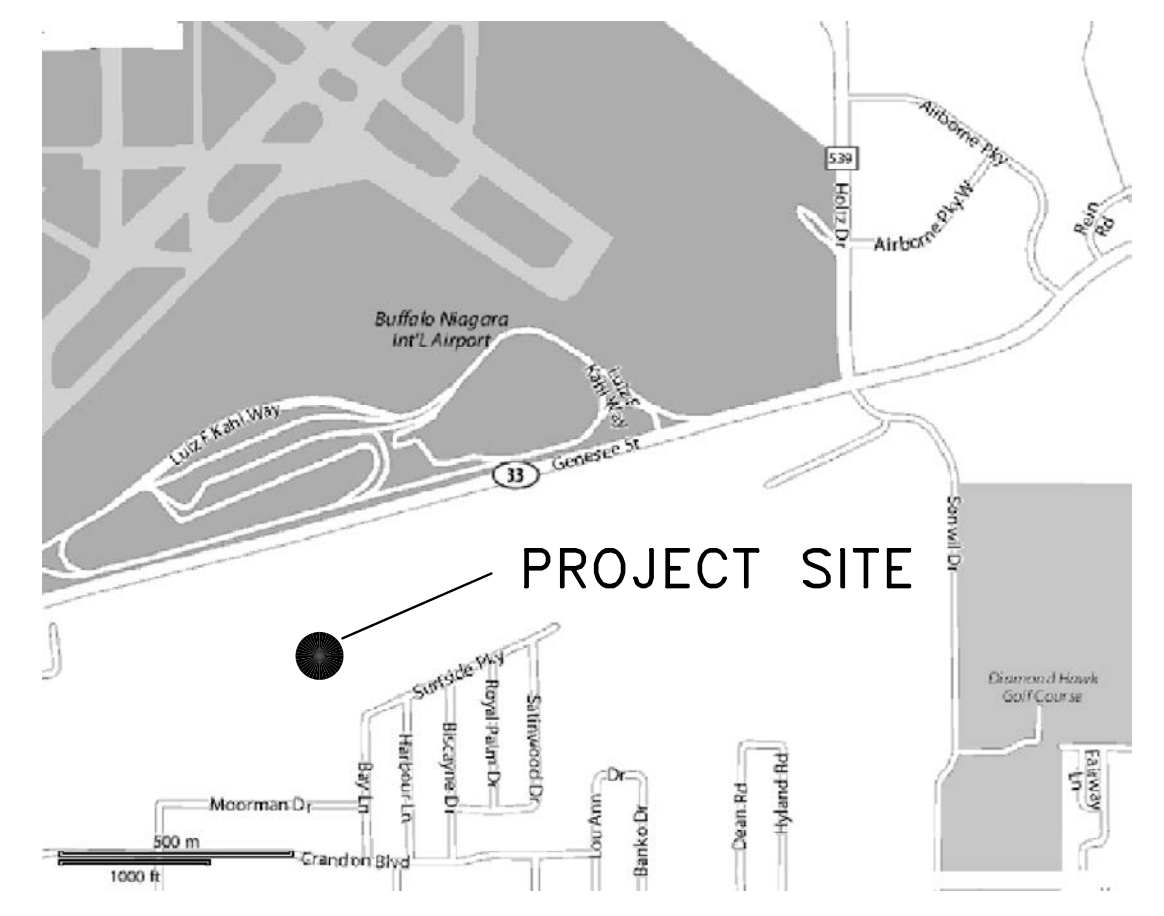
The committee finds this to be an appropriate use for the building and would request that a public hearing be scheduled to solicit public comment. The committee would recommend at this time that a Negative Declaration be provided for the project provided no new issues arise at the public hearing.



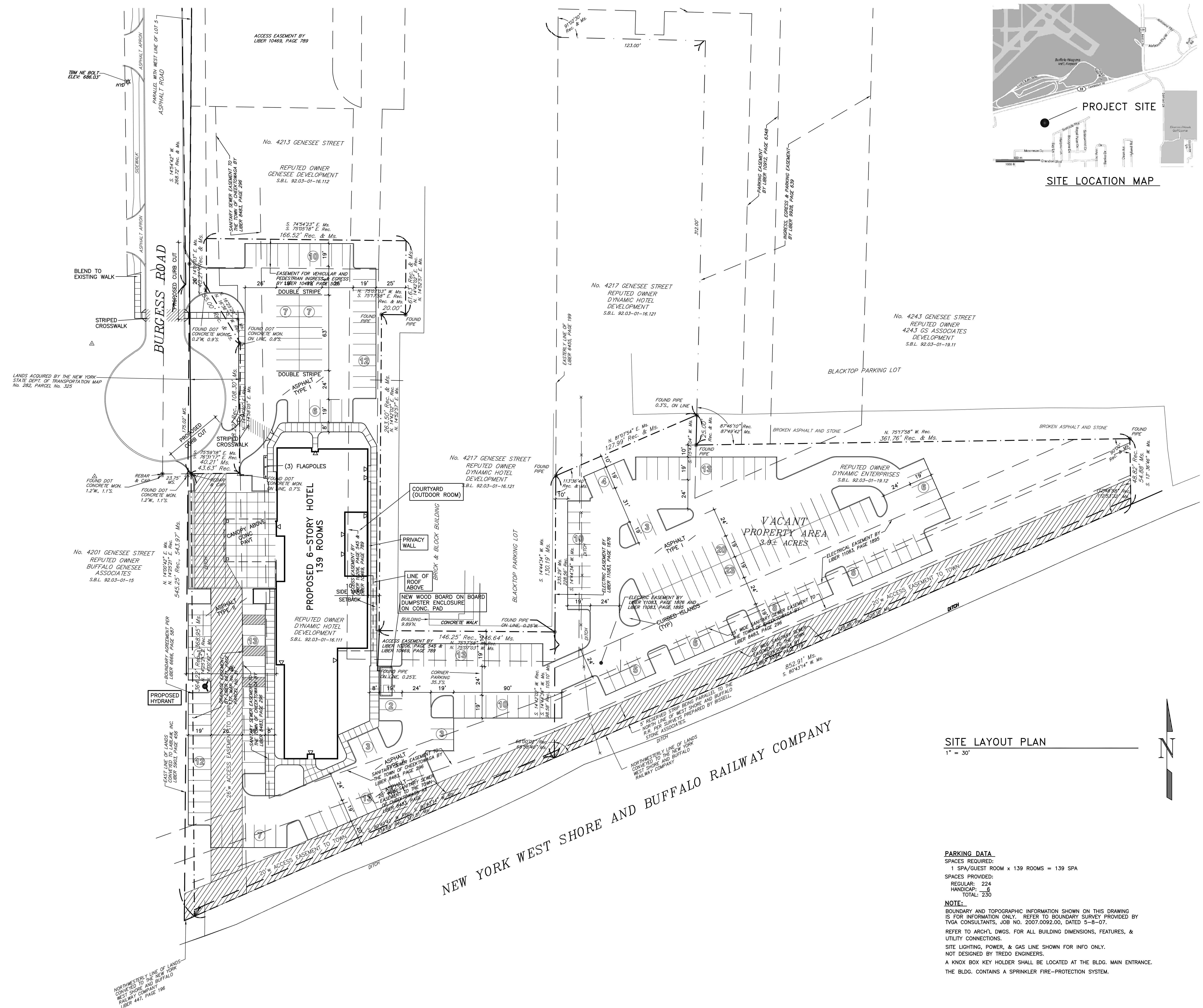
Attachment: Aloft Plans 2\_11\_08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)



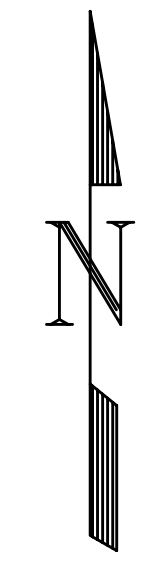
No.	Date	Description



SITE LOCATION MAP



SITE LAYOUT PLAN  
 1" = 30'



NEW YORK WEST SHORE AND BUFFALO RAILWAY COMPANY

**PARKING DATA**

SPACES REQUIRED:  
 1 SPA/GUEST ROOM x 139 ROOMS = 139 SPA

SPACES PROVIDED:  
 REGULAR: 224  
 HANDICAP: 6  
 TOTAL: 230

**NOTE:**  
 BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS DRAWING IS FOR INFORMATION ONLY. REFER TO BOUNDARY SURVEY PROVIDED BY TVGA CONSULTANTS, JOB NO. 2007.0092.00, DATED 5-8-07.  
 REFER TO ARCH'L DWGS. FOR ALL BUILDING DIMENSIONS, FEATURES, & UTILITY CONNECTIONS.  
 SITE LIGHTING, POWER, & GAS LINE SHOWN FOR INFO ONLY. NOT DESIGNED BY TREDO ENGINEERS.  
 A KNOX BOX KEY HOLDER SHALL BE LOCATED AT THE BLDG. MAIN ENTRANCE.  
 THE BLDG. CONTAINS A SPRINKLER FIRE-PROTECTION SYSTEM.

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

03/07/2008

85 RIVER ROCK DRIVE  
 BUFFALO, N.Y. 14207  
 716-876-7167 FAX 876-0667  
 CIVIL STRUCTURAL ENGINEERING

**MANGA, LLC**  
 515 SOUTH TRANSIT ROAD  
 LOCKPORT, NY 14094

GENESEE STREET  
 CHEEKTOWAGA, NY

**SITE LAYOUT PLAN**

Drawn By: AVM	Project Date: 	Sheet No. 
3d Project No.: 07100	C101	



No.	Date	Description

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03/07/2008

**tredb**  
ENGINEERS

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716.876.7147 FAX 876.0667  
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515 SOUTH TRANSIT ROAD  
LOCKPORT, NY 14098

Project Name:  
**a loft**  
GENESSEE STREET  
CHEEKTOWAGA, NY

Sheet Title:  
**SITE UTILITY PLAN**

Drawn By:  
AKM

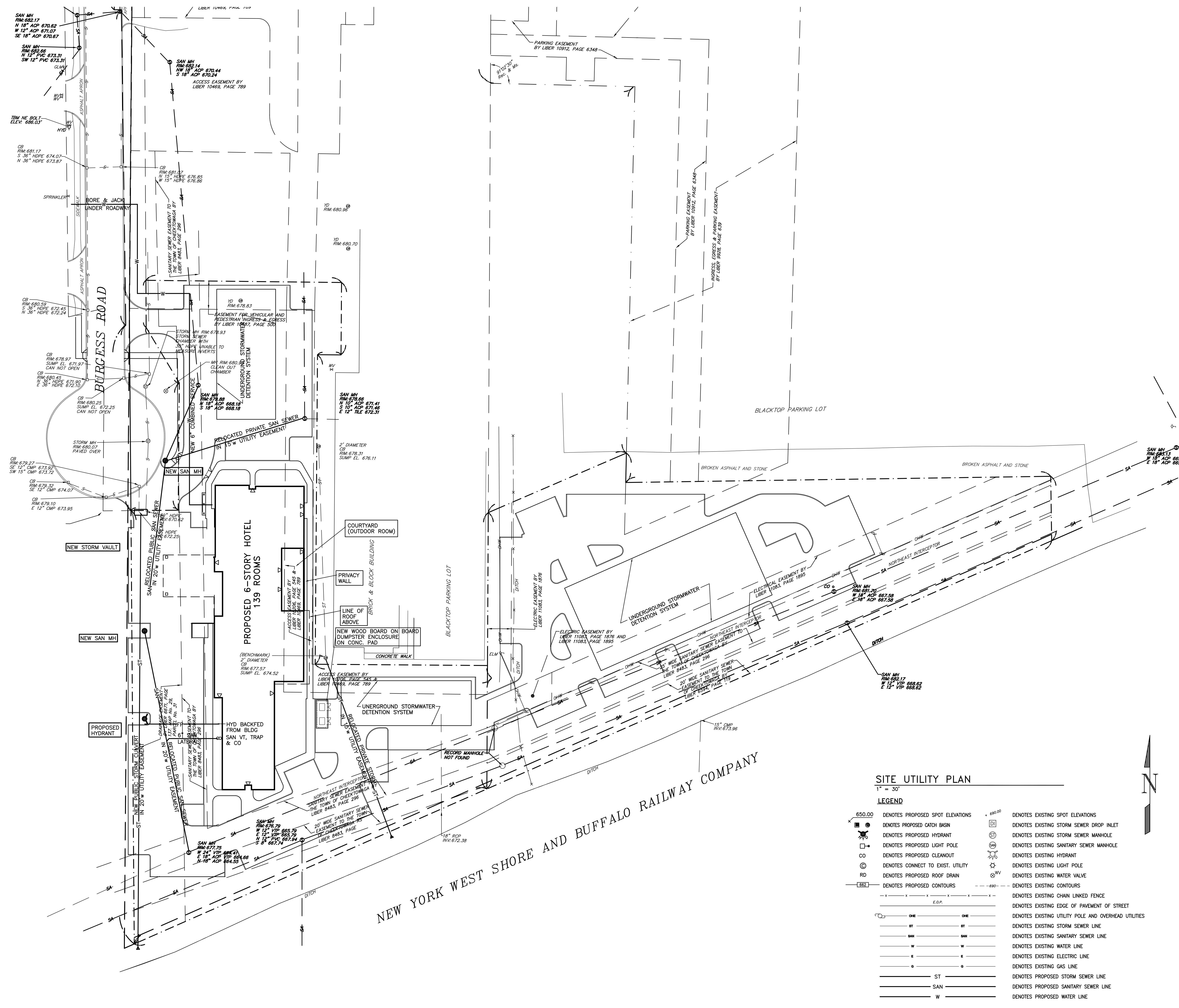
Project Date:  
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Sheet No.:

3di Project No.:  
07100

C102

Packet Pg. 57



**SITE UTILITY PLAN**

1" = 30'

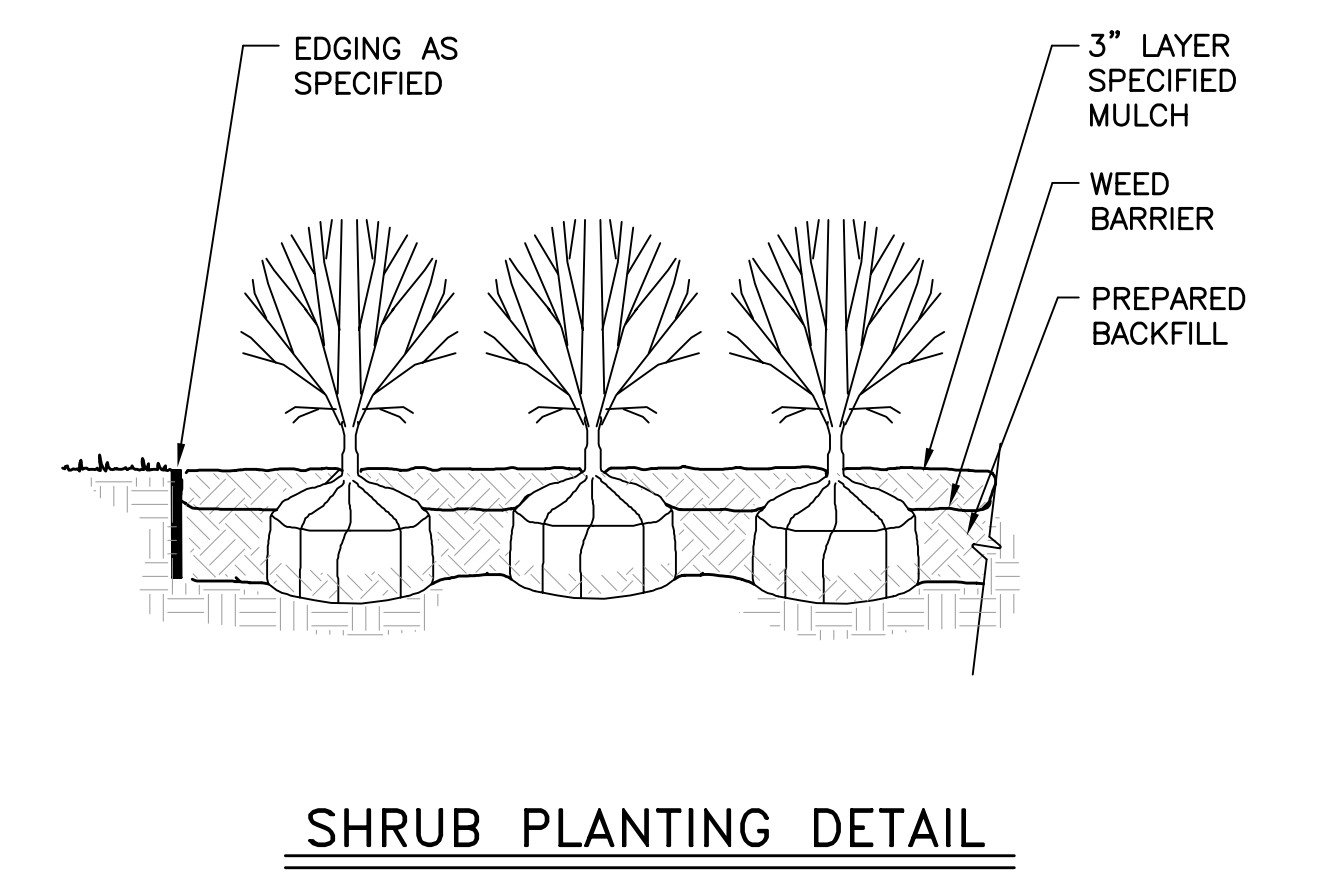
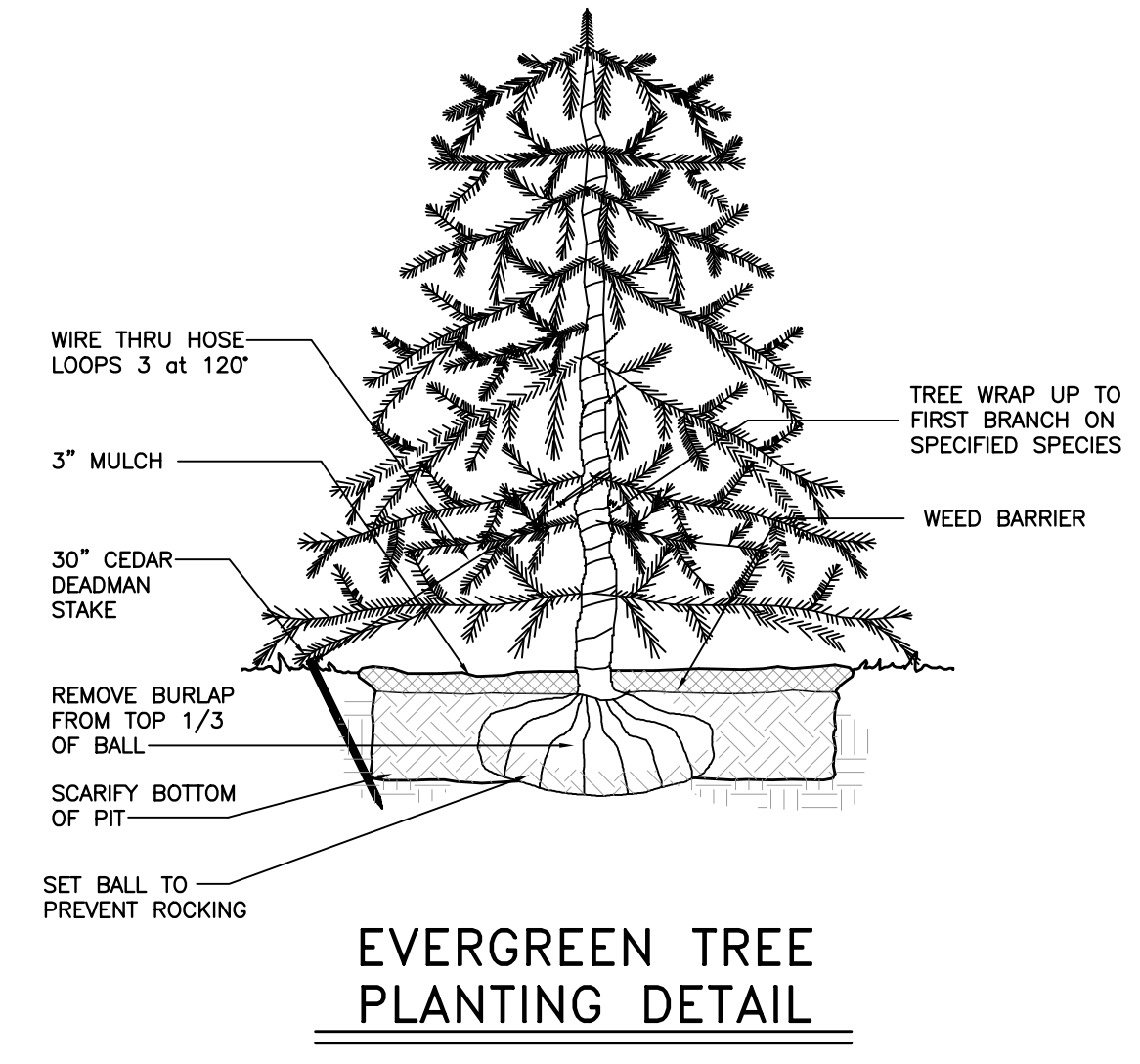
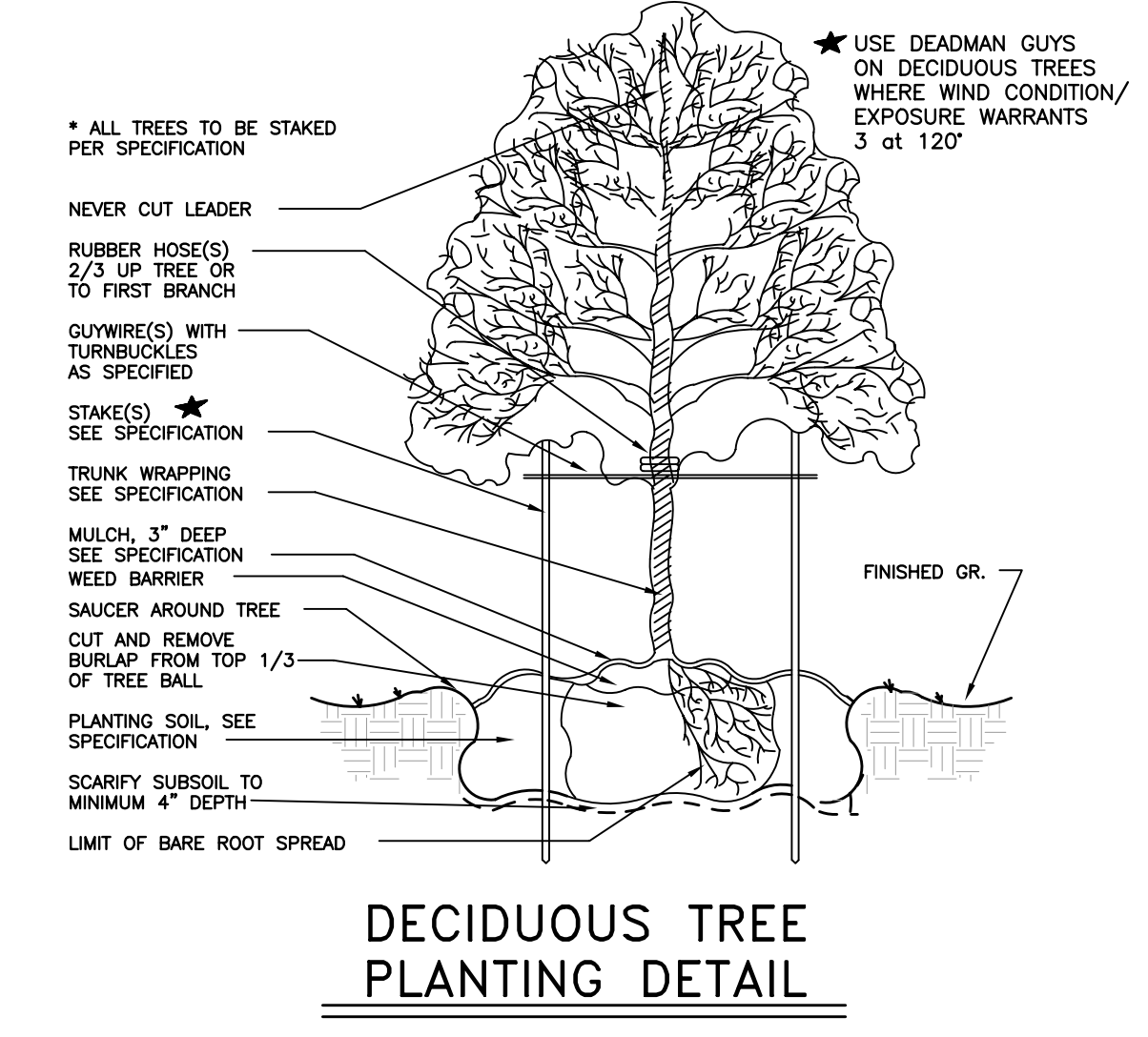
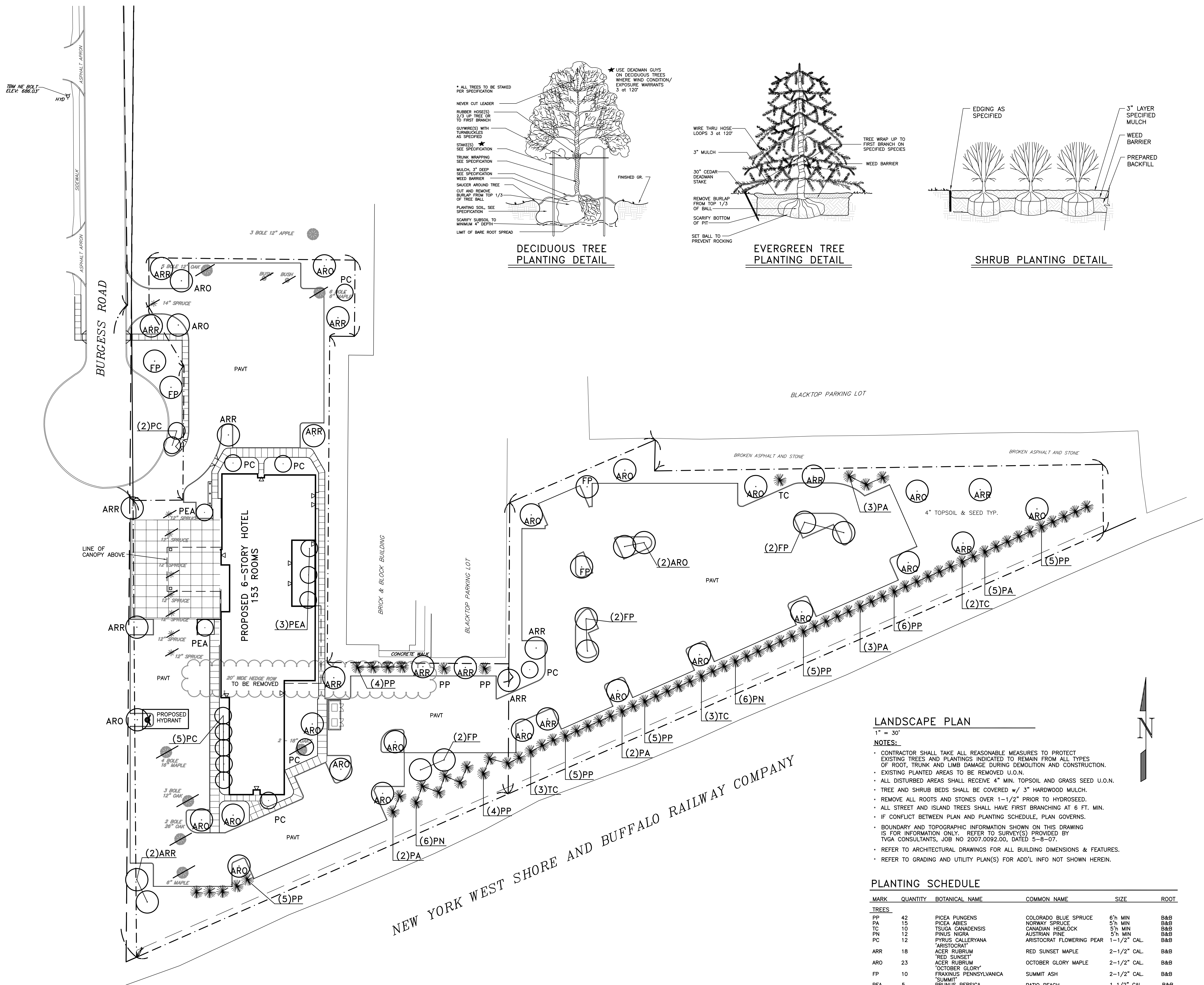
**LEGEND**

- |        |  |        |   |
|--------|--|--------|---|
| 650.00 | DENOTES PROPOSED SPOT ELEVATIONS                     | 650.00 | DENOTES EXISTING SPOT ELEVATIONS            |
| ☐      | DENOTES PROPOSED CATCH BASIN                         | ☐      | DENOTES EXISTING STORM SEWER DROP INLET     |
| ⊕      | DENOTES PROPOSED HYDRANT                             | ⊕      | DENOTES EXISTING STORM SEWER MANHOLE        |
| ⊙      | DENOTES PROPOSED LIGHT POLE                          | ⊙      | DENOTES EXISTING SANITARY SEWER MANHOLE     |
| CO     | DENOTES PROPOSED CLEANOUT                            | ⊕      | DENOTES EXISTING HYDRANT                    |
| ⊕      | DENOTES CONNECT TO EXIST. UTILITY                    | ⊕      | DENOTES EXISTING LIGHT POLE                 |
| RD     | DENOTES PROPOSED ROOF DRAIN                          | ⊕      | DENOTES EXISTING WATER VALVE                |
| 662    | DENOTES PROPOSED CONTOURS                            | ---    | DENOTES EXISTING CONTOURS                   |
| ---    | DENOTES EXISTING CHAIN LINKED FENCE                  | ---    | DENOTES EXISTING EDGE OF PAVEMENT OF STREET |
| ---    | DENOTES EXISTING UTILITY POLE AND OVERHEAD UTILITIES | ---    | DENOTES EXISTING STORM SEWER LINE           |
| ---    | DENOTES EXISTING SANITARY SEWER LINE                 | ---    | DENOTES EXISTING WATER LINE                 |
| ---    | DENOTES EXISTING WATER LINE                          | ---    | DENOTES EXISTING ELECTRIC LINE              |
| ---    | DENOTES EXISTING GAS LINE                            | ---    | DENOTES EXISTING STORM SEWER LINE           |
| ---    | DENOTES PROPOSED STORM SEWER LINE                    | ---    | DENOTES PROPOSED SANITARY SEWER LINE        |
| ---    | DENOTES PROPOSED SANITARY SEWER LINE                 | ---    | DENOTES PROPOSED WATER LINE                 |
| ---    | DENOTES PROPOSED WATER LINE                          |        |   |

NEW YORK WEST SHORE AND BUFFALO RAILWAY COMPANY



No.	Date	Description



**LANDSCAPE PLAN**

1" = 30'

**NOTES:**

- CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES AND PLANTINGS INDICATED TO REMAIN FROM ALL TYPES OF ROOT, TRUNK AND LIMB DAMAGE DURING DEMOLITION AND CONSTRUCTION.
- EXISTING PLANTED AREAS TO BE REMOVED U.O.N.
- ALL DISTURBED AREAS SHALL RECEIVE 4" MIN. TOPSOIL AND GRASS SEED U.O.N.
- TREE AND SHRUB BEDS SHALL BE COVERED w/ 3" HARDWOOD MULCH.
- REMOVE ALL ROOTS AND STONES OVER 1-1/2" PRIOR TO HYDROSEED.
- ALL STREET AND ISLAND TREES SHALL HAVE FIRST BRANCHING AT 6 FT. MIN.
- IF CONFLICT BETWEEN PLAN AND PLANTING SCHEDULE, PLAN GOVERNS.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ON THIS DRAWING IS FOR INFORMATION ONLY. REFER TO SURVEY(S) PROVIDED BY TVGA CONSULTANTS, JOB NO 2007.0092.00, DATED 5-8-07.
- REFER TO ARCHITECTURAL DRAWINGS FOR ALL BUILDING DIMENSIONS & FEATURES.
- REFER TO GRADING AND UTILITY PLAN(S) FOR ADD'L INFO NOT SHOWN HEREIN.

**PLANTING SCHEDULE**

MARK	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
<b>TREES</b>					
PP	42	PICEA PUNGENS	COLORADO BLUE SPRUCE	6'h MIN	B&B
PA	15	PICEA ABIES	NORWAY SPRUCE	5'h MIN	B&B
TC	10	TSUGA CANADENSIS	CANADIAN HEMLOCK	5'h MIN	B&B
PN	12	PINUS NIGRA	AUSTRIAN PINE	5'h MIN	B&B
PC	12	PYRUS CALLERYANA	ARISTOCRAT FLOWERING PEAR	1-1/2" CAL.	B&B
ARR	18	ACER RUBRUM	RED SUNSET MAPLE	2-1/2" CAL.	B&B
ARO	23	ACER RUBRUM	OCTOBER GLORY MAPLE	2-1/2" CAL.	B&B
FP	10	FRAXINUS PENNSYLVANICA	SUMMIT ASH	2-1/2" CAL.	B&B
PEA	5	PRUNUS PERSICA	PATIO PEACH	1 1/2" CAL.	B&B

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CONSTRUCTION  
03/07/2008

**tredb**  
**ENGINEERS**  
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BUFFALO, N.Y. - 14207  
716.876.7147 FAX 876.0667  
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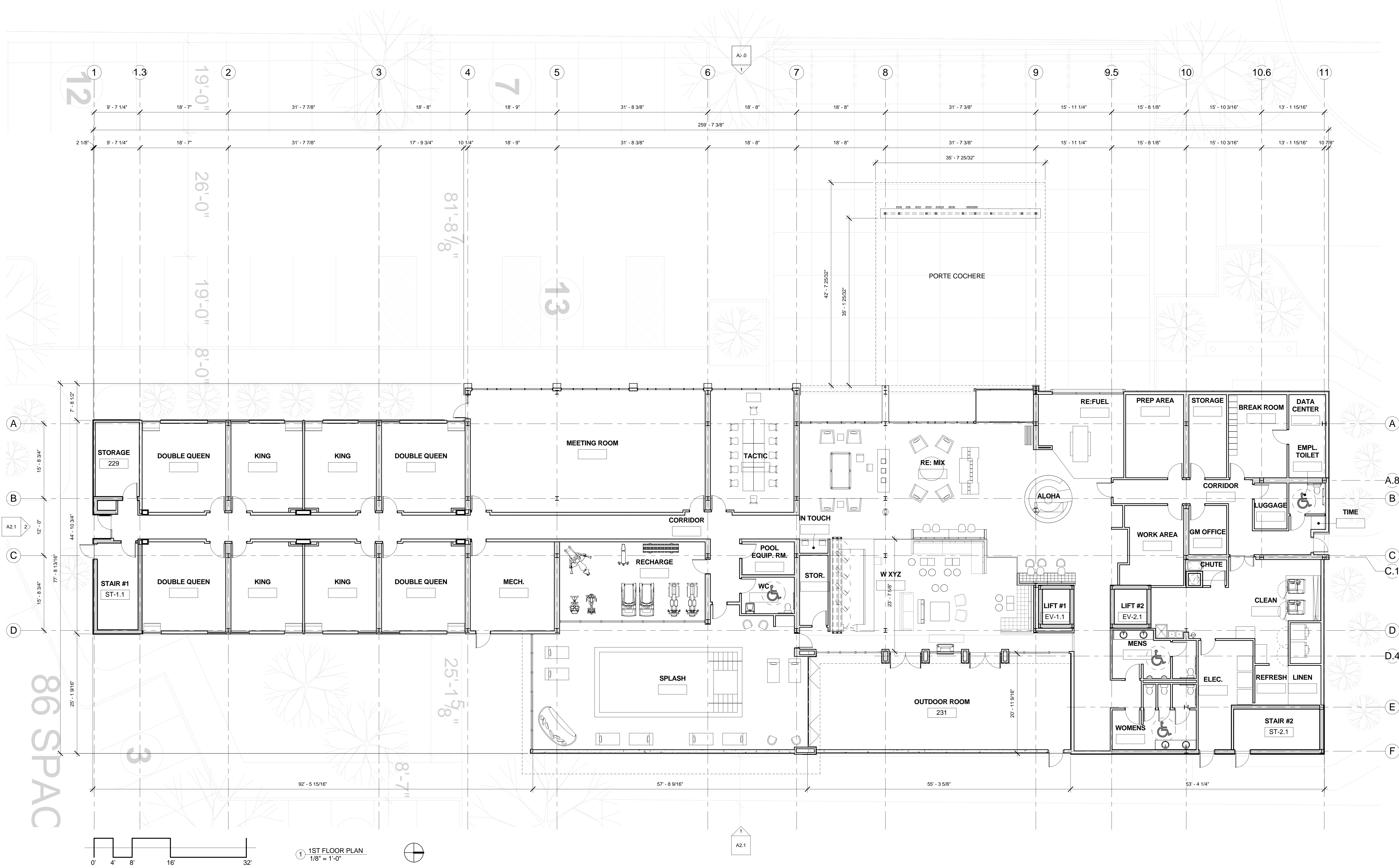
**MANGA, LLC**  
515 SOUTH TRANSIT ROAD  
LOCKPORT, NY 14086

**a loft**  
GENESEE STREET  
CHEEKTOWAGA, NY

**LANDSCAPE PLAN & DETAILS**



No.	Description	Date



1 1ST FLOOR PLAN  
1/8" = 1'-0"

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03/07/2008

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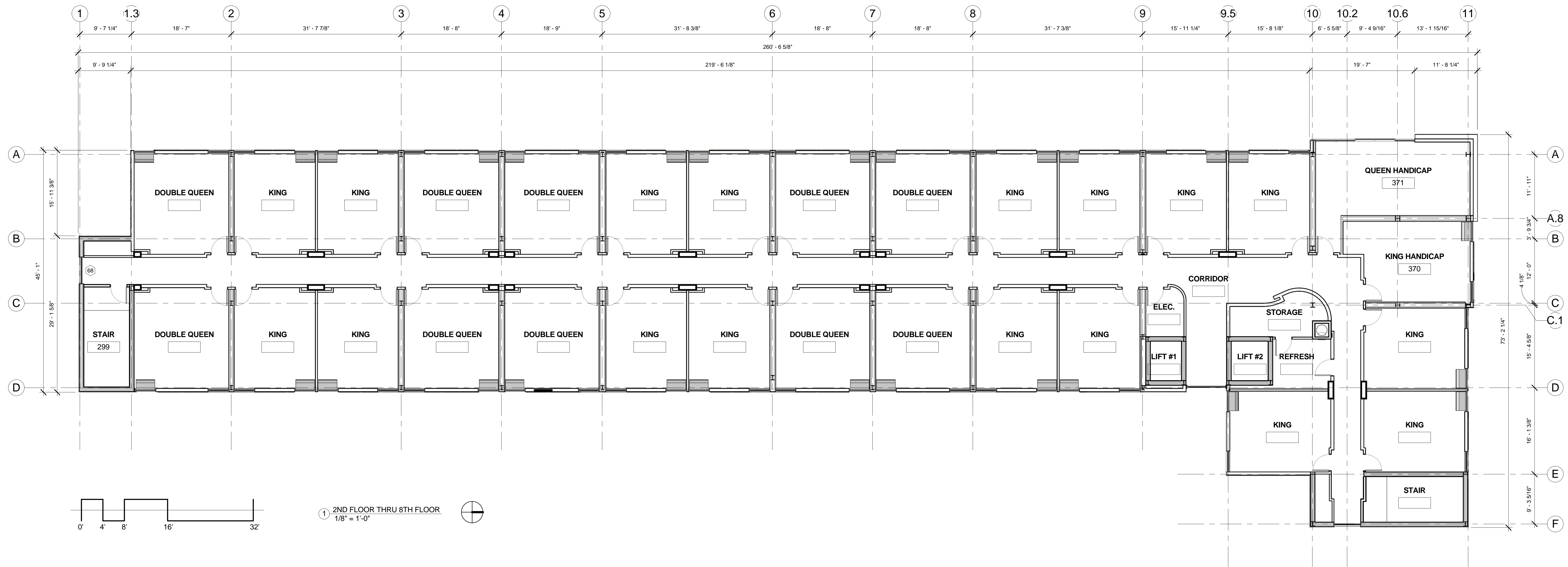
Project Name:  
**aloft**  
A VISION OF W HOTELS  
GENESSEE STREET  
CHEEKTOWAGA, NY

Sheet Title:  
**1ST FLOOR**

Drawn By: WAS MFD ALD MJC	Project Date: Issue Date	Sheet No: <b>A1.1</b>
3di Project No: 07100		



No.	Description	Date



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03/07/2008**



② PERSPECTIVE VIEW SE



③ PERSPECTIVE VIEW NW

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LOCKPORT, NY 14094

Project Name:  
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GENESEE STREET  
CHEEKTOWAGA, NY

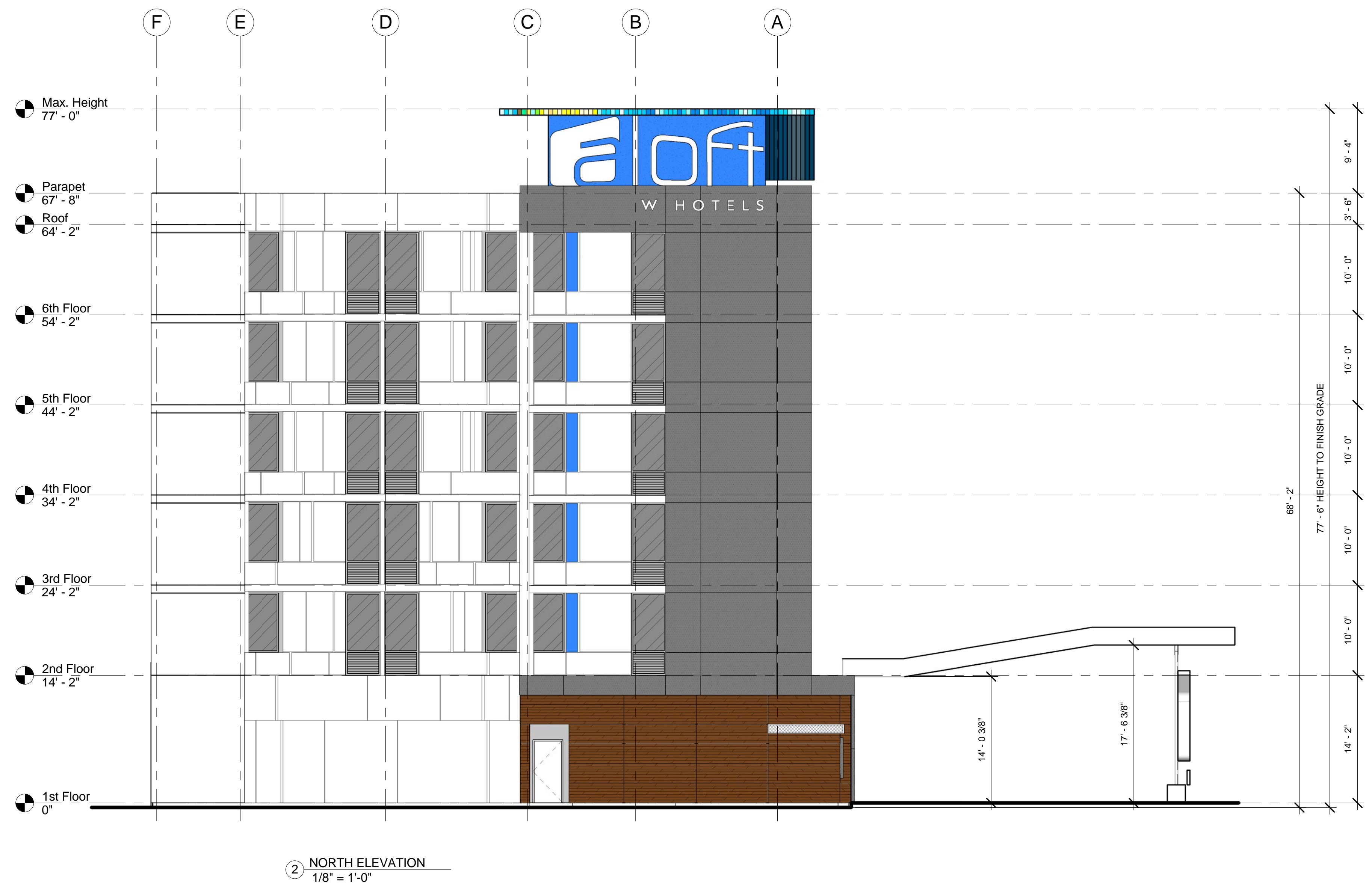
Sheet Title:  
**TYPICAL  
FLOOR PLAN  
PERSPECTIVES**

Drawn By: WAG MFD  
ALD MDC  
Project Date: Issue Date  
Sheet No:  
07100 **A1.2**



No.	Description	Date

PRELIMINARY  
NOT FOR  
CONSTRUCTION  
10/04/2007



**FINISH MATERIAL LEGEND**

	SPANDREL GLASS
	VISION GLASS
	METAL PANEL SYSTEM
	PRODEMA
	COLORED METAL ACCENT PANELS
	1 1/2" EIFS - COLOR 1
	ACM (ALUMINUM COMPOSITE MATERIAL)
	ALUM. LOUVER IN (WINDOW SYSTEM)
	COLD-CATHODE LIGHT STRIPS

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LOCKPORT, NY 14099

Project Name:  
**aloft**  
A VISION OF W HOTELS  
GENESEE STREET  
CHEEKTOWAGA, NY

Sheet Title:  
**ELEVATIONS**

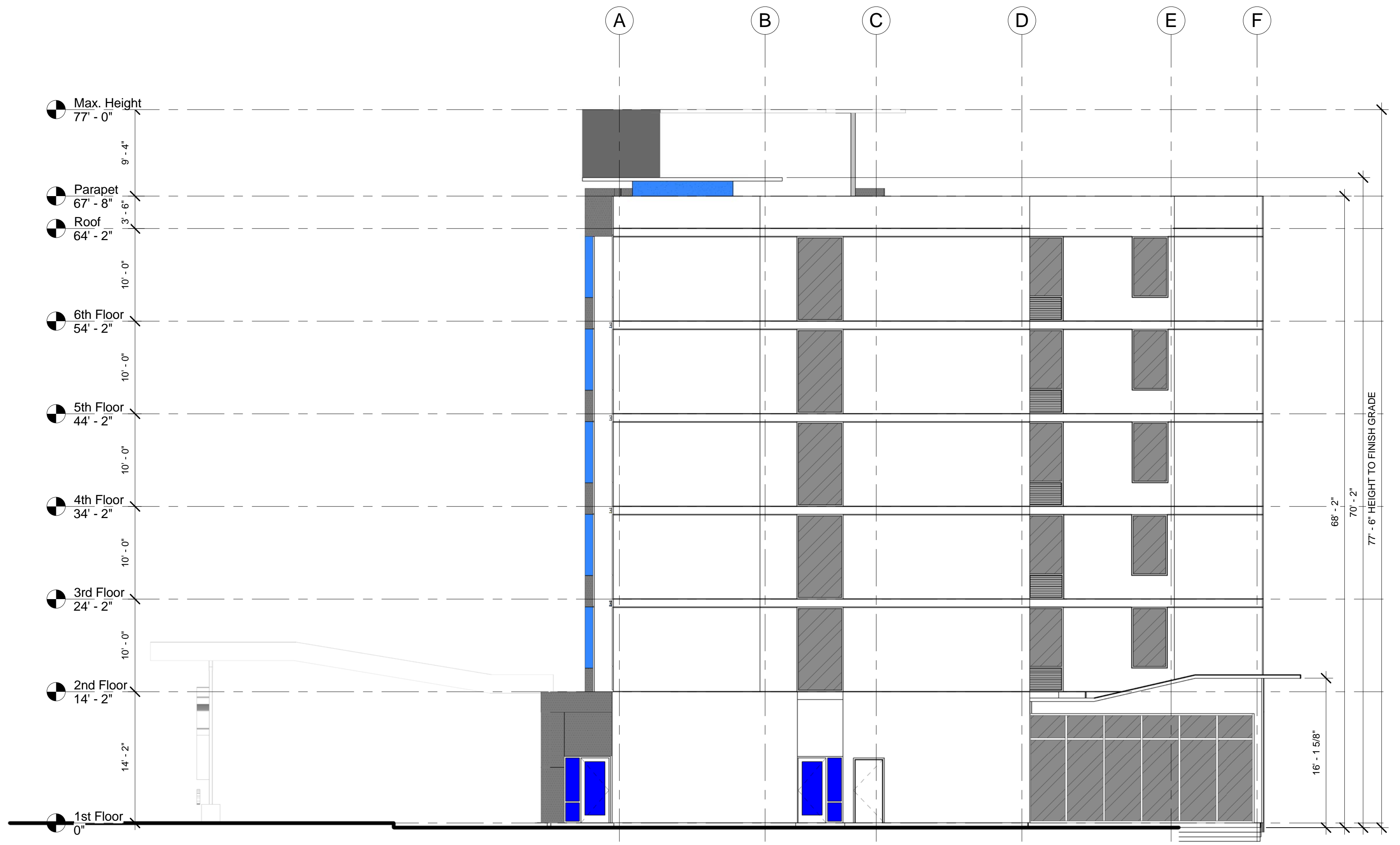
Drawn By:	Project Date:	Sheet No.:
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3di Project No.:		<b>07100</b>



No.	Description	Date



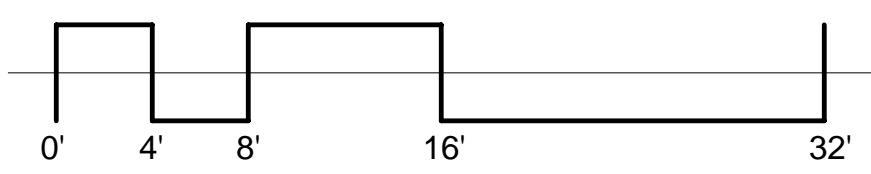
① EAST ELEVATION  
1/8" = 1'-0"



② SOUTH ELEVATION  
1/8" = 1'-0"

**FINISH MATERIAL LEGEND**

	SPANDREL GLASS
	VISION GLASS
	METAL PANEL SYSTEM
	PRODEMA
	COLORED METAL ACCENT PANELS
	1 1/2" EIFS - COLOR 1
	ACM (ALUMINUM COMPOSITE MATERIAL)
	ALUM. LOUVER IN WINDOW SYSTEM
	COLD-CATHODE LIGHT STRIPS



PRELIMINARY  
NOT FOR  
CONSTRUCTION  
10/04/2007

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In the execution of the law for any person, without acting under the direction of a licensed architect or professional engineer to make additions or alterations of any item on this document in any way without prior written consent.

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Owner:  
**MANGA, LLC**  
515 SOUTH TRANSIT ROAD  
LOCKPORT, NY 14049

Project Name:  
**aloft**  
A VISION OF W HOTELS  
GENESEE STREET  
CHEEKTOWAGA, NY

Sheet Title:  
**ELEVATIONS**

Drawn By:  
WAS/MPD  
ALD/MJC

Project Date:  
Issue Date:

Sheet No:  
**A2.1**

07100



TEL 716 614.8801 ■ FAX 716 614 8802  
5500 Main Street, Suite 311 ■ Williamsville, New York 14221

Sean W Hopkins, Esq ■ direct line 716 614 8803 ■ cell 716 510 4338 ■ shopkins@hopkinsgaras.com

March 11, 2008

Hand Delivery

William Pugh, P.E., Chairman  
Town of Cheektowaga Environmental Assessment Committee  
3301 Broadway  
Cheektowaga, New York 14227

Re: Proposed aloft Hotel Project – Supplemental  
Submission to the Environmental Advisory  
Committee (“EAC”)  
File No. 2242.1

Dear Chairman Pugh and Members of the Environmental Advisory Committee:

This letter and the enclosed documentation is being submitted for the purpose of providing the Environmental Advisory Committee (“EAC”) with updated information regarding the proposed aloft hotel. The Project Sponsor is requesting that EAC finalize its recommendation pertaining to the environmental review of the proposed project pursuant to the State Environmental Quality Review Act (“SEQR”). This letter and the enclosed documentation is a supplement to the extensive documentation that has previously been provided to the EAC during the past several months.

The proposed project, which originally consisted of an eight story hotel with a maximum height of ninety-seven feet (97’) was properly classified as an Unlisted Action pursuant to SEQR. I have attached hereto at Exhibit A an updated Part 1 of the Long Environmental Assessment Form (“EAF”) that has been prepared to incorporate the modifications that have been made to the proposed project for the purpose of reducing the identified potentially adverse environmental impacts.

During the meeting of the EAC held on February 6, 2008 representatives of the Project Sponsor presented updated plans depicting a second reduction to the height of the proposed hotel as a result of the elimination of the previously proposed seventh floor. Previously, during the meeting of the EAC held on November 7, 2007, representatives of the Project Sponsor has presented plans depicting the first reduction to the height of the proposed hotel that resulted from the elimination of the previously proposed eighth floor.

During its meeting held on February 6, 2008, the EAC tabled its issuance of a recommendation pending the formal submission of an updated Site Plan, an amended Part 1 of the Long EAF and in order to provide the opportunity for a follow up meeting with Chairman Pugh and Daniel

Ulatowski to discuss specific aspects of the proposed project including screening, setbacks for the parking area along the southern boundary of the Project Site, the Town's need for access to the U-Crest ditch that runs along the southern boundary of the Project, plans for the implementation of a stormwater management system and possible future use of the southeastern portion of the Project Site. A follow up meeting was held at the Town's Municipal Building on February 15<sup>th</sup> with Chairman Pugh, Supervisor Holtz, Councilmember Kaznowski, Daniel Ulatowski and representatives of the Project Sponsor to discuss specific aspects of the proposed hotel project. During the meeting held on February 15<sup>th</sup>, Chairman Pugh indicated the setback along the southern boundary of the Project Site needed to be increased in order to allow the Town to have adequate access to the U-Crest ditch that runs along the southern boundary of the Project Site. Mr Ulatowski requested that the on-site landscaping be increased to provide screening for the residents of the existing residential subdivision south of Project Site. He also requested that information be provided regarding window treatments along with a proposed Declaration of Restriction prohibiting the future construction of any structure on the Project Site that would exceed the height of sixty-nine feet (69'). The EAC has advised the Project Sponsor that it believes sixty-nine feet (69') is the appropriate maximum height for the proposed upscale hotel to be constructed on the Project Site since the Zoning Board of Appeals has previously granted area variances to allow other hotels in the vicinity of the Project Site to have a maximum height of sixty-nine feet (69')

**I. Updated Plans prepared on behalf of Project Sponsor**

Based on the input received during the meeting of the EAC on February 6<sup>th</sup> as well as the subsequent meeting held with Town representatives on February 15<sup>th</sup>, the Project Sponsor's consultants have prepared updated plans for review by the EAC, the Planning Board and the Town Board. I have enclosed updated plans prepared by 3di Architecture and Tredo Engineers on behalf of the Project Sponsor consisting of the following:

- Site Layout Plan prepared by Tredo Engineers (Sheet C101 – Date: 03/07/08);
- Site Utility Plan prepared by Tredo Engineers (Sheet C102 – Date: 03/07/08);
- Landscape Plan and Details prepared by Tredo Engineers (Sheet L101 – Date: 03/07/08);
- Plans for 1<sup>st</sup> Floor of Proposed Hotel prepared by 3di Architecture (Sheet A1.1 – Date: 03/07/08);
- Typical Floor Plan of Proposed Hotel and Perspectives prepared by 3di Architecture (Sheet A1.2 – Date: 03/07/08);
- Elevations (North Elevation and West Elevation) prepared by 3di Architecture (Sheet A2.0); and
- Elevations (East Elevation and South Elevation) prepared by 3di Architecture (Sheet A2.1)



## **II. Updated Project Description and Project Modifications**

Based on input received from the Town's municipal boards including the numerous previous meetings of the EAC as well as input obtained from residents during the three informational meetings and their input at meetings of the Town Board, Planning Board and EAC, the Project Sponsor has modified the proposed upscale hotel project for a second time by reducing the number of stories from seven (7) to six (6) which has resulted in a reduction of the height of the proposed hotel from finished grade to the parapet of the roof from seventy-nine feet, seven inches (79'7") to sixty-eight feet, two inches (68'2").

The attached updated Elevations (Sheets A2.0 and A2.1) provide detailed information regarding the height and aesthetics of the proposed upscale six (6) story hotel from the south, west, north and south. It is important to mention that the proposed rooftop architectural feature that will have a maximum height of seventy-seven feet, six inches (77'6") will only occupy a small portion of the overall footprint of the hotel and it will be located on the southwestern portion of the hotel.

## **III. Information Regarding Potential Adverse Environmental Impacts**

Based on the input previously received from the EAC, the following section of this letter has been prepared to provide additional information regarding the identified potential adverse environmental impacts. The primary adverse environmental impact that has been identified is the visual impacts of the hotel from the homes of the residents in the surrounding vicinity on Surfside Parkway and Bay Lane.

### **A. Proposed On-Site Landscaping**

Based on input received from the EAC, a detailed Landscaping Plan has been prepared on behalf of the Project Sponsor. The Landscaping Plan was prepared with the objectives of providing screening for the residential subdivision south of the Project Site and making sure the Project Site is attractive to customers of the proposed upscale hotel. The Landscaping Plan includes a Planting Schedule and the Project Sponsor has planned to plant a broad range of both evergreen and deciduous trees on the Project Site. A total of one hundred and fifty seven (157) trees and shrubs will be planted on the Project Site including a dense row of evergreen trees along the southern boundary of the Project Site. The proposed dense row of evergreen trees will provide screening for the proposed upscale hotel as well as the large potential parking area on the southwest portion of the Project Site. Evergreen trees were selected for the dense row of trees along the southern boundary of the Project Site since they will provide effective screening year round.

The Project Sponsor believes that the modifications to the project including the second reduction of the height of the proposed hotel to the standard that has been established by the Zoning Board of Appeals along with the planting of a large number of trees and shrubs has fulfilled an

objective established by the EAC of reducing the potential adverse visual impacts resulting from the height of the hotel on the existing residential subdivision to the south of the Project Site.

**B. Lighting Impacts**

The Project Sponsor has previously agreed to eliminate exterior lighting on the south side of the proposed hotel in order to ensure there will not lighting spillover onto the properties in the surrounding vicinity along Surfside Parkway and Bay Lane. The lighting impacts have also been reduced as a result of the substantial reduction of the height of the proposed upscale hotel and the Project Sponsor's proposed installation of Colorado spruce trees for screening purposes.

**C. Drainage Impacts**

The Project Sponsor will be required to comply with the Town's stringent drainage standards that require the Project Engineer to provide detailed calculations demonstrating that the increase in impervious surfaces will not increase the rate of discharge for the defined storm events. The Project Sponsor will also be required to comply with the stormwater quality standards that have been promulgated by the New York State Department of Environmental Conservation ("NYSDEC"). Included with the plans submitted with this letter is a Site Utility Plan that has been prepared by Tredo Engineers (Sheet C102 – Date: 03/07/08). The Site Utility Plan indicates that an underground stormwater detention system will be provided and the rate of runoff will be controlled in order to comply with the Town and NYSDEC's stringent standards.

**D. Resident Concerns**

A meeting was held with residents on March 10<sup>th</sup> for the purpose of following up on the concerns that have previously been raised regarding the proposed hotel project. Attached hereto at Exhibit B is a copy of a letter that was sent by John Garas, Esq. to Thomas Johnson for the purpose of following up on the concerns discussed during the meeting. The Project Sponsor and its representatives have attended numerous meetings with residents during the past several months and the modifications that have been made to the proposed reflect the degree to which the Project Sponsor has at all times attempted to incorporate the input from residents.

One of the concerns previously raised by the residents pertains to the type of windows to be installed on the southern side of the hotel. The residents are concerned about preserving privacy in their homes and backyards to the maximum extent practicable. Attached hereto at Exhibit D is information regarding the proposed Performance Tinted Glass to be utilized for exterior hotel windows.

**E. Declaration of Restrictions Restricting Height of Structures on the Project Site**

Attached hereto at Exhibit D is a proposed Declaration of Restrictions that has been prepared for the purpose of restricting the height of the proposed upscale hotel and any structures to be potentially constructed in the future on the Project Site. The proposed Declaration of Restrictions has been prepared to provide the Town Board with the ability to approve the pending request to amend the zoning classification of a portion of the Project Site subject to a



condition that would require the Project Sponsor to record the attached Declaration of Restrictions once the required land use approvals have been obtained and the Project Sponsor has closed on its purchase of the Project Site. A recorded copy of the Declaration of Restrictions would be provided to the Town Board and the Town Attorney's Office immediately upon recording at the Erie County Clerk's Office.

#### **F. Description of Existing Easements**

During the meeting held on February 15<sup>th</sup>, Chairman Pugh requested that a narrative be provided for the purpose of describing the existing easements that encumber the Project Site. Attached hereto at Exhibit E is a marked up copy of the Site Utility Plan that depicts the approximate location of the existing easements. A brief narrative describing each of the easements is also provided below

No. 1: Sanitary Sewer Easement: A 20' wide sanitary sewer line crosses the property from north to south as shown at Exhibit E. This easement benefits the Town of Cheektowaga and was recorded in Erie County Clerk's Office in Liber 8483 of Deeds, Page 296. A sanitary sewer line has been constructed within the bounds of this easement. It is the Project Sponsor's intention to relocate this sewer line to the west, beginning at a point approximately 60' south of the north line of the property, as at Exhibit E in order to avoid the canopy to be constructed on the west side of the hotel. It will be necessary to secure Erie County Health Department approval for the new sanitary sewer line and well as an amendment of the existing easement with the Town.

No. 2: Access Easement: A 20' wide access easement runs around the perimeter of the Property as shown at Exhibit E. This easement exists by virtue of instruments recorded in Erie County Clerk's Office in Liber 10206 of Deeds, Page 545 and Liber 10469 of Deeds, Page 789. This easement benefits property presently owned by the Cosentino interests on Genesee Street and it may also benefit the Comfort Suites property. This easement is a vestige of a "ring road" that was once proposed to provide access to the perimeters of all of the current and former Cosentino properties. This easement is no longer necessary for access to any property owned by the Cosentinos or to the Comfort Suites property. The Project Sponsor has secured the agreement of both the Cosentino interests and the owner of the Comfort Suites property to release the Property from this easement at the time of closing of title to the Property.

No. 3: Storm Sewer Line: Exhibit E depicts the approximate location of a 6" storm sewer line that services the Comfort Suites property. There is no recorded easement with respect to this line. The Project Sponsor has secured the agreement of the owner of the Comfort Suites property to relocate this line to the east, in the location shown as "Relocated Private Storm in 15'w Utility Easement" at Exhibit E. The Project Sponsor will also grant the Comfort Suites owner a proper easement for the operation, repair, replacement, etc. of this line.

No. 4: Sanitary Sewer Line: Exhibit E depicts the approximate location of a sanitary sewer line that services the Comfort Suites property. There is no recorded easement with respect to this line. The elevations permit the re-routing of this line from the manhole in the northerly portion of the Property to the proposed re-routed sanitary sewer line (see No. 1, above), as shown at Exhibit E. The Project Sponsor has secured the agreement of the owner of the Comfort Suites property to

relocate this line. The Project Sponsor will also grant the Comfort Suites owner an easement for the operation, repair, replacement, etc. of this line

Drainage Ditch: A drainage ditch currently runs from the southeasterly circumference of the cul-de-sac across the westerly portion of the Property to the large ditch on the north side of the former railroad right-of-way. The survey of the Property shows that an easement for this ditch exists pursuant to an instrument recorded in Erie County Clerk's Office in Liber 6671 of Deeds, Page 137. That reference appears to be an error since Liber 6671, page 137 is a deed of the Property but contains no reference to an easement. The survey also shows that an easement for this ditch was reserved in one or more maps filed by the New York State Department of Transportation ("DOT"). It will be necessary for the Project Sponsor to pipe this ditch and discussions have been held with representatives of DOT and it appears that DOT's approval to pipe this ditch will not be problematic to obtain.

Other Easements: Various easements to the Town of Cheektowaga for sanitary sewer purposes and to utility companies for power lines, etc run along the south side of the Project Site. No buildings will be constructed over these easements and these easements do not present an obstacle to the development of the Project Site in manner consistent with the Site Plan.

#### **IV. Status of Land Use Approvals**

The proposed project requires several land use approvals including an amendment of the zoning classification of a portion of the Project Site from MS to CM by the Town Board, the granting of an area variance for the height of hotel by the Zoning Board of Appeals and Development Plan Approval. Copies of the land use applications that have been previously filed were included in the Supplemental Submission to the EAC dated January 16, 2008. The Project Sponsor is requesting that the EAC finalize its SEQR recommendation during its next meeting on March 12<sup>th</sup>. The Planning Board will be reviewing the pending request for Development Plan Approval during its upcoming meeting on March 13<sup>th</sup>.

If the EAC recommends the issuance of a negative declaration pursuant to SEQR during its upcoming meeting on March 12<sup>th</sup>, the Town Board will be in a position to issue a negative declaration and approve the pending request to amend the zoning classification of a portion of the Project Site from MS to CM during its next meeting on March 17<sup>th</sup>. Subsequent to the Town Board's issuance of a negative declaration and amendment of the zoning classification of a portion of the Project Site, the Zoning Board of Appeals will be required to hold a public hearing on the pending requested area variances including the required area variance for the height of the proposed hotel. During the public hearing to be held by the ZBA, the Project Sponsor will be required to demonstrate that the benefits resulting from the granting of the requested area variances outweigh any resulting detriments to the health, safety and welfare of the surrounding vicinity.

## V. Conclusion

It is the position of the Project Sponsor that the EAC has been provided with the information necessary for it to take the required "hard look" at identified potential adverse environmental impacts as required by SEQR. The Project Sponsor has worked diligently during the past several months to modify the proposed project for the purpose of reducing magnitude of the identified potential adverse environmental impacts to the maximum extent practicable. The EAC has fulfilled its objective of identifying the potential adverse impacts and encouraging modifications so that the proposed project represents a "suitable balance of social, economic and environmental factors"<sup>1</sup> The Project Sponsor respectfully requests that the EAC issue a recommendation that the Town Board issue a negative declaration pursuant to SEQR based on a determination that the project will not result in any potentially significant adverse environmental impacts warranting the issuance of a positive declaration and the preparation of an EIS

Sincerely,

HOPKINS, GARAS & SORGI, PLLC

  
 Sean W. Hopkins, Esq.

cc: Lt Gary Schmidt, EAC Member  
 Arthur Frederic Beaman, R.A., EAC Member  
 Anthony Sisti, EAC Member  
 Mark Nacke, EAC Member  
 Adam Porebski, EAC Member  
 Daniel Ulatowski, AICP  
 Mary F. Holtz, Town Supervisor  
 Patricia A Jaworowicz, Councilmember  
 Stanley J. Kaznowski, Councilmember  
 Charlie Markel, Councilmember  
 James P. Rogowski, Councilmember  
 Jeff Swiatek, Councilmember  
 Richard A. Zydel, Councilmember  
 Kevin Schenk, Esq., Town Attorney  
 Vahe Kouyoumdjian  
 Walter Sobieraj, R.A  
 Andrew Marino, Tredo Engineers

<sup>1</sup> See 6 NYCRR Part 617.1(c). The SEQR Regulations expressly state, "It is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision-making

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**EXHIBIT A – Amended Part 1 of Long Environmental  
Assessment Form**

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# AMENDED PART 1 - PROJECT INFORMATION

## Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Proposed aloft Hotel – Genesee Street		
LOCATION OF ACTION (Include street Address, Municipality and County) Vacant Land at the end of Burgess on the south side of Genesee Street (SBL#s 92.03-1-16.111 & 92.03-1-19.12)		
NAME OF APPLICANT/SPONSOR Manga, LLC		BUSINESS TELEPHONE (905) 672-4811
ADDRESS 3279 Caroga Drive		
CITY/PO Mississauga	STATE Ontario	ZIP CODE L4V 1A3
NAME OF OWNER (if different) Dynamic Hotel Development, Inc. and Dynamic Operations, Inc.		BUSINESS TELEPHONE ( )
ADDRESS 4225 Genesee Street		
CITY/PO Cheektowaga	STATE New York	ZIP CODE 14225
DESCRIPTION OF ACTION  <p>The Project Sponsor is seeking to develop the 3.9± acre Project Site as a six story upscale hotel with 139 rooms with a maximum height of sixty-eight feet, two inches (68'2"). The proposed aloft architectural feature to be installed on the northwest portion of the hotel will have a maximum height of seventy-seven feet, 6 inches (77'6"). The Part 1 Long EAF filed with the original applications for discretionary approvals described an eight story upscale hotel with a maximum height of ninety-seven feet (97'). The height of the hotel has been reduced based on input that has been provided during the intensive and lengthy environmental review of the proposed project that has been conducted to date by the Environmental Advisory Committee ("EAC"), the Town Board, the Planning Board and the Zoning Board of Appeals</p> <p>The action includes a proposed amendment to the zoning classification of a 2.25± acres of the Project Site from MS (Motor Services) to CM (General Commercial) as well as other required discretionary approvals from Town of Cheektowaga municipal boards including Development Plan/Site Plan Approval and area variances from the Zoning Board of Appeals including an area variance for the height of the proposed upscale hotel. The proposed amendment of the zoning classification of a portion of the project site is consistent with previous land use decisions issued by the Town for property situated in close vicinity to the Greater Buffalo Niagara International Airport. The proposed action will include the construction of an upscale hotel, the installation of parking areas, driveways and access aisles, the installation of landscaping, the installation of sanitary sewer, water lines and other required infrastructure improvements.</p> <p>This amended Part 1 of the Long EAF has been prepared to provide the EAC, Town Board, Planning Board and Zoning Board of Appeals with updated information regarding potential adverse environmental impacts based on the modifications to the project with the objective of reducing the magnitude of the identified potential adverse environmental impacts.</p>		

**Please Complete Each Question - Indicate N.A. if not applicable**

### A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:     Urban     Industrial     Commercial     Residential (suburban)     Rural (non-farm)  
                                   Forest     Agriculture     Other    vacant commercial land

2. Total acreage of project area:    3.9± acres

APPROXIMATE ACREAGE	PRESENTLY	Acres	AFTER COMPLETION	acres
Meadow or Brushland (non-agricultural)	<u>3.8±</u>	Acres	_____	acres
Forested	_____	acres	_____	acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____	acres	_____	acres

Attachment: Aloft Summary of Issues 03-11-08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)



Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	_____	acres	_____	acres
Unvegetated (Rock, earth or fill)	_____	acres	_____	acres
Roads, buildings and other paved surfaces	0.1±	acres	2.88±	acres
Other (Indicate type) Landscaping and greenspace	_____	acres	1.02±	acres

3. What is predominant soil type(s) on project site? OvA – Ovid silt loam (0-3% slopes)
- a. Soil drainage:  Well drained \_\_\_% of site  Moderately well drained \_\_\_% of site  
 Poorly drained 100% of site (classified as *somewhat poorly drained* by Erie County Soil Survey)
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See 1 NYCRR 370).
4. Are there bedrock outcroppings on project site?  Yes  No
- a. What is depth to bedrock? >60± (in feet) according to Erie County Soil Survey
5. Approximate percentage of proposed project site with slopes:  0-10% 100%  10-15% \_\_\_%  
 15% or greater \_\_\_%
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?  Yes  No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? > .5-2.0± (in feet) seasonal fluctuation / according to Erie County Soil Survey
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
 Yes  No According to \_\_\_\_\_  
Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, or other geological formations)  
 Yes  No Describe \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
 Yes  No
15. Streams within or contiguous to project area: N/A  
a. Name of Stream and name of River to which it is tributary \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area: n/a  
a. Name \_\_\_\_\_ b. Size (In acres) \_\_\_\_\_
17. Is the site served by existing public utilities?  Yes  No  
a) If Yes, does sufficient capacity exist to allow connection  Yes  No  
b) If Yes, will improvements be necessary to allow connection?  Yes  No Extension of public water & gas to the Project Site is required along with relocation of existing on-site utilities.
18. Is the site located in an agricultural district certified pursuant to Agricultural and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate)  
a. Total contiguous acreage owned or controlled by project sponsor 3.9± acres.

Attachment: Aloft Summary of Issues 03-11-08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)

- b. Project acreage to be developed: 3.9± acres initially; 3.9± acres ultimately.
- c. Project acreage to remain undeveloped 0 acres
- d. Length of project, in miles: N/A (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed n/a %.
- f. Number of off-street parking spaces existing 0; proposed 230. (Note: The Project Sponsor has provided a Site Plan that depicts the maximum number of parking spaces that will be constructed on the Project Site. The Project Sponsor may not construct all of the parking spaces depicted on the easternmost portion of the Project Site. The Town's Zoning Code requires a minimum of one parking space per guest room [139 spaces]).
- g. Maximum vehicular trips generated per hour 58± upon completion of project? During Peak travel hour
- h. If residential: Number and type of housing units: N/A
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- i. Dimensions (in feet) of largest proposed structure 77'6" height; 75 ±' width; 260 ±' length. (Note: The maximum height of the hotel measured from the finished grade to the parapet of the roof is 66'2").
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 247.06 ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed?  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 1± acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project:  
 Yes  No
6. If single phase project: Anticipated period of construction 10± months; (including demolition).
7. If multi-phased:
- a. Total number of phases anticipated 1 (number).
- b. Anticipated date of commencement phase 1 month \_\_\_\_\_ year.
- c. Approximate completion date of final phase month \_\_\_\_\_ year.
- d. Is phase 1 functionally dependent on subsequent phases?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction 75±; after project is complete 50±.
10. Number of jobs eliminated by this project 0.
11. Will project require relocation of any projects or facilities?  Yes  No If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount Sewage 16,582± gpd
- b. Name of water body into which effluent will be discharged Niagara River via Bird Island WWTP
13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month 2 ± tons
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name NYSDEC approved landfill location unknown
- d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No (NYSDEC approved only for landscaping)

Attachment: Aloft Summary of Issues 03-11-08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)

- 19. Will project routinely produce odors (more than one hour per day)?  Yes  No
- 20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
- 21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) electricity and natural gas
- 22. If water supply is from wells, indicate pumping capacity N/A gallons/minute
- 23. Total anticipated water usage per day 18,236 ± gallons/day.
- 24. Does project involve Local, State, or Federal Funding?  Yes  No  
If yes, explain \_\_\_\_\_
- 25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Rezoning of portion of Project Site and Development Plan Approval	Aug. 31, 2007
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Recommendation on rezoning;	Aug. 31, 2007
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Area variances for maximum height and setbacks	July 30, 2007
City, County Health Department	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	ECWA [Water line connections] ECHD [Sanitary sewer connection and relocation existing of sanitary sewer line]	04/08
State Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC [SPDES]; NYSDOT [Curb cut and drainage]	04/08
Federal Agencies	<input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Zoning and Planning Information**

- 1. Does proposed action involve a planning or zoning decision?  Yes  No  
If Yes, indicate decision required:  
 zoning amendment     zoning variance     special use permit     subdivision     site plan  
 revision of master plan     resource management plan     other \_\_\_\_\_
- 2. What is the zoning classification(s) of the site? CM (General Commercial) and MS (Motor Services)
- 3. What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
As allowed pursuant to §260-32 and §260-33 of the Town of Cheektowaga Zoning Code
- 4. What is the proposed zoning of the site? CM (General Commercial)
- 5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
As allowed pursuant to §260-32 of the Town of Cheektowaga Zoning Code
- 6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No
- 7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?  
Land uses include restaurants, hotels, residential and light industrial uses on land zoned CM (General Commercial), MS (Motor Services) and RSC (Residential Senior Citizen District). The Greater Buffalo Niagara International Airport is located on the north side of Genesee Street. There are existing homes located on property that is zoned for residential purposes within the residential subdivisions to the south of the project site on the southern side of the R. J. Corman right-of-way.
- 8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes  No
- 9. If the proposed action is the subdivision of land, how many lots are proposed? N/A  
a. What is the minimum lot size proposed? \_\_\_\_\_
- 10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

Attachment: Aloft Summary of Issues 03-11-08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)



- 11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  Yes  No
  - a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No
- 12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No
  - b. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

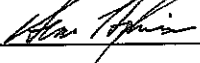
**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

*The Project Sponsor has provided the EAC and the Town Board with extensive documentation regarding identified areas of environmental concern. The magnitude of the identified environmental impacts has been reduced as a result of the open and deliberative environmental review process that has been conducted pursuant to SEQR which has included numerous meetings of the Town's Environmental Advisory Committee as well as meetings of the Town Board (including a public hearing) meetings of the Planning Board and the Zoning Board of Appeals. The most important identified potential adverse environmental impact was the height of the proposed upscale hotel. During the environmental review conducted by the Town, the Project Sponsor has been advised that a maximum height of 69' would be consistent with land use approvals that have been granted for hotel projects in the vicinity of the project site. Based on the input that has been provided, the Project Sponsor has reduced the maximum height of the hotel to less than 69' (with the exception of the architectural aloft feature that be located on the northwest portion of the proposed hotel. It is the position of the Project Sponsor that it has reduced magnitude of the identified environmental impacts to the maximum extent practicable consistent with one of the objectives of SEQR.*

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Manga, LLC Date March 10, 2008  
 Signature  Sean Hopkins, Esq. Title Project Attorney

Attachment: Aloft Summary of Issues 03-11-08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)

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**EXHIBIT B – Correspondence from John Garas, Esq.  
to Thomas Johnson dated March 11, 2008**

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TEL 716 614.8801 ■ FAX 716.614 8802  
5500 Main Street, Suite 311 ■ Williamsville, New York 14221

John C. Garas, Esq. ■ direct line 716.614 8804 ■ cell 716.908 4767 ■ jgaras@hopkinsgaras.com

March 11, 2008

Mr. Thomas M. Johnson, Jr.  
171 Meadowlawn Road  
Cheektowaga, NY 14225

Re: Proposed aloft Hotel Project  
Town of Cheektowaga

Dear Mr. Johnson:

Thank you for meeting with me and several neighbors yesterday afternoon to address the list of concerns which you and the neighbors have provided concerning the proposed project. I thought the meeting was both pleasant and productive. This letter will summarize the understandings reached at the meeting and it will be shared with the various Town municipal boards and committees including the Environmental Advisory Committee, the Town Board, the Planning Board and the Zoning Board of Appeals. I will e-mail a copy of this letter to the participants who provided e-mail addresses at yesterday's meeting and I would ask you to forward copies to any other interested neighbors.

First, let me express our client's commitment to continue to be accessible to the neighbors after the required land use approvals have been obtained. I have been specifically directed by our client to assure you and the neighbors that communication channels will be open at all times and if any concerns arise before, during or after construction, our client will remain available to address those concerns. You have indicated that in your experience the communication between the project sponsor and residents often ceases once the project sponsor has obtained the required land use approvals. Our client wants to reiterate that this will not occur in connection with the proposed project.

**Windows:** All windows will be tinted and the individual hotel rooms will all have blinds or shades. The tinting of the windows will also be subject to the approval of Starwood Hotels, the franchisor.

**Lighting:** There will be no exterior lighting above the first floor on the south or east sides of the hotel. All parking lot lighting will be properly shielded to insure that the light source will not be visible from adjoining properties. The project sponsor will select parking lot lighting that minimizes lighting spillover. Light standards will be the minimum height necessary to satisfy the aloft design standards.

**Building Color:** The project sponsor will select a neutral color for the exterior of the hotel, subject, again, to the approval of Starwood Hotels, the franchisor.

**Building Height:** The height of the southerly and easterly sides of the hotel will not exceed 67 feet 8 inches.

**Off-Site Landscaping:** We will plant trees in the northeast portion of the Maryvale East Senior Citizens Center if the approval is obtained by its owner. This will provide visual screening to residents of Bay Lane. We cannot plant trees north of the Dwyer and Marzikowski properties or properties further east

because we have determined this property is not owned by the Town or by the homeowners. The project sponsor will consider providing a landscaping allowance to the Dwyers and Marzikowskis for plantings or fencing, as they choose. It was agreed that Mrs. Dwyer and Mr. Marzikowski would present me with an estimate of the cost of landscaping of their choice and I will present the estimates to our client for its consideration.

Dust and Rodent Control: The project sponsor will comply with all applicable regulations and ordinances to control dust and rodents during the construction process. If at any point those measures prove inadequate, our client will meet with the neighbors to discuss additional or alternative measures. Also, if dust from construction activities should settle on the homes or properties of neighbors, the project sponsor will reimburse them for the reasonable cost of cleaning, provided that approval of our client is obtained prior to the work being commenced.

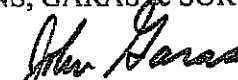
Hours of Construction: All contractors will be advised that there must be no construction activity before 7:00 a.m. or after 9:00 p.m. After discussions with our client, I have been advised that occasionally, but not regularly, due to delivery schedules of suppliers, deliveries of construction materials may be made to the project site before 7:00 a.m. This will not be a common occurrence.

Dumpster Location: The dumpster will be located as far from the neighbors' properties as possible and it will be enclosed by fencing or walls to provide appropriate screening.

I believe this letter summarizes all of the matters we discussed yesterday. If you feel I have failed to address any of the neighbors concerns, please let me know. Thank you again for your assistance throughout this lengthy approval process.

Very Truly Yours,

HOPKINS, GARAS & SORGI, PLLC

  
John C. Garas, Esq.

cc: Cheektowaga Town Board  
Town of Cheektowaga Environmental Assessment Committee  
Town of Cheektowaga Planning Board  
Vahe Kouyoumdjian  
Walter Sobieraj, R.A.  
Andrew Marino, Tredo Engineers  
Sean Hopkins, Esq.

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**EXHIBIT C – Performance Tinted Glasses  
Information from PPG Industries, Inc.**

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# Performance Tinted Glasses



*Victory Building  
Location: Little Rock, AR  
Products: Solarban® 60/Clear and  
Solarban® 60/Solargray® Glass  
Architect: Cromwell Architects  
Engineers  
Glazing Contractor: Ace Glass  
Glass Fabricator: Arch Aluminum  
and Glass Co, Inc*

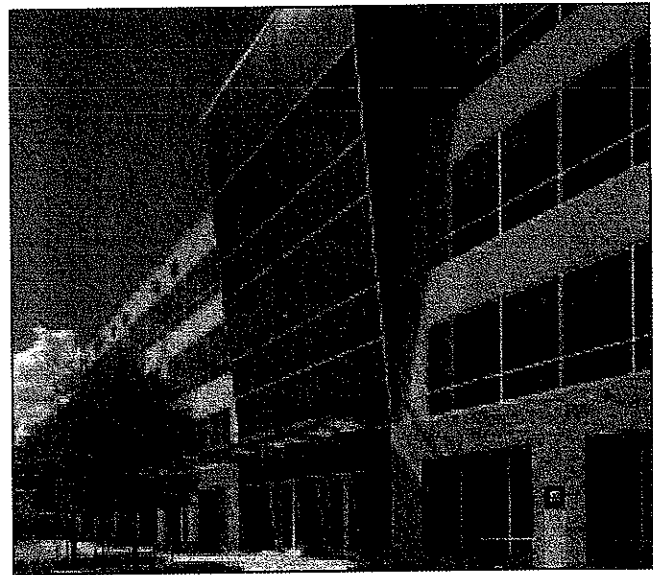
A staple in PPG's architectural glass offering since the 1960s, Performance Tinted **Solargray®** and **Solarbronze®** glasses allow architects to make a bold visual statement while maintaining energy efficiency and occupant comfort. These heat-absorbing, glare-reducing tinted glasses are engineered to showcase their individual color and performance characteristics. Architects also can apply one of PPG's reflective or low-emissivity coatings for additional aesthetic and performance solutions.

## **Solargray® Glass**

A cool light-gray color that enhances almost any building facade and the ability to control solar heat gain and glare have made **Solargray** glass a top choice for commercial structures. With a visible light transmittance of 40% for a 1" insulating glass unit with clear interior light, **Solargray** manages energy use with a Solar Heat Gain Coefficient (SHGC) of 0.45.

**Solargray** glass also reduces ultraviolet energy transmittance, allowing only 20% of the UV energy to pass through the glass. Ultraviolet energy has long been associated with the accelerated fading of fabrics and other interior materials.

For even more performance from **Solargray**, combine with **Sungate®** 500 glass in a 1" insulating unit for improved solar heat gain performance and lower U-values.



*Horizons II  
Location: Austin, TX  
Products: Solargray®/Solarban® 60 Glass  
Architect: Sixth River Architects  
Glass Fabricator: Craftsman Fabricated Glass*

\* The U.S. Department of Energy defines spectrally selective as glass with a Light to Solar Gain (LSG) ratio of 1.25 or higher.



# Performance Tinted Glasses

## Solarbronze® Glass

A popular choice for both commercial buildings and homes, **Solarbronze** glass has a warm bronze tint that adds a subtle richness to the exterior and a warm glow to interior décor. The bronze color especially complements brick and stone facades.

Like its counterpart, **Solarbronze** also reduces solar heat gain and glare, transmitting only 47% of visible light and just 21% of ultraviolet light with a SHGC of 0.51 in the 1" insulating glass unit with clear interior light.

## Superior Energy-Saving Performance

For even greater solar control, enhance **Solarbronze** and **Solargray** by combining it in a 1" insulating glass unit with **Sungate** 500 Low-E Glass. To achieve spectrally selective glass\*, as recommended by the U.S. Department of Energy, **Solargray** and **Solarbronze** can be teamed with **Solarban** 60 Solar Control Low-E Glass to earn LSG ratings of 1.25 or more\*

## Solarbronze® and Sungate® 500 Low-E Glass (1" I.G. Unit, 6mm)

High Visible Light Transmittance: 44%  
 Outstanding Solar Heat Gain Coefficient: 0.46  
 Good Light to Solar Gain ratio: 0.96  
 Summer Daytime U-value: 0.35

## Solarbronze® and Solarban® 60 Solar Control Low-E Glass (1" I.G. Unit, 6mm)

High Visible Light Transmittance: 41%  
 Excellent Solar Heat Gain Coefficient: 0.32  
 Excellent Light to Solar Gain ratio: 1.35\*  
 Summer Daytime U-value: 0.28

## Solargray® and Sungate® 500 Low-E Glass (1" I.G. Unit, 6mm)

High Visible Light Transmittance: 37%  
 Outstanding Solar Heat Gain Coefficient: 0.40  
 Good Light to Solar Gain ratio: 0.93  
 Summer Daytime U-value: 0.35

## Solargray® and Solarban® 60 Solar Control Low-E Glass (1" I.G. Unit, 6mm)

High Visible Light Transmittance: 35%  
 Excellent Solar Heat Gain Coefficient: 0.29  
 Excellent Light to Solar Gain ratio: 1.25\*  
 Summer Daytime U-value: 0.28

## Fabrication and Availability

**Solargray**® and **Solarbronze**® glasses provides maximum processing flexibility and can easily be heat-strengthened, tempered, or laminated to satisfy increased strength or safety glazing requirements. **Solargray**® and **Solarbronze**® glasses are readily available from nearly 100 glass fabrication locations throughout the U.S. and Canada.

## Additional Resources

For more information, or to obtain samples of **Solargray**® and **Solarbronze**® glasses, call 1-888-PPG-IDEA, or visit [www.ppgglazing.com](http://www.ppgglazing.com)

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## Solargray® and Solarbronze® Performance — Commercial Insulating Glass Unit Comparisons Using 1/4" (6mm) Glass

Glass Type	Transmittance			Reflectance		U-Value (Imperial)		K-Value (Metric)		Shading Coefficient	Solar Heat Gain Coefficient	Light to Solar Gain (LSG)
	Ultra-violet %	Visible %	Total Solar Energy %	Visible Light %	Total Solar Energy %	Winter Night-time	Summer Day-time	Winter Night-time	Summer Day-time			
<b>Monolithic (6mm)</b>												
SOLARGRAY	24	44	42	6	5	1.02	0.93	5.79	5.28	0.67	0.58	0.76
SOLARBRONZE	26	53	50	6	6	1.02	0.93	5.79	5.28	0.73	0.63	0.84
<b>Insulating Vision Unit Performance Comparisons — 1-inch (25mm) units with 1/2-inch (6mm) airspace and two 1/4-inch (6mm) lites, interior lite clear</b>												
SOLARGRAY Tinted Glass	20	40	33	7	7	0.47	0.50	2.67	2.84	0.52	0.45	0.89
SOLARBRONZE Tinted Glass	21	47	39	9	7	0.47	0.50	2.67	2.84	0.59	0.51	0.92
<b>SUNGATE® Low-E Glasses</b>												
SUNGATE 100 (3) SOLARGRAY	14	36	24	7	10	0.31	0.30	1.76	1.70	0.41	0.35	1.03
SUNGATE 100 (3) SOLARBRONZE	15	44	28	7	12	0.31	0.30	1.76	1.70	0.46	0.40	1.10
SUNGATE 500 (3) SOLARGRAY	17	37	28	8	8	0.35	0.35	1.99	1.99	0.47	0.40	0.93
SUNGATE 500 (3) SOLARBRONZE	18	44	33	9	9	0.35	0.35	1.99	1.99	0.53	0.46	0.96
<b>SOLARBAN® 60 Solar Control Low-E Glass</b>												
SOLARBAN 60 (3) SOLARGRAY	8	35	18	7	13	0.29	0.28	1.65	1.55	0.33	0.29	1.25
SOLARBAN 60 (3) SOLARBRONZE	8	41	20	8	17	0.29	0.28	1.65	1.55	0.37	0.32	1.35

Performance data calculated using LBL Window 5.2. For detailed information on the methodologies used to calculate the aesthetic and performance values in this table please visit [www.ppgglazing.com](http://www.ppgglazing.com) or request our Architectural Glass Catalog

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# SOLARBAN z50

Solar Control Low-E Glass

## Performance Characteristics

**Solarban z50** glass offers an exceptional Light to Solar Gain (LSG) ratio, combining a Visible Light Transmittance (VLT) of 51% and a Solar Heat Gain Coefficient (SHGC) of 0.31 in a standard 1" insulating unit with clear glass. The resulting LSG ratio of 1.61 is 28 to 30 percent higher than the current competitive products in the same category (see chart on previous page). The excellent LSG ratio of **Solarban z50** glass surpasses, by far, the minimum threshold for spectral selectivity established by the U.S. Department of Energy.\* Some glasses in this category do not meet this required minimum. To provide year-round comfort **Solarban z50** glass delivers an outstanding winter nighttime U-Value of 0.29.

\*The U S Department of Energy defines spectrally selective glass as any glass with a Light to Solar Gain (LSG) ratio of 1.25 or better. LSG is a derivative of Solar Heat Gain Coefficient (SHGC) and Visible Light Transmittance (VLT)

## Fabrication

Manufactured with an MSVD coating, **Solarban z50** glass is available exclusively through PPG's certified fabricator network and can be annealed, heat-strengthened, tempered and laminated. More than 30 PPG Certified Fabricators, PPG Certified Commercial Window Fabricators and PPG Certified Laminators are equipped to meet tight construction deadlines. They can also accelerate the delivery of replacement glass during and after construction.

## Additional Resources

PPG created **EcoLogical Building Solutions™**, a collection of glass, coatings and paint products, such as **Solarban z50** glass, to help architects and building owners practice the principles of sustainable design. For more information on **EcoLogical Building Solutions™** from PPG, or to obtain samples of **Solarban z50** glass, call 1-888-PPG-IDEA or visit [www.ppgideascape.com](http://www.ppgideascape.com).



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## Solarban® z50 Glass Performance — Commercial Insulating Glass Unit Comparisons Using 1/4" (6mm) Glass

Insulating Vision Unit Performance Comparisons	1-inch (25mm) units with 1/2-inch (13mm) airspace and two 1/4-inch (6mm) lites									
	Transmittance			Reflectance		U-Value (Imperial)		Shading Coefficient	Solar Heat Gain Coefficient	Light to Solar Gain (LSG)
	Ultra-violet %	Visible %	Total Solar Energy %	Visible Light %	Total Solar Energy %	Winter Night-time	Summer Day-time			
<b>Coated</b>										
<b>SOLARBAN® Glass with z50 Solar Control Low-E</b>										
SOLARBAN® z50 (2) Clear	14	51	25	8	23	0.29	0.27	0.36	0.31	1.61
SOLARBAN® z50 (3) AZURIA™	10	39	16	8	6	0.29	0.27	0.35	0.30	1.30
SOLARBAN® z50 (3) ATLANTICA™	4	39	15	8	7	0.29	0.27	0.34	0.30	1.30
SOLARBAN® z50 (3) CARIBIA®	6	39	15	8	7	0.29	0.27	0.34	0.30	1.30
SOLARBAN® z50 (3) SOLEXIA™	8	44	19	10	11	0.29	0.27	0.41	0.35	1.26
SOLARBAN® z50 (3) Gray	6	25	14	6	13	0.29	0.27	0.32	0.28	0.89
<b>VISTACOOL™ Subtly Reflective, Color-Enriched Glass with SOLARBAN z50 Solar Control Low-E</b>										
VISTACOOL (2) AZURIA + Low-E	9	30	12	20	11	0.29	0.27	0.29	0.25	1.20
VISTACOOL (2) CARIBIA + Low-E	5	30	12	19	11	0.29	0.27	0.29	0.25	1.20
VISTACOOL (2) SOLARGRAY® + Low-E	5	20	11	11	15	0.29	0.27	0.27	0.24	0.83

Performance data calculated using LBL Window 5.2 For detailed information on the methodologies used to calculate the aesthetic and performance values in this table please visit [www.ppgglazing.com](http://www.ppgglazing.com) or request our Architectural Glass Catalog. Competitive performance data was calculated using LBL Window 5.2 as of June 2006



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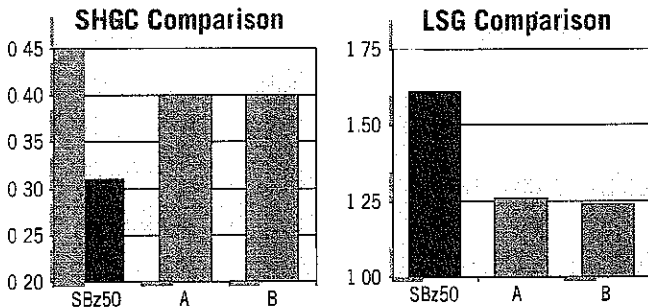


**Aesthetic Description**

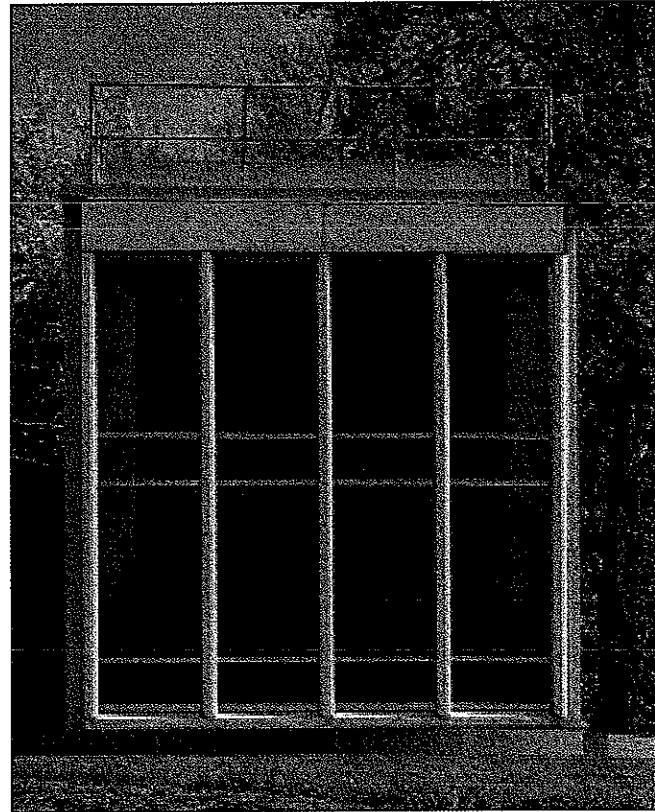
**Solarban® z50 glass**, the newest addition to the proven and trusted **Solarban** line of Solar Control Low-E Glasses by PPG, features a steel blue/gray appearance together with minimal exterior reflectance and high levels of visible light transmittance. **Solarban z50 glass** has been engineered to complement the architectural design of a building, not to overpower it

**Solarban z50 glass** was developed by PPG to meet the growing demand for a neutral-gray architectural glass that manages glare control, while providing the daylighting and solar control properties required to support the principles of sustainable design. The result is a new product that complements a wide range of design scenarios while delivering a Solar Heat Gain Coefficient (SHGC) that is up to 23 percent better than competing products (see chart below). Along with its demonstrable advantages in solar control, **Solarban z50 glass** also maintains a low interior reflectance level of just 11%, providing interior building occupants with a clear, natural view of the outdoors.

While delivering a range of superior solar control performance features, **Solarban z50 glass** is price-competitive with other architectural glasses offering similar aesthetics.



As these charts demonstrate, **Solarban z50 glass** has a lower Solar Heat Gain Coefficient (left chart) and a higher Light to Solar Gain ratio (right chart) than leading competitive products with similar aesthetics, labeled A and B respectively.



The neutral-gray appearance of **Solarban z50 glass** demonstrates minimal exterior reflectance and provides high levels of visible light transmittance. **Solarban z50 glass'** combination of excellent solar control performance and pleasing aesthetics make it the perfect fit for many designs.

**Sustainable Design and Architectural Glass**

Sustainable design, green building, safeguarding the environment and the long-term management of energy costs are vital considerations for contemporary building

designers. Like other high-performance architectural glasses from PPG, including **Solarban 70XL glass**, **Solarban 60 glass**, **Solarban 80 glass** and the **Oceans of Color™** collection of spectrally selective tinted glass, **Solarban z50 glass** gives architects and building owners a tool to reach their design objectives. Sustainable design and LEED credit support is provided according to the following criteria:

Category	LEED	Feature	Benefit
Energy & Environmental Performance <i>Energy Performance</i>	Credit 1 1-2 points	SHGC: 0.31 U-Value: 0.29	Excellent year-round solar control
Interior & Environmental Quality <i>Daylight &amp; Views</i>	Credit 8 1-2 points	VL3: 61% LSG: 1.61	Glare control along with abundant visible light
Materials & Resources <i>Recycled Content</i>	Credit 4 & 5 1-2 points	Minimum 20% post-industrial recycled content	Support LEED credits and use of recycled materials
Materials & Resources <i>Regional Materials</i>	Credit 5 1-2 points	National certified network of fabricators and laminators	Regional supply across the U.S. and Canada
First Costs		Price competitive	Economical performance
Lifetime Costs		Proven technology	Ongoing energy savings

# SOLARBAN z50

Solar Control Low-E Glass

## Performance Characteristics

**Solarban z50** glass offers an exceptional Light to Solar Gain (LSG) ratio, combining a Visible Light Transmittance (VLT) of 51% and a Solar Heat Gain Coefficient (SHGC) of 0.31 in a standard 1" insulating unit with clear glass. The resulting LSG ratio of 1.61 is 28 to 30 percent higher than the current competitive products in the same category (see chart on previous page). The excellent LSG ratio of **Solarban z50** glass surpasses, by far, the minimum threshold for spectral selectivity established by the U.S. Department of Energy.\* Some glasses in this category do not meet this required minimum. To provide year-round comfort **Solarban z50** glass delivers an outstanding winter nighttime U-Value of 0.29.

\*The U.S. Department of Energy defines spectrally selective glass as any glass with a Light to Solar Gain (LSG) ratio of 1.25 or better. LSG is a derivative of Solar Heat Gain Coefficient (SHGC) and Visible Light Transmittance (VLT).

## Fabrication

Manufactured with an MSVD coating, **Solarban z50** glass is available exclusively through PPG's certified fabricator network and can be annealed, heat-strengthened, tempered and laminated. More than 30 PPG Certified Fabricators, PPG Certified Commercial Window Fabricators and PPG Certified Laminators are equipped to meet tight construction deadlines. They can also accelerate the delivery of replacement glass during and after construction.

## Additional Resources

PPG created **EcoLogical Building Solutions™**, a collection of glass, coatings and paint products, such as **Solarban z50** glass, to help architects and building owners practice the principles of sustainable design. For more information on **EcoLogical Building Solutions™** from PPG, or to obtain samples of **Solarban z50** glass, call 1-888-PPG-IDEA or visit [www.ppgideascape.com](http://www.ppgideascape.com).



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## Solarban® z50 Glass Performance — Commercial Insulating Glass Unit Comparisons Using 1/4" (6mm) Glass

Insulating Vision Unit Performance Comparisons — 1-inch (25mm) units with 1/2-inch (13mm) airspace and two 1/4-inch (6mm) lites										
Glass Type	Transmittance			Reflectance		U-Value (Imperial)		Shading Coefficient	Solar Heat Gain Coefficient	Light to Solar Gain (LSG)
	Ultra-violet %	Visible %	Total Solar Energy %	Visible Light %	Total Solar Energy %	Winter Night-time	Summer Day-time			
<b>Coated</b>										
<b>SOLARBAN® Glass with z50 Solar Control Low-E</b>										
SOLARBAN® z50 (2) Clear	14	51	25	8	23	0.29	0.27	0.36	0.31	1.61
SOLARBAN® z50 (3) AZURIA™	10	39	16	8	6	0.29	0.27	0.35	0.30	1.30
SOLARBAN® z50 (3) ATLANTICA™	4	39	15	8	7	0.29	0.27	0.34	0.30	1.30
SOLARBAN® z50 (3) CARIBIA®	6	39	15	8	7	0.29	0.27	0.34	0.30	1.30
SOLARBAN® z50 (3) SOLEXIA™	8	44	19	10	11	0.29	0.27	0.41	0.35	1.25
SOLARBAN® z50 (3) Gray	6	25	14	6	13	0.29	0.27	0.32	0.28	0.89
<b>VISTACOOL™ Subtly Reflective, Color-Enriched Glass with SOLARBAN z50 Solar Control Low-E</b>										
VISTACOOL (2) AZURIA + Low-E	9	30	12	20	11	0.29	0.27	0.29	0.25	1.20
VISTACOOL (2) CARIBIA + Low-E	5	30	12	19	11	0.29	0.27	0.29	0.25	1.20
VISTACOOL (2) SOLARGRAY® + Low-E	5	20	11	11	15	0.29	0.27	0.27	0.24	0.83

Performance data calculated using LBL Window 5.2. For detailed information on the methodologies used to calculate the aesthetic and performance values in this table please visit [www.ppgglazing.com](http://www.ppgglazing.com) or request our Architectural Glass Catalog. Competitive performance data was calculated using LBL Window 5.2 as of June, 2006.



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**EXHIBIT D – Draft Declaration of Restrictions**

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**DRAFT****DECLARATION OF RESTRICTIONS**

**THIS DECLARATION OF RESTRICTIONS** is dated the \_\_ day of \_\_\_\_\_, 2008 by Manga, LLC, having an address at \_\_\_\_\_ (“Declarant”) under facts and circumstances summarized by the following recitals:

A. Declarant is the owner of real property located in the Town of Cheektowaga, County of Erie and State of New York and more fully identified in Exhibit “A” attached hereto and made a part hereof (the “Premises”).

B. Declarant has petitioned the Cheektowaga Town Board (hereinafter “Town Board”) to amend the zoning classification of a portion of the Premises from Motor Services (“MS”) to General Commercial (“CM”) to enable Declarant to construct a hotel on the Premises.

C. On November 26, 2007 the Town Board held a public hearing on the requested amendment to the zoning classification of a portion of the Premises.

D. The Town of Cheektowaga has previously sought to impose a sixty-nine (69) foot height limitation on buildings in the vicinity of the Premises for public safety purposes and in order to preserve the character of the neighborhood and to prevent undue visual and other impacts on the nearby residential neighborhood.

E. On March 17, 2008 the Town Board approved the requested rezoning of a portion of the Premises from MS to CM subject to the conditions that (1) no building erected on the Premises may exceed sixty-nine (69) feet in height, exclusive of signs and architectural features not intended for human habitation, and (2) an instrument be recorded in the office of the Clerk of Erie County memorializing the height restriction which instrument may not be changed or amended without with written approval of the Town Board.

**NOW, THEREFORE**, in consideration of the foregoing and One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares that the Premises will be forever owned, held, sold and conveyed subject to the terms of this Declaration, as follows:

1. **Height Restriction-** No permanent building or structure in excess of sixty-nine (69) feet in height may be erected or constructed at any time on any portion of the Premises described in Exhibit “A” hereto, provided that the foregoing height restriction shall not prohibit signs or architectural features not intended for human habitation which exceed sixty-nine feet in height and which may be approved by the Town Board on a case by case basis. In particular, the restriction contained herein shall not be deemed to prohibit the “aloft” sign/architectural feature planned for the north west



corner of the hotel which Declarant proposes for the Premises, as shown in Exhibit "B" to this Declaration.

2. **Nature of Declaration**. This Declaration shall bind the owner(s) from time to time of the Premises or any portion thereof and their successors and assigns forever and shall in all respects run with the land. This Declaration may not be amended, modified or changed except with the written approval of the Town Board which approval the Town Board may withhold or condition in its sole discretion.

**IN WITNESS WHEREOF**, Declarant has executed this Declaration as of the day and year first set forth above.

MANGA, LLC

By: \_\_\_\_\_  
Sukhdev Toor, Manager

Approved:

Town of Cheektowaga

By: \_\_\_\_\_  
Mary F. Holtz, Supervisor

Approved as to Form:

\_\_\_\_\_  
Kevin G. Schenk, Town Attorney

STATE OF NEW YORK        )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_ in the year 2008 before me, the undersigned, a Notary Public in and for said State, personally appeared Sukdhev Toor , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

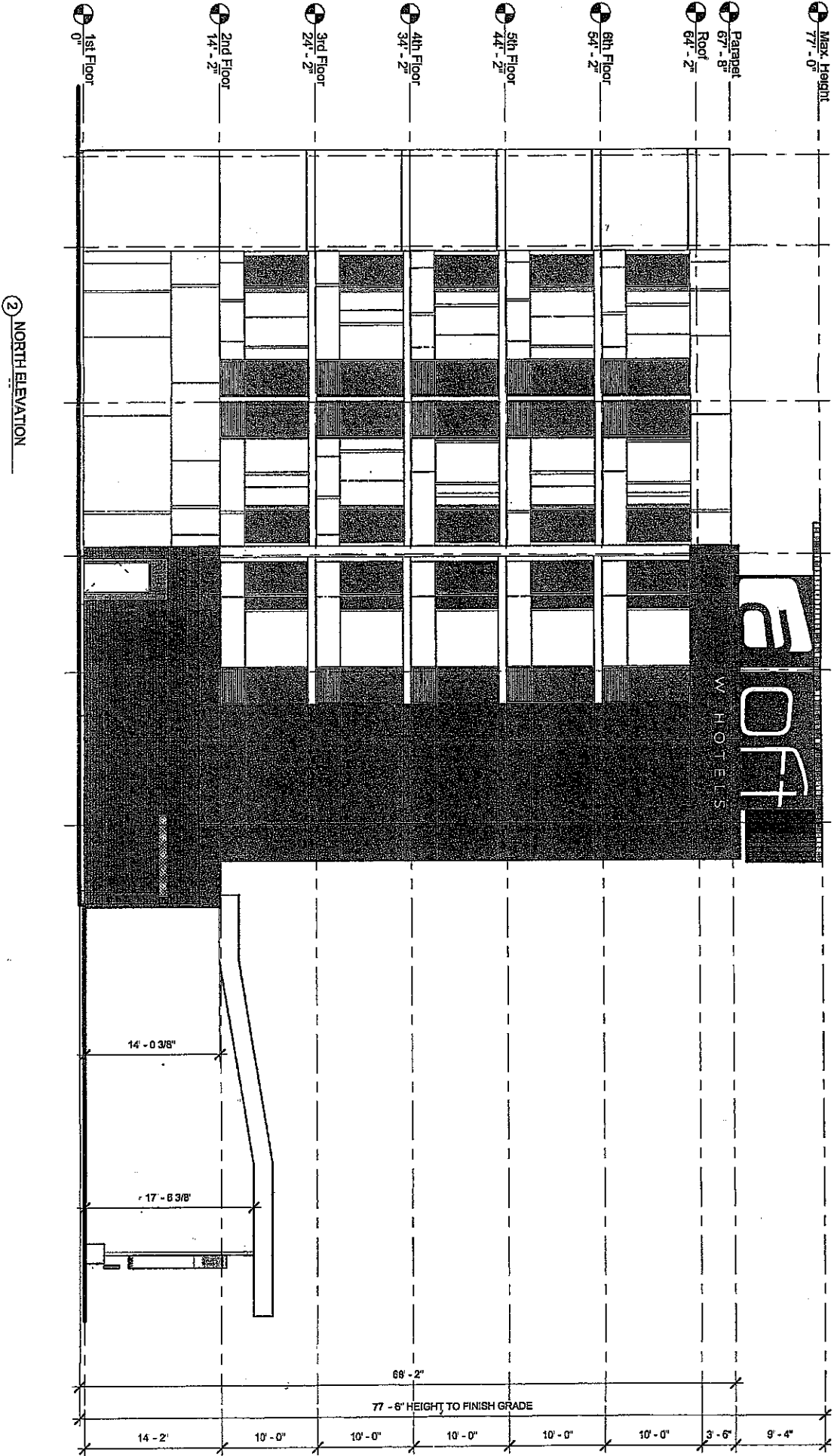
\_\_\_\_\_  
Notary Public

Attachment: Aloft Summary of Issues 03-11-08 (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)

**EXHIBIT "A"**

Legal Description to be provided

EXHIBIT "B"



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**EXHIBIT E – Marked Up Site Utility Plan Depicting  
Existing Easements**

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State Environmental Quality Review  
**NEGATIVE DECLARATION**  
 Notice of Determination of Non-Significance

Project Number \_\_\_\_\_

Date: \_\_\_\_\_

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 \_\_\_\_\_ 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:**

SEQR Status:     Type 1         **G**  
                   Unlisted         **G**

Conditioned Negative Declaration:   **G** Yes  
   **G** No

**Description of Action:**

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Attachment: Burgess Blvd Aloft Neg Dec form (RES-2008-153 : Negative SEQR Declaration - A-Loft Hotel)

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person:

Address:

Telephone Number:

**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, 625 Broadway Albany NY 12233-1750 (Type One Actions only)

SEQR Negative Declaration Page 3 of 3:

**Reasons Supporting This Determination continued:**

existing homes located on the southern side of the R.J. Corman right-of-way; (2) modified the color of the exterior of the proposed hotel so that it will be compatible with existing development along the Genesee Street corridor; (3) agreed to install high quality tinted windows and blinds on the exterior windows; and (4) agreed to provide planting at identified off premises locations subject to approval of the property owners.

The proposed land use is consistent with the surrounding land uses, consistent with the Town's comprehensive plan which encourages hotel development in the Genesee Street target sector and the project fulfills the Town 's economic development objective of back lot development along the newly constructed NYSDOT spine road (Burgess Blvd.). The potential increases in surface water quantity or the potential for erosion or flooding associated with the project has been evaluated and the project sponsor will be implementing an integrated underground stormwater management system consisting of (3) three below grade storm water detention structures that will be required to satisfy the Town's standards as well as the NYSDEC's stringent requirements for both stormwater quantity and quality. The project will not involve the destruction of large quantities of important vegetation or fauna since the project site consists of previously developed lawn area and several trees which will be displaced by building and accessory parking. Tree losses will be mitigated with the addition numerous replacement trees.

The NYSDOT has reviewed the proposed project and the increased traffic resulting from the proposed hotel will not have a significant adverse impact on Levels of Service along Genesee Street.

The Environmental Advisory Committee has evaluated the identified potential adverse environmental impacts during numerous meetings during the past several month and it concluded its review by recommending that the Town Board issue a Negative Declaration as a result of the numerous project modifications that have been during the open and deliberative environmental review for the purpose of reducing the magnitude of the identified environmental impacts. The Town Board has considered all relevant information pertaining to identified environmental impacts including Part 1 of the Long Environmental Assessment Form, the amended Part 1 of the Long Environmental Assessment Form, the Development Plan documentation including the Site Plan, building elevations, etc., the correspondence submitted on behalf of the project sponsor and the written comments and recommendations received from involved and interested agencies. The Town Board has taken the required hard look at identified potential adverse environmental impacts and it has concluded that none of the identified impacts is potentially significant and also that the identified potential adverse environmental impacts have been minimized to the maximum extent practicable. The Town Board has determined that the proposed project represents a suitable balance of environmental, economic and social considerations.



# STOHL ENVIRONMENTAL, LLC

Environmental – Asbestos, Lead and Mold Consultants

4169 Allendale Pkwy., Suite 100  
Blasdell New York 14219

☎ (716) 312-0070  
☎ (716) 312-8092

March 7, 2008

Mr. Richard Willis  
Town of Cheektowaga Department of Community Development  
275 Alexander Avenue  
Cheektowaga, NY 14211

**Re: PROPOSAL – Specification & Construction Period Services  
64 S. Glidden Street  
Cheektowaga, NY 14206**

Dear Mr. Willis:

We have prepared a proposal for your review regarding preparation of contract documents for asbestos abatement in preparation for building demolition of house located at 64 S Glidden Street in Cheektowaga, New York.

This proposal includes the Asbestos technical section 02082 “Asbestos Abatement” and abatement contract drawings. Inspection work and materials sampling were completed by separate contract. The following is our understanding of the project requirements and fee proposal:

### **PROJECT OBJECTIVES:**

1. Generate Contract Documents (Abatement Specifications and Contract Drawings) for the proper handling and removal of asbestos containing materials identified within the renovation areas as identified in the Inspection Report,
2. Attend a pre-bid contractor walkthrough

### **PROJECT APPROACH:**

The scope of general construction work involves the abatement of asbestos materials prior to demolition at 64 S Glidden Street in Cheektowaga, New York.

#### **Abatement Project Design**

- Perform visual inspection of proposed work areas to determine site specific considerations of specification design,
- Specify abatement procedures for areas to be impacted by renovation. Provide technical section 02082 Asbestos Abatement as needed to accommodate renovation plans.
- Prepare drawings sufficient to illustrate locations of required asbestos abatement with annotations for items that will be require abatement,



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**PROJECT APPROACH: (continued)**

**Optional Services:** Stohl Environmental is able to provide additional services to further assist the Town of Cheektowaga with this project including the following:

- PE Review and Stamp of completed Abatement Drawings
- Construction Period Services
  - Put together front end bidding documents
  - Attend / Host pre-bid & pre-construction meetings
- Review and approve contractor pre work submittals and post abatement close out documents.

**PROPOSED FEES:**

DESCRIPTION	UNIT PRICE	OPTION ACCEPTED
<i>Construction Documents (Spec and Abatement Drawings)</i>	\$1,100.00	
OPTIONAL- <i>PE Review and Stamp</i>	\$500.00	
OPTIONAL- <i>Front End Bid Document</i>	\$500.00	
OPTIONAL- <i>Submittal and Closeout Documentation Review</i>	\$300.00	
OPTIONAL- <i>Meetings and other Construction Period Services (Unit rate is \$65.00 per hour, to be attended only upon request)</i>	Upon Request	

**TIMING & ACCEPTANCE:**

Stohl Environmental can begin work on this project upon approval to proceed from the Town of Cheektowaga. The specifications and drawings can be completed within one week of acceptance. If you have any questions on this proposal; or suggestions on how Stohl Environmental LLC can better serve you, please do not hesitate to call. Alternatively, if the Proposal is acceptable, please indicate acceptance below, and return a copy to our office.

Sincerely,  
Stohl Environmental, LLC

X 

Patrick Holden on behalf of Stohl Environmental

3/7/08  
Date

Proposal accepted by: (Mark rows that are accepted with "X" in table above)

X \_\_\_\_\_  
On behalf of Town of Cheektowaga

\_\_\_\_\_  
Date



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, April, 1, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on April 1, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Christine Ziemba, Chief of Police  
William Keefer, Esq.

### 3. Motion To: Go Into Executive Session to discuss Personnel Matters Relating to a Police Officer at 6:04 PM

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## II. Resolutions



## 1. RESOLUTION 2008-182

### Approve Settlement of Police Officer Disciplinary Matter

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, at an Executive Session of the Town Board on February 14, 2008, the Town Board adopted a resolution (Resolution 2008-99) preferring disciplinary charges against a police officer; and

WHEREAS, at an Executive Session of this Town Board on March 3, 2008, the Town Board, by resolution (Resolution 2008-144) retained the law firm of Phillips, Lytle LLP to represent the Town's interest with respect to labor matters within the Town; and

WHEREAS, said attorneys for the Town and the attorney for the police officer are desirous of entering into a settlement agreement resolving the matter; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the recommendation of counsel and hereby authorizes the Supervisor to execute said settlement agreement, subject further to approval by the Town Attorney's Office; and BE IT FURTHER

RESOLVED, that, as per said settlement agreement, the agreement and terms set forth therein shall remain confidential.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Motion To: Exit Executive Session at 6:14 pm

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

3. Motion To: Go Into Executive Session to Discuss Personnel Matters with Attorney's for the Town at 6:40 PM

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

4. Motion To: Exit Executive Session at 7:38 PM

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember



**SECONDER:** Richard Zydel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Zydel, Kaznowski  
**ABSENT:** James Rogowski, Charles Markel



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, April, 7, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on April 7, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Christine Ziemba, Chief of Police  
Anthony Sisti, Planning Board Chairman  
John Marriott, Planning Board Representative

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2008-183

### Transfer of Funds - 2007

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

#### 2007

#### HIGHWAY FUND

FROM: 300.5142.1701	Labor-General	\$ 56,175.00
300.5140.4291	Shade Trees	932.00
TO: 300.5141.1735	Less Labor Snow, Highway	\$ 56,175.00
300.9950.8000	Transfer to Capital Fund	932.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-184

### Transfer of Funds - 2008

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

2008

**GENERAL FUND**

FROM: 100.1410.4111	Publishing Notices	\$ 1,500.00
100.3020.4022	Communications Maint. Contracts	27,450.00
100.1625.4202	Telephone	8,000.00
100.9501.9211	Interest Payments	33,566.00
100.1110.2770	Other Unclassified Revenues	28,562.00
TO: 100.1410.4088	Travel Training & Conferences	\$ 1,500.00
100.3020.2513	Communications Equipment	69,016.00
100.1110.2105	Equipment	28,562.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-185

## Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 4, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,196,757.98
RISK RETENTION FUND	181,959.92
DEBT SERVICE FUND	122,087.75
HUD HOUSING REHABILITATION FUND	12.40
SPECIAL DISTRICTS FUND	1,554,855.87
HIGHWAY FUND	572,072.16
CAPITAL FUND	97,223.30
TRUST & AGENCY FUND	5,853.84
HUD CDBG FUND	234,231.85
PART TOWN FUND	129,749.33
NYS AFFORDABLE HOUSING FUND	<u>3,650.00</u>
	\$ 6,098,454.40

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**4. RESOLUTION 2008-186**

**Award of Bid - Topsoil**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 19, 2008 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 the bid for TOPSOIL be awarded to Leo Brenon Topsoil, 5530 Killian Road, North Tonawanda, NY 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  
2008**

Leo Brenon Topsoil	Regular - \$14.20 Deliv.	\$12.20 pick/up
5530 Killian Road	Screened-\$18.10 Deliv.	\$15.00 pick/up
North Tonawanda, NY 14120	Shredded-\$18.10 Deliv.	\$15.00 pick/up
Custom Topsoil, Inc.	Regular - \$16.00 Deliv.	\$12.50pick/up
320 Crabapple Lane	Screened-\$24.00 Delv.	\$21.00 pick/up
Cheektowaga, NY 14227	Shredded-\$24.00 Delv.	\$21.00 pick/up
Visone Construction	Regular - \$22.50 Deliv.	\$18.50 pick/up
79 Sheldon Ave.	Screened-\$24.50 Deliv.	\$20.50 pick/up
Depew, NY 14043	Shredded-\$24.50 Deliv.	\$20.50 pick/up

**RESULT:**        **ADOPTED [UNANIMOUS]**  
**MOVER:**        Jeff Swiatek, Councilmember  
**SECONDER:**    Mary Holtz, Supervisor  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-187

### Award of Bid - One New and Unused 2008 Ford F-550, 4X4 Low Boy Dump Truck

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) new and unused 2008 Ford F-550, 4X4 Low Boy Dump 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 Ford F-550, 4X4 Low Boy Dump Truck be awarded to:

Delacy Ford, Inc.  
3061 Transit Road  
Elma, New York 14059

for their total bid in the amount of \$33,997.00 for one (1) new and unused 2008 Ford F-550, 4X4 Low Boy Dump Truck; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-188

### **Call for Public Hearing on Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities**

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, with the enactment of the Telecommunications Act of 1996, continued substantial growth in the erection of wireless telecommunications facilities is anticipated, and

WHEREAS, Town officials have been engaged in discussions concerning the impact of the construction of such facilities within the Town of Cheektowaga, and

WHEREAS, although the Town of Cheektowaga has, as part of its Zoning Law, provisions relating to communications facilities, these provisions have not been updated or refined in years; and there is a need to further address the impact of the telecommunications facilities on the community and otherwise control and minimize the impact on the town and its residents, and to otherwise ensure the safety of such towers and wireless facilities in the town, and

WHEREAS, this Town Board previously retained the services of The Center for Municipal Solutions to update and refine the communications facilities provisions of our Zoning Law, and

WHEREAS, the Town is working to revise, replace or implement provisions in our Zoning Law to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of our Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, and

WHEREAS, the town needs a reasonable time to enact such revised provisions relating to telecommunications facilities, and

WHEREAS, it is necessary for the town to temporarily enact an interim application process for telecommunications facilities until such time as the new provisions are enacted, and

WHEREAS, this Interim Application Process is not meant to be prohibitive or exclusionary in nature, and, during the pendency of the adoption process for the new/revised/updated regulations, applications for a building permit, special use permit, site plan approval, variance or other necessary town approval for a monopole, lattice tower or other telecommunications antennae installations (including but no limited to cellular/PCS antennae installations) shall be accepted and processed by the town, subject to certain rules, 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 21st day of April, 2008 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. 2008-2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities" 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.

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**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 21<sup>st</sup> day of April, 2008 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2008-2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities". A summary of such proposed Local Law is as follows:

LOCAL LAW INTRO NO. 2008-2 OF THE YEAR 2008

A LOCAL LAW ADOPTING AN INTERIM APPLICATION PROCESS FOR  
WIRELESS TELECOMMUNICATIONS FACILITIES

This law would create a 90-day Interim Application Process for wireless communications facilities. During this period, applications submitted for telecommunications facilities shall be required to be accompanied by an escrow deposit, and shall be subject to review by the Town and an outside consultant. Any approvals given during this period of time shall be subject to conditions imposed under new telecommunications facilities regulations which are under review at the present time.

The full text of such local law is on file in the Town Clerk's Office where the same may be reviewed during regular business hours.

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: April 7, 2008

ALICE MAGIERSKI, Town Clerk

## LOCAL LAW INTRO NO. 2008-2 of the YEAR 2008

A LOCAL LAW ADOPTING AN INTERIM APPLICATION PROCESS FOR  
WIRELESS TELECOMMUNICATIONS FACILITIES

1. Legislative Intent. Since the enactment of the Telecommunications Act of 1996, the Town of Cheektowaga has seen continued growth in the erection of wireless telecommunication facilities in the Town. The Town of Cheektowaga needs time to revise, replace or implement provisions in our Town Code/Zoning Law to further address the impact of wireless telecommunication facilities on the town, and to otherwise control and minimize the impact on the town to protect the health, safety and welfare of town residents. This local law is not meant to be prohibitive or exclusionary in nature, but rather to ensure the orderly development of wireless technology in the town..
2. For a period of ninety (90) days after the effective date of this local law, the provisions of this local law shall be deemed to apply to all applications submitted to the town for a building permit, special use permit, site plan approval, variance or other necessary approvals for a monopole, lattice tower or other telecommunication antennae installation, including but no limited to cellular/PCS antennae installations. During this Interim Application Process period, such application shall be accepted and processed by the Town. However, in initiating an application during this period, the following will apply:
  - a. An applicant must submit to the Town an escrow deposit payable to "Town of Cheektowaga" in the amount of \$8,500.00, to be used by the Town to defray the cost of a consultant to be retained by the Town to review/evaluate the applicant's application; additional escrow moneys may be requested from the applicant by the Town if additional review/evaluation is required of the consultant; any unexpended balance shall be returned to the applicant at the conclusion of the review process.
  - b. Any permit/approval issued during this Interim Application Process period shall

be issued conditioned on the applicant complying with any regulations, modifications, etc. required by changes enacted by the Town of Cheektowaga to the Town Code/Zoning Law. It is anticipated that the revised regulations to the Town Code/Zoning Law will include requirements covering the filing of an application to include: pre-application meeting and site visit; proof of need; fees; proof of location and height of facility; meeting of RF emission requirements; SEQRA; setbacks; aesthetic considerations; insurance requirements and bond for the removal of the facility.

3. This local law shall apply to all departments, agencies and authorities of the Town Of Cheektowaga with respect to the issuance of any permits or approvals for the aforementioned telecommunications facilities described in subdivision two hereof.
4. This law shall apply to the territorial limits of the Town of Cheektowaga, outside the limits of the Villages of Depew and Sloan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 7. RESOLUTION 2008-189

## Notice to Bidders - Rein Road Bridge Rehabilitation

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, this Town Board previously authorized the preparation of plans and specifications for the rehabilitation of bottom chord truss members of the Rein Road Bridge over Ellicott Creek, AND

WHEREAS, the Town Engineer advises that plans and specifications 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 Rein Road Bridge Rehabilitation Project, said notice to be published in the CHEEKTOWAGA TIMES, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 23rd day of April, 2008 at 11:00 a.m., Local Time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

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### NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town of Cheektowaga until 11:00 a.m., local time, on the 23rd day of April, 2008. All bids will be publicly opened and read at 11:00 a.m. at the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials and labor for the BIN 2212970 Rein Road over Ellicott Creek Bridge Rehabilitation Project and all related work, complete in place, tested and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

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

The Contractor's name, title of the proposal (BIN 2212970 Rein Road over Ellicott Creek Bridge Rehabilitation Project), and date and time of the opening shall be clearly marked on the outside of the envelope.

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

The successful bidder will be required to furnish a performance bond and a labor and materials payment bond, each in the amount equal to the contract award. A

maintenance bond for 100% of the contract price (including change orders) will be required during the maintenance period.

Copies of the Drawings, Specifications and Contract Documents may be examined at the above office and at the office of Nussbaumer & Clarke, Inc., Consulting Engineers at Suite 500, 3556 Lake Shore Road, Buffalo, New York 14219. Copies may be purchased from the Town Clerk's Office and can be obtained upon payment of \$50.00 in the form of one (1) \$50.00 check made payable to the Town of Cheektowaga, New York, for each copy requested. For copies of the plans and specifications requested that are not picked up at the Town Clerk's Office, an additional non-refundable check in the amount of \$15.00 payable to the Town of Cheektowaga is required for handling and ground shipping costs. Neither the Owner nor the Engineer will be responsible for full or partial sets of contract documents, including any addenda, obtained from any other source.

Any bidder returning Drawings and Specifications in good condition within 30 business days following the bid opening will be refunded the full amount of the deposit. Non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the plans and specifications before the bid opening will be classified as non-bidders. Any bidders requesting more than one (1) set of Drawings and Specifications may purchase the excess, but it is understood that these are non-refundable.

The bidder's attention is called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the proposal form and, unless complied with on the form provided, the bid will not be accepted.

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

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

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

The work shall be completed within 45 consecutive days; period to begin five (5) days after the "Notice to Proceed" has been issued.

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

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

BY ORDER OF:  
THE TOWN OF CHEEKTOWAGA

Alice Magierski  
Town Clerk

DATED: April 7, 2008

PUBLISHED: April 11, 2008

<p><b>RESULT:</b>       <b>ADOPTED [UNANIMOUS]</b> <b>MOVER:</b>       Stanley Kaznowski, Councilmember <b>SECONDER:</b>   Mary Holtz, Supervisor <b>AYES:</b>         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski</p>
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## 8. RESOLUTION 2008-190

### New/Renewal Driver/Attendant Licensees

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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>
Baham, Jeremiah V	8853 Lower St, Rushford, N.Y. 14777	6/30/2010
Bernas, Mark D	5018 Big Tree Rd rt side, Orchard Park, N.Y. 14127	3/31/2011
Bischof, Elyse L	2762 Blakeley Rd, South Wales, N.Y. 14139	9/30/2010
Blake, Scott G	6700 Luther St, Niagara Falls, N.Y. 14304	9/30/2008
Brown, David A	8229 Boston State Rd Lot 1, Hamburg, N.Y. 14075	2/28/2010
Canazzi, Josephine	196 Stillwell Ave, Kenmore, N.Y. 14217	5/31/2011
Clay, Edmund B	150 Jewett Parkway, Buffalo, N.Y. 14214	9/30/2010
Faircloth, Shannon M	5046 Morgan Parkway, Hamburg, N.Y. 14075	2/28/2011
Fortman, David J	5231 William St, Lancaster, N.Y. 14086	4/30/2009
Gowanlock, Richard T	8823 Laid Law Rd, Franklinville, N.Y. 14737	9/30/2010
Husted, Victor L	1027 North Main Street, Lot 29, Delevan, N.Y. 14042	8/31/2010
Janicki, David A	70 Arlington, Depew, N.Y. 14043	9/30/2010
Jarka, Aaron T	2225 Center Terr, Apt 1, Grand Island, N.Y. 14072	9/30/2010
Jung, Eric H	70 Rockdale Dr, Amherst, N.Y. 14228	6/30/2010
Kaefer, Matthew C	7638 Wohlhueter Rd, Colden, N.Y. 14033	7/31/2010
Kristoff, Brian J	PO Box 853, Buffalo, N.Y. 14205	6/30/2009
Ley, Brian M	29 St Mary's St, Lancaster, N.Y. 14086	7/31/2010
Lindstrom, Nicholas M	6723 Old Lake Shore Rd, Derby, N.Y. 14047	7/31/2010



Makin, Amber O	2974 Genesee St, Cheektowaga, N.Y. 14225	7/31/2010
Marks, Justin M	6716 Stinson Rd, Arcade, N.Y. 14009	7/31/2010
Meier, James F Jr	527 Emerson Dr, Amherst, N.Y. 14226	9/30/2010
Pettis-Cruse, Lauran C	7736 Eddy Road, Colden, N.Y. 14033	9/30/2010
Pless, Jason M	6041 Edward Ave. Apt. B4, Newfane, N.Y. 14108	1/31/2008
Pless, Phillip J	6041 Edward Avenue, Apt. B1, Newfane, N.Y. 14108	2/28/2011
Pyra, Timothy R	2157 River Rd, Niagara Falls, N.Y. 14304	2/28/2011
Rivera, Juan R	4805 Transit Rd, Depew, N.Y. 14043	4/30/2010
Safe, Jonathan R	52 Iris Ave, West Seneca, N.Y. 14224	2/28/2010
Silverstein, Matthew F	3435 Main St 3155A Goodyear Hall, Buffalo, N.Y.	4/30/2010
Smith, Antonio M	3272 Seneca Ave, Niagara Falls, N.Y. 14305	9/30/2010
Sterlace, Daniel P	16 Moore Ave, Tonawanda, N.Y. 14223	9/30/2010
Strnad, Christina M	5576 Camp Rd, Hamburg, N.Y. 14075	9/30/2010
Tisdale, Sherry A	7529 Boston State Rd, Hamburg, N.Y. 14075	9/30/2010
Turner III, Donald R	65 Riverview Ct, Grand Island, N.Y. 14072	9/30/2010
Wachowski, Donnamarie	227 Barnard Street, Buffalo, N.Y. 14206	7/31/2010
Weber, Cory J	5717 West Lake Rd, Burt, N.Y. 14028	6/30/2010
Yohe, Steven C	135 West Main, Attica, N.Y. 14011	9/30/2010
Yusuf, Afshar A	392 Sanders Rd #2, Buffalo, N.Y. 14216	2/28/2011
Zeitz, Alicia C	2750 Coomer Rd, Newfane, N.Y. 14108	2/28/2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-191

### Special Event - Polish Festival

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

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

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from July 18<sup>th</sup> to July 20<sup>th</sup>, 2008; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, the Department of 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 18<sup>th</sup> to July 20<sup>th</sup>, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-192

### Unsafe-Unsecured / 15 Andrews

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 15 Andrews Avenue, Cheektowaga, New York SBL# 101.28-3-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Sanjeev Acharya, 390 Elan Village Lane, Apartment 221, San Jose, CA 95134, as the owner AND

WHEREAS, an inspection of such premises was conducted at 15 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-193

### Unsafe-Unsecured / 48 Cedar Road

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 48 Cedar Road, Cheektowaga, New York SBL# 90.08-7-66 that is a danger to the safety of others, and records kept by the Assessors Office identify James Alexander, 48 Cedar Road, Cheektowaga, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 48 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-194

### Unsafe-Unsecured / 84 Liberty Terrace

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 84 Liberty Terrace, Cheektowaga, New York SBL# 80.69-3-13 that is a danger to the safety of others, and records kept by the Assessors Office identify Bijaya Ghimire, 84 Liberty Terrace, Buffalo, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted at 84 Liberty Terrace, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-195

### Unsafe-Unsecured / 19-25 Nugget Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 19-25 Nugget Drive, Cheektowaga, New York SBL# 91.10-4-11 that is a danger to the safety of others, and records kept by the Assessors Office identify GHC, LLC, 6495 Transit Road, Bowmansville, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 19-25 Nugget 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-196

### Unsafe-Unsecured / 4-16 Sierra Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 4-16 Sierra Drive, Cheektowaga, New York SBL# 91.14-12-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Selina Allen, 1102 W San Gariel Avenue, Fresno, CA 93705, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4-16 Sierra Drive, New York , 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-197

### Amendment to Purchase of Copy Machines

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, by resolution dated January 22, 2008 (Resolution 2008-46), this Town Board agreed to purchase copy machines through a contract awarded by the New York State Office of General Services through Eagle Systems, Inc. at a total cost (over three years) not to exceed \$156,928.00, and

WHEREAS, by resolution dated February 4, 2008 (Resolution 2008-93), the Town of Cheektowaga added and/or revised copy machines, FAX boards, surge protectors, finishers to copy machines and modified the purchase of copy machines for Town departments for a total cost not to exceed \$180,382, and

WHEREAS, the following additional modifications need to be made to the purchase of copy machines for various departments:

<u>Department</u>	<u>Machine (with accessories)</u>	<u>Toshiba/NYS Contract Price</u>
Personnel	E-3500-c	\$10,198
Attorney	E-453	\$ 7,900
Council	E-453	\$ 7,900
Sanitation	E-353	\$ 4,026
Records	E-353	\$ 7,261
Tax Receiver	E-353	\$ 6,924
Highway	E3500c	\$10,262
Assessors	E-3500c	\$ 9,922
Building & Plumbing	E-3500c	\$ 9,986
Engineering	E-3500c	\$10,198
Supervisor	E-3500c	\$10,198
Community Develop	E-3500C	\$11,083
Town Clerk	E-603	\$12,034
Housing	E-3500c	\$ 9,922
Youth & Recreation	E603-T	\$12,445
	E-3500c	<u>\$11,053</u>



	YOUTH & REC TOTAL	\$23,498
Police	ET-523-T	\$10,433
	E-3500C	\$ 9,986
	E203-L	\$ 3,712
	E-3500C	\$ 9,956
	E-3500C	<u>\$ 9,956</u>
	POLICE TOTAL	\$44,043
Surge Protectors (20)		\$ 2,000
<b>TOTAL</b>		<b>\$197,355</b>

NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated February 4, 2008 be and hereby is revised to reflect the above and that the total cost for the purchase of the copy machines and accessories shall not exceed \$197,355, and BE IT FURTHER

RESOLVED, that the Town shall make a one-time payment of \$2,000.00 for the above referenced surge protectors; and the balance shall be paid as an installment purchase over thirty-six (36) months at 0.00% interest, and BE IT FURTHER

RESOLVED, that the aforementioned resolution dated January 22, 2008 shall be revised to reflect that the maintenance costs for each machine shall be as follows:

Black & white copies	\$0.00795 per copy for first 36 months; 3% increase per year for next 24 months
Color copies	\$0.0585 per copy for first 36 months; 5% increase per year for next 24 months

, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute contracts and installment purchase contracts with Eagle Systems, Inc. and/or its lender/financing company(ies) to effectuate the aforementioned copy machine purchases, and BE IT FURTHER

RESOLVED, that the Accounting Department shall apportion the above referenced costs from each of the respective department's budgets upon receipt of invoices from the vendor or its designee.

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LIST OF COPY MACHINES, DEPARTMENT PURCHASING SAME AND COST

Dept	Machine/Con	Cost
Personnel	E-3500c	7408
	MR3018	499
	MJ6101	276

	KD1019	432
	GD1210	504
	MJ1101	944
	KN3500	135
Attorney	E-453	3567
	MR3018	499
	KD1012	432
	GM2061	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Council	E-453	3567
	MR3018	499
	KD1012	432
	GM2061	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Sanitation	E-353	2928
	MR3018	499
	STANd3511/4511	95
	GD1200	504
Records	E-353	2928
	MR3018	499
	KD1012	432
	GM2061	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Tax Rec	E-353	2928
	STANd3511/4511	95
	MR3018	499
	GM2061	1819
	GD1200	504
	MJ1101	944
	KN3520	135
Highway	E3500c	7408
	MJ6101	276
	MR3018	499
	KD1018	333
	MY1031	163
	GD1210	504
	MJ1101	944
	KN3500	135
Assessors	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	GD1210	504
Bldg/Plum	E-3500C	7408
	MR3018	499
	MY1031	163
	KD1018	333
	MJ1101	944
	KN3500	135

	GD1210	504
Engineer	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	MJ6101	276
	GD1210	504
Supervisor	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ6101	276
	MJ1101	944
	KN3500	135
	GD1210	504
CommDev	E-3500C	7408
	MJ6004	276
	MR3018	499
	KD1018	333
	MJ1030	1765
	MY1031	163
	KN3500	135
	GD1210	504
Town Clerk	E-603	7682
	MJ1027	1397
	MP4004	804
	GM2041	1468
	GD1170	546
	GO1050	137
Housing	E-3500C	7408
	MR3018	499
	KD1019	432
	MJ1101	944
	KN3500	135
	GD1210	504
Youth	E-603T	7859
	MJ1028	2159
	MJ6003	276
	GM2041	1468
	GD1170	546
	GO1050	137
Police	E-523T	6885
	MJ1027	1397
	GM2041	1468
	GD1170	546
	GO1050	137
Police	E-3500C	7408
	MR3018	499
	KD1018	333
	MJ1101	944
	MY1031	163
	KN3500	135
	GD1210	504
Police	E-203L	1636
	MR3020	499

	GM2081	842
	MD0102	136
	GD1150	504
	stand3511/4511	95
Police	E-3500C	7408
	MR3018	499
	KD1018	333
	MJ1101	944
	MY1031	133
	KN3500	135
	GD1210	504
Police	E-3500C	7408
	MR3018	499
	KD1018	333
	MJ1101	944
	MY1031	133
	KN3500	135
	GD1210	504
Youth	E-3500c	7408
	MR3018	499
	MY1031	133
	KN3500	135
	MJ6004	276
	MJ1030	1765
	GD1210	504
	KD1018	333
		195355

**RESULT:**           **ADOPTED [UNANIMOUS]**

**MOVER:**           Mary Holtz, Supervisor

**SECONDER:**      Charles Markel, Councilmember

**AYES:**            Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-198

### Authorize Supervisor to Execute Agreement with Erie County Retired and Senior Volunteer Program

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga's Senior Services Department has numerous opportunities for senior citizens to volunteer for a variety of programs and activities, and

WHEREAS, the County of Erie Department of Senior Services sponsors the Retired Senior Volunteer Program ("RSVP") that assists individuals who are 55 or older to find volunteer opportunities that match their interests, skills and availability, and

WHEREAS, RSVP would link volunteers with projects at the Cheektowaga Senior Center including the Stay Fit Dining Program and Meals on Wheels, which would be of benefit to the individual volunteers and the members of the Senior Center, and

WHEREAS, the County of Erie has requested the Town of Cheektowaga to participate in this program, and has submitted an agreement to the Town to sign for this program, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Memorandum of Understanding with the RSVP on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-199

### Authorize Supervisor to Execute an Agreement with TEC Smith, Inc. for the Provision of Professional Services

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, in order to formulate a long term plan for the elimination of sanitary sewer wet weather overflows as mandated under a NYSDEC Order on Consent it is necessary to conduct system wide flow monitoring at numerous locations within the Consolidated Sanitary Sewer District, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of TEC Smith, Inc., P.O. Box 383, Elma, New York 14059-0383 dated April 2, 2008 as submitted to the Town Engineer for professional services associated with district wide flow monitoring is accepted and approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute an agreement with TEC Smith, Inc. for the provision of said professional services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional flow monitoring services in an amount not to exceed \$51,600 shall be chargeable to Account No. 255-8125-4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-200

### Authorization to Use Highway Fund Balance for Initial Phase of 2008 Capital Plan

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Highway Superintendent, with the assistance of our Town engineers, has initiated a capital plan for repair or replacement of highway drainage for 2008; and

WHEREAS, there is a need for funding of \$1,000,000 in order to accomplish this plan for 2008; and

WHEREAS, the Town Director of Administration and Finance has analyzed the current cash available in the Highway fund and has determined that there is adequate cash available to pay an initial amount of \$500,000 from our current fund balance, and the funding of the remaining \$500,000 will be further analyzed to determine a funding source; NOW THEREFORE, BE IT,

RESOLVED, that the Town Board does hereby authorize the use of \$500,000 of the highway fund balance for the initial phase of the 2008 capital plan for repair or replacement of highway drainage.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-201

### Approve Auction of Town Surplus Vehicles and Equipment

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town wishes to dispose of a number of surplus motor vehicles and equipment no longer needed for Town use; and

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

WHEREAS, Auctions International, Inc., will sell such motor vehicles and equipment at an on-line auction in accordance with the terms of a proposed contract, a copy of which is attached hereto; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, as per the submitted contract, to conduct a sale of the surplus Town vehicles and equipment identified on the attached list at an on-line auction to be held on its website; and BE IT FURTHER

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

**ATTACHMENTS:**

auction list (PDF)

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 20. RESOLUTION 2008-202

### Hire/Terminate Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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) \$15.173/hour effective 4/08/08  
John Stronka, Cheektowaga, NY

JUSTICE COURT Court Officer (Provisional) \$15.173/hour effective 4/08/08  
James Sala, Depew, NY

POLICE DEPARTMENT School Crossing Guard \$7.63/hour effective 4/07/08  
Arthur F. Page, Cheektowaga, NY

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

ACCOUNTING DEPARTMENT  
Jaclyn Eckel  
Effective 8/16/07

FACILITIES DEPARTMENT  
Joseph Steinbach  
Effective 3/14/08

SANITATION DEPARTMENT  
James Sala  
Effective 4/07/08

Motioned by Supervisor Holtz; Seconded by Councilmember Swiatek to waive the Reading of Names for this resolution. Motion Carried.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Jeff Swiatek, Councilmember  
**SECONDER:**       Mary Holtz, Supervisor  
**AYES:**             Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-203

### Youth & Recreation Upgrade

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

WHEREAS, a vacancy was created in the position of Recreation Specialist (Pool Supervisor), BE IT

RESOLVED that Cathy Giles, be elevated to the position of Recreation Specialist (Pool Director), at the rate of \$17.76 per hour, effective April 14, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



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**22. RESOLUTION 2008-204**

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**Termination of Recreation Leader (Temporary) (C. Jaskier)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that Recreation Leader (Temporary) Craig T. Jaskier be and hereby is terminated effective February 28, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-205

### Amend Park Maintenance Worker I Appointment (Joseph J. Farris)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board appointed Joseph J. Farris to the position of Park Maintenance Worker I in the Facilities Department effective March 18, 2008; AND

WHEREAS, Mr. Farris' name was misspelled on the appointing resolution and the date of appointment must be amended; NOW, THEREFORE, BE IT

RESOLVED, that Joseph J. Farris of Sloan, 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 March 31, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-206

### Appointment to Cheektowaga Public Library Board

**Sponsored By:** Councilmember Rogowski, Councilmember Markel

WHEREAS, the term of Cheektowaga Public Library Board Trustee Mark Meyerhofer expired on December 31, 2007, and he has decided not to seek reappointment to said Cheektowaga Public Library Board, and

WHEREAS, the remaining members of the Cheektowaga Public Library Board have recommended that Michael Zachowicz be appointed to fill this vacancy, NOW, THEREFORE, BE IT

RESOLVED, that Michael Zachowicz of Cheektowaga, New York be and hereby is appointed to the position of Trustee of the Cheektowaga Library Board formerly held by Mark Meyerhofer, effective immediately and expiring on December 31, 2012.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2008-207

### Appointment of Park Maintenance Worker I (Facilities Department) (David P. Saskowski)

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

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, David P. Saskowski applied for said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that David P. Saskowski, 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 April 10, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2008-208

### Travel Authorization Police Department (Sergeant Lawrence Bauer, Sergeant Brian Coons)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the New York Tactical Expo and Conference is being held May 5-9, 2008 in Poughkeepsie, New York; AND

WHEREAS, Police Sergeants Lawrence Bauer and Brian Coons, 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 \$1,580.26; AND

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

RESOLVED, that Police Sergeants Lawrence Bauer and Brian Coons be and hereby are authorized to attend the New York Tactical Expo and Conference being held May 5-9, 2008 in Poughkeepsie, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motioned by Councilmember Rogowski; Seconded by Supervisor Holtz to Suspend the Rules to Include the Following 4 Resolutions. Motion Carried.
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## 1. RESOLUTION 2008-209

### Approve Cultural Funding - Cheektowaga Community Chorus

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2008 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 2007 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>
Cheektowaga Community Chorus, Inc.	\$11,000.00

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 2008 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-210

### Subrecipient Agreements with Villages of Depew and Sloan

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

WHEREAS, federal regulations require the Town to execute subrecipient agreements with those entities receiving Community Development Block Grant funds through the Town, and

WHEREAS, Community Development Block Grant funds have been allocated in the 2007-2008 and the 2008-2009 program year budgets for the Villages of Depew and Sloan,  
NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute Subrecipient Agreements for Community Development Block Grant funding with the Villages of Depew and Sloan for the 2007-2008 and the 2008-2009 program years.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-211

## Appointment of Park Maintenance Worker I (Facilities Department) (Dennis W. Rydzynski, Jr.)

**Sponsored By:** Councilmember Markel, Councilmember Swiatek

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, Dennis W. Rydzynski, Jr. applied for said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Dennis W. Rydzynski, Jr., 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 April 21, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-212

### Hire Seasonal Employees (Facilities Dept.)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$8.25/hour effective 4/15/08  
Daniel Wagner, Cheektowaga, NY

FACILITIES DEPARTMENT Laborer \$7.50/hour effective 4/08/08  
Michael Sikora, Sloan, NY

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - January 2008
2. Building Permits - March 2008
3. Minutes: Cheektowaga Conservation Advisory Council - March 15, 2008

### B. General Communications

1. Summons & Complaint: Daniel P. Rohauer Vs. Town of Cheektowaga
2. Notice of Claim: Ellen Frys Vs. Town of Cheektowaga
3. Notice of Claim: Thomas A. Habermehl Vs. Town of Cheektowaga
4. Notice of Claim: LaVerne J. McEvoy Vs. Town of Cheekowaga
5. Notice of Claim: Antonino Matteliano Vs. Town of Cheektowaga
6. Notice of Claim: Diane D. McCadden Vs. Town of Cheektowaga
7. Notice of Claim: Angeline Nikiel Vs. Town of Cheektowaga

8. Notice of Claim: Juanell Webb Vs. Town of Cheektowaga

## **VI. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VII. Adjournment**

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the Meeting at 7:35 PM.

### AUCTION 2008 VEHICLES

<u>No.</u>	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Mileage</u>	<u>Veh No</u>
1	1984	CHEV	GARGO VAN	1GCHD34JEF320219	18,123	CPD82
2	1994	FORD	F250 w/plow	2FTHF26HXRCA46299	52,310	PARK141
3	1986	WHITE	PACKER	1WXDAHSD8GN107187	25,775	SAN 11
4	1989	PETERBLT	PACKER	1XPZL50X5KD703967	297,141	SAN 38
5	2006	FORD	TAURUS	1FAPP56U36A238589	22,000+	POOL 80
6	1988	CHEV	K3500	1GTGK34K7JE528743	79,961	PARK 139
7	1985	CHEV	DUMP	1GBE6D1B5FV215336	79,961	PARK 139
8	1988	WHITE	PACKER	1WXDCHSD4JN126725	102,558	SAN 42
9	1999	DODGE	DURANGO	1B4HS28Y4XF674675	142,052	POLICE 80
10	1994	CHEV	3500HD	1GBKC34N0RJ102000	79,440	POLICE 57

### AUCTION 2008 EQUIPMENT

<u>No.</u>	<u>Description</u>	<u>Condition</u>
E1	4 ea 10.00X20 TUBE TYPE TIRES 14PR steers	NEW
E2	1 ea 10.00 R 20 TUBE TYPE 14 PR traction thread	RECAP
E3	1 ea 10.00 R 20 TUBE TYPE 14 PR semi traction	RECAP
E4	COATS 20-20 TIRE MACHINE	GOOD

Attachment: auction list (RES-2008-201 : Approve Auction of Town Surplus Vehicles and Equip)



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, April, 15, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on April 15, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Absent	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Absent	

### 2. Additional Attendees

Kevin Schenk, Town Attorney

John Marriott, Planning Board Representative

## II. Resolutions



## 1. RESOLUTION 2008-213

### Direct National Grid to Remove Street Light Equipment From Kenville Road, Betty Lane and Marc Lane

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, by resolution dated June 27, 2007 this Town Board approved the abandonment and sale of Kenville Road, a portion of Betty Lane and a portion of Marc Lane to Ken-Vil Associates, LP, subject to various terms and conditions associated with the conversion of the Kensington Village Apartments into Collegiate Village, AND

WHEREAS, the above mentioned highways are currently illuminated with street lighting infrastructure owned and operated by National Grid, including lamps and luminaires, concrete foundations and cable and conduit, the operation of which is funded by the Town General Lighting District at an annual cost of \$12,404.04, AND

WHEREAS, in conjunction with the transfer of ownership of the aforesaid highways, it is necessary for National Grid to terminate service and to remove lamps and luminaires at a one-time cost of \$2,086.00 in accordance with the attached National Grid letter dated April 10, 2008 to the Town Engineer, NOW, THEREFORE, BE IT

RESOLVED, that immediately following the Town's conveyance of Kenville Road, a portion of Betty Lane and a portion of Marc Lane to Ken-Vil Associates, LP, National Grid be and hereby is authorized and directed to terminate service to 33 street light standards located on the aforesaid highways, resulting in an annual decrease to the Town General Lighting District of \$12,404.04, AND BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible for the one-time charge of \$2,086.00 associated with the removal of lamps and luminaires by National Grid, said charge to be reimbursed to the Town by Ken-Vil Associates, LP.

**ATTACHMENTS:**

national grid proposal (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Mary Holtz, Jeff Swiatek, Richard Zydel, Charles Markel  
**ABSENT:** Patricia Jaworowicz, James Rogowski, Stanley Kaznowski



## 2. RESOLUTION 2008-214

### Acceptance of Moneys to be Held in Escrow for Water Hydrant Charges for Kenville Road, Betty Lane and Marc Lane

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, by resolution dated June 26, 2007, this Town Board agreed to abandon Kenville Road and portions of Betty Lane and Marc Lane; and to sell same to Ken-Vil Associates, L.P. as part of the project to convert the Kensington Village apartments into Collegiate Village; and

WHEREAS, Ken-Vil Associates, L.P. is also in the process of purchasing the water lines servicing the Kensington Village apartments from the Erie County Water Authority, and need to install new meter equipment prior to said purchase and before the Town of Cheektowaga will be absolved of the responsibility to pay maintenance/rental charges to Erie County Water Authority for the fire hydrants which service the property; and

WHEREAS, Ken-Vil Associates, L.P. has requested the Town of Cheektowaga to finalize the sale of the aforementioned Town highways prior to the installation of the water meter equipment, and has agreed to remit payment to the Town of Cheektowaga for the hydrant rental charges until the said water meter equipment is completed and approved by the Erie County Water Authority, and

WHEREAS, the Town Engineer and Town Attorney have no objection to this proposal, NOW, THEREFORE, BE IT

RESOLVED, that, subject to the terms in the aforementioned June 26, 2007 resolution (2007-394), this Town Board hereby agrees to transfer title to the aforesaid roads, and to accept payment of \$600.00 (\$20/hydrant/month) from Ken-Vil Associates, L.P., said moneys to be held in escrow to guarantee the Town's payment to Erie County Water Authority for the fire hydrants within the proposed Collegiate Village development until such time as the Erie County Water Authority accepts the water meter equipment, and BE IT FURTHER

RESOLVED, that, if the water meter equipment is completed earlier than anticipated, a pro-rata share of these moneys shall be returned to Ken-Vil Associates, L.P.; if the water meter equipment takes longer to complete, additional moneys shall be required of Ken-Vil Associates, L.P.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Mary Holtz, Jeff Swiatek, Richard Zydel, Charles Markel
<b>ABSENT:</b>	Patricia Jaworowicz, James Rogowski, Stanley Kaznowski



**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

April 10, 2008

William R. Pugh, P.E.  
Town Engineer  
Town of Cheektowaga  
275 Alexander Avenue  
Cheektowaga, NY 14211

**Re: Kenville Road Street Lighting Removal**

Dear Mr. Pugh:

National Grid has been providing lighting products to the Town of Cheektowaga for many years. We value your business and look forward to a continued business relationship.

It is our understanding that you have already begun the above-referenced project. Please be aware that there are associated charges relating to your request for us to remove and terminate service to the street lighting facilities listed on the attached form entitled, "Outdoor Lighting Facilities - Project Description."

National Grid will schedule our associated work within your project scope upon receipt of your commitment to pay \$ 2,086.00 for the removal of the lamps and luminaires. National Grid will attempt to remove the cable; however, if unsuccessful, the cable along with the conduit and concrete foundations will be abandoned in place. Please be aware that our fee associated with this transaction will be deemed withdrawn if not accepted by the Town of Cheektowaga within ninety (90) days from receipt of the letter.

If you have any related questions, I may be reached at 831-7751. Thank you for all your assistance

Sincerely,



Ronald Lelonek  
Key Account Manager

RL/pa  
Enc.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, April, 21, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on April 21, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney  
Thomas Adamczak, Supervising Building and Plumbing Inspector  
Jerry Gabryszak, Director of Community Development  
Kerry Switalski, Senior Services Director  
Brian Hess, Assessor  
John Marriott, Planning Board Representative  
Anthony Romano, Coordinator of Employee Relations  
John Glascott, Cheektowaga Police Captain, Representing Chief of Police

## II. Public Comment Period

## III. Public Hearing at 7:00 PM

1. Call for Public Hearing on Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Resolutions



## 1. RESOLUTION 2008-215

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

HUD CDBG FUND

FROM: 700.1006.2412 Recreation Facility Improvements \$ 4,900.00

TO: 700.1006.2200 Acquisition \$ 4,900.00

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-216

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 18, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,324,203.73
RISK RETENTION FUND	96,808.08
DEBT SERVICE FUND	89,087.50
SPECIAL DISTRICTS FUND	902,577.89
HIGHWAY FUND	764,665.66
CAPITAL FUND	90,906.23
TRUST & AGENCY FUND	4,201.74
HUD CDBG FUND	15,382.34
PART TOWN FUND	106,585.35
	<u>\$ 5,394,418.52</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-217

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## Award of Bid for the Purchase of New Trees for Spring Tree Planting for 2008

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on April 2, 2008, for the Purchase of New Trees for Spring 2008, planting season by the Cheektowaga Highway Department. As a result of advertisement, thereof, 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 the bid for the Purchase of New Trees for Spring 2008, planting season be awarded to Schichtel's Nursery Inc., 6745 Chestnut Ridge Road, Orchard Park, New York 14127, said bidder being the lowest responsible bidder, meeting specifications as set forth in the tabulation attached hereto and made a part hereof,

BE IT FURTHER RESOLVED, that said monies be charged to line items #0300-5140-4291 and #500-8560-0700-5005.

\*SEE NEXT PAGE FOR BID PROPOSAL

**BID PROPOSAL**

Pursuant to and in accordance with the specifications dated April 2, 2008, the undersigned hereby offers to furnish balled and burlap trees of the following sizes (1-1/2", 1-3/4", 2" cal.) with exception to pine trees; to be furnished at 4', 5' & 6' sizes. Species delivered to the Town of Cheektowaga Highway Department, Erie County, New York. (All species must be bid).

<b>COMMON NAME/ BOTANICAL NAME</b>	<b>QUANTITY</b>	<b>UNIT COST FOR 1-1/2" or 1-3/4</b>	<b>TOTAL PRICE</b>
<b>ARISTOCRAT PEAR</b> (Pyrus calleryana 'Aristocrat')	30	59.00	1,770.00
<b>CLEVELAND FLOWERING SELECT</b> (Pyrus calleryana 'Cleveland Select')	30	n/a	n/a
<b>'CRIMSON KING' NORWAY MAPLE</b> (Acer Platanoides 'Crimson King')	30	55.00	1,650.00
<b>FRONTIER ELM</b> (Ulmus x 'Frontier')	30	79.00	2,370.00
<b>RED SUNSET MAPLE</b> (Acer rubrum 'Red Sunset')	15	55.00	825.00
<b>IVORY SILK TREE LILAC</b> (Syringa reticulata 'Ivory Silk')	30	81.00	2,430.00
<b>SKYLINE HONEYLOCUST</b> (Gleditsia t.i. 'Skyline')	30	55.00	1,650.00
<b>BASE BID TOTAL.....</b>			<b>\$10,695.00</b>

**QUANTITIES:**

The quantities stated for each species are approximate and may vary either greater or fewer for each species set forth in the bid specifications. Final quantities are to be determined based on availability of funds.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-218

### Amend Award of Bid - Pool Mtce. Chemicals

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on March 12, 2008, at a meeting held for said purpose, AND, the Cheektowaga Town Board awarded the bid for Pool Maintenance Chemicals on March 17, 2008, to Bison Laboratories for Categories I and II, AND

WHEREAS, there was an error in awarding the two categories to one vendor; NOW, THEREFORE, BE IT

RESOLVED, the Cheektowaga Town Board amends this resolution to reflect the award of bid for Pool Maintenance Chemicals to:

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 Category I - Bromine \$2.40 per lb.

To: Bison Laboratories  
 100 Leslie Street  
 Buffalo, NY 14211

Category II - Diatomaceous Earth \$ .33 per lb.  
 Sodium Bicarbonate \$ .2475 per lb.  
 Soda Ash \$ .245 per lb.

To: Amrex Chemical Company, Inc.  
 391 Exchange Street  
 Buffalo, NY 14204

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2008-219

Call for Public Hearing -Rezoning 233 Bennett Rd.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Elderwood Senior Care has made application and requested the rezoning of 233 Bennett Road and SBL No. 114.09-4-2.13 from R-Residence to RSC - Senior Citizen Housing District for the construction of a (14) fourteen unit senior housing development, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 5, 2008 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 5th day of May, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Elderwood Senior Care

for the rezoning of 233 Bennett Road and SBL No. 114.09-4-2.13 from R-Residence to RSC - Senior Citizen Housing District for the construction of a (14) fourteen unit senior housing development.

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
Alice Magierski, 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 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the centerline of Bennett Road 445.00 feet southwest of the intersection of the southwest line of premises of Boris Reinstein in Liber 1288 of deeds at page 180 and the centerline of Bennett Road as measured along the centerline of Bennett Road;



Thence southeasterly along the northerly line of lands conveyed to Woodmark Development, Inc by deed filed in the Erie County Clerks Office in Liber 10187 of deeds at page 143, S.49-04'39"E a distance of 260 feet to the centerline of Cayuga Creek;

Thence southerly along the centerline of Cayuga Creek as it winds and turns a distance of 327.2 feet to the northerly line of lands conveyed to Maplewood Property Associates by deed filed in the Erie County Clerks Office in Liber 10359 of deeds at page 777, said line also being the south line of lands conveyed to Woodmark Development, Inc by deed filed in the Erie County Clerks Office in Liber 10187 of deeds at page 143;

Thence westerly along said line N.89-12'-01"W a distance of 213.00 feet to a point;

Thence northerly along said division lines N.04-7'-59"E a distance of 119.35 feet to the south east corner of lands conveyed to Woodmark Development, Inc by deed filed in the Erie County Clerks Office in Liber 10878 of deeds at page 5037;

Thence westerly along the northerly line of Maplewood Property Management and the southerly Line of Woodmark Development, Inc S.86-42'-20"W a distance of 53.50 feet to the south west corner of Woodmark Development, Inc,

Thence northerly along said line N.20-48'-02"W a distance of 60.90 feet to a point;

Thence N.12-16'-35"W a distance of 160.00 feet to the centerline of Bennett Road, said point also being the northwest corner of Woodmark Development, Inc and the north east corner of Maplewood Property Management;

Thence along the centerline of Bennett Road N.54-26'-43"E a distance of 166.16 feet to an angle point in said centerline of Bennett Road;

Thence continuing along the centerline of Bennett Road N.40-55'-21"E a distance of 78.11 feet to the Point or Place of Beginning, Containing 2.885 acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-220

### **Call for Public Hearing for a Shift in Operations of Sonwil Distribution Center's Operations at 25 Dewberry Lane Into a City of Buffalo Empire Zone**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, Sonwil Distribution Center, a company with its corporate headquarters at 100 Sonwil Drive in the Town of Cheektowaga, has approached the City of Buffalo to relocate its leased operations at 25 Dewberry Lane in the Town of Cheektowaga into expanded operations at 275 Ship Canal Parkway in the City of Buffalo, and

WHEREAS, Sonwil Distribution Center will still continue to maintain its operations in the Town of Cheektowaga at 100 Sonwil Drive and 200 Sonwil Drive in the Town of Cheektowaga, and

WHEREAS, Sonwil Distribution Center has stated that the current building space in Cheektowaga is inadequate to accommodate its present and future needs, and has been unable to identify property in Cheektowaga to accommodate its future growth plans, and

WHEREAS, Sonwil Distribution Center wants to relocate its 25 Dewberry Lane operations into Buffalo's Empire Zone, an economic development zone created in the City of Buffalo, and

WHEREAS, Sonwil Distribution Center wishes 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 must be held within the Town of Cheektowaga before Sonwil Distribution Center can be certified to be eligible for tax breaks and incentives, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held by this Town Board on the 5th day of May, 2008 at 6:45 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning this shift of operations of Sonwil Distribution Center, and BE IT FURTHER

RESOLVED, that the Town Clerk shall post the attached Notice of Hearing on her sign board and in all public libraries within the Town of Cheektowaga.

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, pursuant to the General Municipal Law, Article 18-B, Section 959(a)(iii) will hold a public hearing on the 5th day of May, 2008 at 6:45 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the following purpose:

**To solicit comments regarding the relocation of Sonwil Distribution Center's operations at 25 Dewberry Lane, Cheektowaga, New York into the City of Buffalo's Empire Zone at 275 Ship Canal Parkway, a State Economic Development Zone,**

All speakers will be limited to ten (10) minutes for their presentations. Persons wishing to present testimony should register in advance by contacting the Cheektowaga Town Clerk's Office at (716) 686-3400. Advance registration is recommended as these speakers will be heard first. Ten (10) copies of any prepared testimony must be submitted to the Cheektowaga Town Clerk's Office, 3301 Broadway, Cheektowaga, New York no later than two (2) days prior to the hearing date.

Dated: April 21, 2008

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

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-221

### Call for Public Hearing Polish Festival Caterers

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga will be sponsoring the Polish-American Arts Festival from July 18-20, 2008 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:

Nowak Catering  
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 afore-named caterers for the 2008 Polish-American Arts Festival shall be held on the 5th day of May, 2008 at 6:45 P.M. at the 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

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 5th day of May, 2008 at 6:45 P.M. to consider the advisability of entering into concession/license agreements with the following named caterers for the 2008 Polish-American Arts Festival, which runs from July 18 - 20, 2008 in Cheektowaga Town Park:

1. Nowak Catering;
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.

Dated: APRIL 21, 2008

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-222

### Negative SEQR Declaration-2238 Old Union Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 J. Weber for the conversion of a lawful non-conforming residence at 2238 Old Union Road into an administrative office, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 2, 2008 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 13, 2008, AND

WHEREAS, the applicant's location of his proposed parking area will require an area variance from 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 Zoning Board of Appeals granting the necessary area variance.
2. The Town Engineer reviewing and approving the drainage and grading plan.
3. The applicant installing a (5) five foot wide concrete sidewalk along his road frontage with a connecting stub walk to the entrance walkway.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-223

### Negative SEQR Declaration -125 Gardenville Parkway

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

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

WHEREAS, an application was submitted by David Kazmierczak, RA for U.S. Food Service of Buffalo for the construction of a 3,600 square foot warehouse addition to 125 Gardenville Parkway, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 2, 2008 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 10, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-224

### Negative SEQR Declaration - 4959 Genesee Street

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Hatch Court Acquisitions, LLC for the demolition of an existing 117 unit manufactured home development and it's re-development to a 92 unit age restricted manufactured home development, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 2, 2008 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 13, 2008, AND

WHEREAS, the proposed re-development project requires area variances to be granted by the Town of Cheektowaga Zoning Board of Appeals, AND

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

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

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Cheektowaga Zoning Board of Appeals granting the necessary area variances.
2. The Town Engineer reviewing and approving the civil plans.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 11. RESOLUTION 2008-225

### Special Event - War of 1812 Ceremonies

**Sponsored By:** Councilmember Zydel, 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 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 8, 2008 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 8, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-226

### Authorize Supervisor to Execute Grant Application for Demolition of 74 Barbara Place

**Sponsored By:** Holtz, Markel, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski

WHEREAS, grant monies in the amount of \$15,000 have been awarded to the Town of Cheektowaga from the New York State Division of Housing and Community Renewal through the efforts of Assemblyman Dennis Gabryszak, and

WHEREAS, said grant monies will be used toward the demolition of 74 Barbara Place, thereby creating a public benefit through the elimination of spot blight; 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 Division of Housing and Community Renewal 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-227

### 2008 Grant Agreement with Department of Housing & Urban Development

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town has submitted a Consolidated Plan and Annual Action Plan to the Department of Housing & Urban Development for Community Development Block Grant funding for the 2008 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 2008 Community Development Block Grant Program Year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-228

### Authorize Purchase of Various Equipment for Town Justice Court

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, by Resolution adopted August 13, 2007, this Town Board authorized the Supervisor to execute a grant application to the New York State Unified Court System to secure funds for the purchase of various equipment for the Town Justice Court; and

WHEREAS, grant funds in the amount of \$28,562.00 have been received by the Town from the New York State Unified Court System, Justice Court Assistance Program, and no matching funds from the Town are required; and

WHEREAS, pursuant to the terms of the grant award, the following items are authorized to be purchased to improve the security and operation of the Court:

Item	Court to Purchase and Value Awarded
1. Construction in the Court's building, including security related construction	13,500.00
2. Computer Support Records	5,964.00
3. Office equipment: TV/Video	2,128.00
4. High Volume Photocopier	6,600.00
5. Facilities Enhancement: New U.S. Flag	135.00
6. Facilities Enhancement: Signage advising persons entering the building of the possibility of search, prohibition of firearms, etc.	100.00
7. Facilities Enhancement: New N.Y.S. Flag	<u>135.00</u>
Total Value of Grant	\$28,562.00

NOW, THEREFORE, BE IT

RESOLVED, that Justice Court is hereby authorized to make the above purchases in accordance with the terms of the grant and the Town's procurement policies and procedures; and BE IT FURTHER

RESOLVED, funds for said purchases shall be appropriated from account number 100-1102-2105.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-229

### Authorize Supervisor to Execute Agreement with Global Towers LLC

**Sponsored By:** Markel, Kaznowski, Rogowski

WHEREAS, on March 9, 2000 the Town entered into an Lease Agreement with AT&T Wireless Services for property located next to the Police and Courts Building at 3223 Union Road, for the installation of a communications tower for reception and transmission of communications signals and related maintenance and operation; and

WHEREAS, said lease was subsequently assigned to GTP Towers IV; and

WHEREAS, Global Towers has acquired a tenant's interest in said lease; and

WHEREAS, in order to induce Global Towers' lender to finance future projects of Global Towers, Global Towers, at the request of their lender, has requested that the Town enter into the attached Agreement Regarding Ground Lease, which confirms to Global Towers and its lender that Global Towers is the current tenant and no default in payments or other default of the terms of said lease exists; and

WHEREAS, under the terms of this Agreement, the lender will continue the payment of rents to the Town in the event Global is unable to comply with its obligation; and

WHEREAS, it is in the best interests of the Town to enter into said Agreement; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the assignment of the aforementioned lease to GTP Towers IV, and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute said Agreement Regarding Ground Lease, subject, however, to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Stanley Kaznowski
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-230

### Authorize Supervisor to Execute Amended Family Support Contract

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the Supervisor be and hereby is authorized to execute the amended 2008 Family Support Contract (C 020831 #3) in the amount of \$27,965.00, on behalf of the Department of Youth & Recreational Services and the New York State Office of Mental Retardation and Developmental Disabilities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-231

### Approve Substitute Trustee for Reinstein VII Trust

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, Victor Reinstein died on May 27, 1984, and

WHEREAS, pursuant to Item VII of the Last Will and Testament of Victor Reinstein, a charitable remainder annuity trust ("Item VII Trust") in the residuary estate for Victor Reinstein was created for the benefit of Victor Reinstein's wife and children, with a following charitable remainder trust in perpetuity for libraries in the Town of Cheektowaga, and

WHEREAS, the remaining surviving trustees of this charitable remainder annuity trust are Richard A. Grimm, Jr., Esq., Julia A. Reinstein (daughter of Victor Reinstein) and Robert Reinstein (son of the late Victor Reinstein), and

WHEREAS, Robert Reinstein has petitioned Erie County Surrogate's Court to resign as Trustee of said trust and to have Ronald James Reinstein (great-grandson of Victor Reinstein; and grandson of Robert Reinstein) substituted in his place as Trustee, and

WHEREAS, as part of said Petition, an Intermediate Settlement of the Trust was prepared, and

WHEREAS, the co-trustees and proposed substitute trustee of the Reinstein VII Trust have committed to the Town of Cheektowaga that they will provide the Town of Cheektowaga, on an annual basis, with a year-end financial statement relating to the trust, and

WHEREAS, the Town Attorney and the Town's Director of Administration and Finance have met with the attorney/co-trustee of the Item VII Trust and the prospective substitute trustee, and have reviewed all paperwork submitted to the court for this substitution of trustee and intermediate settlement of the trust, and are comfortable with same, and

WHEREAS, Ronald James Reinstein currently lives in the Town of Lancaster, has a Masters in Business Management and currently works as a financial representative for a national company, and

WHEREAS, Miller Gesko will continue to act as the account administrator of the Item VII Trust and provide investment advice for this charitable remainder annuity trust, and

WHEREAS, this Board feels that the future interests of the Town of Cheektowaga are protected with the aforementioned proposed substitution of trustee for the Item VII Trust, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby consents to:

1. The aforementioned proposal for the substitution of Ronald James Reinstein for Robert Reinstein as a trustee for the trust created under Item VII of the Last Will and Testament of Victor Reinstein, said substituted trustee to serve without bond, provided that no additional fiduciary commissions shall be paid out of the trust; and
2. Judicial Intermediate Settlement of the Reinstein VII Trust covering the period from

January 1, 1999 to December 31, 2007.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 18. RESOLUTION 2008-232

### Authorize Doyle Fire District No. 2 to Conduct Firematic Drill at 64 Glidden Street

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, the Town of Cheektowaga is owner of a fire-damaged single-family dwelling located at 64 Glidden Street in the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga intends to demolish such dwelling and sell the land to a builder who will construct a dwelling on the property, and

WHEREAS, the Town of Cheektowaga has issued a RFP for the demolition of such dwelling, which demolition is expected to take place on or before May 31, 2008, and

WHEREAS, Doyle Fire District No. 2 in the Town of Cheektowaga has requested permission to conduct a firematic drill at 64 Glidden Street prior to its demolition, and

WHEREAS, it is in the interest of the health, safety and welfare of Town residents that Doyle Fire District No. 2 ("Doyle") be given the opportunity to conduct its drill/training on the dwelling at 64 Glidden Street, NOW, THEREFORE, BE IT

RESOLVED, that Doyle be and hereby is authorized to conduct its firematic drill at 64 Glidden Street on the following conditions/stipulations:

1. The drill take place just prior to the Town's demolition of the structure;
2. Doyle coordinate the firematic drill with the Director of the Community Development Department;
3. Doyle provide proof of its insurance/self-insurance to the Town Attorney;
4. Doyle execute an indemnification/hold harmless agreement satisfactory to the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-233

### Recognition of Blue Star Mothers of America, New York Chapter #1 Memorial Tea

**Sponsored By:** Supervisor Holtz, Councilmember Zydel

WHEREAS, The Blue Star Mothers of America, Inc. is a non-partisan, non-political organization, whose history dates back to January, 1942 and which provides support for active duty service personnel, promotes patriotism, assists Veterans organizations, and is available to assist in homeland volunteer efforts to help our country remain strong; and

WHEREAS, the Blue Star Mothers of America, Inc. New York Chapter #1 will hold a Special Memorial Tea on Saturday, May 3, 2008 for the Presentation of Gold Star Banners to the Families of our Fallen Heroes; and

WHEREAS, the organization through its Blue to Gold program offers condolences, love, and support to the family when a member of the military falls; and

WHEREAS, the Memorial Tea will take place at the home of Mr. & Mrs. Stephen E. Schottman, of 243 Merrymont Drive, in Cheektowaga; *NOW, THEREFORE, BE IT*

*RESOLVED*, that the Town of Cheektowaga hereby salutes and expresses its thoughtful and sincere thanks to the Blue Star Mothers organization and membership for their support of our troops and veterans and their families and for the moral support they provide to each other through shared stories of their sons and daughters serving stateside or overseas.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-234

### Observance of National Volunteer Week

**Sponsored By:** Councilmember Zydel, Supervisor Holtz

WHEREAS, last year, nearly 90 million volunteers stepped forward to make communities across our country a better place to live: Role models mentored at-risk children. Volunteers built new homes. Families were given a second chance. Neighborhoods found hope. And millions of other projects helped causes and organizations meet their missions; and

WHEREAS, Cheektowaga is very fortunate to have hundreds of dedicated and caring individuals who have contributed countless hours of service helping to improve our community and make a difference in the lives of our residents through their good deeds; and

WHEREAS, National Volunteer Week, a 35-year tradition that designates a special time to recognize and celebrate the tremendous efforts of volunteers will be April 27 - May 3, 2008; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga, hereby salutes the volunteer programs that contribute to the quality of life in Cheektowaga and all of the individuals who so generously invest their time, talents and energy.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-235

### Observance of Motorcycle Safety Awareness Month

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

*WHEREAS*, with warmer weather here, more motorcycles are back out on the road - and the drivers of passenger vehicles need to be alert; and

*WHEREAS*, motorcycles are small and may be difficult for drivers of other vehicles to see; and

*WHEREAS*, motorcycles have a much smaller profile than other vehicles making it difficult to judge the speed and distance of an approaching motorcycle; and

*WHEREAS*, after a crash, the drivers of other vehicles involved often say they never saw the motorcyclist and were unable to respond in time; and

*WHEREAS*, in the event of a crash, a motorcyclist is much more vulnerable and in much greater danger physically than are other vehicle drivers; *NOW, THEREFORE, BE IT*

*RESOLVED*, that the Town of Cheektowaga hereby joins with other federal, State and local highway safety, law enforcement, and motorcycle organizations in recognizing May, 2008 as "Motorcycle Safety Awareness Month", and *BE IT FURTHER*

*RESOLVED* all motorists are reminded to "Share the Road" with motorcycles and to be extra alert when driving to help keep motorcyclists safe.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 22. RESOLUTION 2008-236

### Support University at Buffalo UB2020 Program

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the University at Buffalo is a member of the prestigious Association of American Universities; and

WHEREAS, the University at Buffalo is the largest and most comprehensive campus in the 64-campus State University of New York System; and

WHEREAS, the University at Buffalo's has a student body of over 28,000 and employs 11,700 people; and

WHEREAS, the University at Buffalo is a comprehensive, research intensive public university dedicated to excellence; and

WHEREAS, the University at Buffalo spends more than \$267 million annually on research, in search of knowledge that will lead to new cures and therapeutics, faster computers, smarter software, smaller machines and thousands of other life improvements; and

WHEREAS the University of Buffalo is re-defining its role as a major public research university with its UB2020 initiative; and

WHEREAS, UB2020 aims to increase the student body to 37,000 and employ 19,781 people in the Buffalo Niagara region; and

WHEREAS, UB2020 will increase the economic impact of the university by over \$1 billion to over \$2.6 billion by the year 2020; and

WHEREAS, the University at Buffalo has a comprehensive plan to become one of the top research universities in the country and leader in the world and greatly improve the economy and community in Western New York; and

WHEREAS, an affinity group, the UB Believers, has been created to demonstrate community support for the ambitious goals of the University at Buffalo; NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board supports the goals and spirit of UB2020; AND BE IT FURTHER

RESOLVED that Western New York, the State of New York and the Town of Cheektowaga will benefit from the ambitious goals of the University at Buffalo UB2020 Plan; AND BE IT FURTHER

RESOLVED that the Cheektowaga Town Board encourages all elected officials and citizens to support the University at Buffalo by learning more about UB2020 and by becoming a "UB Believer" by visiting [www.ubbelievers.buffalo.edu](http://www.ubbelievers.buffalo.edu).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-237

### Air Quality Monitoring for 64 South Glidden

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property purchased by the Town at 64 Glidden Street has been found to contain asbestos, which must be abated pursuant to applicable New York State law, and

WHEREAS, air quality monitoring must also be conducted during the asbestos removal process, and

WHEREAS, proposals for said air quality monitoring services at said location were solicited by the Office of Community Development, and

WHEREAS, the Director of Community Development has recommended that a contract for professional air quality monitoring services at 64 Glidden Street be awarded to Upper New York State Environmental, Inc., Now Therefore Be It

RESOLVED, that the Supervisor is hereby authorized to execute a contract with Upper New York State Environmental, Inc., 346 Austin Street, Buffalo, New York 14207 to perform necessary air quality monitoring services pursuant to the Town's Request for Proposal for Air Monitoring Services for Asbestos Abatement dated March 19, 2008, for a fee not to exceed \$1,758.00, said cost to be charged to the Community Development Block Grant Program.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-238

### Accept Site Plan - 3781 Broadway

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

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 F.J. Wailand Associates, Inc. for Main Tire Exchange, Inc. for the construction of a 2,360 square foot office addition at 3781 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of March 13, 2008 recommended the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 25. RESOLUTION 2008-239

### Demolition of 74 Barbara Place

**Sponsored By:** Markel, Kaznowski, Rogowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 74 Barbara Place in the Town of Cheektowaga, has become dangerous and unsafe to the general public and unfit for the purposes for which it may lawfully be used; and

WHEREAS, said building has been inspected and a written report of the condition has been completed by Lawrence J. Kensey, Managing Housing Inspector for the Town of Cheektowaga, setting forth his findings and recommendations in regard to the repair or demolition and removal of the building, and said written report describes extensive deterioration and damage to the building and premises and recommends that the building be demolished and removed; and

WHEREAS, the Town Board has fully considered such written report and has determined that the building is dangerous and unsafe to the general public and unfit for the purposes for which it may lawfully be used; and NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the findings and recommendations of the Managing Housing Inspector; and BE IT FURTHER

RESOLVED, that this Town Board hereby orders that the building located at 74 Barbara Place, Cheektowaga, New York be repaired if the same can be safely repaired, or demolished and removed by the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building; and BE IT FURTHER

RESOLVED, that a notice shall be served, pursuant to Section 75-7 of the Cheektowaga Town Code, upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes or of the County Clerk, which notice shall have the contents prescribed by Section 75-6 of said Town Code, including, but not limited to, a date, time and place for a hearing before the Town Board in relation to such dangerous and unsafe building, which hearing shall be scheduled not less than five business days from the date of service of the notice, and BE IT FURTHER

RESOLVED, that this Town Board shall hold a hearing on this matter on May 19, 2008 at 6:45 P.M. in the Council Chambers at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227.

No notice provided for this hearing.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Stanley Kaznowski
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2008-240

### Accept Site Plan - 544 Como Park Blvd.

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

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 William E. Goeseke for Indipark Inc. for the construction of a parking area expansion at 544 Como Park Boulevard, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of April 10, 2008 recommended the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to:

1. The Town Engineering reviewing and approving the grading and drainage plan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 27. RESOLUTION 2008-241

### Unsafe-Unsecured / 21 A-D Glenwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 21 A-D Glenwood Court, Cheektowaga, New York SBL# 91.15-2-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Properties Unlimited Enterprises, LLC & GHC, LLC, Estate of Eugene Jason, 6495 Transit Road Bowmansville, NY 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 21 A-D Glenwood Court, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 28. RESOLUTION 2008-242

### Unsafe-Unsecured / 28 A-E Glenwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 28 A-E Glenwood Court, Cheektowaga, New York SBL# 91.15-1-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Properties Unlimited Enterprises, LLC & GHC, LLC, Estate of Eugene Jason, 6495 Transit Road, Bowmansville, New York 14026, as the owner AND

WHEREAS, an inspection of such premises was conducted at 28 A-E Glenwood Court, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 29. RESOLUTION 2008-243

### Unsafe-Unsecured / 29 A-D Glenwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 29 A-D Glenwood Court, Cheektowaga, New York SBL# 91.15-2-20 that is a danger to the safety of others, and records kept by the Assessors Office identify Properties Unlimited Ent. LLC & GHC, LLC, Estate of Eugene Jason, 6495 Transit Road, Bowmansville, New York 14026, as the owner AND

WHEREAS, an inspection of such premises was conducted at 29 A-D Glenwood Court, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 30. RESOLUTION 2008-244

### Unsafe-Unsecured / 64 Yeager Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 Yeager Drive, Cheektowaga, New York SBL# 80.20-16-63 that is a danger to the safety of others, and records kept by the Assessors Office identify Joseph Trowbridge, 64 Yeager Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 64 Yeager 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 31. RESOLUTION 2008-245

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 (Parks Division) Laborer \$9/hour effective 4/30/08  
Edward Pozdyn, Cheektowaga, NY

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.15/hour effective 5/01/08  
Sean Trapper, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$8/hour effective 5/05/08  
Christopher Ahrens, Cheektowaga, NY  
Paul Herr, Depew, NY  
Walter Szafraniec, Cheektowaga, NY  
Michael Fullington, Cheektowaga, NY  
Thomas Manley, Depew, NY  
Andrew Wastchak, Cheektowaga, NY  
Jesse Herr, Depew, NY  
Adam Stasila, Cheektowaga, NY  
David Vinci, Depew, NY  
Keith Piatek, Sloan, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour  
William Haderer, Cheektowaga, NY effective 5/20/08  
Phillip Beutler, Cheektowaga, NY effective 4/23/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour  
Aaron Gorski, Depew, NY effective 5/12/08  
Kyle Lackie, Cheektowaga, NY effective 5/25/08  
Ryan Galuszka, Cheektowaga, NY effective 5/20/08  
David Cunningham, Cheektowaga, NY effective 5/05/08  
Nicholas Schanne, Cheektowaga, NY effective 4/23/08  
David DeFields, Cheektowaga, NY effective 4/28/08

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 Clerk \$7.15/hour effective 4/21/08  
Madelyn Pecyne, Cheektowaga, NY



SANITATION DEPARTMENT Laborer \$8/hour effective 4/21/08  
Jerrod Chojnicki, Cheektowaga, NY  
Darren Kazmierczak, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour  
Jason Helmbrecht, Depew, NY effective 4/22/08  
James Brundo, Cheektowaga, NY effective 4/22/08  
Raymond Arne III, Cheektowaga, NY effective 4/22/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour  
Richard Gramza, Cheektowaga, NY effective 4/22/08

FACILITIES DEPARTMENT (Park Division) Laborer \$8.75/hour  
Donald Larkman, Cheektowaga, NY effective 5/05/08

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

POLICE DEPARTMENT  
Melissa Stroud effective 3/23/08

FACILITIES DEPARTMENT  
Michael Sikora effective 4/22/08

BE IT RESOLVED, that the following **part-time** employees' hourly rates be adjusted as follows:

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 4/22/08  
John Schaefer, Cheektowaga, NY  
Michael DeCecco, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$11/hour effective 4/22/08  
Thomas Somogy, Cheektowaga, NY

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 4/07/08  
Arthur Page, Cheektowaga, NY

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*Motion by Councilmember Swiatek, second by Councilmember Rogowski to amend the above resolution by changing the effective date of Laborers in the Sanitation Department from 5/05/08 to 04/21/08, and the motion carried.*

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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 (Parks Division) Laborer \$9/hour effective 4/30/08



Edward Pozdyn, Cheektowaga, NY

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.15/hour effective 5/01/08  
Sean Trapper, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$8/hour effective 4/21/08

Christopher Ahrens, Cheektowaga, NY

Paul Herr, Depew, NY

Walter Szafraniec, Cheektowaga, NY

Michael Fullington, Cheektowaga, NY

Thomas Manley, Depew, NY

Andrew Wastchak, Cheektowaga, NY

Jesse Herr, Depew, NY

Adam Stasila, Cheektowaga, NY

David Vinci, Depew, NY

Keith Piatek, Sloan, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour

William Haderer, Cheektowaga, NY effective 5/20/08

Phillip Beutler, Cheektowaga, NY effective 4/23/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour

Aaron Gorski, Depew, NY effective 5/12/08

Kyle Lackie, Cheektowaga, NY effective 5/25/08

Ryan Galuszka, Cheektowaga, NY effective 5/20/08

David Cunningham, Cheektowaga, NY effective 5/05/08

Nicholas Schanne, Cheektowaga, NY effective 4/23/08

David DeFields, Cheektowaga, NY effective 4/28/08

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 Clerk \$7.15/hour effective 4/21/08

Madelyn Pecyne, Cheektowaga, NY

SANITATION DEPARTMENT Laborer \$8/hour effective 4/21/08

Jerrold Chojnicki, Cheektowaga, NY

Darren Kazmierczak, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour

Jason Helmbrecht, Depew, NY effective 4/22/08

James Brundo, Cheektowaga, NY effective 4/22/08

Raymond Arne III, Cheektowaga, NY effective 4/22/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour

Richard Gramza, Cheektowaga, NY effective 4/22/08

FACILITIES DEPARTMENT (Park Division) Laborer \$8.75/hour

Donald Larkman, Cheektowaga, NY effective 5/05/08

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

POLICE DEPARTMENT  
Melissa Stroud effective 3/23/08

FACILITIES DEPARTMENT  
Michael Sikora effective 4/22/08

BE IT RESOLVED, that the following **part-time** employees' hourly rates be adjusted as follows:

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 4/22/08  
John Schaefer, Cheektowaga, NY  
Michael DeCecco, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$11/hour effective 4/22/08  
Thomas Somogy, Cheektowaga, NY

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 4/07/08  
Arthur Page, Cheektowaga, NY

Motion by Supervisor Holtz, second by Councilmember Kaznowski to waive the reading of the names on Resolution 2008-245, and the motion carried.

**RESULT:**           **ADOPTED AS AMENDED [UNANIMOUS]**  
**MOVER:**           Jeff Swiatek, Councilmember  
**SECONDER:**       Mary Holtz, Supervisor  
**AYES:**            Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 32. RESOLUTION 2008-246

### Hiring in Youth & Recreation Department

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individual be hired as indicated, in the Department of Youth & Recreational Services, effective immediately:

Soccer - 7140.1636

Part-time

Recreation Aide - \$7.15

Corrine Monette                      14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 33. RESOLUTION 2008-247

## Reappointment/Appointment to Youth Board

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS the Constitution and By-Laws of the Cheektowaga Youth Board allow for up to three (3) one-year reappointments for members; and

WHEREAS Lisa Melin has expressed interest in continuing to serve on the voluntary board; and

WHEREAS vacancies currently exist on the Cheektowaga Youth Board; and

WHEREAS Tyler Welsh, Paul Nazzarett, Sherry Maran and Cindy Trapper have expressed interest in serving on the voluntary board; NOW THEREFORE, BE IT

RESOLVED that Lisa Melin be and hereby, is reappointed to the Cheektowaga Youth Board, for an additional one-year term with an expiration date of April 21, 2009; and BE IT

FURTHER RESOLVED that Tyler Welsh, Paul Nazzarett, Sherry Maran and Cindy Trapper be and, hereby, are appointed to the Cheektowaga Youth Board for full three year terms, effective this date and expiring on April 21, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**34. RESOLUTION 2008-248****Appointment of Assistant Superintendent Wastewater Pump Station (Permanent/Competitive) (Main Pump Station) (Joseph D. Glab)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Joseph D. Glab was appointed provisionally by this Town Board to the position of Assistant Superintendent Wastewater Pump Station in the Main Pump Station effective January 1, 2007; 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, Joseph D. Glab has qualified for permanent appointment to the title of Assistant Superintendent Wastewater Pump Station; NOW, THEREFORE, BE IT

RESOLVED, Joseph D. Glab of Cheektowaga, New York, be and hereby is appointed to the permanent position of Assistant Superintendent Wastewater Pump Station in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective April 22, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 35. RESOLUTION 2008-249

### Appointment of Assistant Code Enforcement Officer (Competitive/Permanent) (Building and Plumbing Department) Mark C. Bielefeld

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Assistant Code Enforcement Officer in the Building and Plumbing Department; AND

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current civil service list for said title was canvassed and interviews conducted; AND

WHEREAS, Mark C. Bielefeld appears on said list and meets all the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Mark C. Bielefeld of Angola, New York, be and hereby is appointed to the position of Assistant Code Enforcement Officer in the Building and Plumbing Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 7, 2008; AND, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Mark C. Bielefeld 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 36. RESOLUTION 2008-250

### Appointment of Clerk Typist (Permanent/Competitive) (Police Department) (Laurie M. Vail)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

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

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

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

WHEREAS, Laurie M. Vail, currently employed as a Senior Clerk in the Assessor's Office, appears on the Civil Service list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Laurie M. Vail of Depew, New York, be and hereby is appointed to the position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 28, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 37. RESOLUTION 2008-251

### Travel Authorization Youth & Recreation Department (Ellen Fischer and Jillian Gorman)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Association of New York State Youth Bureau's Director/Staff Training is being held April 30 through May 2, 2008 in Rome, New York; AND

WHEREAS, Senior Recreation Supervisor Ellen Fischer and Program Coordinator Jillian Gorman have requested authorization to attend said training; AND

WHEREAS, Youth and Recreational Services Department 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 \$80; AND

WHEREAS, these expenses have been budgeted by the Youth and Recreational Services Department; NOW, THEREFORE, BE IT

RESOLVED, that Senior Recreation Supervisor Ellen Fischer and Program Coordinator Jillian Gorman be and hereby are authorized to attend the New York State Youth Bureau's Director/Staff Training being held April 30 through May 2, 2008 in Rome, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Suspension of Rules

Motion by Supervisor Holtz, second by Councilmember Rogowski to suspend the rules to include the following three (3) resolutions and the motion carried.
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## 1. RESOLUTION 2008-252

### Call for Public Hearing on Local Law to Extend Moratorium on Drive Through Businesses

**Sponsored By:** Holtz, Rogowski, Kaznowski

WHEREAS, the Town of Cheektowaga Zoning Law currently permits drive through windows and service at said windows as an accessory use in certain zoning districts within the Town, and

WHEREAS, said Zoning Law lacks specificity as to the location, design standards and stacking of vehicles for such drive through windows, and there is a concern that these types of drive through businesses could result in traffic congestion and back ups onto public highways, especially during peak times, 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, 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, this Town Board, by resolution dated February 4, 2008, adopted Local Law No. 1 of the Year 2008, entitled "A Local Law Creating a Special Review Zoning District for Drive Through Businesses", and

WHEREAS, the Town needs additional time to enact revisions to the Zoning Law relating to drive through windows and businesses, and wants to consider extending the moratorium on the issuance of any permits/approvals by the Town for such uses, 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 all building in an area under immediate consideration for revision of regulations or legislation, 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 May, 2008 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. 2008-3 of the Year 2008, entitled "A Local Law amending Local Law No. 1 of the Year 2008" 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 5<sup>th</sup> day of May, 2008 at 7:00 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2008-3 of the Year 2008, entitled "A Local Law amending Local Law No. 1 of the Year 2008". The text of such proposed Local Law is as follows:

**LOCAL LAW INTRO NO. 2008-3 of the YEAR 2008  
A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 2008**

1. For a period of one Hundred Five (105) days, the following type of business use is declared to be a Special Review Zoning District:  
Any drive through business (including drive through windows for restaurants/food service establishments, drive-through banks or any other drive through business use), as permitted in the Zoning Law. This Special Review Zoning District shall include all zoning districts within the Town of Cheektowaga and 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, and with the health, safety, morals and general welfare of the Town.
4. This local law shall not apply to drive through businesses which have previously received site plan and/or environmental (Negative Declaration) approvals through Town Board resolution.

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: April 21, 2008

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Stanley Kaznowski
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-253

### Call for Public Hearing on Proposed Amendments to Zoning Law Relating to Drive Through Businesses

**Sponsored By:** Holtz, Rogowski, Kaznowski

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 drive through businesses in the Town, 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 May, 2008 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 Zoning Law Relating to Drive Through Businesses", and BE IT FURTHER

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

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

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 5th day of May, 2008 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. 2008-4 of the Year 2008, entitled "A Local Law to Amend the Zoning Law Relating to Drive Through Businesses". Following is a synopsis of the proposed Local Law Intro No. 2008-4:

**Local Law Intro No. 2008-4****A Local Law to Amend the Zoning Law Relating to Drive Through Businesses**

A new section, **Section 260-48.2, entitled "Accessory Drive Through Windows"**, would be created under the Town Zoning Law to establish design standards and restrictions for accessory drive through windows/facilities for the purpose of controlling the negative impacts associated with such appurtenances.

A copy of the entire text of such proposed local law is on file in the Town Clerk's Office, where the same may be viewed during regular business hours.

Dated: April 21, 2008

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

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Stanley Kaznowski
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-254

## Adoption of Local Law No. 2 of 2008 - a Local Law Adopting an Interim Application for Wireless Telecommunications Facilities

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, with the enactment of the Telecommunications Act of 1996, continued substantial growth in the erection of wireless telecommunications facilities is anticipated, and

WHEREAS, Town officials have been engaged in discussions concerning the impact of the construction of such facilities within the Town of Cheektowaga, and

WHEREAS, although the Town of Cheektowaga has, as part of its Zoning Law, provisions relating to communications facilities, these provisions have not been updated or refined in years; and there is a need to further address the impact of the telecommunications facilities on the community and otherwise control and minimize the impact on the town and its residents, and to otherwise ensure the safety of such towers and wireless facilities in the town, and

WHEREAS, this Town Board previously retained the services of The Center for Municipal Solutions to update and refine the communications facilities provisions of our Zoning Law, and

WHEREAS, the Town is working to revise, replace or implement provisions in our Zoning Law to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of our Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, and

WHEREAS, the town needs a reasonable time to enact such revised provisions relating to telecommunications facilities, and

WHEREAS, it is necessary for the town to temporarily enact an interim application process for telecommunications facilities until such time as the new provisions are enacted, and

WHEREAS, a draft of a local law adopting an interim application process for wireless telecommunications facilities has been prepared, and

WHEREAS, this Interim Application Process is not meant to be prohibitive or exclusionary in nature, and, during the pendency of the adoption process for the new/revised/updated regulations, applications for a building permit, special use permit, site plan approval, variance or other necessary town approval for a monopole, lattice tower or other telecommunications antennae installations (including but not limited to cellular/PCS antennae installations) shall be accepted and processed by the town, subject to certain rules, 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 21st day of April, 2008 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 as to whether Local Law Intro No. 2008-2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities" should be enacted, and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities", 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 2008 shall take effect immediately upon filing with the Secretary of State

\*\*\*\*\*

LOCAL LAW NO. 2 of the YEAR 2008

A LOCAL LAW ADOPTING AN INTERIM APPLICATION PROCESS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

1. Legislative Intent. Since the enactment of the Telecommunications Act of 1996, the Town of Cheektowaga has seen continued growth in the erection of wireless telecommunication facilities in the Town. The Town of Cheektowaga needs time to revise, replace or implement provisions in our Town Code/Zoning Law to further address the impact of wireless telecommunication facilities on the town, and to otherwise control and minimize the impact on the town to protect the health, safety and welfare of town residents. This local law is not meant to be prohibitive or exclusionary in nature, but rather to ensure the orderly development of wireless technology in the town..
2. For a period of ninety (90) days after the effective date of this local law, the provisions of this local law shall be deemed to apply to all applications submitted to the town for a building permit, special use permit, site plan approval, variance or other necessary approvals for a monopole, lattice tower or other telecommunication antennae installation, including but not limited to cellular/PCS antennae installations. During this Interim

Application Process period, such application shall be accepted and processed by the Town. However, in initiating an application during this period, the following will apply:

- a. An applicant must submit to the Town an escrow deposit payable to "Town of Cheektowaga" in the amount of \$8,500.00, to be used by the Town to defray the cost of a consultant to be retained by the Town to review/evaluate the applicant's application; additional escrow moneys may be requested from the applicant by the Town if additional review/evaluation is required of the consultant; any unexpended balance shall be returned to the applicant at the conclusion of the review process.
  - b. Any permit/approval issued during this Interim Application Process period shall be issued conditioned on the applicant complying with any regulations, modifications, etc. required by changes enacted by the Town of Cheektowaga to the Town Code/Zoning Law. It is anticipated that the revised regulations to the Town Code/Zoning Law will include requirements covering the filing of an application to include: pre-application meeting and site visit; proof of need; fees; proof of location and height of facility; meeting of RF emission requirements; SEQRA; setbacks; aesthetic considerations; insurance requirements and bond for the removal of the facility.
3. This local law shall apply to all departments, agencies and authorities of the Town Of Cheektowaga with respect to the issuance of any permits or approvals for the aforementioned telecommunications facilities described in subdivision two hereof.
  4. This law shall apply to the territorial limits of the Town of Cheektowaga, outside the limits of the Villages of Depew and Sloan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VI. Communications**

### ***A. Departmental Communications***

1. Supervisor's Statement of Funds for February 2008
2. Cheektowaga Conservation Advisory Council - Minutes of April 3, 2008 Meeting
3. Cheektowaga Emergency Services - Quarterly Reports for January to March 2008
4. Cheektowaga Environmental Advisory Committee - Minutes of March 12, 2008 Meeting
5. Cheektowaga Planning Board - Minutes of March 13, 2008 Meeting
6. Cheektowaga Public Library Board - Minutes of March 19, 2008 Meeting
7. Cheektowaga Traffic Safety Commission - Minutes of March 18, 2008 Meeting

### ***B. General Communications***

1. Notice of Claim - Carol Baker Vs. Town of Cheektowaga
2. Notice of Claim - Keith Wanderlich Vs Town of Cheektowaga
3. Notice of Petition - National Fuel Gas Distribution Corporation Vs Town of Cheektowaga Assessor, Board of Assessment Review and Town of Cheektowaga
4. Residents of Nassau Court - Opposition to Issuance of Variance at 340 Nagel Drive

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Closing**

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to adjourn the meeting.





# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, April, 29, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on April 29, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney

Brian Krause, Director of Finance and Administration

## II. Resolutions



## 1. RESOLUTION 2008-255

### Authorize Supervisor to Execute Work Permit with the New York State Thruway Authority

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga Highway Department proposes to mill and repave Galleria Drive, AND

WHEREAS, this work would impact the New York State Thruway Authority's off ramp onto Galleria Drive, AND

WHEREAS, the Town of Cheektowaga will need to temporarily close this ramp during milling and repaving operations on Galleria Drive, AND

WHEREAS, the Town of Cheektowaga is required to obtain a Work Permit from the New York State Thruway Authority associated with the temporary closure of the New York State Thruway Authority ramp to Galleria Drive, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Work Permit with the New York State Thruway Authority for the aforesaid project on behalf of the Town, AND, BE IT FURTHER

RESOLVED, that the New York State Thruway Authority Work Permit fee in the amount of \$250.00 shall be chargeable to Account #1000-1000-391.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, May 5, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on May 5, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Anthony Romano, Coordinator of Employee Relations  
Brian Hess, Assessor  
Kerry Switalski, Senior Services Director  
Emil Lennert, Planning Board Representative  
John Marriott, Planning Board Representative  
John Glascott, Captain, Cheektowaga Police Department  
Jon Nichey, Superintendent of Wastewater Pump Station

## II. Public Hearing at 6:30 PM

### 1. Rezoning 233 Bennett Rd.

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## III. Public Hearings at 6:45 PM

### 1. License Agreements with Polish Festival Caterers

This being the time and place advertised for a Public Hearing regarding License Agreements with 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. Said Affidavit is attached.

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

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Shift in Operations of Sonwil Distribution Center's Operations at 25 Dewberry Lane Into a City of Buffalo Empire Zone

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

#### IV. Public Comment Period

#### V. Public Hearings at 7:00 PM

1. Local Law to Extend Moratorium on Drive Through Businesses

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## 2. Local Law to Amend Zoning Law Relating to Drive Through Businesses

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Resolutions



## 1. RESOLUTION 2008-256

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**HUD CDBG FUND**

FROM:	700.9000.0650	Sloan-TV Analysis of Sewer System	\$ 4,000.00
TO:	700.1000.0602	Demolition/Clearance	\$ 4,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-257

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 2, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,534,678.45
RISK RETENTION FUND	128,706.37
SPECIAL DISTRICT FUND	1,314,069.93
HIGHWAY FUND	519,617.19
CAPITAL FUND	72,390.61
TRUST & AGENCY FUND	18,683.60
HUD CDBG FUND	17,593.91
PART TOWN FUND	127,630.47
	<u>\$ 4,733,370.53</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-258

## Adopt Local Law No. 3 of the Year 2008 - a Local Law Amending Local Law No. 1 of the Year 2008

**Sponsored By:** Holtz, Rogowski, Kaznowski

WHEREAS, the Town of Cheektowaga Zoning Law currently permits drive through windows and service at said windows as an accessory use in certain zoning districts within the Town, and

WHEREAS, said Zoning Law lacks specificity as to the location, design standards and stacking of vehicles for such drive through windows, and there is a concern that these types of drive through businesses could result in traffic congestion and back ups onto public highways, especially during peak times, 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, 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, this Town Board, by resolution dated February 4, 2008, adopted Local Law No. 1 of the Year 2008, entitled "A Local Law Creating a Special Review Zoning District for Drive Through Businesses", and

WHEREAS, the Town needs additional time to enact revisions to the Zoning Law relating to drive through windows and businesses, and wants to consider extending the moratorium on the issuance of any permits/approvals by the Town for such uses, and

WHEREAS, a draft of a proposed local law to extend the moratorium on drive through businesses has been prepared, ("A Local Law Amending Local Law No. 1 of the Year 2008"), 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 May, 2008 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 "A Local Law Amending Local Law No. 1 of the Year 2008", and

WHEREAS, this Board feels that it is in the Town's best interests to enact A Local Law Amending Local Law No. 1 of the Year 2008, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2008, entitled "A Local Law Amending Local Law No. 1 of the Year 2008", 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 2008 shall take effect immediately upon filing with the Secretary of State

\*\*\*\*\*

LOCAL LAW NO. 3 of the YEAR 2008

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE YEAR 2008

- 1. For a period of one Hundred Five (105) days, the following type of business use is declared to be a Special Review Zoning District:

Any drive through business (including drive through windows for restaurants/food service establishments, drive-through banks or any other drive through business use), as permitted in the Zoning Law. This Special Review Zoning District shall include all zoning districts within the Town of Cheektowaga and 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, and with the health, safety, morals and general welfare of the Town.
- 4. This local law shall not apply to drive through businesses which have previously received site plan and/or environmental (Negative Declaration) approvals through Town Board resolution.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-259

### Award of Bid - Rehabilitation of Rein Road Bridge

**Sponsored By:** Councilmember Kaznowski, Councilmember Swiatek

WHEREAS, a Notice to Bidders was published for the receipt of bids for the rehabilitation of the bottom chord truss members of the Rein Road Bridge over Ellicott Creek, which bids were duly received and opened on April 23, 2008 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, three (3) bids were received which were referred to the Town Engineer for analysis, tabulation and report, which report is contained in a letter from the Town Engineer dated May 1, 2008, AND

WHEREAS, said analysis and report recommends the contract for the rehabilitation of the bottom chord truss members of the Rein Road Bridge be awarded to Hohl Industrial Services, Inc., 770 Riverview Boulevard, Tonawanda, New York 14150 for the bid price of \$31,760.00, being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed and authorized to execute an agreement with Hohl Industrial Services, Inc. for the referenced project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #5714-5132-0002.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**5. RESOLUTION 2008-260**

**Call for Public Hearing - a Local Law to Amend the Solid Waste Law of the Town of Cheektowaga**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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, by Local Law No. 2 of the Year 2005, this Town Board amended Chapter 206 of the Town Code to require the use of plastic/vinyl garbage containers or galvanized metal garbage containers; and to prohibit the use of plastic bags outside of these containers; and

WHEREAS, the Town needs to enact a procedure to enable the Sanitation Department to enforce this law and to fine violators of such law, and

WHEREAS, Local Law Intro No. 2008-5 of the Year 2008 was drafted to so amend Chapter 206 of the Town Code, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 19<sup>th</sup> day of May, 2008, at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local law Intro No. 2008-5 of the Year 2008, entitled "A Local Law to amend the Solid Waste Law 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, 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 19<sup>th</sup> day of May, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider and discuss and, if need be, act upon a proposed Local Law entitled "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga". A brief summary of this local law is as follows:

**Local Law Intro No. 2008-5 of the Year 2008**  
A Local Law To Amend the  
Solid Waste Law of the Town of Cheektowaga

1. Section 206-3, Definitions, would be amended to add a definition of "Sanitation Department Official", who will be responsible for enforcing such law.
2. Subsection B of Section 206-6, Placement of containers for collection" would be amended to provide that garbage, refuse and rubbish shall not be set out for collection prior to 3:00 P.M. on the day preceding collection.
3. A new Section, Section 208-8.A., Owner Responsible, shall be added to provide that the owner of a property is responsible for insuring compliance with the Solid Waste Law.
4. Subsection E of Section 206-9, Supervision; promulgation of rules and regulations, would be amended to authorize Sanitation Department officials to issue warning notices, violation notices, appearance tickets, etc. Under the Solid Waste Law;
5. Section 206-10, Penalties, would be amended to modify procedures for issuing and serving a violation order, and imposition of fines.

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

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

Dated: Cheektowaga, New York  
May 5, 2008

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-261

Call for Public Hearing - a Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga, entitled "Streets and Sidewalks" sets forth specifications for streets and sidewalks, and also lists regulations concerning the maintenance of same, and

WHEREAS, there is a need to amend Article II ("Sidewalk Specifications") and Article VI ("Sidewalk Repair Costs") in said Chapter 210, and

WHEREAS, the Town Attorney and Superintendent of Highways have recommended that this Town Board enact revisions to the Streets and Sidewalks Law, and

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

RESOLVED, that a public hearing be held on the 19th day of May, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-6, entitled "A Local Law to Amend the Streets and Sidewalks Law 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, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 19th day of May, 2008 at 6:45 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. 2008-6 of the Year 2008, entitled "A Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga". Following is a synopsis of the proposed Local Law Intro No. 2008-6:

Local Law Intro No. 2008-6

A Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga

**Section 210-14, entitled “Owners to keep sidewalks free of snow and obstructions”** shall be renamed “Maintenance, repairs and removal of snow, ice and other materials from sidewalks by owners”, and shall be amended to revise the responsibility of property owners.

**Section 210-36, entitled “Share of costs”** shall be revised to provide that the Town of Cheektowaga will pay \$40.00 per five (5) foot linear block of sidewalk; the remainder of the cost shall be paid by the property owner.

**Section 210-37, entitled “Assessment against property”**, shall be revised to provide that the cost of relaying or repairing sidewalks shall be assessed against the property over a five (5) year period (replacing the current two year period)

A copy of the entire text of such proposed local law is on file in the Town Clerk’s Office, where the same may be viewed during regular business hours.

Dated: May 5, 2008

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

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2008-262

**Bond Resolution for Emergency Generator**

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

EXTRACT OF MINUTES

Meeting of the Town Board of the  
Town of Cheektowaga, in the  
County of Erie, New York

May 5, 2008

\* \* \*

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, 3301 Broadway, Cheektowaga, New York, on May 5, 2008.

There were present: Hon. Mary F. Holtz, Supervisor; and  
Trustees: Patricia A. Jaworowicz  
Jeff Swiatek  
James P. Rogowski  
Richard A. Zydel  
Charles C. Markel  
Stanley J. Kaznowski III

There were absent:

Also present: Alice Magierski, Town Clerk

\* \* \*

Councilmember Stanley J. Kaznowski III offered the following resolution and



moved its adoption:

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MAY 5, 2008, AUTHORIZING THE ACQUISITION OF A NEW EMERGENCY BACKUP GENERATOR FOR THE SEWER MAIN PUMPING STATION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$850,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$850,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Cheektowaga, in the County of Erie, New York (herein called the "Town"), is hereby authorized to acquire a new emergency backup generator for the sewer main pumping station. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$850,000 serial bonds of the Town to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Town in the principal amount of \$850,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for such expenditures made on or before such effective date if the Town Board has made a prior declaration of intent to issue indebtedness therefor. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to cause to be published, in full, in the "CHEEKTOWAGA TIMES," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

\* \* \* \* \*

TOWN OF CHEEKTOWAGA, NEW YORK

PLEASE TAKE NOTICE that on May 5, 2008, the Town Board of the Town of Cheektowaga, in the County of Erie, New York, adopted a bond resolution entitled:

“Bond Resolution of the Town of Cheektowaga, New York, adopted May 5, 2008, authorizing the acquisition of a new emergency backup generator for the sewer main pumping station, stating the estimated maximum cost thereof is \$850,000, appropriating said amount therefor, and authorizing the issuance of \$850,000 serial bonds of said Town to finance said appropriation,”

an abstract of which bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to acquire a new emergency backup generator for the sewer main pumping station; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$850,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$850,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$850,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued ten (10) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$850,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 5, 2008

Alice Magierski  
Town Clerk

\* \* \* \* \*

Section 8. The Town Clerk is hereby authorized and directed to cause said bond resolution to be published, in summary, after said bond resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

\* \* \*

The adoption of the foregoing resolution was seconded by Supervisor Mary F.

Holtz and duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

The resolution was declared adopted.

\*\*\*\*\*

CERTIFICATE

I, ALICE MAGIERSKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on May 5, 2008, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 5th day of May, 2008.

(SEAL)

Town Clerk



STATE OF NEW YORK )  
 :ss:  
COUNTY OF ERIE )

ALICE MAGIERSKI, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Cheektowaga, State of New York;

That on \_\_\_\_\_, 2008, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the bond resolution duly adopted by the Town Board on May 5, 2008, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

Town Clerk

Subscribed and sworn to before me

this \_\_\_\_\_ day of May, 2008.

Notary Public, State of New York

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-263

### **Purchase of New Holland B95 Backhoe Turbo 4WD Cab Heat for Facilities Department, Parks Division**

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Facilities Department, Parks Division is in need of a New Holland B95 Backhoe Turbo 4WD Cab Heat, AND

WHEREAS, Niagara Frontier Equipment Sales, Inc., 4600 Lake Avenue, Lockport, New York 14094, has the New York State Contact Number 40601, Lot II, Item #: 1, for a New Holland B95 Backhoe Turbo 4WD Cab Heat, AND

WHEREAS, The Town of Cheektowaga wishes to take advantage of the above New York State Contract, AND

RESOLVED, that Niagara Frontier Equipment Sales, Inc., be awarded as per State Contract Number 40601, Lot II, Item #: 1, New Holland B95 Backhoe Turbo 4WD Cab Heat, at a cost of \$59,128.00, less three trade-ins, for a total cost of \$45,228.00, AND

WHEREAS, this total includes three trade-ins (1) Ford 46010LCG Tractors \$3,000.00 Ford 515 with Loader \$4,200, Clark 35C Loader Backhoe \$6,700, AND BE IT FURTHER

RESOLVED, that funds for such payment of \$45,228.00 shall be charged to line item 0100-7110-2304.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-264

### Adopt Model Stormwater Management Plan

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga is a member of the Western New York Stormwater Coalition and has participated in the development of a Model Stormwater Management Plan to comply with the New York State Department of Environmental Conservation General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (GP-02-02), AND

WHEREAS, the Stormwater Management Plan is based on the Federal Stormwater Phase II rule which requires municipal separate storm sewer system (MS4) owners and operators to develop a Stormwater Management Program with minimum control measures including:

- (1) Public Education and Outreach
- (2) Public Participation
- (3) Illicit Discharge Detection and Elimination
- (4) Construction Site Runoff Control
- (5) Post - Construction Stormwater Management
- (6) Pollution Prevention and Good Housekeeping for Municipal Operations

AND,

WHEREAS, said document has been previously made available for public review and comment, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby adopts the Model Stormwater Management Plan as developed by the Western New York Stormwater Coalition as required under the aforesaid NYSDEC General Permit GP-02-02 and hereby directs that copies of said document be placed on file and made available for public review in the offices of the Town Clerk and Town Engineer.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-265

### Authorize Supervisor to Execute Subrecipient Agreement for Amherst-Cheektowaga-Tonawanda HOME Consortium

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 2008 program year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-266

### Authorize Supervisor to Sign Agreement for Professional Services with URS Corporation for the Pfohl Brothers Landfill Site

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, by resolution dated May 5, 1997 this Town Board authorized the execution of a Settlement Agreement between the Pfohl Brothers Landfill Site Steering Committee and the Town of Cheektowaga, which agreement dated May 13, 1997 requires that the Town perform long term operation and maintenance (O & M) activities at the Pfohl Brothers Landfill Site consistent with the Operation and Maintenance Plan approved by the New York State Department of Environmental Conservation, AND

WHEREAS, the Operation and Maintenance Monitoring and Inspection Plan requires that the Town obtain specialized technical assistance to perform the various required activities as further outlined in the aforesaid agreement, AND

WHEREAS, the engineering consulting firm of URS Corporation has vast experience in performing the required inspections, sampling, monitoring and reporting required to be performed in accordance with the approved O & M Plan and has assisted the Town in fulfilling its obligations under a previous five (5) year term agreement, AND

WHEREAS, the Town Engineer has recommended that URS Corporation be retained under a new three (3) year Technical Services Agreement for calendar years 2008, 2009 and 2010 to continue to assist the Town in meeting its responsibilities associated with landfill operation and maintenance, monitoring and reporting, NOW, THEREFORE, BE IT

RESOLVED, that the agreement for general technical services for calendar years 2008 through 2010 as submitted by the consulting firm of URS Corporation and as recommended by the Town Engineer and reviewed by the Town Attorney is approved and accepted, AND BE IT FURTHER

RESOLVED, that the Supervisor is directed and authorized to sign said agreement for professional services with URS Corporation, 77 Goodell Street, Buffalo, New York 14203, AND, BE IT FURTHER

RESOLVED, that professional service fees shall be chargeable to Account No. 150-1910-5901.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-267

### Approve Cultural Funding - Cheektowaga Cultural Society

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2008 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 2007 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 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(s) out of the respective cultural group budget line item(s) in the 2008 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-268

### Authorize Supervisor to Execute Grant Application to Retain Consultant to Assess Historical Documents

**Sponsored By:** Councilmember Kaznowski, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga is the recipient of an extensive collection of documents from Julia Boyer Reinstein that chronicle the historical development of the Town; and

WHEREAS, grant monies (with no matching funds) are available from the National Endowment for the Humanities to retain a consultant to perform a general preservation assessment of the collection including a detailed plan for document arrangement and description, housing requirements, and long-term preservation of the materials; 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 National Endowment for the Humanities 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-269

### NYSDEC Year 5 Annual Report

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

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 which program is required to be fully implemented by January 8, 2008, AND

WHEREAS, the Year 5 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, 2008, AND

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

RESOLVED, that public comment on the subject Annual Report shall be received until May 23, 2008 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 5 Annual Report.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 15. RESOLUTION 2008-270

### Grant Permission to Cub Scout Pack 618 to Conduct Overnight Campout in Stiglmeier Park

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, Cub Scout Pack 618 has requested permission to conduct an overnight campout on Saturday, May 31, 2008 to Sunday, June 1, 2008 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 May 31 - June 1, 2008, 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 Director of the Facilities Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-271

### Award of Contract for Rehabilitation Work at 45 Leroy Road

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has acquired the property at 45 Leroy Road 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, written proposals were received from four contractors and 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 for an amount not to exceed \$8,713.00, Now Therefore Be It

RESOLVED, that the Town Supervisor be and hereby is authorized to execute an agreement with Big Little Construction, 73 Sixth Avenue, Lancaster, New York, 14086 for rehabilitation work at 45 Leroy Road in the Town of Cheektowaga for an amount not to exceed \$8,713.00, said contractor having submitted the lowest responsible proposal for said work.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-272

### South Cheektowaga Baseball End of Season Picnic

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 End of Season League Picnic in Stiglmeier Park on August 2, 2008, 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 2, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-273

### North Cheektowaga Athletic Association Opening Day Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 7, 2008, rain date June 8, 2008 beginning at 12:00 noon, said parade to begin on Nagel Drive, to George Urban Boulevard through Tops parking lot, returning to Maryvale Primary School; 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 NCAAA Little League for the aforementioned Parade, to be held on Saturday, June 7, 2008 (rain date, Sunday, June 8, 2008) at 12:00 noon; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-274

### Special Event - John Bork Benefit Run/Walk

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 John F. Kennedy High School and Middle School have made application to hold the John Bork Benefit Walk/Run Saturday, June 7, 2008 beginning at 10:30 A.M. along the following route:

Cayuga Creek Road, from Henry Street to William Street, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Cheektowaga Department of Recreation and Youth Services, the Facilities Department, 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 John F. Kennedy High School and Middle School for the aforementioned Walk to be held on Saturday, June 7, 2008, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-275

### Special Event - Clevehill Baseball Opening Day Ceremonies

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 10, 2008, 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, right onto Cleveland, right onto South Huxley, right onto Mapleview Road and left down Commodore Road to school lot;

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 10, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-276

### Special Event - Independence Day Celebration

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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, 4th and 5th, 2008 at Town Park beginning at 12:00 noon, and Parade on July 4th, 2008 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 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, 4th and 5th, 2008; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-277

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Lauren Rzeszutek	4/1/08	14227
Katelyn Killian	12/22/07	14211

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 23. RESOLUTION 2008-278

### Youth & Recreation Summer Hire

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services:

Cheektowaga Conservation Corps (CCC)

Seasonal

Laborers (Participants) - 7310.1816

Level I - \$7.15

Kenneth Obstarczyk	14227
Jamie Nash	14206
Chris Balash	14215
Alyssa Warden	14227
Tyler Miesowicz	14043
Jessica Cunningham	14225
Alissa Kowalski	14206
David Eron	14225
James Eberle	14227
Rachel Kandefer	14225

Level I - \$7.15 - Alternates

Joelle Hocholski	14227
Ashley Thompson	14225
Pilar Nelson	14211
Dean Wilkes	14215
Jeffrey Persutti	14227
Benjamin Dziekan	14225
Dana Szymkowiak	14227

Level II - \$7.40

Kelsey Leon	14225
Andrew Balash	14215
Jessica Garland	14225
Kyle Leon	14225
Michael Tworkowski	14225
Stephani Krysztofowicz	14043
Tara Przybl	14227

Level II - \$7.40 (Alternate)

Frank Bosa	14212
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Level III - \$7.65

Stephen Pfalzer 14043  
Justin DelBello 14212

Level IV - \$7.90 (Alternate)

Amanda Fischer 14227

Supervisor Trainee - 7310.1816

Level I - \$9.05

Nicholas Russell 14206

Youth Leaders - 7310.1811

Level I - \$9.05

Brian Sheldon 14227  
Michael Lewandowski 14043  
Brad Agen 14227

Crew Supervisor - 7310.1811

Level I - \$11.80

Andrew Swiat 14227  
Jacob Bauer 14227

Level II - \$12.40

Kevin Derry 14225

BE IT RESOLVED that the individuals listed below be and hereby are transferred and/or upgraded as indicated, effective immediately:

Cheektowaga Conservation Corps (CCC)

CCC Supervision - 7310.1811

Regular Part-time

Recreation Specialist (Program Coordinator) - \$17.95

Roger Newhouse

Recreation Specialist (Education Coordinator) - \$14.70

Paul Parrinello

Cheektowaga Conservation Corps (CCC)

Seasonal

Laborers (Participants) - 7310.1816

Level II - \$7.40

Anthony Latucca

Recreation Attendant - 7310.1804 - \$8.50  
Regular Part-time (effective 5/12/08)

Sherry Maran

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-279

### Hire/Termination Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$7.75/hour  
Brandon Hill, Cheektowaga, NY effective 5/19/08  
William Olewniczak, Cheektowaga, NY effective 5/19/08  
John Lockhart, Cheektowaga, NY effective 5/19/08  
Justin Nowak, Depew, NY effective 5/19/08  
Michael O'Sullivan, Cheektowaga, NY effective 6/23/08  
Shane Latshaw, Cheektowaga, NY 6/30/08  
Sean Ross, Cheektowaga, NY effective 6/30/08  
Austin Bobeck, Cheektowaga, NY effective 6/30/08  
Jacob Nowak, Depew, NY effective 6/30/08  
Timothy Kopp, Cheektowaga, NY effective 6/30/08

TOWN CLERK'S OFFICE/RECORDS Clerk \$7.15/hour  
Lauren Piekarski, Depew, NY effective 5/15/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour  
Adam Nikel, Cheektowaga, NY effective 5/26/08  
Aaron Hausburger, Cheektowaga, NY effective 5/07/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$8/hour  
Francis Kreppel, Cheektowaga, NY effective 5/07/08  
Michael Lawicki, Cheektowaga, NY effective 5/07/08

FACILITIES DEPARTMENT (Parks Division) (Trim Crew) Laborer \$9/hour  
Joseph Boccio, Depew, NY effective 5/07/08

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour  
Jarrett Sinclair, Cheektowaga, NY effective 6/30/08

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 (Parks Division) \$7.75/hour effective 5/07/08  
Dennis McDonald, Cheektowaga, NY effective 5/07/08

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

**POLICE DEPARTMENT**

San Sciumeca effective 4/22/08

James Stock effective 4/16/08

Lorraine Schrader effective 4/16/08

**TAX OFFICE**

Delphine Gembka effective 10/27/06

**SENIOR SERVICES**

Cynthia Kwiatkowski effective 4/27/08

BE IT RESOLVED, that the following **seasonal and/or part-time employees'** rate of pay be adjusted as follows:

**POLICE DEPARTMENT (Sign Maintenance Division) Laborer (Seasonal) \$7.75/hour**  
Sean Trapper, Cheektowaga, NY effective 5/01/08

**FACILITIES DEPARTMENT (Parks Division) Laborer (Seasonal) \$8/hour**  
Aaron Gorski, Depew, NY effective 5/12/08  
Ryan Galuszka, Cheektowaga, NY effective 5/20/08  
David Cunningham, Cheektowaga, NY effective 5/05/08

**FACILITIES DEPARTMENT (Parks Division) Laborer (Part Time) \$8/hour**  
John Schaefer, Cheektowaga, NY effective 4/22/08  
Michael DeCecco, Cheektowaga, NY effective 4/22/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2008-280

### Appointment of Assistant Town Engineer (Patrick T. Bowen)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Assistant Town Engineer; AND

WHEREAS, said title is in the competitive class of civil service; AND

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

WHEREAS, said position was duly advertised; AND

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

WHEREAS, Patrick T. Bowen applied for said position and meets all necessary requirements for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Patrick T. Bowen of Cheektowaga, New York, be and hereby is appointed to the provisional position of Assistant Town Engineer, pending the results of the Civil Service Examination, at an annual salary of \$65,000 effective June 9, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 26. RESOLUTION 2008-281

### Appointment of Pump Operator (Provisional) Richard Schuler

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Richard J. Schuler was appointed by this Town Board to the temporary position of Pump Operator in the Main Pump Station effective June 24, 2007; AND

WHEREAS, Richard J. Schuler has qualified for provisional appointment to the title of Pump Operator; NOW, THEREFORE, BE IT

RESOLVED, Richard J. Schuler of Cheektowaga, New York, be and hereby is appointed to the provisional 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 May 6, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 27. RESOLUTION 2008-282

### **Travel Authorization (Police Department) New York Association of Hostage Negotiations Seminar (Detective Robert Mullen, Police Officers Kevin Schmitt, James Rottger, and Kurt Spieler)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the New York Association of Hostage Negotiations Seminar is being held May 21-23, 2008 in Rochester, New York; AND

WHEREAS, Detective Robert Mullen, Police Officers Kevin Schmitt, James Rottger and Kurt Spieler have 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 \$2,600.32; AND

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

RESOLVED, that Detective Robert Mullen, Police Officers Kevin Schmitt, James Rottger and Kurt Spieler be and hereby are authorized to attend the New York Association of Hostage Negotiations Seminar being held May 21-23, 2008 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### **VII. Suspension of Rules**

Motion by Councilmember Swiatek, second by Supervisor Holtz, to suspend the rules to include the following four (4) items, and the motion carried.
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1. RESOLUTION 2008-283

Call for Public Hearing - Rezoning SBL No. 102.04-1-46 ( Duke Road)

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Zaxis Architectural, P.C. has made application on behalf of Cedar Key Associates, L.P., the landowner requesting the rezoning of vacant land along Duke Road known as SBL No. 102.04-1-46 from CM- General Commercial to M1- Light Manufacturing for a restaurant supply distributor/warehouse, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on May 19, 2008 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 19th day of May, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Zaxis Architectural, P.C./ Cedar Key Associates, L.P.

for the rezoning of of vacant land along Duke Road known as SBL No. 102.04-1-46 from CM- General Commercial to M1- Light Manufacturing for a restaurant supply distributor/warehouse.

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
Alice Magierski, 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 16, township 11, range 7 of the Holland Land Company's Survey described as follows:

Commencing at a point in the southerly line of Duke Road (66' wide) at the easterly line of lands conveyed to Lackawanna Steel Construction Corporation by Deed recorded in the Erie County Clerks Office in Liber 1487 of Deeds at Page 516;

thence north 87-28-'36" west along the southerly line of Duke Road a distance of five hundred forty-two and forty-two hundredths feet (542.42') to a point in the south line of lands conveyed to the Town of Cheektowaga for widening Duke Road by Deed recorded in the Erie County Clerks Office in Liber 11104 of Deeds at Page 8819;

thence westerly along the southerly line of Duke Road along a non-tangential curve to the left having a radius of one hundred twenty-seven and eighty-nine hundredths feet (127.89') and a chord bearing south 74-19-'42" west a measured arc distance of seventy-six and thirty-nine hundredths feet (76.39') to a point;

thence north 87-28-'36" west along the southerly line of Duke Road a distance of eighty and eighty-five hundredths feet (80.85') to a point;

thence north 00-26-'42" east along the westerly line of Duke Road a distance of seventy-eight and eighty-seven hundredths feet (78.87') to the point of beginning;

thence north 00-26-'42" east along the west line of lands conveyed to the Town of Cheektowaga for widening Duke Road by Deed recorded in the Erie County Clerks Office in Liber 11104 of Deeds at Page 8819 a distance of seventy-four and fifty-seven hundredths feet (74.57') to an angle point in said westerly line of Duke Road;

thence north 05-59'-12" east along said westerly line of Duke Road a distance of one hundred sixty-nine and thirty-five hundredths feet (169.35') to a point in the southerly line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 9799 of Deeds at Page 24;

thence north 87-11'-44" west along said southerly line of Liber 9799 of Deeds at Page 24 a distance of one thousand eighty-eight and sixty-five hundredths feet (1088.65') to a point in the easterly line of the New York State Thruway (Niagara Section);

thence south 01°50'00" west along the easterly line of said New York State Thruway a distance of one hundred seventy-six and nine hundredths feet (176.09') to a point;

thence south 87°26'42" east a distance of twenty-five and no hundredths feet (25.00') to a point;

thence south 01°50'00" west a distance of seventy-three and six hundredths feet (73.06') to a point;

thence south 87°28'36" east a distance of one thousand fifty-three and eleven hundredths feet (1053.11') to the point or place of beginning containing 6.07 acres of land more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-284

### Special Event - Ride for Missing Children

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 conduct it's "Ridge for Missing Children" through the Town of Cheektowaga on Friday, May 9th, 2008, at the anticipated times of 11:25 a.m. - 12:00 noon; and 3:00 p.m. - 4:00 p.m., said Ride to include the following streets: Union Road, William Street, Cayuga Creek Road, Harlem Road, Cayuga Road, Dick Road, Claudette Court, George Urban Boulevard.

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 the National Center for Missing and Exploited Children for the aforementioned "Ride for Missing Children", to be held on Friday, May 9th, 2008; 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-285

## Retain Outside Counsel for Housing & Neighborhood Preservation Matters

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, there are a number of vacant and/or deteriorated residential and commercial buildings in the Town of Cheektowaga, and

WHEREAS, due to various outside factors, the number of these structures is increasing, and the Town needs to expend additional resources to deal with this situation in order to protect the health, safety and general welfare of the residents of the Town, and

WHEREAS, moneys were appropriated in the Town's 2008 budget to retain outside counsel to assist the Town with legal matters relating to:

- revising Town and State laws,
- encouraging/compelling the property owners, lenders, etc. to maintain the structures,
- more effective ways to track down owners and other responsible to maintain properties
- condemnation, demolition, etc. of vacant and/or deteriorated structures;
- other avenues to stop the spread of vacant and deteriorated structures in the Town,

and

WHEREAS, the Town Attorney has solicited proposals from various law firms which have experience in this area of law and are capable of assisting the Town, and

WHEREAS, after review of these proposals, the Town Attorney has recommended that the Town retain Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC to assist us with housing and neighborhood preservation matters, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC, as per its proposal dated May 2, 2008 to assist the Town of Cheektowaga with various housing and neighborhood preservation issues, and BE IT FURTHER

RESOLVED, that moneys for said legal services shall be appropriated from budget line item number 100-1420-4501.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-286

### Appointment of Two (2) Motor Equipment Operator - A's (Highway Department) (Robert Hupkowicz/ John J. Balbuzoski)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, two (2) Motor Equipment Operator - A vacancies currently exist in the Highway Department; AND

WHEREAS, an intradepartmental poll was conducted among Highway Department employees; AND

WHEREAS, Robert Hupkowicz and John J. Balbuzoski, both currently employed as Motor Equipment Operator - B's in the Highway Department, have expressed an interest in said vacancies and meet the requirements for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Robert Hupkowicz of Depew, New York and John J. Balbuzoski of Cheektowaga, New York be and hereby are appointed to the title of Motor Equipment Operator - A in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 6, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VIII. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - March 2008
2. Building Permits - April 2008
3. Cheektowaga Environmental Advisory Committee - Minutes of April 23, 2008 Meeting
4. Cheektowaga Planning Board - Minutes of April 10, 2008 Meeting

### B. General Communications

1. Summons & Complaint - Susan Campbell Vs Town of Cheektowaga
2. Notice of Claim - Brenda M Barrett Vs Town of Cheektowaga

3. Notice of Claim - Dawn Gammack Vs Town of Cheektowaga
4. Notice of Claim - James B. McCloskey Vs Town of Cheektowaga
5. Notice of Claim - Annie Reilly Vs Town of Cheektowaga
6. Notice of Claim - Samantha Szretter Vs Town of Cheektowaga

## **IX. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **X. Closing**

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to adjourn the meeting.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, May, 19, 2008

6:45 PM

Council Chambers

### I. Public Hearing at 6:30 pm

1. Rezoning SBL No. 102.04-1-46 ( Duke Road)

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### II. Call to Order

6:45 PM Meeting called to order on May 19, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.
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Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
 Brian Hess, Assessor  
 Brian Krause, Director of Finance and Administration  
 John Marriott, Planning Board Representative  
 Frank Max, General Crew Chief, Sanitation  
 William Pugh, Town Engineer  
 Kevin Schenk, Town Attorney  
 Anthony Sisti, Planning Board Chairman  
 James Vallone, Town Justice  
 Mark Wegner, Highway Superintendent  
 Christine Ziemba, Chief of Police  
 Larry Kensy, Housing Dept.  
 David Mossman, Detective, Police Department

### III. Public Hearing 6:45 pm

1. Demolition of 74 Barbara Place

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga Intro 2008-5

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

3. A Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga LL Intro 2008-6

This being the time and place advertised for a Public Hearing, 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.

Motion by Councilmember Rogowski; seconded by Councilmember Jaworowicz to amend the resolution to add to Section 210-37 to add "WITH INTEREST AS PROVIDED BY STATE LAW".

**RESULT:** CLOSED [UNANIMOUS]



**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

#### **IV. Public Comment Period**

#### **V. Resolutions**

Motioned by Councilmember Swiatek; Seconded by Supervisor Holtz to move resolutions 313 to 318 to the beginning of the meeting. Motion Carried.



## 1. RESOLUTION 2008-288

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**HIGHWAY FUND**

FROM:	300.5140.4191	Miscellaneous	\$ 500.00
TO:	300.5130.4087	Conferences & Seminars	\$ 500.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-289

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 16, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 236,171.65
RISK RETENTION FUND	23,797.28
HUD HOUSING REHABILITATION FUND	1,000.00
SPECIAL DISTRICTS FUND	292,120.32
HIGHWAY FUND	24,836.30
CAPITAL FUND	278,362.18
TRUST & AGENCY FUND	2,734.00
HUD CDBG FUND	1,175.24
PART TOWN FUND	1,353.98
	<u>\$ 861,550.95</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-290

## Rescind Bond Resolution for Emergency Generator

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, on May 5, 2008, this Town Board adopted a bond resolution (Resolution 2008-262) for a backup generator for the Sewer Main Pump Station, and

WHEREAS, there were procedural errors in said resolution which require the rescission of said resolution and the adoption of a corrected resolution, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned bond resolution dated May 5, 2008 (Resolution 2008-262) be and hereby is rescinded in its entirety.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-291

### Consent to Relocation of Business at 25 Dewberry Lane into Buffalo Empire Zone

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, Sonwil Distribution Center, a company which is engaged in warehousing, currently leases space at 25 Dewberry Lane in the Town of Cheektowaga for a small portion of its business, and

WHEREAS, Sonwil Distribution Center's operations at 25 Dewberry Lane currently employ two (2) people, and

WHEREAS, Sonwil Distribution Center has stated that its customer currently utilizing the leased space at 25 Dewberry Lane needs to relocate to 285-315 Ship Canal Parkway, which is located in a City of Buffalo Empire Zone adjacent to a CSX inner mobile yard, in order to save substantial moneys due to reduced travel time, and has been unable to identify similar property in Cheektowaga to accommodate its future growth plans, and

WHEREAS, Sonwil Distribution Center will be able 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 May 5, 2008 at 6:45 P.M. in the Town of Cheektowaga Town Hall for the purpose of soliciting comments from the public concerning this shift of operations of Sonwil Distribution Center, and

WHEREAS, at such public hearing, representatives from Sonwil Distribution Center stated that extraordinary circumstances exist to warrant the relocation of Sonwil Distribution's operations at 25 Dewberry Lane to the City of Buffalo Empire Zone, NOW, THEREFORE, BE IT

RESOLVED, that, based on the testimony given at the public hearing and the extraordinary circumstances stated by Sonwil Distribution Center, and in the spirit of regionalism, this Town Board hereby consents to the relocation of Sonwil Distribution Center's operations at 25 Dewberry Lane from the Town of Cheektowaga to the City of Buffalo Empire Zone.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-292

### Award Camp Transportation Summer 2008

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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 2008 summer camp programs, AND

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

WHEREAS, First Student 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 \$6,600.00 for the Department of Youth & Recreational Services' day camp programs to:

--First Student  
45 Anderson Road  
Cheektowaga, New York 14225

Line Item Nos.: 7140.4517  
7140.4518  
7310.4691

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-293

Call for Public Hearing - Sewer Backup Generator

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

At a regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 19th day of May, 2008.

PRESENT:

- Hon. Mary F. Holtz, Supervisor
Patricia A Jaworowicz, Councilmember
Jeff Swiatek, Councilmember
James P. Rogowski, Councilmember
Richard A. Zydel, Councilmember
Charles C. Markel, Councilmember
Stanley J. Kaznowski III, Councilmember

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sewer District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

Offered by: Stanley J. Kaznowski, III, Councilmember

Seconded by: Mary F. Holtz, Supervisor

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON JUNE 2, 2008

WHEREAS, the Town Board of the Town of Cheektowaga (herein called the "Town Board" and the "Town", respectively), in the County of Erie, New York, on behalf of the Consolidated Sewer District, in the Town (herein referred to as the "District"), has proposed an

increase and improvement of facilities of the District, consisting of the acquisition of a new emergency backup generator for the sewer main pumping station at the estimated maximum cost of \$850,000; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that such increase and improvement of facilities may have on the environment and has determined that the proposed project shall be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and no further environmental review is required pursuant to SEQRA;

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 2nd day of June, 2008 at 7 P.M. (Prevailing Time) to consider said proposed increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the "CHEEKTOWAGA TIMES," hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: May 19, 2008

TOWN BOARD OF THE TOWN OF  
CHEEKTOWAGA

(SEAL)



The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Mary F. Holtz	voting <u>  AYE  </u>
Councilmember Patricia A Jaworowicz	voting <u>  AYE  </u>
Councilmember Jeff Swiatek	voting <u>  AYE  </u>
Councilmember James P. Rogowski	voting <u>  AYE  </u>
Councilmember Richard A. Zydel	voting <u>  AYE  </u>
Councilmember Charles C. Markel	voting <u>  AYE  </u>
Councilmember Stanley J. Kaznowski III	voting <u>  AYE  </u>

The Order was declared adopted.

\* \* \* \* \*

## Exhibit A

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Cheektowaga, in the County of Erie, State of New York, will meet at the Town Hall, 3301 Broadway, Cheektowaga, New York, on June 2, 2008, at 7 P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the proposed increase and improvement of facilities of the Consolidated Sewer District, consisting of the acquisition of a new emergency backup generator for the sewer main pumping station, at the estimated maximum cost of \$850,000.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: May 19, 2008  
Cheektowaga, New York

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

By

Alice Magierski, Town Clerk  
Town of Cheektowaga

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-294

### Notice to Bidders - Police Vehicle

**Sponsored By:** Jaworowicz, Swiatek, Rogowski

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 Police Supervisor's vehicle by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Times; AND BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town Clerk on the 29th day of May 2008 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall, First Floor, 3301 Broadway, Cheektowaga, New York, 14227.

#### NOTICE TO BIDDERS

Sealed proposals will be received and opened by the Town Clerk of the Town of Cheektowaga on Thursday, May 29, 2008 at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of one (1) new Police Supervisor's Patrol vehicle 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 Police Supervisor's patrol 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 informality, 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.

ALICE MAGIERSKI

TOWN CLERK

Dated: May 19, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-295

### Authorization to Use Fund Balances for Capital Items

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town has been working on a plan for upcoming capital projects and ways to fund such projects; and

WHEREAS, the Town Director of Administration and Finance has analyzed the current cash available in the General fund, Highway fund, and the Master Drainage district and has determined that there is adequate cash available to some of these capital projects from our current fund balances; NOW THEREFORE, BE IT,

RESOLVED, that the Town Board does hereby authorize the use of fund balances for the following capital projects:

#### GENERAL FUND:

Additional funding needed for demolition of incinerator building	\$120,000
Dingens Street pool liner	\$100,000
Central Garage/Sanitation building roof and wall repairs	\$325,000
Library building updates	\$175,000
Professional and technical services for new building maintenance facility	\$200,000
Professional and technical services for police/court building additions and renovations	\$500,000
Town Hall site revisions related to new building maintenance facility (road reconstruction, new parking areas, utility extensions, etc.)	\$1,100,000
Town Hall site revisions related to police and court building expansion or improvements (road reconstruction, new parking areas, utility extensions, etc.)	\$1,200,000

#### HIGHWAY FUND:

Highway drainage plan	\$500,000
Highway salt barn	\$375,000
Bridges	\$500,000
Sidewalks	\$200,000

#### MASTER DRAINAGE DISTRICT:

Wayne terrace project	\$125,000
Dingens street project	\$600,000

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-296

### Establish Accounts for Consolidated Local Street and Highway Improvement Program (CHIPS)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 - \$349,188.49

CHIPS State Aid (Revenue) #5714-5132-3089 - \$349,188.49

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-297

### Special Event - Cheektowaga Southside Little League Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 Baseball Parade on Saturday, June 7, 2008, beginning at 1:00 p.m., said parade to begin on William Street from Doyle Fire Hall, left onto Standard Parkway, right onto Wojcik Street into Cheektowaga Southside diamonds, 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 7, 2008 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-298

### Special Event - Cheektowaga Community Task Force & Cheektowaga Central School District Clean-Up Day

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 Community Task Force and Cheektowaga Central School District have made application to hold their Clean-Up Day on Saturday, May 31, 2008 from 12:00 noon to 4:00 p.m., and have requested that Andrews Avenue, between E. Delevan and Schoedel, be closed to traffic; 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 the Cheektowaga Community Task Force and Cheektowaga Central School District for the aforementioned Clean-Up Day event to be held on Andrews Avenue on Saturday, May 31, 2008..

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 12. RESOLUTION 2008-299

### Installation of Sidewalks on Galleria Drive

**Sponsored By:** Councilmember Kaznowski, Councilmember Swiatek

WHEREAS, in conjunction with the ongoing redevelopment of the Walden Galleria Mall, the Pyramid Management Group, Inc. has agreed by commitment letter dated May 22, 2006 to construct off-site improvements including, but not limited to, the construction of sidewalks on the north side of Galleria Drive from the West Drive intersection westerly to the Target Plaza Development, a block retaining wall approximately 600 feet in length, and a pedestrian bridge spanning Scajaquada Creek, AND

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to, and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, Pyramid Management Group, Inc. has submitted a Public Improvement Permit Application and plans and specifications for the construction of the aforesaid sidewalk, retaining wall and pedestrian bridge, AND

WHEREAS, the Town Engineer and Town Superintendent of Highways have reviewed the plans and specifications and find that the design of the subject improvements conform with established Town requirements, AND

WHEREAS, portions of the subject improvements are to be constructed on property owned by the Niagara Frontier Transportation Authority, who has granted an easement to the Town to facilitate sidewalk construction, and on portions of property owned by the New York State Thruway Authority and lands regulated by the NYSDEC, for which final approvals are pending, AND

WHEREAS, by letter dated January 25, 2008 the Pyramid Management Group, Inc. has advised the Town that a third party construction testing and inspection firm and a civil engineering consultant have been engaged to perform inspection and certification of the aforesaid improvements at its expense and have requested that the Town waive the Public Improvement Permit fee, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the construction of the aforesaid sidewalk, retaining wall and pedestrian bridge to be constructed on the north side of Galleria Drive following the receipt of all necessary approvals, AND, BE IT FURTHER

RESOLVED, that the permit fee be waived based on the inspection and certification to the Town being performed by firms acceptable to the Town Engineer, AND, BE IT FURTHER

RESOLVED, that the Pyramid Management Group, Inc. shall be required to submit a two (2) year Maintenance Bond following the completion of said work as required under the Public Improvement Permit Ordinance, AND, BE IT FURTHER

RESOLVED, that the Pyramid Management Group, Inc. shall enter into a Maintenance Agreement with the Town as agreed to in the aforesaid commitment letter for snow removal during winter months and repairs.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-300

### Clean-Up / 141 Beryl Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 141 Beryl Drive, Cheektowaga, New York SBL# 91.19-1-6 that is a danger to the safety of others, and records kept by the Assessors Office identify James T. Massey, PO Box 6291, Laurel, MS 39441-6291, as the owner AND

WHEREAS, an inspection of such premises was conducted at 141 Beryl 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-301

### Clean-Up / 3501 Harlem Road

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-302

### Unsafe-Unsecured / 56 Petan Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 J. 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-303

### New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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>Expiration Date</u>
Acosta, Sylvestre	1/31/2011
Cuillo, Robert J	3/31/2008
Derby, Eric D	1/31/2011
Dillenbeck, Matthew A	1/31/2011
Federowicz, David R	6/30/2010
Gill, Jonathan A	1/31/2011
Green, Martin G	1/31/2011
Hanlon, Jennifer A	3/31/2010
Hoch, Norine M	6/30/2008
Hodge, Benjamin R	1/31/2011
Hustead, Sandra L	11/30/2009
Janiga, Justin J	1/31/2011
Keller, Leigh P	10/30/2010
Koglmeier, Hubbard J	2/28/2011
Lengen, Joshua K	9/30/2010
Leonard, Anthony V	7/31/2008
Malkowski, Daniel P	3/31/2011
McCann, Shawn M	1/31/2011

Melonson, Kathryn J	1/31/2011
Moody, Anthony J	1/31/2011
Moore, Ray M	12/31/2010
Rosenberg, Michael A	7/31/2010
Serafin, Gregory J	7/31/2010
Snios, Andrew W	1/31/2011
Sowinski, Stacey M	1/31/2011
Tam, Jenny	12/31/2010
Thiemke, Stephen R	2/28/2011
Tone, Ian C	3/31/2011
Wesolek, Keith A	4/30/2011
Windover, Scott P	1/31/2011
Wooten, David A	12/31/2010
Zepecki, Michael S	9/30/2010

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-304

### Approve Cultural Group Funding - Cheektowaga Art Guild

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2008 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 2007 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>
Cheektowaga Art Guild	\$1,200.00

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 2008 Town budget, subject to audit and approval of a properly signed Town voucher.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 18. RESOLUTION 2008-305

### Authorizing Supervisor to Sign Contract with Prism Health Network

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Department of Youth & Recreational Services is seeking to become a program provider with Blue Cross & Blue Shield of Western New York's "Aqua" and "Lifestyle Benefit" programs, and

WHEREAS, customers whose employers participate in said programs will be able to apply benefits toward registration fees for several Youth & Recreational Services children's fitness programs, NOW THEREFORE BE IT,

RESOLVED, that subject to approval by the Town Attorney, Supervisor Mary Holtz be and hereby is authorized to sign a contract between the Town and Prism Health Network, the administrating agency for the "Aqua" and "Lifestyle Benefit" programs.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-306

### Support for Senate Bill Requiring Lenders to Maintain Foreclosed Properties

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, various banks and lending institutions loan money to people to purchase homes and to maintain their properties, and

WHEREAS, years of loose credit and lax standards have allowed people who cannot afford the mortgage payments to be accepted for a mortgage, and

WHEREAS, when these property owners fall behind in their mortgage payments, the banks/lenders commence foreclosure proceedings, and force the borrowers to vacate the property, and

WHEREAS, after the homeowners vacate the property, the property many times is not maintained by the bank/lender, and

WHEREAS, neighborhoods in Cheektowaga are feeling the effects of the foreclosure crisis firsthand as these homes fall into disrepair, and attract trespassers and illegal activity, and

WHEREAS, homeowners who live near foreclosed properties see their property values decline, resulting in a drop in the value and quality of life for our residents, and

WHEREAS, a bill (S.7028) has been sponsored in the New York State Senate by Senator Jeff Klein, and supported by others, including Senator William T. Stachowski, to require those banks/lenders who foreclose on properties to maintain them, and to permit the municipality to enforce maintenance responsibilities for such foreclosed homes, and

WHEREAS, this Board feels strongly that such bill should be adopted as soon as possible to give the Town of Cheektowaga Code Enforcement Officers authority to require maintenance of these buildings, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports Senate Bill No. S.7028, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes Senator William T. Stachowski, Assemblyman Dennis H. Gabryszak and Governor David Paterson to adopt said bill, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed to forward certified copies of this resolution to Senator William T. Stachowski, Assemblyman Dennis H. Gabryszak and Governor David Paterson.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-307

### Youth & Recreation Upgrade/Transfer

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

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

TRANSFER FROM ADAPTED RECREATION - 7310.1803 to:

Camp Flamingo - 7310.1810

Recreation Instructor - \$9.15

Nicholas Czaplicki

Recreation Attendant - \$8.15

Mark Hannon

Recreation Attendant - \$7.90

Melissa Litwin

Recreation Specialist - \$13.90

Amy McMahon

Recreation Attendant - \$7.55

Danielle Phillips

Recreation Instructor - \$8.50

DeYonca Porter

Camp JI-IK-DO-WAH-GAH - 7310.1801

Recreation Instructor - \$8.90

Laura Gabryszak

Recreation Specialist - \$11.65

Victor Nosal

Recreation Attendant - \$8.40

Brandon Schunke

Recreation Instructor - \$9.15

Maribeth Stadelmeyer

Recreation Attendant - \$7.90

Kristen Stadelmeyer

Camp Crabapple - 7310.1802

Recreation Attendant - \$7.40  
Nicole Habermehl

Recreation Attendant - \$7.90  
Alex Ladowski

Recreation Attendant - \$7.50  
Carly Rehac

Recreation Instructor - \$8.90  
Laura Sheldon

Recreation Specialist - \$13.90  
Barbara Walters

Camp Dartwood 7140.1632

Recreation Instructor - \$9.25  
Melissa Rogers

Recreation Attendant - \$7.50  
Kristy Rzesutek

Soccer - 7140.1636  
Recreation Instructor - \$11.95 (Retroactive to 2/25/08)  
Tony Pierino

### Pools

#### Regular Part-time

Beach and Pool Supervisors - 7180.1902

Recreation Instructor (Town Park Pool - 2<sup>nd</sup> Shift Supervisor) - \$10.07  
Jonathan Miller

Recreation Instructor (Town Park Pool - 1<sup>st</sup> Shift Head Lifeguard) - \$9.27  
Jeffery Kunkel

Recreation Instructor (Town Park Pool - 2<sup>nd</sup> Shift Head Lifeguard) - \$9.27  
Kevin Fischer

Recreation Instructor (Maryvale Head Lifeguard) - \$8.97  
Hannah Welch

Lifeguards - 7180.1903

Level II - \$8.16  
Robert Radlich

Level III - \$8.32  
Erica Orlovski  
Sara Schwab

Level IV - \$8.49

Nicole Stolarski

Motion was made by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the reading of names for the following Resolutions 307 to 311. Motion Carried.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Richard Zydel, Councilmember  
**SECONDER:**   James Rogowski, Councilmember  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-308

### Youth & Recreation Termination

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individual listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Charlene Kilijanski    10/12/07    14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-309

### Youth & Recreation Hires

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

#### DAY CAMPS

##### Part-time

##### Camp Flamingo - 7310.1810

##### Recreation Aide - \$7.15

Emily Castiglia	14212
Carolyn Reczek	14227

#### DAY CAMPS

##### Seasonal

##### Camp Flamingo - 7310.1810

##### Recreation Attendant - \$7.15

Lauren Habermehl	14225
John Hinshaw	14225
Shannon Kelly	14227

##### Recreation Attendant - \$7.30

Shaunace Jenkins	14215
Jennifer Laffrado	14225

##### Recreation Attendant - \$7.40

Merissa Ciesielski	14225
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##### Recreation Attendant - \$7.50

Lauren Fial	14227
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##### Recreation Attendant - \$7.55

Sean Keegan	14215
Jessica Szyka	14227

##### Recreation Attendant - \$7.65

Mandy Burton	14225
Randy Derfert	14227
Dana Kryszczak	14227
Mary Zelasko	14227

##### Recreation Attendant - \$7.90



Daniel Badzinski	14227
Meghan Eckle	14225
Brandon Jarczewski	14227

Recreation Instructor - \$8.50

Lauren Sydlowski	14227
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Camp JI-IK-DO-WAH-GAH - 7310.1801Recreation Attendant - \$7.15

Courtney Ciesielski	14225
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Recreation Attendant - \$7.40

Jessica Wales	14225
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Camp Crabapple - 7310.1802Recreation Attendant - \$7.30

Stephanie Gemmati	14215
Amanda Lindner	14225
Rebecca Szyka	14227

Recreation Attendant - \$7.40

Meggan Empric	14215
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Camp Dartwood - 7140.1632Recreation Attendant - \$7.30

Tabitha Slachiak	14212
Brianna Wozniak	14043

Recreation Attendant - \$7.40

Frank Zawadzinski	14043
Lauren Piekarski	14043

Recreation Attendant - \$7.65

Lori Majewski	14227
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Sport Rotation - 7140.1645Recreation Attendant - \$8.15

Hillary Peacock	14225
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Recreation Aide (Part-time) - \$7.15 - 7140.1645 & 7140.1648

Evan Ruh	14225
Samantha Sieg	14206

Recreation Aide (Part-time) - \$7.15 - 7310.1804

Paige Melin	14206
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Cheektowaga Conservation Corps (CCC)SeasonalLaborer (Participants) - 7310.1816Level I - Participant (Alternate) - \$7.15

Brandon Chittenden	14043
Pamela Zgoda	14227
Bradley Larkin	14227

Youth Leaders - 7310.1811Alternate - SeasonalLevel I - \$9.05

Alex Kluck	14227
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POOLSSeasonalLifeguards - 7180.1903Level II - \$8.16

Joshua Atzrott	14215
Steven Gospodarski	14215
Benjamin Hannel	14227
Michael Kiripolsky	14215
Clayton Reeb	14227
Danielle Malicki	14227
Megan Maloney	14227
Jared Messina	14225
Jonah Messina	14225
Amanda Moran	14206
Torrie Wydysh	14225

Level III - \$8.32

Samantha Ehrig	14225
Adam Fuest	14225
Caitlin Rieck	14225

Level IV - \$8.49

Corey Beszczyński	14212
Jennifer Brock	14225
Daniel Carter	14225
Lauren Fuest	14225
Becky Gworek	14227
Samantha Long	14225
Lauren Malicki	14227
Holly Podnieszinski	14227
Caitlyn Rutski	14043
Krista Wayne	14227
Kelsey Zamoyski	14043
Leah Zamoyski	14043

Lifeguards - 7180.1903Regular Part-timeLevel II - \$8.16

Katherine Tomaschko	14225
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Tiffany Wheeler 14225

Level IV - \$8.49

Shawn Kaznica 14206

Beach and Pool Supervisors - 7180.1902

Seasonal

Recreation Specialist - Aquatics Director - \$11.71

Aaron Grupka 14206

Recreation Instructor - Special Events - \$11.19

Mark Przybysz 14206

Recreation Instructor - Supervisor 1<sup>st</sup> Shift Town Park Pool - \$10.07

Sean Kunkel 14225

Recreation Instructor - Supervisor Maryvale Pool - \$9.58

Laura Garcea 14225

Recreation Instructor - Head Lifeguard Dingens - \$8.79

Dominique Celotto 14225

Regular Part-time - Recreation Supervisor - Supervisor Dingens Pool - \$10.37

Elizabeth Sinski 14206

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-310

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$7.50 hour effective 6/02/08  
Katherine Edenhofer, Depew, New York

FACILITIES DEPARTMENT (Building & Grounds) Laborer \$8.25/hour effective 5/20/08  
Richard T. McKay, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour effective 5/21/08  
Matthew Welch, Cheektowaga, New York

TOWN CLERKS OFFICE Clerk \$8.00/hour effective 5/15/08  
Ian Trapper, 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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour effective 5/19/08  
Christopher O'Neill, Depew, New York

SANITATION DEPARTMENT Pest Control Worker \$10/hour effective 5/19/08  
Joseph J. Kopera, Cheektowaga, New York

BE IT RESOLVED, that the following part-time employee's title be amended as follows:

POLICE DEPARTMENT Clerk to Student Assistant \$7.15/hour effective 4/21/08  
Madelyn Pecyne, Cheektowaga, New York

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

POLICE DEPARTMENT  
Michael Jankowski effective 1/24/07

FACILITIES DEPARTMENT

Derek Prellwitz effective 5/18/08  
Raymond Arne, III effective 5/19/08

SANITATION DEPARTMENT  
Thomas Manley effective 4/21/08  
Daniel Piccuilla effective 5/05/08

BUILDING AND PLUMBING  
Janet Parks effective 1/15/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-311

### Cheektowaga Conservation Corps Hires with Effective Date

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Cheektowaga Conservation Corps (CCC)

Seasonal

Laborers (Participants) - 7310.1816

Level I - \$7.15

Kenneth Obstarczyk	14227
Jamie Nash	14206
Chris Balash	14215
Alyssa Warden	14227
Tyler Miesowicz	14043
Jessica Cunningham	14225
Alissa Kowalski	14206
David Eron	14225
James Eberle	14227
Rachel Kandefer	14225

Level I - \$7.15 - Alternates

Joelle Hocholski	14227
Ashley Thompson	14225
Pilar Nelson	14211
Dean Wilkes	14215
Jeffrey Persutti	14227
Benjamin Dziekan	14225
Dana Szymkowiak	14227

Level II - \$7.40

Kelsey Leon	14225
Andrew Balash	14215
Jessica Garland	14225
Kyle Leon	14225
Michael Tworkowski	14225
Stephani Krysztofowicz	14043
Tara Przybl	14227

Level II - \$7.40 (Alternate)

Frank Bosa	14212
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Level III - \$7.65

Stephen Pfalzer 14043  
Justin DelBello 14212

Level IV - \$7.90 (Alternate)

Amanda Fischer 14227

Supervisor Trainee - 7310.1816

Level I - \$9.05

Nicholas Russell 14206

Youth Leaders - 7310.1811

Level I - \$9.05

Brian Sheldon 14227  
Michael Lewandowski 14043  
Brad Agen 14227

Crew Supervisor - 7310.1811

Level I - \$11.80

Andrew Swiat 14227  
Jacob Bauer 14227

Level II - \$12.40

Kevin Derry 14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2008-312

### Youth Board Appointments

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS vacancies currently exist on the Cheektowaga Youth Board; and

WHEREAS Debbie Pistorio and Anna Diliberto have expressed interest in serving on the voluntary board; NOW THEREFORE, BE IT

RESOLVED that Debbie Pistorio and Anna Diliberto be and, hereby, are appointed to the Cheektowaga Youth Board for full three year terms, effective this date and expiring on May 19, 2011.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 26. RESOLUTION 2008-313

### **Appointment of Clerk Typist (Police Department) (Competitive/Permanent) (Carol E. Driscoll)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

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

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

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current civil service list is in existence for said title; AND

WHEREAS, the civil service list was canvassed and interviews conducted; AND

WHEREAS, Carol E. Driscoll meets all the necessary qualifications for appointment;  
NOW, THEREFORE, BE IT

RESOLVED, that Carol E. Driscoll of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 27, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**27. RESOLUTION 2008-314****Appointment of Pump Operator (Main Pump Station)  
(Competitive/Permanent) (Daniel Eckel)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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

WHEREAS, notice of said 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 is in existence; AND

WHEREAS, the civil service list was canvassed and interviews conducted; AND

WHEREAS, Daniel Eckel meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Daniel Eckel of Cheektowaga, New York, be and hereby is appointed to the position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 9, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 28. RESOLUTION 2008-315

### Reassignment of Detective (Scott A. Scharlau)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Detective Scott A. Scharlau has voluntarily requested to be returned to the rank of Patrolman; AND

WHEREAS, the Chief of Police has no objection to such request; NOW, THEREFORE, BE IT

RESOLVED, that Scott A. Scharlau of Cheektowaga, New York, be and hereby is appointed to the rank of Patrolman effective May 20, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 29. RESOLUTION 2008-316

### Appointment of Two (2) Police Sergeants (Competitive/Permanent) (Patrick J. Chludzinski/Christina Newman)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, Police Officer Patrick J. Chludzinski currently appears on the Police Sergeant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Police Officer Chludzinski be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Patrick J. Chludzinski 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 May 20, 2008; AND

WHEREAS, Police Officer Christina Newman currently appears on the Police Sergeant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Police Officer Newman be promoted to the position of Police Sergeant; NOW, THEREFORE, BE IT

RESOLVED, that Christina Newman 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 May 21, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 30. RESOLUTION 2008-317

## Appointment of Two (2) Police Lieutenants (Competitive/Permanent) (Steven E. Berez/Thomas P. Gerace III)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

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

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, Sergeant Steven E. Berez currently appears on the Police Lieutenant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Sergeant Berez be promoted to the position of Police Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that Steven E. Berez 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 May 20, 2008; AND

WHEREAS, Sergeant Thomas P. Gerace III currently appears on the Police Lieutenant civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Sergeant Gerace be promoted to the position of Lieutenant; NOW, THEREFORE, BE IT

RESOLVED, that Thomas P. Gerace III 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 May 20, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 31. RESOLUTION 2008-318

### Appointment of Police Captain (Competitive/Permanent) (David J. Zack)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a vacancy exists in the title of Police Captain in the Police Department; AND

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, Lieutenant David J. Zack currently appears on the Police Captain civil service list and is eligible for promotion; AND

WHEREAS, the Chief of Police recommends that Lieutenant Zack be promoted to the position of Police Captain; NOW, THEREFORE, BE IT

RESOLVED, that David J. Zack of Depew, New York, be and hereby is appointed to the position of Captain 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 May 20, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Suspension of Rules

Motioned by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Eleven (11) Resolutions. Motion carried.
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1. RESOLUTION 2008-319

**Adopt Local Law No. 4 of the Year 2008 - a Local Law to Amend the Solid Waste Law of the Town of Cheektowaga**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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, by Local Law No. 2 of the Year 2005, this Town Board amended Chapter 206 of the Town Code to require the use of plastic/vinyl garbage containers or galvanized metal garbage containers; and to prohibit the use of plastic bags outside of these containers; and

WHEREAS, the Town needs to enact a procedure to enable the Sanitation Department to enforce this law and to fine violators of such law, and

WHEREAS, Local Law Intro No. 2008-5 of the Year 2008 was drafted to so amend Chapter 206 of the Town Code, and

WHEREAS, a public hearing was held on the 19<sup>th</sup> day of May, 2008, at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for the purpose of considering the adoption of Local law Intro No. 2008-5 of the Year 2008, entitled "A Local Law to amend the Solid Waste Law of the Town of Cheektowaga", and

WHEREAS, it is in the public interest to adopt "A Local Law to Amend the Solid Waste Law of the Town of Cheektowaga", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 2008, 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. 4 of the Year 2008 shall take effect immediately upon filing with the Secretary of State

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**LOCAL LAW NO. 4 OF THE YEAR 2008**  
**A LOCAL LAW TO AMEND THE SOLID WASTE LAW OF**  
**THE TOWN OF CHEEKTOWAGA**

1. **Section 206-3, Definitions**, shall be amended to add the following:

SANITATION DEPARTMENT OFFICIAL - shall include the Sanitation Department General Crew Chief, Working Crew Chief and/or his/her designees.

2. **Subsection B of Section 206-6, Placement of containers for collection**, shall be

amended to read as follows:

B. No garbage, non-recyclable refuse and rubbish or recyclable rubbish shall be set out for collection before 3:00 p.m. on the day preceding collection, nor subsequent to 6:00 a.m. on the day of collection.

3. A new section, **Section 206-8.A., Owner Responsible.**, shall be added to read as follows:

**§206-8.A., Owner responsible.**

The owner of the premises where the solid waste is generated shall be responsible for insuring compliance with the provisions of this chapter.

4. **Subsection E of Section 206-9., Supervision; promulgation of rules and regulations,** shall be amended to add the following at the end of said subsection:

Sanitation Department officials shall also be authorized to issue informational notices, warning notifications, violation notices and appearance tickets under this article.

5. **Section 206-10., Penalties for offenses,** shall be amended to read as follows:

**§206-10., Violations, Penalties for offenses.**

- A. Whenever the Sanitation Department official finds that there has been a violation of this article, he/she shall issue a violation order to the owner or other person(s) responsible. The order shall:
- (1) Be in writing;
  - (2) Identify the premises;
  - (3) Specify the violation.
- B. After an informational notice (informing the owner that a violation exists) is delivered by mail or posted on the premises notifying the owner that a violation or violations exist, the penalties for subsequent violations of the provisions of this article, (except unauthorized dumping and unauthorized scavenging) shall, at the direction of a court of competent jurisdiction, be punishable as follows:
- (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.
- C. In the event of succeeding and continuing violation(s) of this chapter, any person who shall be convicted of violating or failing to comply with the provisions of this article, except unauthorized dumping and unauthorized scavenging, shall, at the direction of a court of competent jurisdiction, be punishable by a fine of not more than \$250 or imprisonment not exceeding 15 days, or by both such fine and imprisonment. The continuation of such violation(s) for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation shall be punishable as above for each separate offense
- D. Violation orders for the second and subsequent violations may be served as follows:
- (1) By personal service. The Sanitation Department official shall file an affidavit of service for each owner so notified;
  - (2) By posting a copy thereof in a conspicuous place on the premises and, on the same day as posted, by mailing another copy thereof to the owner at his/her/its



address as listed with the Town Assessor's Office. Affidavits of posting and mailing shall be filed by the Sanitation Department officials for every premises for which an order is issued.

- E. In addition to the financial penalties imposed above, the Sanitation Department officials shall have the discretion to refuse to collect the materials which are improperly separated and/or prepared and/or placed for collection. He/she may provide for pickup of said materials on the next scheduled collection date for that area or at such other time as he deems reasonable, provided that the appropriate rules and regulations pertaining to the materials collected are fully complied with.
- F. Unauthorized dumping shall be punishable by a mandatory fine of \$1,000.
- G. Scavengers are subject to a mandatory fine of \$250.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2008-320

Adopt Local Law No. 5 of the Year 2008 - a Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga, entitled "Streets and Sidewalks" sets forth specifications for streets and sidewalks, and also lists regulations concerning the maintenance of same, and

WHEREAS, there is a need to amend Article II ("Sidewalk Specifications") and Article VI ("Sidewalk Repair Costs") in said Chapter 210, and

WHEREAS, the Town Attorney and Superintendent of Highways have recommended that this Town Board enact revisions to the Streets and Sidewalks Law, and

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

WHEREAS, a public hearing was held on the 19th day of May, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-6, entitled "A Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga", and

WHEREAS, it is in the public interest to adopt "A Local Law to Amend the Streets and Sidewalks Law of the Town of Cheektowaga", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 5 of the Year 2008, entitled AA Local Law to Amend the Streets and Sidewalks 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. 5 of the Year 2008 shall take effect immediately upon filing with the Secretary of State

.....

LOCAL LAW NO. 5 OF THE YEAR 2008
A LOCAL LAW TO AMEND THE STREETS AND SIDEWALKS LAW
OF THE TOWN OF CHEEKTOWAGA

1. Section 210-14, Owners to keep sidewalks free of snow and obstructions, shall be amended to read as follows:

**§ 210-14, Maintenance, repairs and removal of snow, ice and other materials from sidewalks by owners.**

- A. The owner or occupant of any premises adjoining any street where a sidewalk has been laid shall maintain and keep the sidewalk on such street in good repair and free and clear of snow, ice, dirt and any other material, obstruction or substance. The owner and the occupant shall be jointly and severally responsible for compliance with the provisions hereof. Said responsibility shall include liability for injuries that result from failure to maintain, repair and keep said sidewalk in a safe condition for usage, or to remove, snow, ice or other obstructions therefrom.

2. **ARTICLE VI, Sidewalk Repair Costs, Section 210-36, Share of costs**, shall be amended to read as follows:

**§ 210-36, Share of costs.**

Whenever the Cheektowaga Town Board shall have adopted an order pursuant to §200-a of the Town Law directing the owner(s) of parcels adjoining on any town, county or state highway, along which it is desired that sidewalks be relayed or repaired, to relay or repair such sidewalks, and the owner neglects or refuses to do so, the Town of Cheektowaga may cause such work to be done. The expense of relaying or repairing such sidewalks shall be apportioned and assessed as follows:

<b>Town Share</b>	<b>Owner's Share</b>		
\$40 per five (5) foot linear block	Balance	of	Expense/Cost

3. **ARTICLE VI, Sidewalk Repair Costs, Section 210-37, Assessment against property**, shall be amended to read as follows:

**§ 210-37. Assessment against property.**

The owner's share of the cost of relaying or repairing sidewalks shall be assessed against the owner's benefitted property via five (5) annual installments, with Interest as provided by State Law.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-321

## Negative SEQR Declaration - 3095 Harlem Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Anthony C. Mussachio, R.A. for the rezoning of vacant land at SBL Nos. 91.14-1-9 & 91.14-1-11 (along Windwood Court) from RA-Apartment District to C- Retail Business District to construct an accessory parking area for a (2) two story, 14,000 square foot building addition to an existing administrative office at 3095 Harlem Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 14, 2008 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request and site plan at their meetings of December 13, 2007 and March 13, 2008 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 approving the drainage / grading plan and the public road abandonment plans.
2. The Town Board approving the road abandonment for that portion of Windwood Court affected by the subject project.
3. The Cheektowaga Zoning Board of Appeals granting the necessary area variances for the height of the proposed fence and the parking lot setback along the southerly property line.

ATTACHMENTS:

HARLEM ROAD\_3095\_ATWAL (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-322

Approve Rezoning of Windwood Court Property/3095 Harlem Road

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Anthony C. Mussachio, RA petitioned for a rezoning from RA-Apartment District to C-Retail Business District for property owned by 3095 Harlem Road, Inc. and located at 56A-E and 60A-E Windwood Court (S.B.L. Nos. 91.14-1-9 and 91.14-1-11), Cheektowaga, New York , which property is described in the attached legal description, for the construction of a parking lot to provide additional parking for an existing medical building and a proposed 2-story office building addition, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 17th day of March, 2008 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 3095 Harlem Road, Inc. for the rezoning from RA-Apartment District to C-Retail Business District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

- 1. Applicant/owner obtains ownership of that portion of Windwood Court/West Adeline Road which is located in between 56A-E and 60A-E Windwood Court.
2. The Zoning Board of Appeals granting the necessary variances required for the project.

and BE IT FURTHER

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

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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 26 Township 11 Range 7 of the Holland Land Company's survey, being more particularly described as follows:

Beginning at a point in the south line of Map Cover 1682 as recorded in the Erie County Clerk's Office, at a distance of 126.09 feet east of the east line of Harlem Road as a 66 foot wide right

of way, said point being the southeast corner of Sublot 66 of said Map Cover 1682; thence North 00-00-00 East a distance of 134.55 feet to a point in the south line of South Adeline Road (50 feet wide), said point being the northeast corner of said Sublot 66; thence N 89-44-03 E along the said south line of South Adeline Road, a distance of 50.00 feet to a point being the northwest corner of Sublot 67 of said Map Cover 1682; thence S 00-00-00 W a distance of 134.55 feet to a point in the said south line of said Map Cover 1682 being the southwest corner of said Sublot 67; thence S 89-44-03 W along the said south line of Map Cover 1682, a distance of 50.00 feet to the point or place of beginning, containing 0.15 Acres more or less.

ALSO, 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 twenty-six (26), Township eleven (11), Range seven (7) of the Holland Land Company's Survey and further distinguished as subdivision Lot Number sixty-seven (67) and subdivision Lot Number sixty-six (66) as shown on a map filed in Erie County Clerk's Office under cover Number 1682.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-323

### Approve Health Insurance Plan

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town of Cheektowaga would like to renew its health insurance contract with Blue Cross Blue Shield, NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the contents of the one (1) year health insurance contract with Blue Cross Blue Shield, and BE IT FURTHER

RESOLVED, that this health insurance plan and contract shall be effective as of June 1, 2008, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the new health insurance contract with Blue Cross Blue Shield, and any and all other documents necessary to effectuate the insurance coverage called for under such contract.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





6. RESOLUTION 2008-324

Call for Public Hearing - Local Law Intro No. 2008-7 - a Local Law to Amend the Zoning Law Relating to Transit Road Access Management

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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 driveways for properties along Transit Road in the Town, 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 11th day of June, 2008 at 6:30 P.M. at the Depew High School, 5210 S. Transit Road, Depew, New York to consider the advisability of adopting "A Local Law to Amend the Zoning Law Relating to Transit Road Access Management", and BE IT FURTHER

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

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



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 11 day of June, 2008 at 6:30 P.M. at the Depew High School, 5201 S. Transit Road, Depew, New York to consider and discuss and, if need be, act upon the proposed enactment of Local Law Intro No. 2008-7 of the Year 2008, entitled "A Local Law to Amend the Zoning Law Relating to Transit Road Access Management". Following is a synopsis of the proposed Local Law Intro No. 2008-7:

**Local Law Intro No. 2008-7****A Local Law to Amend the Zoning Law Relating to Transit Road Access Management**

A new section, **Section 260-47.1, entitled "Transit Road Access Management"**, would be created under the Town Zoning Law to establish regulations for the placement of driveways for any new development of properties with frontage on Transit Road, all properties obtaining access from or through properties on Transit Road, and all properties obtaining access from any road intersecting Transit Road for a distance of 600 feet from the intersection with Transit Road.

These regulations will be designed to promote the efficient flow of traffic on Transit Road, preserve the health and welfare of the general population, and to minimize public improvement expenditures while providing for the full reasonable development of all properties served by traffic using Transit Road

A copy of the entire text of such proposed local law is on file in the Town Clerk's Office, where the same may be viewed during regular business hours.

Dated: May 19, 2008

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

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-325

### Abandonment and Sale of a Portion of Windwood Court/West Adeline Road

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, that portion of Windwood Court (formerly West Adeline Road), a 50 foot wide road, which runs in a north-south direction was previously dedicated to the Town of Cheektowaga as a Town highway, and

WHEREAS, 3095 Harlem Road, Inc., the owner of the adjacent properties, has made application requesting the discontinuance and purchase of a portion of the above referenced town highway, from the southerly terminus of such highway to a point 134.56 feet north of said southerly terminus; and

WHEREAS, the Town Superintendent of Highways has reviewed the application for the discontinuance of said portion of a Town highway and has determined that said portion of the Town highway is useless to the needs of the Town, and that the Town should discontinue same as a highway; and

WHEREAS, the discontinuance and sale of the above referenced portion of the town highway would not negatively affect other property owners in the area, NOW, THEREFORE BE IT

RESOLVED, that this Town Board hereby concurs with the statement made by the Superintendent of Highways that the aforementioned Town Highway is useless to the needs of the Town, and BE IT FURTHER

RESOLVED, that Windwood Court (f/k/a West Adeline Road), as described in the attached legal description be and hereby is abandoned as a Town highway, and BE IT FURTHER

RESOLVED, that this Town Board hereby approves the sale of said Town highway to 3095 Harlem Road, Inc. for the consideration of Ten Thousand and no/100 Dollars (\$10,000.00), subject to the following conditions:

- Final review and approval by the Town Attorney and Town Engineer
- Satisfactory proof that all utility companies having utilities on, under and over the portion of the Town highway to be abandoned have made arrangements to protect their utilities and/or have agreed to abandon same
- The Town clearing up potential title issues relates to the rights of the United States in and to said property
- Environmental review of the property by the purchaser

, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a quit claim deed and all other documents necessary to transfer said Town highway, and ancillary utilities to 3095 Harlem Road, Inc.; 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.

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**NOTICE OF ADOPTION OF RESOLUTION  
SUBJECT TO PERMISSIVE REFERENDUM**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Cheektowaga, on May 19, 2008, adopted a resolution authorizing the Town of Cheektowaga to discontinue and convey the following described portion of a Town highway known as Windwood Court (f/k/a West Adeline Road) to 3095 Harlem Road, Inc. for \$10,000.00:

Windwood Court, formerly West Adeline Road (50 feet wide) - from the southerly terminus of the western-most section of Windwood Court to a point 134.35 feet north of said southerly terminus (the section which was located between 56A-e and 60A-E Windwood Court)

A copy of such resolution and proposed deed are on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

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

DATED: May 19, 2008

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

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**Legal Description for the Discontinuance  
of a portion of West Adeline Road**

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 26 Township 11 Range 7 of the Holland Land Company's survey, being more particularly described as follows:

Beginning at a point in the south line of Mapcover 1682 as recorded in the Erie County Clerk's Office, at a distance of 126.09 feet east of the east line of Harlem Road as a 66 foot wide right of way, said point being the southeast corner of Sublot 66 of said Mapcover 1682; thence North 00-00-00 East a distance of 134.55 feet to a point in the south line of South Adeline Road (50 feet

wide), said point being the northeast corner of said Sublot 66; thence N 89-44-03 E along the said south line of South Adeline Road, a distance of 50.00 feet to a point being the northwest corner of Sublot 67 of said Mapcover 1682; thence S 00-00-00 W a distance of 134.55 feet to a point in the said south line of said Mapcover 1682 being the southwest corner of said Sublot 67; thence S 89-44-03 W along the said south line of Mapcover 1682, a distance of 50.00 feet to the point or place of beginning, containing 0.15 Acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-326

### Authorize Supervisor to Enter into an Agreement to Market Used Solar Lighting Components

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, as a result of the replacement of solar lights with electric street lights along various streets in the Town, the Town remains in possession of the solar lighting components (i.e., panels, LED luminaries, fiberglass standards, batteries) from these street lights, AND

WHEREAS, these solar lighting components are surplus to the needs of the Town, and this Town Board wishes to offset the project costs by selling same, AND

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

WHEREAS, Auctions International, Inc. will sell such solar lighting components (excluding the batteries) at an on-line auction to the highest bidder in accordance with the terms of its standard contract; NOW, THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, to conduct a sale of the surplus Town solar lighting components (excluding the batteries) at an on-line auction to be held on its website; AND, BE IT FURTHER

RESOLVED, that the Town Engineer be and hereby is authorized to arrange for the solar light batteries to be recycled/sold in accordance with all applicable State and Federal regulations, AND, BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute the aforementioned contract and any and all documents that may be required to effectuate the sale and transfer of all said solar lighting components.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-327

### **Renew Pre-Hospital Emergency Services Agreement with Rural Metro Medical Services, Inc.**

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, on January 1, 2008, the Town of Cheektowaga entered into an Agreement for Pre-Hospital Emergency Services with Rural Metro Medical Services, Inc. for ambulance services for emergencies which are called into the Cheektowaga Dispatch Office, and

WHEREAS, such agreement expired on December 31, 2007, but contained a provision for renewal for two (2) one-year periods upon the recommendation of the Emergency Medical Services Board ("EMS Board") and approval of the Town, and

WHEREAS, the EMS Board has recommended the approval of a renewal of the aforementioned agreement for calendar year 2008, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the renewal of the aforementioned Agreement for Pre-Hospital Emergency Services with Rural Metro Medical Services, Inc. for calendar year 2008 on the same terms and conditions as set forth in said agreement, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Memorandum of Extension of said Agreement on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-328

### Appointment of Recreation Leader (Youth and Recreation Department) (Temporay) (Victor Nosal)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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, interviews were conducted; AND

WHEREAS, Victor Nosal applied for said vacancy and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Victor Nosal 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 June 2, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





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**11. RESOLUTION 2008-329**

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**Appointment of Pump Operator (Temporary) (Richard J. Schuler)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

RESOLVED, 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 May 20, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VII. Communications**

### ***A. Departmental Communications***

1. Minutes: Cheektowaga Traffic Safety Commission - April 15, 2008
2. Minutes: Cheektowaa Public Library - April 23, 2008
3. Minutes: Cheektowaga Conservation Advisory Council - April 19, 2008
4. Minutes: Cheektowaga Conservation Advisory Council - May 1, 2008
5. Minutes: Town Environmental Advisory Committee - May 14, 2008
6. Newsletter: Cheektowaga Historical Association - May 2008

### ***B. General Communications***

1. Summons & Complaint: Josephine Ward Vs. Town of Cheektowaga
2. Notice of Claim: Beverly Haist Vs. Town of Cheektowaga
3. Notice of Claim: Felicia McClain as Parent, Guardian of Kristofer W. McClain
4. Notice of Claim: Norma E. McConkey Vs. Town of Cheektowaga
5. Notice of Claim: Walter J. Sajdak Vs. Town of Cheektowaga

## **VIII. Comments**

### ***A. Supervisor's Comments***

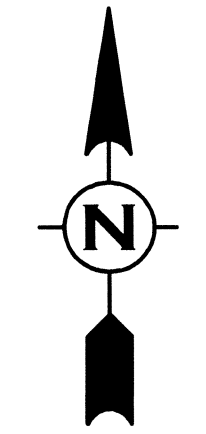
### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **IX. Adjournment**

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 8:40 PM.





PROJECT DATA			
ZONING	C (RETAIL BUSINESS DIST.)		
EXISTING SITE (ACRES)	2.17		
PROPOSED NEW SITE (ACRES)	0.77		
TOTAL SITE AREA (ACRES)	2.94		
EXIST. BUILDING AREA (G.S.F.)	16,712		
NEW BUILDING AREA (G.S.F. USEABLE)	18,100		
TOTAL BUILDING AREA (G.S.F. USEABLE)	34,812		
	STD.	HC	IOI.
PARKING REQUIRED	158	6	164
PARKING EXISTING	30	4	34
PARKING NEW	144	6	150

**NOTICE**

This document, the property of, prepared and issued by the architect, is submitted for the specific project named: 3095 HARLEM RD. EXPANSION and the recipient by accepting this document assumes custody and agrees that this document will not be copied or reproduced in part or in whole, and any special features peculiar to this design shall not be incorporated in any other project, unless prior agreement has been obtained in writing. These documents will be returned immediately upon completion of the project or upon the request of the architect.

This document is the exclusive property of the architect, no rights to ownership are transferable, or shall be lost by the filing of this document with any and all public authorities for the purpose of compliance with Codes and/or Ordinances, i.e. Building permits, etc.

Priority rights of these documents shall NOT be lost under Bankruptcy, or foreclosure actions that may arise at any time during the execution of this project.

**SITE NOTES**

- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS (BY OTHERS) FOR PRECISE DIMENSIONS AND EXACT LOCATIONS AND NUMBER OF BUILDING ACCESS DOORS AND UTILITY ENTRANCE POINTS.
- COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER/DEVELOPER.
- CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED OWNER'S STANDARD SPECIFICATIONS OR AS SPECIFIED BY THE OWNER/DEVELOPER.
- THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS, ALONG AND ADJACENT TO HIGHWAYS, STREETS AND BUSINESSES IN THE CONSTRUCTION AREA, IN AN ADEQUATE AND SATISFACTORY MANNER.
- THE CONTRACTOR SHALL LOCATE, MARK, SAFEGUARD AND PRESERVE ALL SURVEY CONTROL MONUMENTS AND R.O.W. MONUMENTS IN THE AREAS OF CONSTRUCTION.
- REFERENCES TO NYSDOT STANDARDS SHALL MEAN THE "STANDARD SPECIFICATIONS, CONSTRUCTION AND MATERIALS, OFFICE OF ENGINEERING, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, JANUARY 2, 2002," WITH ALL CURRENT ADDENDUMS.
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- PAVEMENT STRIPING AND PAINTING  
TRAFFIC CONTROL MARKINGS SHALL BE PAINTED WITH A YELLOW TRAFFIC MARKING PAINT AS INDICATED ON THE DRAWINGS. PAINT SHALL BE SHERWIN WILLIAMS "PRO-MAR" TRAFFIC MARKING PAINT, SERIES 829.Y.2 OR GILDED TRAFFIC PAINT #3228.  
-ENTRANCE DIRECTIONAL ARROWS SHALL BE MARKED ON PAVEMENT IN YELLOW IN LOCATION AND OF SIZE INDICATED ON DRAWINGS.  
-PAINT CONCRETE CURB AT FRONT SIDEWALK AND PARKING LOT ENTRANCES.  
-PAINT CONCRETE BASE AND BASE PLATE AT ALL PARKING LOT LIGHTING STANDARDS AND STEEL PIPE BASE OF HANDICAP PARKING INDICATION SIGN.
- ALL SITE WORK TO CONFORM TO TOWN OF CHEEKTOWAGA, NYSDOT AND OWNER'S CODES, REQUIREMENTS AND STANDARD SPECIFICATIONS. ANY PERMITS AND/OR LICENSES NECESSARY FOR THE EXECUTION OF THE WORK SHALL BE SECURED AND PAID FOR BY THE CONTRACTOR.
- GRADING SHALL BE KEPT WITHIN THE LIMITS SHOWN ON THE GRADING PLAN. SITE CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION OUTSIDE THE LIMITS OF GRADING.
- BUILDING DIMENSIONS SHOWN HEREIN ARE NOT INTENDED FOR BUILDING LAYOUT. FOR SPECIFIC LAYOUT DIMENSIONS UTILIZE THE ACTUAL BUILDING PLANS ONLY. ANY DISCREPANCIES BETWEEN BUILDING PLANS AND THOSE INDICATED ON THESE PLANS SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER/DEVELOPER PRIOR TO PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL CHECK OUT AND VERIFY EACH OF THE DIMENSIONS INDICATED PRIOR TO COMMENCEMENT OF WORK.
- THE CONTRACTOR SHOULD LOCATE ALL PERTINENT PROPERTY, EASEMENT AND/OR RIGHT OF WAY LINES PRIOR TO COMMENCEMENT OF THE WORK. THE CONTRACTOR SHALL NOT TRESPASS OR COMMENCE WORK ON OTHER PROPERTIES, EASEMENTS OR RIGHT OF WAYS WITHOUT PROPERLY NOTIFYING AND MEETING THE NECESSARY REQUIREMENTS OF THE PROPERTY OWNER OR AUTHORIZED AGENCY.
- LOCATION OF ALL EXISTING SERVICES (WATER/SANITARY/PHONE/ELECTRIC/GAS ETC.) TO ALL EXISTING STRUCTURES ON AND ADJACENT TO THE SITE ARE APPROXIMATE ONLY. THE CONTRACTOR WILL NEED TO IMPLEMENT WHATEVER MEASURES ARE NECESSARY TO LOCATE/UNCOVER/MAINTAIN AND PROTECT ALL EXISTING SERVICE UTILITY LINES. ANY UTILITY SERVICES DAMAGED WILL NEED TO BE REPAIRED/REPLACED AT THE CONTRACTORS SOLE EXPENSE.
- THE LOCATION OF EXISTING UTILITIES AND OTHER FEATURES, AS SHOWN ON THESE PLANS ARE FROM THE BEST INFORMATION AVAILABLE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD INVESTIGATE AND DETERMINE THE EXACT LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION IN ORDER TO AVOID CONFLICTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT, SUPPORT AND MAINTAIN ALL EXISTING UTILITIES DURING THE COURSE OF HIS OPERATIONS. DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE CONTRACTORS SOLE EXPENSE.
- ALL SURVEY INFORMATION SHOWN HEREIN WAS TAKEN FROM SURVEY OF LAWRENCE J. ZYGAL, PLS, P.C. DATED 10/15/2007 AS SUPPLIED BY OWNER.

**CONSTRUCTION SITE GUIDELINES**

FOR ALL PROJECTS ON PRIVATE PROPERTY WITHIN THE TOWN OF CHEEKTOWAGA

MOBILE EQUIPMENT TO WORK ON SITE ONLY BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., MONDAY THROUGH SATURDAY. (EXCEPTION: HOURS EXTENDED IF SITE OR THE PORTION UNDER CONSTRUCTION IS A MINIMUM OF 1000 FEET FROM ANY RESIDENCE. IN NO CASE SHALL WORK CONTINUE PAST 9:00 P.M.)

POWER EQUIPMENT TO BE USED ONLY BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., MONDAY THROUGH SATURDAY. (EXCEPTION: HOURS EXTENDED WHERE ALL WORK IS WITHIN A FULLY ENCLOSED BUILDING WITH NO SOUND EMANATING BEYOND THE BUILDING. (IN NO CASE SHALL THE WORK CONTINUE PAST 11:00 P.M.)

DUST CONTROL TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION. METHODS TO INCLUDE WATER TRUCKS AND/OR HOSE LINES, CALCIUM CHLORIDE, ETC.

EROSION CONTROL TO BE IN PLACE AT ALL TIMES DURING CONSTRUCTION AS APPROVED BY THE NYSDOT AND/OR TOWN ENGINEER.

RODENT CONTROL MEASURES, INCLUDING BAITING AND TRAPPING, TO BE IMPLEMENTED AS NEEDED BY A PROFESSIONAL FIRM/INDIVIDUAL UNDER CONTRACT. CONTROL TO BEGIN BEFORE THE START OF CONSTRUCTION, IF DEEMED NECESSARY BY THE TOWN.

PUBLIC ROADS TO BE CLEARED AT THE END OF EACH DAY OR AS NEEDED BY APPROPRIATE MEANS, I.E. WATER TRUCK, SWEEPER, ETC.

SANITARY FACILITIES-SECTION 311 (PORTA-JOHN)-TOILET FACILITIES SHALL BE PROVIDED FOR CONSTRUCTION WORKERS AND SUCH FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION. CONSTRUCTION WORKER TOILET FACILITIES OF THE NON-SEWER TYPE SHALL CONFORM TO ANSI 24.3. FACILITIES TO BE PLACED SO AS NOT TO BE A NUISANCE TO ANY ADJACENT RESIDENCES.

DEBRIS TO BE PLACED IN DUMPSTERS AND THE SITE CHECKED AT THE END OF EACH WORK DAY WITH ALL DEBRIS COLLECTED AND PLACED IN THE DUMPSTER.

SECURE THE SITE, ESPECIALLY EXCAVATIONS, AT THE END OF EACH WORKDAY TO PREVENT ACCESS BY CHILDREN AND OTHERS. SECURITY SHALL BE IN THE FORM OF FENCING, NIGHT WATCHMAN, BOARDING OVER, OR ANY OTHER MEANS APPROPRIATE TO PREVENT ACCESS.

NOISE AND VIBRATION MUST BE MINIMIZED WITHIN CLOSE PROXIMITY TO HOMES BY THE JUDICIOUS SELECTION OF EQUIPMENT AND/OR THE PRIOR ESTABLISHMENT OF INTERVENING EARTHEN BERMS.

ANY EXTERIOR LIGHTING NEEDED FOR SECURITY OR SPECIAL NIGHT WORK MUST BE INSTALLED IN SUCH A MANNER TO MINIMIZE NUISANCES TO ADJUTING PROPERTIES. USE OF LIGHTS WITH ADJUSTABLE HOODS OR THE USE OF GLARE SHIELDS MUST BE UTILIZED.

**DETAILS** - SEE DETAIL SHEET A-2.1 FOR THE FOLLOWING DETAILS

- STANDARD DUTY ASPHALT SECTION
- HEAVY DUTY ASPHALT SECTION
- CONCRETE SLAB ON GRADE
- DUMPSTER ENCLOSURE
- 90° PARKING SPACE STRIPING
- HANDICAP PAVEMENT MARKINGS
- INTERNATIONAL HANDICAP SYMBOL
- HANDICAP PARKING SIGN
- CONCRETE SIDEWALK
- INTERNAL CURB/SIDEWALK
- TYPE "A" CONCRETE CURB
- HANDICAP RAMP
- 8" HIGH WHITE VINYL FENCE AS MANUFACTURED BY COUNTRY ESTATES FENCE MODEL "THE LAKELAND HEAVY DUTY" MODEL OR APPROVED EQUAL

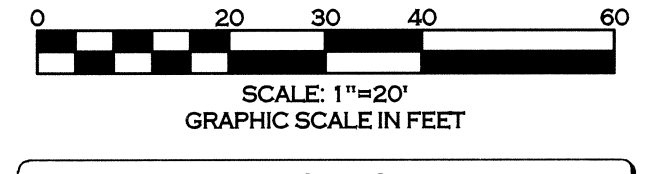
**NOTES**

- LANDSCAPED AREA, TOPSOIL AND SEED (SEE LANDSCAPE PLAN)
- CROSSWALK - 4" WIDE YELLOW STRIPS
- 2" O.C. @ 45°
- "NO PARKING ANYTIME" SIGN
- TAPER CURB REVEAL FROM 6" TO 1" IN 2 FEET
- CONCRETE CURB AT PAVEMENT GRADE (MAX. REVEAL 1")
- RELOCATED GROUND SIGN
- TRANSFORMER PAD

WM. SCHUTT AND ASSOCIATES, P.C. (THE "CONSULTANTS") REPRESENTS AND CERTIFIES THAT, IN THE CONSULTANT'S PROFESSIONAL OPINION, THE ATTACHED SITE PLANS COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AND WITH ALL APPLICABLE STATE AND LOCAL ACCESSIBILITY REQUIREMENTS.



**ENGINEERING  
LAND SURVEYING**  
WM. SCHUTT & ASSOCIATES, P.C.  
37 CENTRAL AVE.  
LANCASTER, NY 14092-1143  
PH: 716-688-6961  
FAX: 716-688-6160  
WWW.WMSCHUTT.COM



REVISIONS	

3095 HARLEM RD. EXPANSION

3095 HARLEM ROAD  
CHEEKTOWAGA, NY 14225

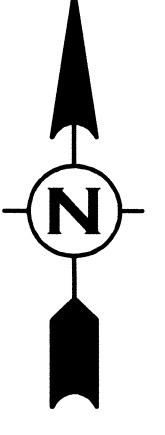
SITE LAYOUT PLAN

**MUSSACHIO ARCHITECTS**  
50 NORTH FOREST RD.  
WILLIAMSVILLE, NEW YORK 14221  
(716) 631-9949

CHECKED BY	DRAWN BY

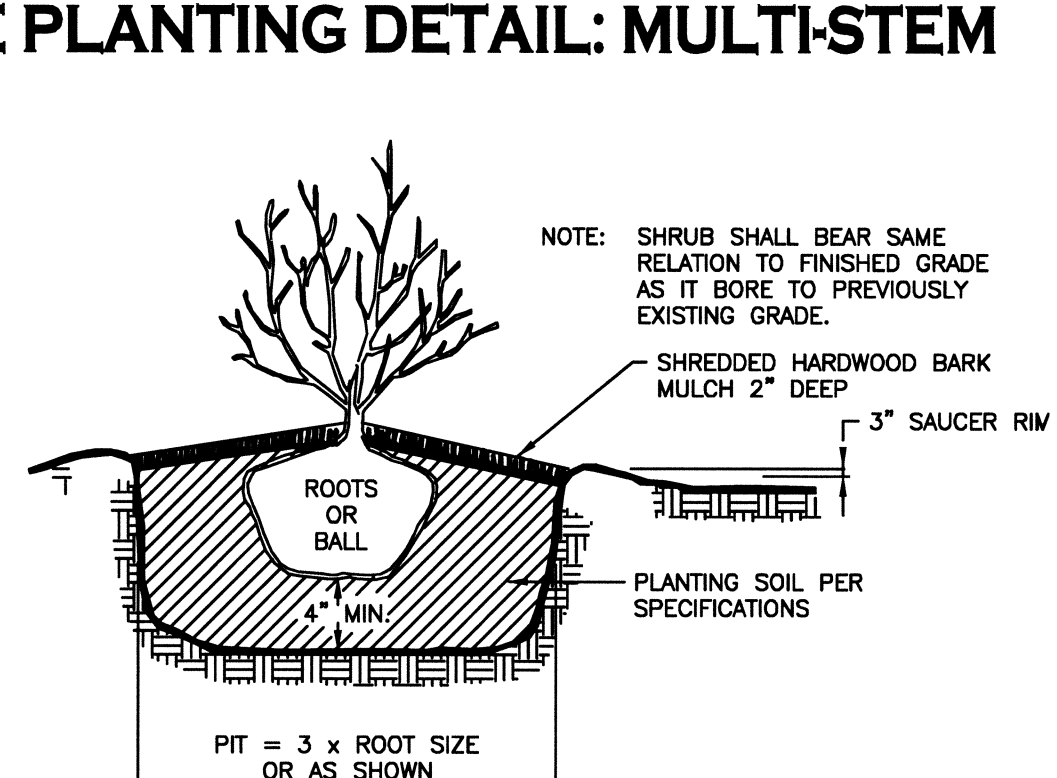
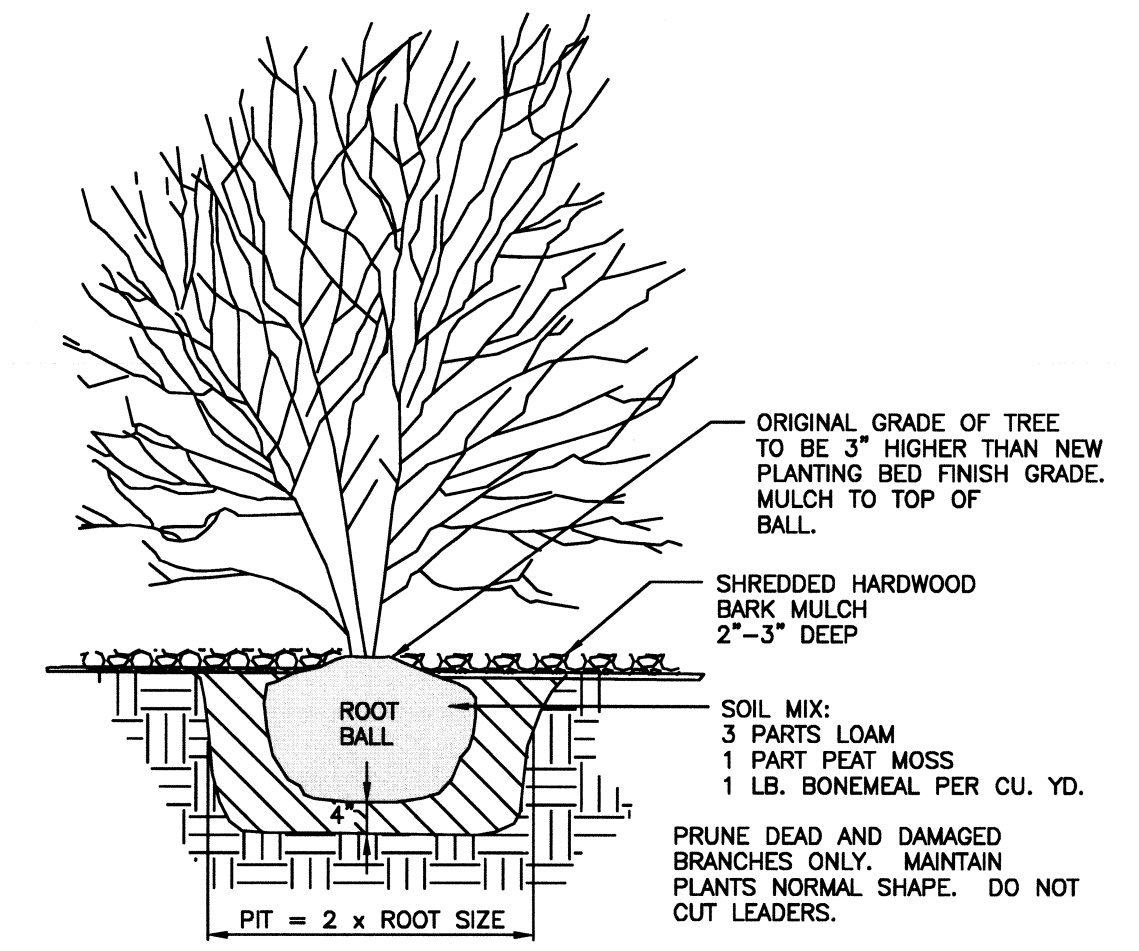
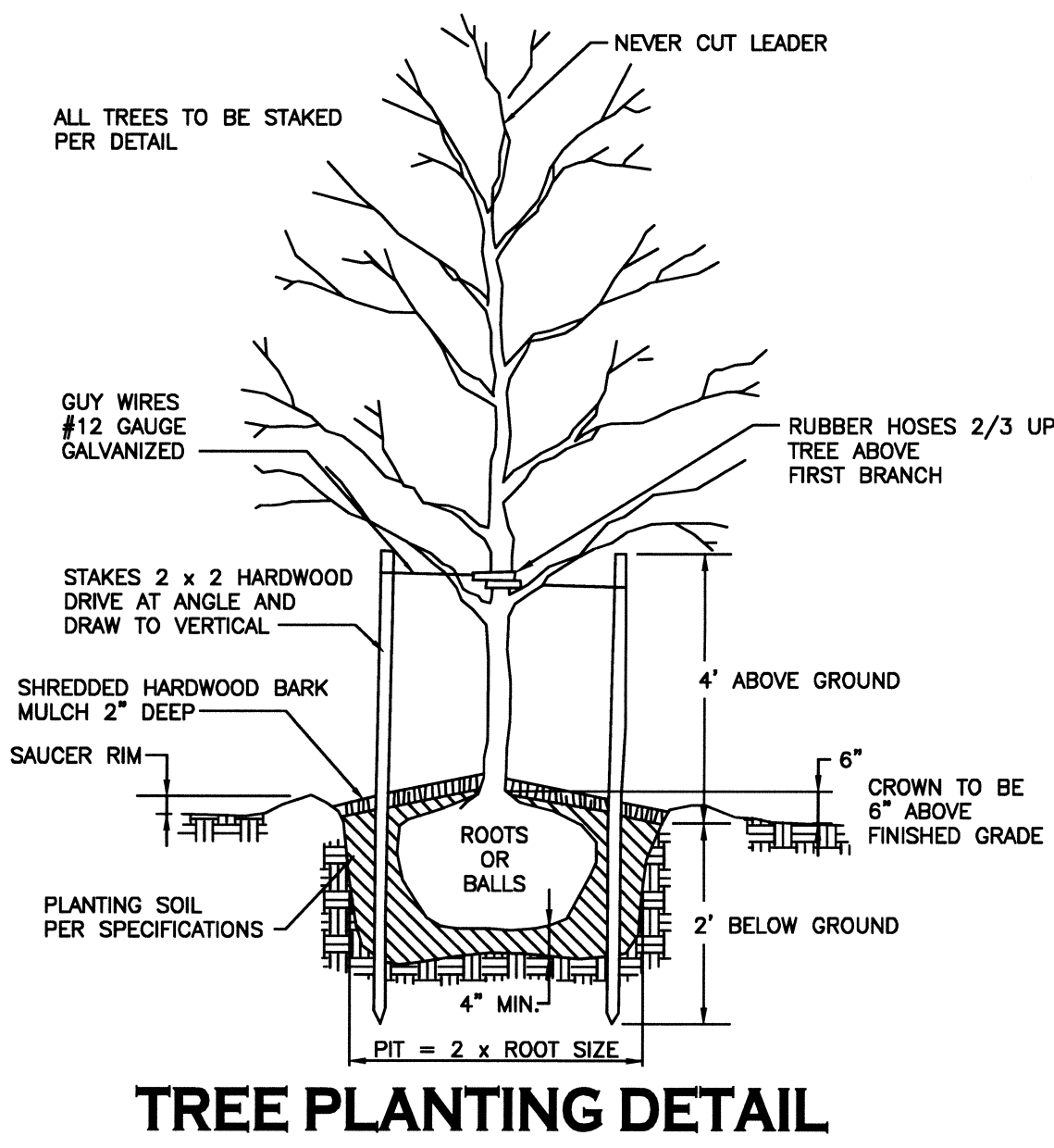
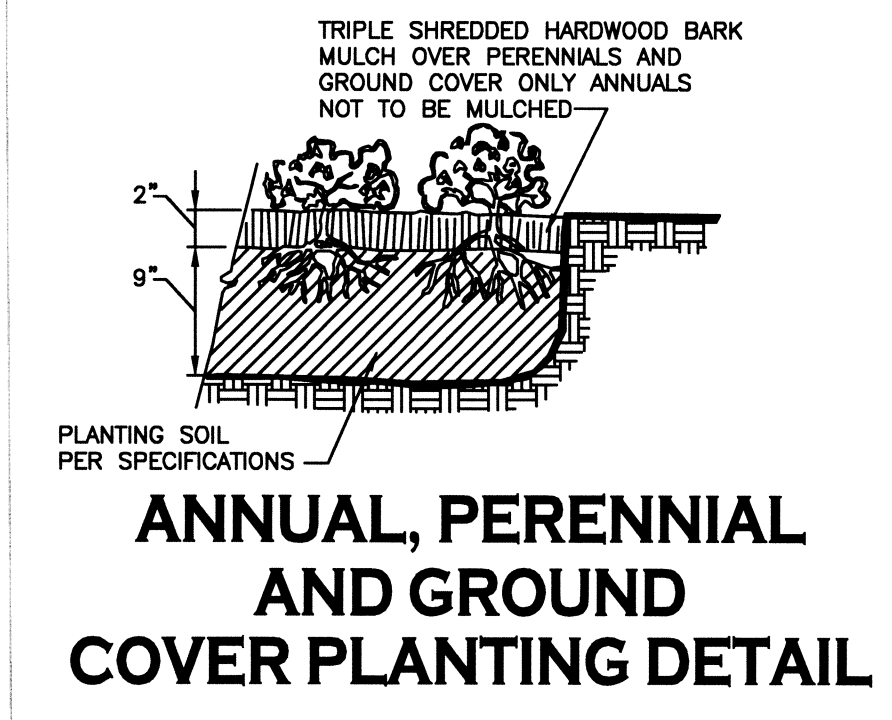
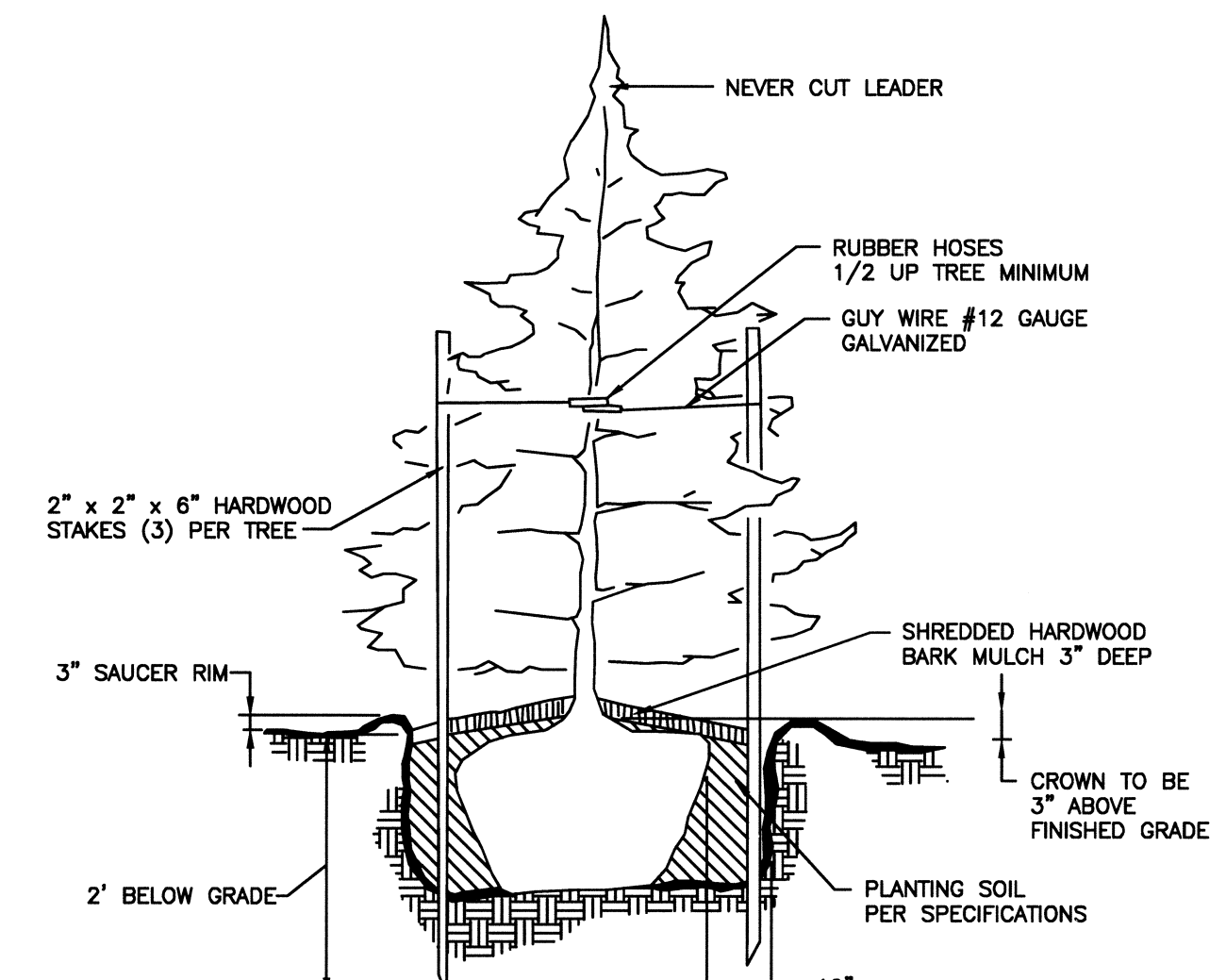
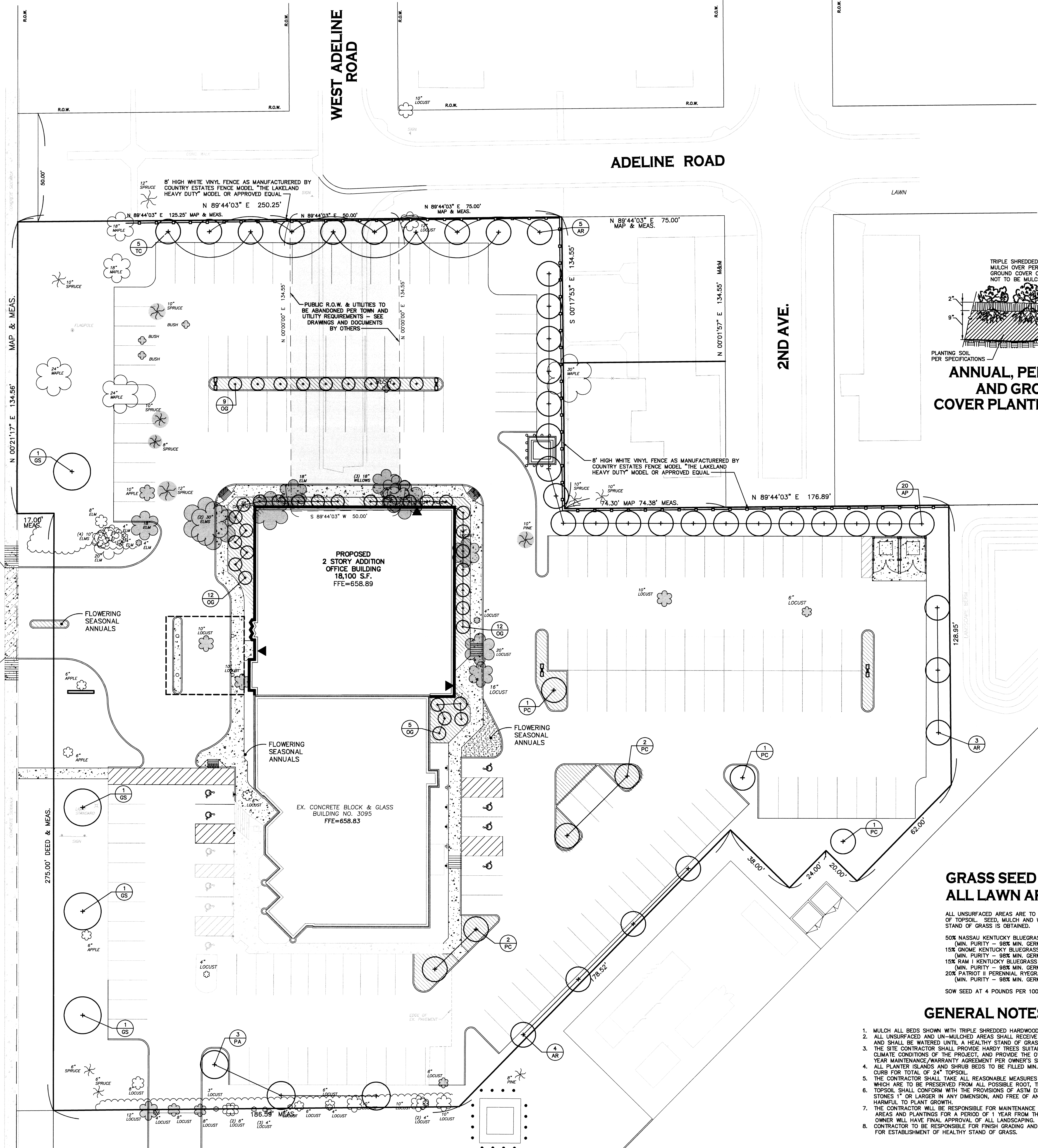
JOB #	DATE	REVISED
27028	4/1/08	





Attachment: HARLEM ROAD, 3095 ATWAL (MS-2008-221 : Negative SCOR Declaration - 3095 Harlem Road)

HARLEM ROAD



**GRASS SEED MIX FOR ALL LAWN AREAS**

- 50% NASSAU KENTUCKY BLUEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
  - 15% GNOME KENTUCKY BLUEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
  - 15% RAM 1 KENTUCKY BLUEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
  - 20% PATRIOT 11 PERENNIAL RyEGRASS (MIN. PURITY - 98% MIN. GERM. - 90%)
- SOW SEED AT 4 POUNDS PER 1000 SF

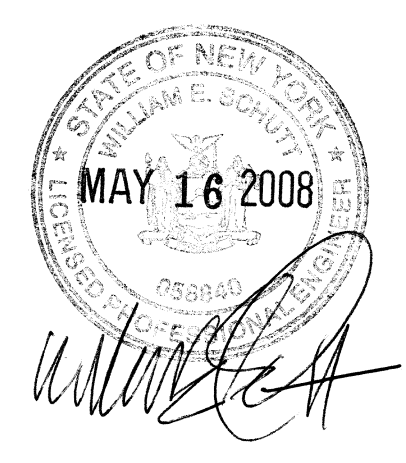
**GENERAL NOTES:**

- MULCH ALL BEDS SHOWN WITH TRIPLE SHREDDED HARDWOOD BARK MULCH.
- ALL UNSURFACED AND UN-MULCHED AREAS SHALL RECEIVE FOUR INCHES OF TOPSOIL AND SEED AND SHALL BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- THE SITE CONTRACTOR SHALL PROVIDE HARDY TREES SUITABLE FOR USE IN THE SOIL AND CLIMATE CONDITIONS OF THE PROJECT, AND PROVIDE THE OWNER WITH A BONDED WRITTEN ONE-YEAR MAINTENANCE/WARRANTY AGREEMENT PER OWNER'S SPECIFICATIONS.
- ALL PLANTER ISLANDS AND SHRUB BEDS TO BE FILLED MIN. 18\"/>
- THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO PROTECT EXISTING TREES WHICH ARE TO BE PRESERVED FROM ALL POSSIBLE ROOT, TRUNK, AND LIMB DAMAGE.
- TOPSOIL SHALL CONFORM WITH THE PROVISIONS OF ASTM D2058 AND SHALL BE FREE FROM STONES 1\"/>
- THE CONTRACTOR WILL BE RESPONSIBLE FOR MAINTENANCE AND/OR REPLACEMENT OF ALL LAWN AREAS AND PLANTINGS FOR A PERIOD OF 1 YEAR FROM THE DATE OF INITIAL PLACEMENT. THE OWNER WILL HAVE FINAL APPROVAL OF ALL LANDSCAPING.
- CONTRACTOR TO BE RESPONSIBLE FOR FINISH GRADING AND SEEDING OF ALL LAWN AREAS AND FOR ESTABLISHMENT OF HEALTHY STAND OF GRASS.

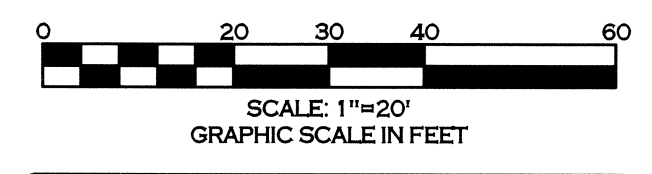
**LEGEND**

- TREES TO BE REMOVED (ALL TREES TO BE REMOVED ARE SUBJECT TO TOWN PERMIT)
- MULCHED BEDS

KEY	BOTANICAL NAME	COMMON NAME	QUANT.	SIZE	ROOT	REMARKS
<b>TREES</b>						
AP	Picea pungens	Colorado Spruce	20	7\"/>	B&B	Full branching
AR	Acer rubrum 'Red Sunset'	Red Sunset Red Maple	7	2\"/>	B&B	Full branching & matching
GS	Gleditsia Tricentothus inermis 'Sunburst'	Sunburst Honeylocust	4	2\"/>	B&B	High first branch & full
PA	Platanus Acerifolia 'Bloodgood'	Bloodgood London Planetree	3	2\"/>	B&B	High first branch & full
PA	Ficus Colliniana 'Medusa'	Medusa Fig	2	2\"/>	B&B	Full branching & matching
TC	Tilia Cordata 'Glenleven'	Glenleven Linden	5	2\"/>	B&B	Full branching & matching
<b>SHRUBS</b>						
OC	Juniperus x Media 'Old Gold'	Old Gold Juniper	38	3 gal.	CAN	Full branching



**ENGINEERING LAND SURVEYING**  
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 37 CENTRAL AVE.  
 LANCASTER, NY 146662143  
 PH: 716-689-0961  
 FAX: 716-689-0169  
 WWW.WMSCHUTT.COM



NO.	REVISIONS

**NOTICE**  
 This document, the property of, prepared and issued by the architect, is submitted for the specific project namely: 3095 HARLEM RD. EXPANSION and the recipient by accepting this document assumes custody and agrees that this document will not be copied or reproduced in part or in whole, and any special features peculiar to this design shall not be incorporated in any other project, unless prior agreement has been obtained in writing. These documents will be returned immediately upon completion of the project or upon the request of the architect.  
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 Property rights of these documents shall NOT be lost under Bankruptcy, or foreclosure actions that may arise at any time during the execution of this project.

3095 HARLEM RD. EXPANSION

3095 HARLEM ROAD  
SHEKTOWAGA, NY 14226

LANDSCAPE PLAN

**MUSSACHIO ARCHITECTS**  
 30 NORTH FOREST RD.  
 WILLAMSVILLE, NEW YORK 14221  
 (716) 631-9949

CHECKED BY	DRAWN BY

DATE	REVISED
JOB # 27028	
DATE 4/1/08	





# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, June 2, 2008

6:45 PM

Council Chambers

### I. Call to Order

6:45 PM Meeting called to order on June 2, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
 Anthony Romano, Coordinator of Employee Relations  
 Brian Hess, Assessor  
 Kenneth Kopacz, Director of Youth & Recreation  
 Christine Ziemba, Chief of Police  
 Kerry Switalski, Senior Services Director  
 Frank Max, General Crew Chief  
 Andrew Kulyk, Zoning Board Chairman  
 Jon Nichy, Superintendent, Main Pump Station  
 John Staniszewski, TCEA Representative

### II. Public Comment Period

### III. Public Hearing at 7:00 PM

#### 1. Public Hearing - Sewer Backup Generator

##### EXTRACT OF MINUTES

Meeting of the Town Board of the  
 Town of Cheektowaga, in the County of Erie, New York  
 June 2, 2008

A regular meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, was held at the Town Hall, 3301 Broadway, Cheektowaga, New York, on June 2, 2008.

There were present: Hon. Mary F. Holtz, Supervisor; and

Board Members: Patricia A. Jaworowicz  
Jeff Swiatek  
James P. Rogowski  
Richard A. Zydel  
Charles C. Markel  
Stanley J. Kaznowski III

There were absent: 0

Also present: Alice Magierski, Town Clerk

\* \* \*

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 3301 Broadway, Cheektowaga, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Consolidated Sewer District (referred to herein as the "District"), consisting of the acquisition of a new emergency backup generator for the sewer main pumping station, and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in said matter was open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities: There were no persons in the audience who spoke, however, Supervisor Mary Holtz, Councilmembers Stan Kaznowski and James Rogowski, as well as Jon Nichy, Superintendent of the Main Pump Station spoke in favor of the resolution.

The following persons appeared in opposition to such increase and improvement of facilities:  
NONE

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

#### CERTIFICATE

I, ALICE MAGIERSKI, Town Clerk of the Town of Cheektowaga, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town of Cheektowaga duly called and held on June 2, 2008, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Cheektowaga this 2nd day of June, 2008.

(SEAL)

Alice Magierski, Town Clerk  
Town of Cheektowaga

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Resolutions



## 1. RESOLUTION 2008-330

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 30, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,831,325.33
RISK RETENTION FUND	206,698.93
DEBT SERVICE FUND	276,428.30
HUD HOUSING REHABILITATION FUND	12,153.00
SPECIAL DISTRICTS FUND	1,023,994.53
HIGHWAY FUND	744,955.52
CAPITAL FUND	595.00
TRUST & AGENCY FUND	3,735.40
HUD CDBG FUND	9,040.61
PART TOWN FUND	133,664.47
NYS AFFORDABLE HOUSING FUND	3,749.00
	<u>\$ 5,246,340.09</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





2. RESOLUTION 2008-331

**Resolution and Order After Public Hearing for Emergency Backup Generator**

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

At a meeting of the Town Board of the Town of Cheektowaga, in the County of Erie, New York, held at the Town Hall, 3301 Broadway, Cheektowaga, New York, on the 2nd day of June, 2008.

**PRESENT:**

- Hon. Mary F. Holtz, Supervisor
- Patricia A. Jaworowicz, Councilmember
- Jeff Swiatek, Councilmember
- James P. Rogowski, Councilmember
- Richard A. Zydel, Councilmember
- Charles C. Markel, Councilmember
- Stanley J. Kaznowski III, Councilmember

In the Matter

of the

Increase and Improvement of Facilities of the Consolidated Sewer District, in the Town of Cheektowaga, in the County of Erie, New York, pursuant to Section 202-b of the Town Law

Offered by: Councilmember Stanley J. Kaznowski III

Seconded by: Supervisor Mary F. Holtz

RESOLUTION AND  
ORDER AFTER PUBLIC  
HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called the “Town Board” and the “Town”, respectively), in the County of Erie, New York, on behalf of the Consolidated Sewer District, in the Town (herein referred to as the “District”), has proposed an increase and improvement of facilities of the District, consisting of the acquisition of a new emergency backup generator for the sewer main pumping station at the estimated maximum cost of \$850,000; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on June 2, 2008 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 3301 Broadway, Cheektowaga, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on this 2nd day of June, 2008 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 3301 Broadway, Cheektowaga, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

WHEREAS, the Town Board, as lead agency, has given due consideration to the impact that such increase and improvement of facilities may have on the environment and has determined that the proposed project is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617 and no further action is required pursuant to SEQRA;

Now, therefore, it is hereby

DETERMINED, that it is in the public interest to increase and improve the

facilities of the District as hereinabove described, at the estimated maximum cost of \$850,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that a careful estimate of the cost of the improvement shall be made and a proposed contract for the improvement shall be prepared and presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$850,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Erie County within ten (10) days after adoption thereof.

DATED: June 2, 2008

(SEAL)

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

The adoption of the foregoing Resolution and Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Mary F. Holtz	voting <u>  AYE  </u>
Councilmember Patricia A. Jaworowicz	voting <u>  AYE  </u>
Councilmember Jeff Swiatek	voting <u>  AYE  </u>
Councilmember James P. Rogowski	voting <u>  AYE  </u>
Councilmember Richard A. Zydel	voting <u>  AYE  </u>
Councilmember Charles C. Markel	voting <u>  AYE  </u>
Councilmember Stanley J. Kaznowski III	voting <u>  AYE  </u>

The Resolution and Order were declared adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-332

## Bond Resolution for Emergency Backup Generator at Sewer Main Pumping Station

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA,  
NEW YORK, ADOPTED JUNE 2, 2008, APPROPRIATING  
\$850,000 FOR THE INCREASE AND IMPROVEMENT OF  
FACILITIES OF THE CONSOLIDATED SEWER DISTRICT,  
AND AUTHORIZING THE ISSUANCE OF \$850,000 SERIAL  
BONDS OF SAID TOWN TO FINANCE SAID  
APPROPRIATION

Offered by: Councilmember Stanley J. Kaznowski III

Seconded by: Supervisor Mary F. Holtz

#### Recital

WHEREAS, following a public hearing duly called and held, the Town Board of the Town of Cheektowaga, in the County of Erie, New York (the "Town") has determined that it is in the public interest to increase and improve the facilities of the Consolidated Sewer District (the "District"), and ordered that such facilities be so increased and improved;

Now, therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA,  
IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town hereby appropriates the amount of \$850,000 for the increase and improvement of facilities of the District, consisting of the acquisition of a new

emergency backup generator for the sewer main pumping station. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000. The plan of financing includes the issuance of \$850,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$850,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 13 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution, or for expenditures made on or before the effective date of this resolution if a prior declaration of intent to issue bonds has been made. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity

prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "CHEEKTOWAGA TIMES," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.



The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Mary F. Holtz	voting <u>  AYE  </u>
Councilmember Patricia A. Jaworowicz	voting <u>  AYE  </u>
Councilmember Jeff Swiatek	voting <u>  AYE  </u>
Councilmember James P. Rogowski	voting <u>  AYE  </u>
Councilmember Richard A. Zydel	voting <u>  AYE  </u>
Councilmember Charles C. Markel	voting <u>  AYE  </u>
Councilmember Stanley J. Kaznowski III	voting <u>  AYE  </u>

The Resolution was declared adopted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-333

Notice to Bidders - 2008 Pick-Up Truck 4 X 4

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Parks 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 Parks 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 June 18, 2008 at 11:00 A.M., 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 June 18, 2008 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 3/4 ton 4 X 4 pick-up truck for the Parks 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.

Alice Magierski
Town Clerk

DATED: June 2, 2008

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], James Rogowski, Stanley Kaznowski, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



## 5. RESOLUTION 2008-334

### Negative SEQR Declaration - 1540 Walden Avenue

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Basil Ford for the construction of a 4,695 s.f. building addition at 1540 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 14, 2008 recommended a determination of non-significance as shown on the attached memorandum dated May 15, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 15, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-335

### Negative SEQR Declaration - 1684 Walden Avenue

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 LBM Construction, Inc. for the construction of a 11,400 s.f. warehouse addition at 1684 Walden Avenue for Meier Supply, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 23, 2008 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 15, 2008, 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 and grading plan
2. The Cheektowaga Zoning Board of Appeals approving the required area variance for the parking area setback.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-336

### Special Event - German-American Festival

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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-American Festival in Cheektowaga Town Park from August 30th and 31st, 2008; 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-American Festival to be held in Cheektowaga Town Park on August 30th and 31st, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-337

### Unsafe-Unsecured / 47 Marilyn Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 47 Marilyn Drive, Cheektowaga, New York SBL# 92.09-2-30 that is a danger to the safety of others, and records kept by the Assessors Office identify Nelson E. Moore, 47 Marilyn Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 47 Marilyn 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-338

### Unsafe-Unsecured / 111 Croydon Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 111 Croydon Drive, Cheektowaga, New York SBL# 114.02-9-27 that is a danger to the safety of others, and records kept by the Assessors Office identify Todd Huber, 311 North Davis Road, Elma, New York 14059, as the owner AND

WHEREAS, an inspection of such premises was conducted at 111 Croydon 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-339

### Unsafe-Unsecured / 20 Mildred Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 Mildred Drive, Cheektowaga, New York SBL# 91.18-13-9 that is a danger to the safety of others, and records kept by the Assessors Office identify David Burnette, 141 Parkwood Avenue, Kenmore, New York 14217, as the owner AND

WHEREAS, an inspection of such premises was conducted at 20 Mildred 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 11. RESOLUTION 2008-340

### Unsafe-Unsecured / 172 Evergreen Place

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 172 Evergreen Place, Cheektowaga, New York SBL# 91.20-9-14 that is a danger to the safety of others, and records kept by the Assessors Office identify Federal Home Loan Mortgage, 5000 Plano Parkway, Carrollton, TX 75010, as the owner AND

WHEREAS, an inspection of such premises was conducted at 172 Evergreen 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-341

### Clean-Up / 73 Daniel Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 73 Daniel Avenue, Cheektowaga, New York SBL# 102.46-5-11 that is a danger to the safety of others, and records kept by the Assessors Office identify Mary Jane Slawinowski, 73 Daniel Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 73 Daniel 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-342

### Purchase of a Single Conductor Pipe Ranger

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Sewer Maintenance Department has requested the purchase of a Single Conductor Pipe Ranger for telespection of sanitary sewers, AND

WHEREAS, the present equipment being used for telespection was manufactured by CUES, being the sole source supplier, NOW, THEREFORE, BE IT

RESOLVED, that the purchase of a Single Conductor Pipe Ranger, including training, be awarded to CUES, 3600 Rio Vista Avenue, Orlando, Florida 32805 in the amount of \$25,355.00 AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account #2550-8125-2500 for said purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-343

### Amend Pump Operator Appointment Date (Daniel Eckel)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Daniel Eckel was appointed by this Town Board to the title of Pump Operator effective June 9, 2008; AND

WHEREAS, due to civil service rules and regulations Mr. Eckel's effective date must be amended; NOW, THEREFORE, BE IT

RESOLVED, that Daniel Eckel be and hereby is appointed to the position of Pump Operator in the Main Pump Station in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 8, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-344

### Youth & Recreation Summer Hires

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Lifeguards - 7180.1903

Seasonal

Level III - \$8.32

Andrew Chruscicki	14225
Nicole Maciejewski	14227
Naomi Snyder	14225

Regular Part-time

Lifeguards - 7180.1903

Level I - \$8.00

Ashley Bajer	14225
Jacqueline Campbell	14043
Jonathan Gworek	14227
Kayla Doetterl	14227
Raena Koepfel	14225
Adam Piscitello	14043
Jeremiah Smith	14215
Austin Snyder	14225
Julie Strychalski	14043
Michael Vito	14215

Level I - \$8.00 (Alternates)

Nicholas Coronado	14225
Leeann Coddington	14225
Melissa Faruggio	14227
Andrew Charvat	14225

Laborers - (Bathhouse Attendants) - 7180.1901 -\$7.15

Seasonal

Kelly Astyk	14227
Andrew Puehn	14211
Joseph Reynolds	14225
Jamie Russell	14206
Stanley Smith	14225
Kylie Zywicki	14225

Laborers - (Bathhouse Attendants) - 7180.1901 -\$6.25

Kenneth Carlucci	14227
Margaret Drzewiecki	14225
Joshua Galante	14206
Audrelle Gospodarski	14225
Matthew Hockwater	14227
Brandon Kacala	14212
Timothy Kish	14206
Brandon Maes	14225
Nicholas Maes	14225
Matthew Pazderski	14227
Cory Suszek	14206

Laborers - (Bathhouse Attendants) - 7180.1901 -\$6.25 (Alternates)

Chelsea Wartinger	14043
Gared Brock	14225
Sean Langan	14225
Briana Parker	14225
Liz Monaco	14225
Matthew Eckle	14225
Jeffrey Persutti	14227
Jennifer Behlmaier	14043
Morgan Taylor	14225
Valerie Herman	14225
Jillian Golembiewski	14206
Alison Pieroni	14225
Christina Kae	14227
Richard Laskay	14225
Catherine Lease	14225
Ashlee Guay	14043
Uyen Dang	14225
Nicole Scherrer	14225
Corilynn Slisz	14206
Elizabeth Machnica	14225

Tennis - 7140.1642Recreation Attendant - \$7.15Regular Part time

Gary Steltermann	14225
Kimberly Viles	14225

Recreation Attendant - \$7.40 -7140.1630 - Gymnastics Seasonal

Tiffany Gasiiecki	14225
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Recreation Attendant - \$9.00 - 7140.1613

Craig Mahalic	14206
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Recreation Aide -\$7.15- 7140.1645 & 7140.1648Part time

Cassandra Langan 14225  
Ryan Weber 14225

Recreation Attendant - \$7.15 - 7140.1645 & 7140.1648Regular Part time

Amanda Markel 14227  
Brian Wartinger 14225

Recreation Attendant - \$8.15 - 7140.1648

Lauren Miller 14043

Motion by Supervisor Holtz, seconded by Councilmember Swiatek to waive the reading of the names on Item Numbers 15 through and including 18, and the motion carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-345

### Youth & Recreation Transfer

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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:

Recreation Instructor - 7310.1802 - Camp Crabapple - \$9.00  
Regular Part time

Alex Ladowski

Recreation Instructor - 7310.1810 - Camp Flamingo - \$8.25  
Regular Part time

Kristen Stadelmeyer

Recreation Supervisor - Regular Part time to Seasonal - \$10.37  
Beach and Pool Supervisors - 7180.1902

Elizabeth Sinski

Lifeguard - 7180.1903  
Regular Part-time

Level IV - \$8.49

Matt Maciejewski

Level IV - \$8.49 Part-time

Amy Burger

From CCC Laborer (Alternate)- 7310.1816 to Recreation Aide - 7140.1611 - \$7.15 (Part-time)

Dana Szymkowiak

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 17. RESOLUTION 2008-346

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Nicholas Czaplicki	5/17/08	14225
Lauren Piekarski	8/31/07	14043
Cathy Tomasik	5/22/08	14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-347

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$7.75/hour effective 6/23/08  
Adam Bobeck, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 5/20/08  
Mark Rohloff, Cheektowaga, New York  
Kevin Menchini, 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:

SENIOR SERVICES Recreation Attendant (Nutrition Site Substitute) \$8.25/hour effective 6/03/08  
Barbara A. Large, Depew, New York

SENIOR SERVICES Recreation Attendant (Nutrition Site Substitute) \$8.50/hour effective 6/03/08  
Janice M. Zdybowicz, Cheektowaga, New York

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

FACILITIES DEPARTMENT  
Derek Prellwitz effective 5/19/08

SENIOR SERVICES  
Alberta Krejci effective 5/16/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**19. RESOLUTION 2008-348****Appointment of Acting Detective (Police Officer Timothy R. Szymanski)**

**Sponsored By:** Councilmember Jaworowicz, 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 Timothy R. Szymanski of Cheektowaga, 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 May 22, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-349

### Travel Authorization Police Department (Police Officers Kurt Spieler and Michelle Wojtkowiak)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 2008 National Law Enforcement Exploring Conference is being held July 21-July 26, 2008 at Colorado State University in Fort Collins, Colorado; AND

WHEREAS, Police Officers Kurt Spieler and Michelle Wojtkowiak 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 \$1,923.80; AND

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

RESOLVED, that Police Officers Kurt Spieler and Michelle Wojtkowiak be and hereby are authorized to attend the 2008 National Law Enforcement Exploring Conference being held July 21-July 26, 2008 at Colorado State University in Fort Collins, Colorado.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motion by Supervisor Holtz, seconded by Councilmember Swiatek to suspend the rules to include the following three (3) items, and the motion carried.
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## 1. RESOLUTION 2008-350

### Amend Agreement with TEC Smith, Inc.

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, by resolution dated April 7, 2008 this Town Board approved a Professional Services Agreement with TEC Smith, Inc. to perform sanitary sewer flow monitoring at numerous locations within the Consolidated Sanitary Sewer District for a four (4) week period, which data is an integral part of an Engineer's Report required to be prepared and submitted under a NYSDEC Order on Consent, AND

WHEREAS, the consulting engineering firm of Nussbaumer & Clarke, Inc. and the Town Engineer have recommended that the contract with TEC Smith, Inc. be extended on a week to week basis as provided for in the original agreement in order to capture a rainfall event of sufficient intensity to model wet weather impacts, NOW, THEREFORE, BE IT

RESOLVED, that the agreement with TEC Smith, Inc. be and hereby is amended to include a maximum of three (3) weekly extensions as the Town Engineer may deem necessary to obtain sufficient wet weather data, AND, BE IT FURTHER

RESOLVED, that the cost of said extension of weekly professional flow monitoring services, as provided for in the original agreement amounting to \$9,675 per week, shall be chargeable to Account No. 255-8125-4581.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-351

### Award of Bid - Purchase of Police Patrol Vehicle

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, bids were duly received by the Town Clerk at a bid opening on May 29<sup>th</sup>, 2008 for the purchase of one (1) new Police Supervisor's Patrol vehicle 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; and

WHEREAS, Basil Ford submitted the lowest bid for this vehicle, but could not deliver it to the Town within 30 days of the bid award as required by the bid specifications, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby waives the requirement that the vehicle be delivered to the Town within 30 days after the bid award, and BE IT FURTHER

RESOLVED, that the bid be awarded to Basil Ford, 1540 Walden Avenue, Cheektowaga, New York, for the purchase of one 2008 Ford Expedition Special Service Vehicle XLT for the price of \$27,371.24, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-352

## Authorize Supervisor to Execute Contract for Polish American Arts Festival

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the 30<sup>th</sup> Annual Polish-American Arts Festival will be held in Cheektowaga Town Park on July 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>, 2008, and

WHEREAS, in order to promote such festival, the Polish American Arts Festival Committee has recommended that the Town have portions of such Festival broadcast on WECK 1230 AM and WXRL 1300 AM, and

WHEREAS, a Broadcast Contract with R.J.D. Media, Inc. has been submitted for said Festival broadcasts, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Broadcast Contract with R.J.D. Media, Inc., and BE IT FURTHER

RESOLVED, that funds for such Broadcast Contract in the amount of \$1,095.00 shall be appropriated from budget line item number 100-7550-4374.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Communications

### *A. Departmental Communications*

1. Supervisor's Statement of Funds - April 2008
2. Building Permit List - May 2008
3. Minutes: Cheektowaga Conservation Advisory Council - May 17, 2008

### *B. General Communications*

1. Summons & Complaint: Marcia Greene Vs. Town of Cheektowaga
2. Notice of Claim: Francesco Dehima Vs. Town of Cheektowaga
3. Notice of Claim: Angelique Fisher, Individually and as Parent of Andre Wiggins, an Infant Vs. Town of Cheektowaga
4. Notice of Claim: Benderson 85-1 Trust Vs. Town of Cheektowaga

5. Request to Speak: Dennis K. Greene

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Closing**

Motion by Supervisor Holtz, seconded by Councilmember Rogowski to adjourn the meeting.





# Town of Cheektowaga

## Special Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Wednesday, June 11, 2008

6:30 PM

Depew High School

## I. Call to Order

6:30 PM Meeting called to order on June 11, 2008 at Depew High School, 5201 Transit Road, Depew, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Absent	
Charles Markel	Town of Cheektowaga	Councilmember	Absent	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Absent	

## 2. Additional Attendees

Main Facilitator, Dale Larson, Engineer from Wm. Schutt Ass. P.C.

NYSDOT Representatives: Steve Munson

Hal Morse, GBNRTC

Chris Church

### Cheektowaga

Deputy Town Clerk, Vickie Dankowski

Town Attorney, Kevin Schenk

Zoning Inspector, Daniel Ulatowski

Assistant to the Supervisor, Pat Staniaszek

Depew Taxpayers Association, Jane Wiercoch

### Lancaster

Supervisor Robert H. Giza

Councilmember John Abraham

Councilmember Ronald Ruffino

Town Clerk, Johanna Coleman

Planning Board Chairman, Stan Keysa

### Village of Depew

Trustee Linda Hammer

Trustee Joseph Keefe

## II. Public Hearings

1. Public Hearing - Local Law Intro No. 2008-7 - a Local Law to Amend the Zoning Law Relating to Transit Road Access Management

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Mary Holtz, James Rogowski  
**ABSENT:** Jaworowicz, Swiatek, Zydel, Markel, Kaznowski

## III. Adjournment

Motion by Lancaster Councilmember John Abraham; seconded by Councilmember Ronald Ruffino to adjourn the meeting at 8:03 PM. Motion Carried.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, June, 16, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on June 16, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Brian Hess, Assessor  
Brian Krause, Director of Finance and Administration  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police  
John Staniszewski, Union Representative

## II. Public Comment Period

## III. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski to take the Suspension of Rules ahead of the Resolutions. Motion carried.



## 1. RESOLUTION 2008-375

### Designate Official Town Newspaper

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, this Town Board, by resolution dated January 7, 2008, appointed the Cheektowaga Times as the official newspaper of the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga was notified that the Cheektowaga Times has decided to cease publishing its newspaper, and

WHEREAS, no other newspaper is presently published in the Town of Cheektowaga which has been entered as second class mail matter, and

WHEREAS, according to Section 64(11) of the Town Law of the State of New York, this Town Board may designate any newspaper published in the county if such newspaper has general circulation in the Town, and

WHEREAS, the Cheektowaga Bee is published in Erie County and has a general circulation in the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby designates the Cheektowaga Bee as the official newspaper of the Town of Cheektowaga, effective immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-376

### Lead Hazard Testing Services Agreement

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, testing and analysis of painted surfaces for lead hazards for housing rehabilitation projects is required by federal regulations, AND

WHEREAS, the Town Office of Community Development has solicited proposals from companies possessing the necessary certifications issued by the Environmental Protection Agency to provide necessary lead-based paint hazard testing and consulting services, AND

WHEREAS, the Director of Community Development has recommended that the Town engage the services of Upper New York State Environmental to perform the necessary lead hazard testing and consulting services, NOW THEREFORE BE IT

RESOLVED, that the Supervisor is hereby authorized and directed to execute an agreement for an amount not to exceed \$ 38,000 with Upper New York State Environmental, 346 Austin Street, Buffalo, New York 14207 to perform necessary lead hazard testing and consulting services for the Town of Cheektowaga pursuant to said company's proposal dated May 22, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-377

## Amend Contract for Purchase of South Branch Library

**Sponsored By:** Holtz, Rogowski, Swiatek, Jaworowicz, Zydel, Kaznowski, Markel

WHEREAS, by resolution dated March 17, 2008, this Town Board approved the sale of the former South Branch Library at 2660 William Street, and

WHEREAS, after its due diligence period, the prospective purchaser has notified the Town that, due to excessive asbestos abatement costs, it needs to reduce the purchase price of the property, and

WHEREAS, all other purchase contingencies except for rezoning, variances and mortgage approval are being waived by the prospective purchaser, and

WHEREAS, this Town Board has reviewed the costs for asbestos abatement for this property and feels that the reduction in purchase price is warranted, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Reaffirmation Agreement and Addendum No. 2 to the Real Purchase Agreement for this property in accordance with the above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-378

Call for Public Hearing - Relocation of Conax Technologies LLC into Town of Tonawanda Empire Zone

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, Conax Technologies LLC., a company which supplies custom designed temperature sensors and sealing glands for a variety of applications in every industry, currently owns property at 2300 Walden Avenue in the Town of Cheektowaga for its business, and

WHEREAS, Conax Technologies LLC., has been in its current location since the early 1960's, and currently employs 95± people at the Cheektowaga facility, and

WHEREAS, Conax Technologies LLC., has stated that the current building space in Cheektowaga is inadequate to accommodate its present and future manufacturing growth needs, and has been unable to identify property in Cheektowaga to accommodate its future growth plans, and

WHEREAS, Conax Technologies LLC., wants to relocate into the Town of Tonawanda Empire Zone, an economic development zone created in the Town of Tonawanda, and

WHEREAS, Conax Technologies LLC wishes 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 must be held within the Town of Cheektowaga before Conax Technologies LLC., can be certified to be eligible for tax breaks and incentives, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held by this Town Board on the 7th day of July, 2008 at 6:45 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning this shift of operations of Conax Technologies LLC., and BE IT FURTHER

RESOLVED, that the Town Clerk shall post the attached Notice of Hearing on her sign board and in all public libraries within the Town of Cheektowaga.

\*\*\*\*\*

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga,

pursuant to the General Municipal Law, Article 18-B, Section 959(a)(iii) will hold a public hearing on the 7th day of July, 2008 at 6:45 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the following purpose:

**To solicit comments regarding the relocation of Conax Technologies LLC., located at 2300 Walden, Cheektowaga, New York into the Town of Tonawanda's Empire Zone, a State Economic Development Zone,**

All speakers will be limited to ten (10) minutes for their presentations. Persons wishing to present testimony should register in advance by contacting the Cheektowaga Town Clerk's Office at (716) 686-3400. Advance registration is recommended as these speakers will be heard first. Ten (10) copies of any prepared testimony must be submitted to the Cheektowaga Town Clerk's Office, 3301 Broadway, Cheektowaga, New York no later than ten (10) days prior to the hearing date.

Dated: June 16, 2008

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

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**ALICE MAGIERSKI**  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Resolutions





## 1. RESOLUTION 2008-353

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**GENERAL FUND**

FROM:	100.3120.3820	State Aid-Police	\$ 69,814.64
	100.3120.3820	State Aid-Police	5,488.51
	100.1415.3500	State Aid-Archive Grant	30,528.43
TO:	100.3120.2206	Law Enforcement Block Grant	\$ 5,488.51
	100.3120.2207	Jag Grant	69,814.64
	100.1415.1971.1001	Part Time Regular	37.27
	100.1415.4001.1001	Contractual Services	5,000.00
	100.1415.4001.1002	Contractual Services	24,530.00
	100.1415.4088.1002	Travel, Training & Conf.	129.16
	100.1415.8000.1002	Employee Benefits	832.00

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-354

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 13, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 418,800.01
RISK RETENTION FUND	17,945.29
HUD HOUSING REHABILITATION FUND	11,719.00
SPECIAL DISTRICTS FUND	2,635,592.98
HIGHWAY FUND	215,776.22
CAPITAL FUND	318,859.95
TRUST & AGENCY FUND	11,669.59
HUD CDBG FUND	14,887.41
PART TOWN FUND	2,511.58
	<u>\$ 3,647,762.03</u>

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2008-355

Notice to Bidders - 2009 Conventional Cab & Chassis with Refuse Packer Body

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Sanitation Department is in need of one (1) new and unused 2009 Conventional Cab & Chassis with 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, notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 2nd day of July, 2008 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 July 2, 2008 at 11:00 a.m. at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2009 Conventional Cab and Chassis 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.

Alice Magierski
Town Clerk

DATED: June 16, 2008

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Jeff Swiatek, Councilmember, Richard Zydel, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



## 4. RESOLUTION 2008-356

### Acceptance of Site Plan - 2485 Broadway

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

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 Zaepfel Development Co. for the construction of a 1,400 s.f building addition at 2485 Broadway, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 12, 2008 is recommending the approval of the site plan, AND

WHEREAS, this Town Board has reviewed the development review application and recommendations made by the Planning Board, NOW THEREFORE, BE IT

RESOLVED, that this Town Board determines that the project site plan is acceptable subject to :

1. The Town Engineer Approving the drainage/grading plan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-357

### Negative SEQR Declaration - 225 Como Park Blvd., the Center for Hospice & Palliative Care

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Zaxis Architectural, P.C. on behalf of The Center for Hospice & Palliative Care for the construction of a (4) four building additions totaling 8,675 s.f. at 225 Como Park Boulevard, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 28, 2008 recommended a determination of non-significance as shown on the attached memorandum dated May 29, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of March 11, 2008, 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 producing a tree removal/ tree replacement plan.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-358

### **Negative SEQR Declaration - Duke Road SBL No. 102.04-1-46 ( Restaurant Depot)**

**Sponsored By:** Kaznowski, Markel, 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 Zaxis Architectural P.C. for the rezoning of vacant land along Duke Road identified as SBL No. 102.04-1-46 from CM - General Commercial to M1- Light Manufacturing for the construction of a 64, 600 s.f distribution/warehouse, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 28, 2008 recommended a determination of non-significance as shown on the attached memorandum dated May 29, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at its meeting on April 10, 2008, and has recommended the approval of the site plan at its meeting on June 11, 2008, AND

WHEREAS, the applicant's site plan requires an area variance for the location of building due to a conflict with an existing utility easement, AND

WHEREAS, the neighboring landowner to the south of the subject premises has agreed to grant a perpetual access easement to his private roadway, as well as access for utilities to accommodate the proposed development, 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 civil plans
2. The Zoning Board of Appeals granting the necessary area variance

3. The Town Attorney receiving confirmation that proposed access easements have been executed by the involved parties.

**ATTACHMENTS:**

EAC-May 28, 2008 minutes (PDF)

**RESULT: ADOPTED [UNANIMOUS]****MOVER:** Stanley Kaznowski, Councilmember**SECONDER:** Charles Markel, Councilmember**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-359

### Negative SEQR Declaration - Accessory Drive through Windows

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Office of Building Inspections for an amendment to the Zoning Law to establish design standards for accessory drive through windows, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 28, 2008 recommended a determination of non-significance as shown on the attached memorandum dated May 29, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the zoning law amendment at their meeting of April 10, 2008, 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 proposed zoning law amendment will not have a significant adverse effect on the environment and therefore issues a Negative Declaration for purposes of the State Environmental Quality Review Act (SEQRA).

**ATTACHMENTS:**

EAC-May 28, 2008 minutes (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





8. RESOLUTION 2008-360

Approve Rezoning of Vacant Land on Duke Road

Sponsored By: Holtz, Kaznowski, Rogowski

WHEREAS, Zaxis Architectural P.C. petitioned for a rezoning from CM-General Commercial District to M1-Light Manufacturing District for vacant property owned by Cedar Key Associates, L.P. and located along the west side of Duke Road, Cheektowaga, New York (S.B.L. No. 102.04-1-46), which property is described in the attached legal description, for the construction of a restaurant supply distribution building, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 19th day of May, 2008 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 Zaxis Architectural, P.C. for the rezoning from CM-General Commercial District to M1-Light Manufacturing District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

- 1. The Zoning Board of Appeals granting the necessary variances for the project;
2. Confirmation from the Town Attorney that the proposed access easements are acceptable to him and have been filed in the Erie County Clerk's Office.

,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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot 16, township 11, range 7 of the Holland Land Company's Survey described as follows:

Commencing at a point in the southerly line of Duke Road (66' wide) at the easterly line of lands conveyed to Lackawanna Steel Construction Corporation by Deed recorded in the Erie County Clerks Office in Liber 1487 of Deeds at Page 516;

thence north 87°-28'-36" west along the southerly line of Duke Road a distance of five hundred

forty-two and forty-two hundredths feet (542.42') to a point in the south line of lands conveyed to the Town of Cheektowaga for widening Duke Road by Deed recorded in the Erie County Clerks Office in Liber 11104 of Deeds at Page 8819;

thence westerly along the southerly line of Duke Road along a non-tangential curve to the left having a radius of one hundred twenty-seven and eighty-nine hundredths feet (127.89') and a chord bearing south 74°-19'-42" west a measured arc distance of seventy-six and thirty-nine hundredths feet (76.39') to a point;

thence north 87°-28'-36" west along the southerly line of Duke Road a distance of eighty and eighty-five hundredths feet (80.85') to a point;

thence north 00°-26'-42" east along the westerly line of Duke Road a distance of seventy-eight and eighty-seven hundredths feet (78.87') to the point of beginning;

thence north 00°-26'-42" east along the west line of lands conveyed to the Town of Cheektowaga for widening Duke Road by Deed recorded in the Erie County Clerks Office in Liber 11104 of Deeds at Page 8819 a distance of seventy-four and fifty-seven hundredths feet (74.57') to an angle point in said westerly line of Duke Road;

thence north 05-59'-12" east along said westerly line of Duke Road a distance of one hundred sixty-nine and thirty-five hundredths feet (169.35') to a point in the southerly line of lands conveyed by deed recorded in the Erie County Clerk's Office in Liber 9799 of Deeds at Page 24;

thence north 87°-11'-44" west along said southerly line of Liber 9799 of Deeds at Page 24 a distance of one thousand eighty-eight and sixty-five hundredths feet (1088.65') to a point in the easterly line of the New York State Thruway (Niagara Section);

thence south 01°-50'00" west along the easterly line of said New York State Thruway a distance of one hundred seventy-six and nine hundredths feet (176.09') to a point;

thence south 87°-26'-42" east a distance of twenty-five and no hundredths feet (25.00') to a point;

thence south 01°-50'00" west a distance of seventy-three and six hundredths feet (73.06') to a point;

thence south 87°-28'-36" east a distance of one thousand fifty-three and eleven hundredths feet (1053.11') to the point or place of beginning containing 6.07 acres of land more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-361

### Adopt Local Law No. 6 of 2008 - a Local Law to Amend the Zoning Law Relating to Drive through Businesses

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

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 drive through businesses in the Town, 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 May, 2008 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 Zoning Law Relating to Drive Through Businesses", and

WHEREAS, it is in the public interest to adopt "A Local Law to Amend the Zoning Law Relating to Drive Through Businesses", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 6 of the Year 2008, entitled "A Local Law to Amend the Zoning Law Relating to Drive Through Businesses", 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 2008 shall take effect immediately upon filing with the Secretary of State

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-362

### New/Renewal Ambulance Vehicle Licenses

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

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

RESOLVED, that the Town Board, pursuant to Section A-5 of the Ambulance Ordinance accept the recommendations of the Emergency Medical Services Board, and approve the attached list of vehicles and, BE IT FURTHER

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

<u>VEHICLE MAKE &amp; YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1997 Ford	17037-ET	252
1998 Ford	10637-ET	511
2007 Chevrolet	10615-ET	514
2007 Chevrolet	10649-ET	515
1999 Ford	16755-ET	564
2005 Ford	10629-ET	570
2005 Ford	10628-ET	571
2005 Ford	10639-ET	572
2005 Ford	10627-ET	573
2006 Ford	10641-ET	576
2001 Ford	10602-ET	588
2001 Ford	10601-ET	589
1995 Ford	10642-ET	591
2002 Ford	CZD-1824	Medic1
1995 Chevrolet	CWD-2770	Medic8
2000 Ford	CGX-1659	Medic9
2005 Chevrolet	DDG-8520	Medic12

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Patricia Jaworowicz, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-363

### Special Event - HSBC Sports and Social Club

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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

WHEREAS, the HSBC Sports and Social Club has made application to hold its Co-Ed Softball Tournament in Stiglmeier Park on August 16, 2008 from 8:00 a.m. to 6:00 p.m., and

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

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

1. Submittal of plan for sanitary facilities;
2. Submittal of site plan;
3. 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 Tournament to be held in Stiglmeier Park on August 16, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-364

### Amend Terms of Grant Award

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga previously applied for and was awarded a grant from the United States Congressman's office and the United States Department of Housing and Urban Development for equipment for the Senior Citizens Center, and

WHEREAS, the equipment contemplated by said grant has already been purchased with other funds, and the Director of the Senior Services Department has requested that the grant moneys be utilized to purchase electronic push-button handicap-accessible doors, kitchen equipment and banquet hall chairs, and

WHEREAS, the Federal government has agreed to revise the terms of the grant award for these items, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby revises the aforementioned resolution to request that the said grant moneys be used for the electronic handicap-accessible doors, kitchen equipment and banquet hall chairs.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-365

### Authorize Supervisor to Execute Grant Application for Nob Hill Park Improvements

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga seeks grant monies to renovate Nob Hill Park, and

WHEREAS, the New York State Office of Parks, Recreation, and Historic Preservation Park Development Program provides grant monies to pay up to 50% of the costs associated with specific park improvements; NOW, THEREFORE BE IT

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

RESOLVED, that Mary F. Holtz, as Supervisor, of the Town of Cheektowaga, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$120,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Cheektowaga for Nob Hill Park Improvements and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga will provide matching funds and in-kind resources in an amount not to exceed \$60,000 should this grant be awarded, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-366

### Affirmation of Town and Community Support for Nob Hill Park Renovation Project

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Cheektowaga Town Board seeks funding to complete renovation of Nob Hill Park including replacement of the tennis court, basketball court, and roller rink, and

WHEREAS, renovation of Nob Hill Park will enable the Town to provide a variety of recreation experiences for persons of all ages, and

WHEREAS, the Nob Hill Park Renovation 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 Nob Hill Park Renovation project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 15. RESOLUTION 2008-367

### Authorize National Grid to Connect Fifty Three (53) Luminaires on Harlem Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the New York State Department of Transportation Reconstruction Project for Harlem Road (PIN 5268-32-123) includes the construction of an underground fed street lighting system partially funded by a town betterment share consisting of fifty three (53) standards, luminaires, foundations and related cable, conduit and appurtenances which will enable the removal of twenty nine (29) existing wood pole mounted luminaires owned by National Grid, NOW, THEREFORE, BE IT

RESOLVED, that National Grid be and hereby is authorized to connect fifty three (53) 400 watt high pressure sodium luminaires being installed on Harlem Road under the referenced NYSDOT project under Service Classification No. 3 at an annual cost of \$5,788.08 chargeable to the Town General Lighting District, AND, BE IT FURTHER

RESOLVED, that the Town shall be responsible for payment to National Grid for the initial connection fee associated with six (6) source points at a one-time cost of \$834.18 chargeable to the General Lighting District, AND, BE IT FURTHER

RESOLVED, following the energizing of the new lighting system National Grid be and hereby is authorized to remove twenty nine (29) existing utility owned luminaires under service/classification No. 2 at an annual savings to the General Lighting district of \$2,334.19 AND, BE IT FURTHER

RESOLVED, that the Town shall be responsible for payment to National Grid for service termination and the aforesaid luminaire removal at a one time cost of \$3,343.00 chargeable to the General Lighting District all in accordance with the attached National Grid letter dated June 4, 2008 to the Town Engineer, AND, BE IT FURTHER

RESOLVED, that the Town Clerk is directed to furnish a copy of this resolution to:

Mr. Ronald Lelonek  
Account executive  
National Grid  
144 Kensington Avenue  
Buffalo, New York 14214  
Fax: 831-5240

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-368

### Retain Empire GEO Services, Inc. to Perform a Geotechnical Report

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, by Town Board resolution dated May 19, 2008, the Town Board authorized the use of fund balances for various Capital Projects, AND

WHEREAS, a portion of said funds are designated for the construction of a new salt storage facility for the Highway Department, AND

WHEREAS, current New York State code and building requirements require a geotechnical investigation to determine the existing soil bearing capacity which is needed to design proper building foundations to support this facility, AND

WHEREAS, Empire GEO Services, Inc., a geotechnical engineering consultant, has submitted a proposal to perform the necessary soil borings, lab analysis and geotechnical report for a total cost of \$3,360.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Empire GEO Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 be and hereby is accepted to perform said geotechnical services as described herein, AND, BE IT FURTHER

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

RESOLVED, that funds for said geotechnical engineering services shall be chargeable to Account No. 500-5141-2522-5831.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-369

### Creation of Administrative Clerk Title

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, the Town Board hereby create the position of Administrative Clerk pursuant to Civil Service Laws and Rules effective June 17, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-370

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Kayla Doetterl	Never Worked	14227
Dwayne Gaczewski	1/25/08	14225
Audrelle Gospodarski	Never Worked	14225
Robert Halter	8/10/07	14225
Julie Strychalski	Never Worked	14043
Kenneth Swain III	3/16/08	14225

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to waive the reading of names for the following Four (4) Resolutions. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-371

### Youth & Recreation Hires

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

BE IT RESOLVED that the individual listed below be and hereby is hired in the Department of Youth & Recreational Services, effective immediately:

DAY CAMPS - 7310.1801-CAMP JI-IK-DO-WAH-GAH  
SEASONAL

Recreation Attendant - \$7.50

Kylie Mars 14227

Recreation Attendant - 7140.1646 - \$7.15

Seasonal

Jacob Gasiorek 14206

Laborer (Bath house) 7180.1901 - \$7.15

Seasonal

Jeffery Kapanek 14206

Lifeguard - 7180.1903

Level I WSI - \$8.16

Thomas Michalewski 14225

Tennis - 7140.1642

Regular Part time

Recreation Attendant - \$7.15

Megan Lewis 14225

Lifeguards - 7180.1903

Lifeguard - Level I - \$8.00 (Alternate)

Stacey Ehrig 14225

Sarah Montgomery 14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 20. RESOLUTION 2008-372

### Youth & Recreation Transfers & Upgrades

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

BE IT RESOLVED that the following individuals in the Youth & Recreational Services Department be transferred and/or upgraded, as indicated, effective 6/17/08:

#### From Part-Time Recreation Aide to Recreation Attendant -Regular Part-Time

##### Recreation Attendant - \$7.40

Liza Fiorello  
Julia Harvey  
Katie Kapanek  
Kaitlin Lipinoga  
Brian Mayle  
Samantha Panzica  
Caitlin Tutko

##### Recreation Attendant - \$7.75

Lisa Miller

##### Recreation Aide - \$7.40

Joshua Burgett  
Olivia Gmerek  
Jayson Selbert  
Courtney Smith

##### Recreation Attendant - \$7.40

Joseph Bodkin  
Bryan Chapman  
Greg Craft  
Crystal Kosmider  
Tom Kowalski  
Matthew Rakowski

##### Recreation Attendant - \$7.50

Alex Godzich

##### Recreation Attendant - \$7.65

Joelle Brunetto  
Ashley Grabiec  
Ryan Kelly  
Steve Lach  
Ryan Mrugalski  
Nicole Odrobina

Nathan Pyzykiewicz  
Zachary Smith  
Jackie Tymorek

Recreation Attendant - \$7.75  
Kristie Gammack

Recreation Attendant - \$7.90  
Jon Deveny  
Amanda Kostran  
Amy Krytus  
Vicki Maslowski  
Christie Petre  
Melissa Petre

Recreation Attendant - \$8.00  
John Grzymala

Recreation Attendant - \$8.15  
Jessica Porter  
Danielle Smith

Recreation Attendant - \$8.40  
Amanda Cendrowski  
Matthew Gaczewski  
Debra Garrison  
Jeff Gmerek  
Jim Neyerlin  
Hillary Peacock  
Amanda Trembowicz  
Amanda Wyzykowski

Recreation Attendant - \$8.50  
Andrea Deuser  
Nicole Neyerlin

Recreation Attendant - \$8.65  
Kim Godzich  
Robert Swiatkowski

Recreation Instructor - \$9.00  
Sue Mayle

Recreation Attendant - \$9.50  
Lynne Butts  
Tom Goff

Recreation Attendant - \$9.75  
Eric Godzich

Recreation Instructor - \$9.75  
Matt Bean

Recreation Attendant - \$9.90  
Jenelle Kostran

Recreation Attendant - \$10.25  
Scott Gretch

Recreation Instructor - \$10.45  
Glenn A. Au

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 21. RESOLUTION 2008-373

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$7.75/hour effective 6/23/08  
Adam Bobeck, Cheektowaga, NY

SUPERVISOR'S OFFICE - Clerk \$8.00/hour effective 6/17/08  
Elizabeth Gorski, Depew, NY

FACILITIES DEPARTMENT (Buildings & Grounds Division) - Laborer \$7.75/hour effective 6/16/08  
Jonathan Gorski, Depew, NY  
Michael Boccio, Depew, NY

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

TAX OFFICE  
Vicky Eberth effective 12/01/07  
Denise Myers effective 12/01/07

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-374

### Appointment to Cheektowaga Economic Development Corporation

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Town Board of the Town of Cheektowaga previously created the Cheektowaga Economic Development Corporation for the purpose of assisting and encouraging economic development within the Town, and

WHEREAS, By Resolution dated February 7, 1983 this Town Board approved the By-Laws of the Cheektowaga Economic Development Corporation which provide that the Directors of the Cheektowaga Economic Development Corporation be appointed by resolution of the Cheektowaga Town Board, and

WHEREAS, the Cheektowaga Economic Development Corporation has recommended the appointment of the individuals listed below to the Board of Directors of the Cheektowaga Economic Development Corporation, NOW, THEREFORE, BE IT

RESOLVED, that the following individuals are hereby appointed to the Board of Directors of the Cheektowaga Economic Development Corporation, effective immediately for a term of three years, said term expiring at the time of reappointment to said Board of Directors positions but no later than June 30, 2011:

- James Antkowiak
- Stephen Bojdak
- Stanley Gajewski
- Jack Patterson
- Richard Velez.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Minutes: Library Board of Trustees of the Town of Cheektowaga - May 21, 2008
2. Minutes: Cheektowaga Planning Board - May 8, 2008
3. Minutes: Cheektowaga Traffic Safety Commission - May 20, 2008

***B. General Communications***

1. Designation of Restricted Highway: NYSDOT: a Portion of Genesee St from the Buffalo East City Line to Beach Road, and a Portion of Walden Avenue from the Buffalo East City Line to Thruway Plaza Drive, Both in the Town of Cheektowaga
2. Notice of Claim: Melissa M. Dorsheimer Vs. Town of Cheektowaga
3. Notice of Claim: Karen Stadelmeyer Vs. Town of Cheektowaga
4. Notice of Claim: Edward Koshofer Vs. Town of Cheektowaga

**VI. Comments*****A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****VII. Adjournment**

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:23 PM.

# The Town of Cheektowaga



- Office of Building and Plumbing Ins ons  
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 Mary F. Holtz  
Honorable Town Board Members  
Alice Magierski, Town Clerk  
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak  
Supervising Code Enforcement Officer

DATE: May 29, 2008

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 28, 2008 in the Town Hall Council Office Conference Room. (Absent: Highway and Traffic Safety Commission representatives)

**ITEM I 225 Como Park Blvd. - Proposed 4 Additions Totaling 8,675 Sq. Ft**

**Applicant: Center for Hospice and Palliative Care/Zaxis Architectural**

The additions will be placed on the existing buildings that make up the hospice complex. They are for additional storage and office space. As part of the project, a parking lot will be expanded. The project had been reviewed previously and was held up because an U.S. Army Corps of Engineer need to review the wetland situation on the property. The applicant has submitted a letter from the USACE indicating that the wetlands are non-jurisdictional and therefore can be destroyed. A letter is needed confirming that they will replace on a one-for-one basis the trees that will be removed for the parking lot and additions.

The Town Engineer has suggested that the drainage be reviewed in conjunction with the proposed reconstruction of Como Park Boulevard. There maybe a way to take the drainage and place it into the Como Park storm sewer system that is proposed for construction. The applicant must contact the Erie County Highway Department for design information.

The committee would that a recommend Negative Declaration be issued for this project as there are no adverse impacts associated with the proposal.

**EAC – May 28, 2008**

**May 29, 2008**

**Page: 2**

**ITEM II Duke Road - Proposed Rezoning from CM to M-1 for 54,600 Sq. Ft. Warehouse**

**Applicant: Restaurant Depot/Zaxis Architectural**

The plan had been revised a number of times to satisfy comments made by various committees within the Town. The driveway on the north/south stretch of Duke Road will be moved further south to avoid conflict with the driveway to the rear of the former Wegmans store. The canopy has been reduced by almost 50% and the columns will be encased in masonry, the canopy will have skylights and the underside of the canopy will receive a soffit to prevent nesting of birds.

Because of a power company easement on the south side of the property the building will be moved further north to avoid encroachment upon the easement. This will require a variance from the Zoning Board of Appeals.

Benderson Development will allow the applicant to connect their storm sewer system with theirs to the south of the property. All of the other utilities are the responsibility of the applicant and will be brought in from Duke Road.

The committee would recommend a Negative Declaration be issued for this project as there are no adverse impacts anticipated with this proposal.

**ITEM III 2856-2864 Union Road - Proposed Rezoning from NS to CM for a 28,682 Sq. Ft. Self Storage Facility**

**Applicant: Bernard Rusiniak, Jr.**

The site is located across from the Appletree Business Park between the Edgebrook Apartments and Appletree Condominiums. The applicant had been previously contacted and told to provide details on the elevations of buildings. The plans submitted showed an architectural treatment of EFIS (Extruded Foam Insulating System) and faux stone in front only. The balance of the building would still be metal and visible from both the condominiums and the apartment complex. The site is very visible to Union Road south bound traffic and a re-design would be needed to provide better architectural treatment to the buildings.

The committee looked at the overall area and found that it is primarily residential and retail / personal service uses. The exceptions are the gas stations across from the Appletree and at the Union/William intersection. A storage facility, such as this, may not be the most appropriate use for this property and rezoning to CM could open up the possibility of CM uses being established adjacent to apartments and condominiums. The present zoning, NS-Neighborhood Service, allows for office buildings to house professional offices, medical services and various personal services. It would seem that a more appropriate use would be such as an office building. The committee will defer to the Planning Board for final determination on the appropriateness of the rezoning.

This item will remain for further review and Planning Board comment.

Attachment: EAC-May 28, 2008 minutes (RES-2008-358 : Negative SEQR Declaration - Duke Road)

EAC – May 28, 2008  
 May 29, 2008  
 Page: 3

**ITEM IV      2660 William Street      -      Proposed Rezoning from CF to NS to Allow Conversion of the Former Town Library Into an Administrative Office**

**Applicant:      Construction Exchange of Buffalo and Western New York**

The proposal will leave the site intact with no further improvements to the exterior. Extensive interior work will be required since the HVAC system is original and needs replacing and there are areas where asbestos must be removed prior to any remodeling.

The proposal is within the William/Losson Corridor Study and the Town Board has required any new project within the corridor to submit to URS for their review and comment as to the appropriateness of project. Therefore the project must be sent to URS, mostly likely at Town expense. The Zoning Officer will obtain quotes from URS for the cost of review.

This item will remain tabled for further review and comment.

**ITEM V      1717 Walden Avenue      -      Proposed Rezoning from CM to MS for Automobile Dealership**

**Applicant:      Charles Basil / Upstate Milk Coop.**

The former Paul Batt Buick dealership was purchased by Upstate Milk sometime. The rear half is being retained and used by Upstate Milk for the parking of their trailers. The front part is proposed to be acquired by Charles Basil to establish a dealership on the site. As part of the overall project, a portion of the building in front will be removed, the eastern most driveway to Walden Avenue will be eliminated, and a driveway connection made to the McDonalds /Upstate signalized road. It was noted that additional landscaping could be established along the east property line since the trailers will no longer be parked in that location. The blacktop could be removed and landscaping established. In addition the parking that is located now partly within the Walden right-of-way must be moved further south out of the right-of-way which will also increase landscaping.

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EAC – May 28, 2008  
May 29, 2008  
Page: 4

**ITEM VI Proposed Amendment to the Zoning Law - Accessory Drive-Thru Regulations**

**Applicant: Town of Cheektowaga**

The final draft has been created of the proposed amendments to the Zoning Law. The draft incorporates many comments made by various committees.

The amendments will establish regulations as to the locating of drive thru's for business. It will establish setbacks from residential properties as well as minimum lengths for stacking depending upon the business. The amendments have been written in such a way that only the Town Board can vary the distances established within the amendments and will eliminate the Zoning Board of Appeals as reviewing agency for these specifics regulations.

The committee would recommend a Negative Declaration be issued for this proposal. It was noted, however, that the Conservation Advisory Council representative had indicated that the council believes 100 foot should be the distance from a property line as opposed to 50 or 75 feet.

THE NEXT MEETINGS OF THE  
ENVIRONMENTAL ADVISORY  
COMMITTEE MEETING WILL BE  
HELD WEDNESDAY,  
JUNE 18, 2008  
AT 10:00 A.M.  
IN THE COUNCIL OFFICE  
CONFERENCE ROOM

# The Town of Cheektowaga



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THE NEXT MEETINGS OF THE  
 ENVIRONMENTAL ADVISORY  
 COMMITTEE MEETING WILL BE  
 HELD WEDNESDAY,  
 JUNE 18, 2008  
 AT 10:00 A.M.  
 IN THE COUNCIL OFFICE  
 CONFERENCE ROOM



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, July 1, 2008

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on July 1, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Absent	

## II. Resolutions



## 1. RESOLUTION 2008-379

### Appoint Executive Director - Youth Board (Temporary)

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, there is a vacancy in the position of Executive Director - Youth Board due to the retirement of Kenneth J. Kopacz, and

WHEREAS, there is a need to fill such position on a temporary basis to ensure the proper functioning of said department, and

WHEREAS, Ellen Fischer, Senior Recreation Supervisor in the Youth & Recreational Services Department, has the experience working in said department and meets all of the requirements for said position, NOW, THEREFORE, BE IT

RESOLVED, that Ellen Fischer be and hereby is appointed on a temporary basis to the position of Executive Director - Youth Board, effective immediately, for a period of ninety (90) days, at an annual salary pro-rated of \$59,956.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



## 2. RESOLUTION 2008-380

### Authorize Supervisor to Execute License Agreement with Malcolm Pirnie, Inc.

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Buffalo Sewer Authority has retained the firm of Malcolm Pirnie, Inc. to perform water quality modeling, collection system modeling and associated data collection work along Scajaquada Creek, and

WHEREAS, in order to perform such work, Malcolm Pirnie, Inc. has requested permission from the Town of Cheektowaga to deploy equipment on Scajaquada Creek in the Town of Cheektowaga approximately 200 feet from Pine Ridge Road, and

WHEREAS, the Town Engineer has reviewed this request and has no objection to same, and

WHEREAS, the Town Attorney has prepared a License Agreement to permit the deployment of equipment in Scajaquada Creek, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned license agreement with Malcolm Pirnie, Inc. on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski



### 3. RESOLUTION 2008-381

## Termination of Employee in Supervisor's Office

**Sponsored By:** Councilmember Swiatek, Councilmember Markel

WHEREAS, Nancy Vasquez was previously hired as Secretary to the Supervisor, and

WHEREAS, the services of Nancy Vasquez were terminated as of the close of business of June 16, 2008, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board ratifies and confirms the termination of Nancy Vasquez, effective as the close of Business on June 16, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>ABSENT:</b>	Stanley Kaznowski

### III. Adjournment

Motioned by Supervisor Holtz; Seconded by Councilmember Jaworowicz to adjourn the meeting. Time of adjournment was 7:26 PM
--



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, July 7, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on July 7, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Anthony Romano, Coordinator of Employee Relations  
Ellen Fischer, Acting Director of Youth & Recreation  
Christine Ziemba, Chief of Police  
Kerry Switalski, Senior Services Director  
Anthony Sisti, Planning Board Chairman  
John Marriott, Planning Board Representative  
Earl Loder, Coordinator of Emergency Services  
Patricia Staniaszek, Assistant to the Supervisor  
John Staniszewski, TCEA Representative

## II. Public Hearing at 6:45 PM

### 1. Empire Zone - Relocation of Conax Technologies, LLC into Town of Tonawanda Empire Zone

This being the time and place advertised for a Public Hearing, the Supervisor directed the Town Clerk to present proof that 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.



<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Charles Markel
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### **III. Public Comment Period**

### **IV. Resolutions**



## 1. RESOLUTION 2008-382

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

HUD CDBG FUND

FROM: 700.1003.0604 Rehab Mobile Homes \$ 750.00

TO: 700.1003.0606 Disposition \$ 750.00

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-383

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 4, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,485,421.28
RISK RETENTION FUND	115,943.38
DEBT SERVICE FUND	339,000.00
HUD HOUSING REHABILITATION FUND	44,334.00
SPECIAL DISTRICTS FUND	1,085,892.12
HIGHWAY FUND	545,823.55
CAPITAL FUND	339,495.59
TRUST & AGENCY FUND	60,365.14
HUD CDBG FUND	4,432.72
PART TOWN FUND	148,091.60
	<u>\$ 6,168,799.38</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2008-384

Rezoning Request 1717 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Charles Basil has made application with the permission of the landowner, Upstate Niagara Cooperative, Inc and requested the rezoning of part of 1717 Walden Avenue from CM- General Commercial to MS- Motor Service for the establishment of new motor vehicle sales facility with accessory used motor vehicle sales, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on July 21, 2008 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 21st day of July, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Charles Basil/Upstate Niagara Cooperative, Inc.

for the rezoning of part of 1717 Walden Avenue CM- General Commercial to MS- Motor Service for the establishment of new motor vehicle sales facility with accessory used motor vehicle 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

Alice Magierski, 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. 24, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the southerly line of Walden Avenue (formerly Walden Avenue Extension) at a point 382.35 feet east of the east line of land conveyed to Czerwonka by a deed recorded in Erie County Clerk's Office in liber 3817 of Deeds at page 139 which is also the east line of land conveyed to Wahl by deed recorded in the said Clerk's Office in Liber 1264 of Deeds at page 291; thence southerly at an exterior angle of 69° 03' 30" a distance of 215.27 feet; thence easterly at right angles with the last mentioned line a distance of 215.55 feet to a stake;

thence northerly at right angles to said last mentioned line 297.76 feet to the southerly line of Walden Avenue; thence westerly along said southerly line of Walden Avenue a distance of 230.80 feet to the point or place of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 4. RESOLUTION 2008-385

## Rezoning Request 2660 William Street

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, Construction Exchange of Buffalo and Western New York, Inc., with the permission of the land owner, the Town of Cheektowaga has made application and requested the rezoning of 2660 William Street from CF- Community Facilities to NS- Neighborhood Services for the conversion of a former library building into an administrative office, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on July 21, 2008 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

\*\*\*\*\*

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Construction Exchange of Buffalo and Western New York, Inc./Town of Cheektowaga

for the rezoning of 2660 William Street from CF- Community Facilities to NS- Neighborhood Services for the conversion of a former library building into an administrative office.

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  
Alice Magierski, 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. 23, Township 11, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lots Nos. 1 to 8 inclusive and the south 14 feet of Subdivision Lot No. 9 in Block N as shown on maps filed in the Erie County Clerks Office under Cover Nos. 812, 515 and 553.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2008-386

Call for Public Hearing - Relocation of Citymade, Inc. into Town of Tonawanda Empire Zone

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, Citymade, Inc., a "pick-and-pack" operation that assembles name-brand products identified with various cities, and markets gift boxes through stores and the Internet, has approached the Town of Cheektowaga to obtain approval for the relocation of its business from the Town of Cheektowaga to the Town of Tonawanda Empire Zone at 2205 Kenmore Avenue, Suite 108, Tonawanda, New York, and

WHEREAS, Citymade, Inc. actually moved from the basement of the corporation owner's home in the Town of Cheektowaga to the Town of Tonawanda facility in 2005, but requires approval from this Town Board for its relocation in order to take advantage of Empire Zone tax breaks and incentives for operating into 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 must be held within the Town of Cheektowaga before Citymade, Inc. can be certified to be eligible for tax breaks and incentives, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing shall be held by this Town Board on the 21st day of July, 2008 at 6:30 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning this shift of operations of Citymade, Inc., and BE IT FURTHER

RESOLVED, that the Town Clerk shall post the attached Notice of Hearing on her sign board and in all public libraries within the Town of Cheektowaga.

\*\*\*\*\*

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Cheektowaga, pursuant to the General Municipal Law, Article 18-B, Section 959(a)(iii) will hold a public hearing on the 21st day of July, 2008 at 6:30 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the following purpose:

To solicit comments regarding the relocation of Citymade, Inc.'s operations from 95

**Cresthaven Drive, Cheektowaga, New York into the Town of Tonawanda's Empire Zone at 2205 Kenmore Avenue, Suite 108, Tonawanda, New York, a State Economic Development Zone,**

All speakers will be limited to ten (10) minutes for their presentations. Persons wishing to present testimony should register in advance by contacting the Cheektowaga Town Clerk's Office at (716) 686-3400. Advance registration is recommended as these speakers will be heard first. Ten (10) copies of any prepared testimony must be submitted to the Cheektowaga Town Clerk's Office, 3301 Broadway, Cheektowaga, New York no later than two (2) days prior to the hearing date.

Dated: July 7, 2008

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

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**ALICE MAGIERSKI**  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 6. RESOLUTION 2008-387

### Call for Public Hearing - Amend Local Law No. 2 of the Year 2008

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, with the enactment of the Telecommunications Act of 1996, continued substantial growth in the erection of wireless telecommunications facilities is anticipated, and

WHEREAS, Town officials have been engaged in discussions concerning the impact of the construction of such facilities within the Town of Cheektowaga, and

WHEREAS, although the Town of Cheektowaga has, as part of its Zoning Law, provisions relating to communications facilities; however, these provisions have not been updated or refined in years; and there is a need to further address the impact of the telecommunications facilities on the community and otherwise control and minimize the impact on the town and its residents, and to otherwise ensure the safety of such towers and wireless facilities in the town, and

WHEREAS, this Town Board previously retained the services of The Center for Municipal Solutions to update and refine the communications facilities provisions of our Zoning Law, and

WHEREAS, the Town is working to revise, replace or implement provisions in our Zoning Law to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of our Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, this Town Board, by resolution dated April 21, 2008, adopted Local Law No. 2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Communications Facilities", and

WHEREAS, the Town needs additional time to enact revisions to the Zoning Law relating to communications facilities, and wants to consider extending the moratorium on the issuance of any permits/approvals by the Town for such uses, 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 all building in an area under immediate consideration for revision of regulations or legislation, 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 21st day of July, 2008 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. 2008-7 of the Year 2008, entitled "A Local Law amending Local Law No. 2 of the Year 2008" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, the official Town newspaper.

\*\*\*\*\*

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, pursuant to the Municipal Home Rule Law of the State of New York, a Public Hearing will be held before the Town Board of the Town of Cheektowaga on the 21st day of July, 2008 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. 2008-7 of the Year 2008, entitled "A Local Law Amending Local Law No. 2 of the Year 2008". Following is a synopsis of the proposed Local Law Intro No. 2008-7:

**Local Law Intro No. 2008-7**

**A Local Law Amending Local Law No. 2 of the Year 2008**

Section 2 of Local Law No. 2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities" shall be amended to extend the term of the interim application process from ninety (90) days to one hundred thirty-five (135) days.

A copy of the entire text of Local Law Intro No. 2008-7 of the Year 2008 is on file in the Town Clerk's Office where the same be viewed during regular business hours.

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

Dated: July 7, 2008

\_\_\_\_\_  
Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-388

### Support for Legislation Relating to Assessment of Condominiums

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the Town Board of the Town of Cheektowaga is committed to fair and equitable assessment practices, and

WHEREAS, fair and equitable assessments lead to a fair distribution of the local property tax burden, and

WHEREAS, increasing unfunded state mandates continue to shift the burden of supporting state programs with local property tax dollars, and

WHEREAS, the New York State Real Property Law Section 581 and Real Property Law 339-Y require condominiums to be assessed at a value substantially less than comparable, non-condominium properties, and thus, disrupt the desire and credibility of local officials to deliver a fair property assessment and tax system, and

WHEREAS, the proliferation of condominiums throughout New York State threatens to undermine the underlying principle of fairness and equity in assessments in an ever-increasing number of communities, and

WHEREAS, New York State Real Property Law Section 581 and Real Property Law 339-Y create a disadvantage to current property owners whose property does not have this exemption in their ability to sell and market their property, and

WHEREAS, State Senator William T. Stachowski has introduced a bill (Bill No. S.8419) in the State Senate to amend Section 339-y of the Real Property Tax Law to permit municipalities to enact a local law to exclude newly constructed condominiums from being assessed at a lesser rate than comparable non-condominium properties, and

WHEREAS, the Town Board deems it in the public interest to memorialize the New York State Assembly, New York State Senate and Governor David Paterson of its support of this bill which would address this inequity, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby lends its unconditional support of Bill No. S.8419 being proposed by New York State Senator William Stachowski, and BE IT FURTHER

RESOLVED, that the Town Board encourages New York State Senator Dale Volker and New York State Assemblyman Dennis Gabryszak to sign on as co-sponsors of this draft legislation, and BE IT FURTHER

RESOLVED, that the Town Board of the Town of Cheektowaga strongly recommends the passage of this bill, respectively, by the Assembly and Senate, and BE IT FURTHER

RESOLVED, that the Town Board of the Town of Cheektowaga strongly

recommends that Governor David Patterson sign this all important legislation into law once it has passed the Assembly and Senate, and BE IT FURTHER

RESOLVED, that the Cheektowaga Town Clerk be and hereby is directed to forward copies of this resolution to the other Town Clerks in Erie County as well as to New York State Senator William T. Stachowski, Senator Dale Volker, New York State Assemblyman Dennis H. Gabryszak and Governor David Paterson.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-389

### Terminate Playground Agreement with St. Aloysius Church

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga had an agreement with St. Aloysius Gonzaga Roman Catholic Church Society of Cheektowaga, N.Y. ("St. Aloysius") since 1980 for the use of a portion of its property for a softball diamond, playground equipment and a picnic shelter, and

WHEREAS, the playground equipment at the St. Aloysius site has become outdated and needs to either be removed or replaced, and

WHEREAS, the Town of Cheektowaga no longer runs recreation programs at the St. Aloysius site, and

WHEREAS, the Parks, Facilities and Wildlife Committee have recommended that this Town Board terminate its agreement with St. Aloysius, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby terminates the aforementioned agreement between the Town of Cheektowaga and St. Aloysius, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to formally notify St. Aloysius in accordance with the terms of the agreement, that the Town of Cheektowaga will terminate the aforementioned agreement, and BE IT FURTHER

RESOLVED, that the Director of the Facilities Department is directed to remove the outdated playground equipment at St. Aloysius as soon as possible and to cease cutting the grass on such property, effective September 1, 2008, and BE IT FURTHER

RESOLVED, that Town of Cheektowaga will turn over the picnic shelter to St. Aloysius rather than remove it provided St. Aloysius agrees to accept responsibility for same.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-390

### Terminate Agreement with Maryvale School District

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga had an agreement with Cheektowaga-Maryvale Union Free School District ("Maryvale School District") since 1975 for the use of a portion of its property for tennis courts on the Maryvale School District property, and

WHEREAS, the Town of Cheektowaga no longer runs recreation programs at the Maryvale School District site, and

WHEREAS, the tennis courts at this property are still in good condition, and

WHEREAS, the Parks, Facilities and Wildlife Committee have recommended that this Town Board terminate its agreement with Maryvale School District and turn over the tennis courts on such property to the Maryvale School District, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby terminates the aforementioned agreement between the Town of Cheektowaga and Maryvale School District, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to formally notify Maryvale School District in accordance with the terms of the agreement, that the Town of Cheektowaga will terminate the aforementioned agreement, and BE IT FURTHER

RESOLVED, that the Director of the Facilities Department is directed to cease maintaining the tennis courts and cutting the grass on such property, effective August 14, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

10. Motion To: Motion

COMMENTS - Current Meeting:

Motion by Councilmember Markel, second by Councilmember Zydel to move Item Number 10 to the end of the meeting.
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

11. Motion To: Motion

COMMENTS - Current Meeting:

Motion by Councilmember Markel, second by Councilmember Zydel to move Item Number 11 to the end of the meeting.

**RESULT:**        **ADOPTED [UNANIMOUS]**  
**MOVER:**        Charles Markel, Councilmember  
**SECONDER:**    Richard Zydel, Councilmember  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-393

### Retain Asbestos Abatement Firm for 74 Barbara Place

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Unsafe Buildings Law of the Town of Cheektowaga, this Town Board can require that unsafe buildings be either repaired or demolished, and

WHEREAS, the dwelling located at 74 Barbara Place has experienced extensive deterioration and damage, and the Managing Housing Inspector determined that said building is unsafe and recommended that such building be demolished and removed, and

WHEREAS, by resolution dated April 21, 2008 (#2008-239), this Town Board ordered that the building located at 74 Barbara Place be either repaired or demolished, and directed that the owners or others responsible for the building commence said repair or demolition work within 30 days, and

WHEREAS, more than 30 days have expired and no work has been commenced with respect to 74 Barbara Place, and

WHEREAS, pursuant to the Unsafe Buildings Law, this Town Board can provide for the demolition of an unsafe building and assess the cost of same against the property, and

WHEREAS, prior to the demolition of 74 Barbara Place, the Town needs to retain a firm to perform an asbestos survey and asbestos abatement plan for same, and

WHEREAS, the Managing Housing Inspector issued a Request for Proposals to various asbestos abatement firms and, based on proposals submitted, has recommended that this Town Board retain Upper New York State Environmental ("UNYSE") at a cost of \$5,773.00 to perform said asbestos survey and abatement work with respect to 74 Barbara Place, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Upper New York State Environmental ("UNYSE"), 346 Austin Street, Buffalo, New York 14207 to perform the necessary asbestos survey and abatement work for 74 Barbara Place at a cost not to exceed \$5,773.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Upper New York State Environmental for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4804.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 13. RESOLUTION 2008-394

### Special Event - HTS Social Committee Annual Company Picnic

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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 in Cheektowaga Town Park at the Lion's Pavilion on August 8, 2008, and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities 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. 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 to be held in Cheektowaga Town Park on August 8, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-395

### Special Event - Gen. Pulaski Assoc. Patriotic Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the General Pulaski Association of the Niagara Frontier has made application to hold a parade honoring General Pulaski on Sunday, July 20, 2008 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 20, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-396

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$8/hour effective 6/16/08  
Joseph Cendrowski, Sloan, New York  
Jeffrey Cwiklinski, Depew, New York  
Joshua Neureuther, Cheektowaga, New York

FACILITIES DEPARTMENT (Buildings & Grounds Division) Laborer \$7.75/hour  
Brandon P. Morris, Cheektowaga, New York  
Effective 7/08/08

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 (Buildings & Grounds Division) Laborer \$7.75/hour  
Cynthia Schaefer, Cheektowaga, New York  
Effective 7/08/08

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

MAIN PUMP STATION  
Ronald A. Strong  
Effective 6/01/08

SANITATION DEPARTMENT  
Jerrod Chojnicki  
Effective 6/14/08

FACILITIES DEPARTMENT  
Richard T. McKay  
Effective 6/17/08

RECORDS CENTER  
Christopher Hannel  
Effective 6/23/08

Motion by Councilmember Jaworowicz, second by Councilmember Holtz to waive the reading of the names on Item Numbers 15 through 18, and the motion carried.

**RESULT:**       **ADOPTED [UNANIMOUS]**

**MOVER:**        Jeff Swiatek, Councilmember

**SECONDER:**   Mary Holtz, Supervisor

**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-397

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Bryan Chapman                      4/11/08                      14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-398

### Youth & Recreation Hires

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Aide - Part-time - 7140.1646 - \$7.15

Timothy Fort                                      14227

Camp JI-IK-DO-WAH-GAH - 7310.1801 - Seasonal  
Recreation Attendant - \$7.60

Joel Jarnot    14225

Camp JI-IK-DO-WAH-GAH - 7310.1801- Seasonal

Recreation Attendant - \$8.00

Kellie Howells                                      14225

Camp Dartwood - 7140.1632- Seasonal

Recreation Attendant - \$8.65

Michael McMahon                                  14225

Camp Flamingo - 7310.1810 - \$7.15  
Seasonal

Gail Phillips    14206

Cheektowaga Conservation Corps - 7310.1816  
Laborer - Participant Level I - \$7.15  
Seasonal

Alissa Kozakiewicz                                  14227

Lifeguards - 7180.1903 - Retro to 6/30/08

Lifeguard - Level II - \$8.16 - Part time

Christopher Hannel                                  14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**18. RESOLUTION 2008-399****Youth & Recreation Upgrades**

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals in the Youth & Recreational Services Department be transferred and/or upgraded, as indicated:

Recreation Attendant - \$8.15 - Effective 7/14/08

Melissa Petre  
Nathan Pyzykiewicz

Recreation Attendant - \$9.25 - Effective - 7/8/08

Robert Swiatkowski

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**19. RESOLUTION 2008-400****Appointment of Police Detective (Permanent) (David M. Mossman)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, David M. Mossman was assigned to the rank of Acting Detective in the Detective Bureau on January 8, 2008; 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 David M. Mossman of Marilla, New York, be and hereby is assigned to the permanent 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 8, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**20. RESOLUTION 2008-401****Travel Authorization (Police Department) “Law Enforcement Accreditation Program Manager Workshop” (Lieutenant Scott Pilat)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Law Enforcement Accreditation Program Manager Workshop is being held July 9, 2008 in Albany, New York; AND

WHEREAS, Police Lieutenant Scott Pilat has requested authorization to attend said workshop; 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, said workshop is mandatory in nature; AND

WHEREAS, the total cost to the Town shall not exceed \$231; AND

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

RESOLVED, that Lieutenant Scott Pilat be and hereby is authorized to attend the Law Enforcement Accreditation Program Manager Workshop being held July 9, 2008, in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**21. RESOLUTION 2008-402****Travel Authorization (Police Department) "SWAT Supervision and Command Decision Making Course" (Lieutenant Michael Sliwinski and Sergeant Brian Coons)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "SWAT Supervision and Command Decision Making Course" is being held from August 10-15, 2008 at the New York State Office of Homeland Security in Oriskany, New York; AND

WHEREAS, Police Lieutenant Michael Sliwinski and Police Sergeant Brian Coons have requested authorization to attend said course; 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, said course is mandatory in nature; AND

WHEREAS, the total cost to the Town shall not exceed \$1,360.96; AND

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

RESOLVED, that Lieutenant Michael Sliwinski and Sergeant Brian Coons be and hereby are authorized to attend the "SWAT Supervision and Command Decision Making Course" being held from August 10-15, 2008 at the New York State Office of Homeland Security in Oriskany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-403

### Unsafe-Unsecured / 944 Cleveland Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 944 Cleveland Drive, Cheektowaga, New York SBL# 80.19-3-29 that is a danger to the safety of others, and records kept by the Assessors Office identify Michael J. Sulce Jr., PO Box 661 Buffalo, New York 14201, as the owner AND

WHEREAS, an inspection of such premises was conducted at 944 Cleveland 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski

### V. Suspension of Rules

Motion by Supervisor Holtz, second by Councilmember Rogowski to suspend the rules to include the following resolution.



## 1. RESOLUTION 2008-404

### Grant for Town Emergency Operations Center

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, the Town of Cheektowaga desires to renovate a portion of an existing Town facility for use as the Town's primary Emergency Operations Center; and

WHEREAS, grant monies are available from the New York State Office of Homeland Security through the U.S. Department of Homeland Security to fund 75% of the costs associated with this renovation, to a maximum of \$200,000, NOW, THEREFORE BE IT

RESOLVED, that the Town will commit in-kind services valued at a maximum of \$50,000, including labor necessary to install equipment, and BE IT FURTHER

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 Office of Homeland Security 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Motion To: Motion

COMMENTS - Current Meeting:

Motion by Supervisor Holtz, second by Councilmember Zydel to move to Executive Session at 7:23 PM. Items were discussed, and the Supervisor motioned to move out of Executive Session, second by Councilmember Zydel at 7:40 PM.
--

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-391

## Terminate Contract for Wireless Wide Area Network

**Sponsored By:** Markel, Holtz, Rogowski

WHEREAS, the Town of Cheektowaga entered into an amendment to the Performance Contract with Johnson Controls, Inc. ("JCI") on July 30, 2004 for various items, and

WHEREAS, one of the items was for a Wireless Wide Area Network ("WAN") at a frequency of 5.8 GHz at a cost of \$135,290, to provide wireless Ethernet service to eight (8) Town facilities, and

WHEREAS, as per the terms of such amendment, work on such items was to be completed within 450 days, and

WHEREAS, delays occurred with respect to the completion of such project, and

WHEREAS, as per the contractor, all of the equipment required for such WAN has been installed, but such system has not been consistently operational, and has not fulfilled its intended purpose; therefore, the Town of Cheektowaga has not achieved/realized the intended benefit from this WAN, and

WHEREAS, it appears that this WAN will not be fully operational to enable the Town to cease utilizing its telephone lines, and thus, there will be no savings to the Town from this WAN, and

WHEREAS, under New York State law, performance contracts need to show that there are costs savings from the project which would recoup and exceed the moneys spent for such project, and

WHEREAS, the Town of Cheektowaga cannot afford to wait any longer to obtain the desired results, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby determines that the WAN project is incomplete and will not operate for its intended purpose and will not achieve the intended benefit to the Town and its taxpayers, and BE IT FURTHER

RESOLVED, that this Town Board hereby finds that the terms of the aforementioned agreement addendum have not been fulfilled, and therefore chooses to terminate this portion of the agreement with Johnson Controls, Inc., and

RESOLVED, that, since this portion of the agreement addendum is terminated for inability to complete/breach of contract by JCI, this Town Board hereby determines that any moneys remaining to be paid by the Town to JCI shall be withheld up to the amount of the costs of the WAN (\$135,290), and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to notify JCI of this termination of this portion of the agreement addendum for cause.

**RESULT:      WITHDRAWN**



## 4. RESOLUTION 2008-392

### Approve Contract for Purchase and Installation of Equipment for Wireless Area Network

**Sponsored By:** Markel, Holtz, Rogowski

WHEREAS, the Town of Cheektowaga is interested in improving the communications systems between Town employees in order for them to be able to provide better and quicker service to Town residents and to otherwise enhance public safety; and

WHEREAS, Saia Communications, Inc., has proposed the installation of 4.9 GHz radio equipment necessary to provide the Town with said wireless services; and

WHEREAS, the purchase and installation of said equipment will save the Town tens of thousands of dollars each year by allowing the Town to eliminate services presently being provided by Verizon; and

WHEREAS, the system, when completed, will provide licensed microwave hops to the Alexander Data Center, the Town's Record Center, the Facilities Department located at 500 Losson Road, and will incorporate an unlicensed microwave spectrum for the Ice Rink and parks garage off Harlem Road and Treatment Plant No. 5; and

WHEREAS, the said equipment will be installed and grounded, and will include the necessary lightning protection to keep lightning damages to a minimum; and

WHEREAS, Saia Communications, Inc. was awarded the New York State contract (State Contract Group No. 77200, RFP #19521) to provide these microwave hops throughout the State and has offered the Town of Cheektowaga a preferred discount rate for a contract price of \$53,642.59, which is more than \$11,000.00 less than the New York State contract price; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby opts to utilize the New York State contract for the purchase and installation of microwave hops for the aforesaid wireless project through Saia Communications, Inc. for the following contract amounts:

• Alexander Data Center	\$13,121.88
• Records Center	\$ 9,766.00
• Facilities (Losson Road)	\$ 8,986.00
• Ice Rink to Alexander Data Center	\$ 6,802.30
• Plant 5 to Galleria Mall	\$ 7,308.21
• Parks Garage to Plant 5 (Harlem Road)	\$ 7,308.21
• Additional licensing costs for 3 microwave hops	\$ 350.00

for a total contract in the amount of \$53,642.59; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all and all documents to effectuate the purchase and installation of the aforesaid wireless network; and BE IT FURTHER

RESOLVED, that the moneys for this project shall be appropriated from a budget line item number to be determined by the Director of Administration and Finance.

**RESULT:        WITHDRAWN**

## **VI. Communications**

### ***A. Departmental Communications***

1. Building Permits - June 2008
2. Cheektowaga Conservation Advisory Council - Minutes of June 5, and June 28, 2008 Meetings
3. Town of Cheektowaga Emergency Services - Quarterly Reports for April to June 2008
4. Cheektowaga Planning Board - Minutes of June 12, 2008 Meeting

### ***B. General Communications***

1. Summons - HSBC Mortgage Corporation Vs Lisa N. Frayne and Town of Cheektowaga
2. Summons & Complaint - Willilam Boye Vs. Town of Cheektowaga
3. Notice of Claim - Anne M. Rappold Vs. Town of Cheektowaga
4. Notice of Claim - Jody L. Samuel Vs. Town of Cheektowaga
5. Notice of Claim - Todd Zajac Vs. Town of Cheektowaga

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Closing**

Motion by Supervisor Holtz, second by Councilmember Rogowski to adjourn the meeting.





# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, July, 15, 2008

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on July 15, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

## II. Resolutions



## 1. RESOLUTION 2008-405

### Grant Permission to Erie County Hazardous Materials Response Team to Utilize Walden Commerce Exchange Property for Drill

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, the Town of Cheektowaga is the owner of property located on the south side of Walden Avenue west of Harlem Road known as the Walden Commerce Exchange, and

WHEREAS, a drainage ditch runs through this property, and

WHEREAS, the Erie County Hazardous Materials/WMD Response Team (operated through the Erie County Emergency Services Department) has requested permission to utilize the Walden Commerce Exchange property on Saturday, July 19, 2008 to conduct a drill relating to containing a hazardous spill in a ditch, and

WHEREAS, this Board has no objection to same provided the Town is provided with proof of insurance and an indemnification agreement, and further provided that the Erie County Hazardous Materials/WMD Response Team removes the materials it uses to dam the creek from our property, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby grants permission to the Erie County Hazardous Materials/WMD Response Team to conduct its drill on the Walden Commerce Exchange property subject to the following:

1. It provides the Town of Cheektowaga with proof of its insurance;
2. It executes an Indemnification Agreement in a form approved by the Town Attorney;
3. It agrees to remove its material from the Walden Commerce Exchange property after it completes its drill.

Motion to pass this resolution was at 7:05 pm.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz, Jeff Swiatek

### III. Adjournment

The meeting was adjourned at 7:20 PM.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, July 21, 2008

6:45 PM

Council Chambers

### I. Public Hearings at 6:30 PM

1. Rezoning Request 1717 Walden Avenue CM-General Commercial to MS-Motor Service

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Rezoning Request 2660 William Street - from CF-Community Facilities to NS-Neighborhood Services

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

3. Empire Zone - Relocation of Citymade, Inc. into Town of Tonawanda Empire Zone

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### II. Call to Order

6:45 PM Meeting called to order on July 21, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.
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Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
 Ellen Fischer, Executive Director - Youth Board  
 Brian Krause, Director of Finance and Administration

William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Mark Wegner, Highway Superintendent  
Christine Ziemba, Chief of Police  
Lt. Scott Prell, Police Department

### **III. Public Comment Period**

### **IV. Resolutions**

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to take Resolution 2008-422 first. Motion Carried.



## 1. RESOLUTION 2008-422

### **Appointment of Police Officers (McAdams, Vogel, Leszkowicz, Haag, Geelan, and Jakubowicz)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, six (6) 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 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:

- Shawn J. McAdams of Cheektowaga, New York,
- David Vogel of Depew, New York,
- Darryl M. Leszkowicz of Cheektowaga, New York,
- Justin L. Haag of Cheektowaga, New York
- Christopher Geelan of Cheektowaga, New York and
- Eric A. Jakubowicz of Depew, New York; AND, BE IT FURTHER

RESOLVED, that said appointments shall become effective July 31, 2008, and are subject to verification of compliance with the Residency Law of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-406

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 18, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$	137,586.56
RISK RETENTION FUND		33,346.88
DEBT SERVICE FUND		7,450.86
HUD HOUSING REHABILITATION FUND		8,379.00
SPECIAL DISTRICTS FUND		244,992.51
HIGHWAY FUND		390,700.27
CAPITAL FUND		391,697.29
TRUST & AGENCY FUND		1,271.25
HUD CDBG FUND		19,133.13
PART TOWN FUND		2,115.00
		<u>\$ 1,236,672.75</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-408

## Approve Relocation of Conax Technologies LLC into Town of Tonawanda Empire Zone

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, Conax Technologies LLC, a company which supplies custom designed temperature sensors and sealing glands for a variety of applications in every industry, currently owns property at 2300 Walden Avenue in the Town of Cheektowaga for its business, and

WHEREAS, Conax Technologies LLC has been in its current location since the early 1960's, and currently employs 95± people at the Cheektowaga facility, and

WHEREAS, Conax Technologies LLC has stated that the current building space in Cheektowaga is inadequate to accommodate its present and future manufacturing growth needs, and has been unable to identify property in Cheektowaga to accommodate its future growth plans, and

WHEREAS, Conax Technologies LLC wants to relocate into the Town of Tonawanda Empire Zone, an economic development zone created in the Town of Tonawanda, and

WHEREAS, Conax Technologies LLC wishes 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 by this Town Board on the 7th day of July, 2008 at 6:45 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning this shift of operations of Conax Technologies LLC, and

WHEREAS, at such public hearing, representatives from Conax Technologies LLC stated that extraordinary circumstances exist to warrant the relocation of the operations of Conax Technologies LLC at 2300 Walden Avenue to the Town of Tonawanda Empire Zone, and

WHEREAS, Conax Technologies LLC also informed this Town Board that it has a plan to redevelop and re-lease the property at 2300 Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED, that, based on the testimony given at the public hearing and the extraordinary circumstances stated by Conax Technologies LLC, and in the spirit of regionalism, this Town Board hereby consents to the relocation of the operations of Conax Technologies LLC at 2300 Walden Avenue from the Town of Cheektowaga to the Town of Tonawanda Empire Zone.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 4. RESOLUTION 2008-409

### Call For Public Hearing - Rezoning Request Vacant Land Union Road- SBL No. 113.12-3-10

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

Whereas, Bernie Rusniak has made application and requested the rezoning of 0.66 acres of vacant land along the west side of Union Road, approximately 380 feet north of Bennett Road, identified as SBL No. 113.12-3-10 from RA-Apartment District to CM-General Commercial for the construction of (3) three self storage buildings totaling 7,200 square feet of building area, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 4, 2008 at 6:30 PM, 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 4th day of August, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Bernie Rusniak

for the rezoning of 0.66 acres of vacant land along the west side of Union Road, approximately 380 feet north of Bennett Road, identified as SBL No. 113.12-3-10 from RA- Apartment District to CM - General Commercial .

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

Alice Magierski, TOWN CLERK

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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 10, Township 11, Range 7 of the Holland Land Company's Survey described as follows:

Beginning at a point on the western side of Union Road at its intersection of the south line of Lot 15, and the north line of lot 64, which is also the north line of the Buffalo Creek Reservation, thence 1,160.35' along the western line of Union Road to the point of beginning, Thence in a westerly direction 171.5' to a point, thence in a northerly direction 167.24' to a point, thence in an easterly direction 171.5' to a point, said point being on the westerly line of Union Road, thence in a southerly direction along the westerly line of Union Road 167.24' to the point of beginning. Said area being 0.658 acres.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 5. RESOLUTION 2008-410

## Notice to Bidders - Track Loader and Trailer

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Parks Division desires to purchase a Track Loader and Trailer, AND

WHEREAS, the Engineering Department prepared specifications for same, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the purchase of one (1) new and unused Track Loader and Trailer, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on August 6, 2008 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 August 6, 2008 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the purchase of one new and unused Compact Track Loader and Trailer for the Parks Division in the Town of Cheektowaga, New York.

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.

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

Alice Magierski  
Town Clerk

DATED: July 21, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-411

### Unsafe-Unsecured / 1112 Walden Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-412

### Unsafe-Unsecured / 65 Cass Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 65 Cass Avenue, Cheektowaga, New York SBL# 113.79-1-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Ruth F. Gordon, 65 Cass Avenue, Buffalo, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 65 Cass 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-413

### Unsafe-Unsecured / 4-8-12-16 Sierra Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 4-8-12-16 Sierra Drive, Cheektowaga, New York SBL# 91.14-12-8 that is a danger to the safety of others, and records kept by the Assessors Office identify Selina Allen, 1102 W San Gabriel Avenue, Fresno, CA 93705, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4-8-12-16 Sierra 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-414

### Authorize Supervisor to Execute Agreement with Cheektowaga Public Library Re: Renovation Grant

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, the New York State Education Department, Division of Library Development, under the Public Library Construction Grant Program ("State Grant"), is offering funds up to 50% of approved costs for renovation or rehabilitation of public libraries in New York State, and

WHEREAS, the Buffalo & Erie County Public Library is offering contributions ("County Grant") to provide funding to cover 60% of the local match for the cost of library renovation/rehabilitation under the State Grant, and

WHEREAS, the Town of Cheektowaga is the owner of the land and building housing the Anna M. Reinstein Memorial Library located at 2580 Harlem Road in the Town of Cheektowaga, and maintains such building under an arrangement with the Buffalo and Erie County Public Library System, and

WHEREAS, the Anna M. Reinstein Memorial Library building is in need of a new HVAC system, new windows and energy efficient lighting, and

WHEREAS, these items are eligible for funding under the aforementioned State Grant and County Grant, and

WHEREAS, the Cheektowaga Public Library, previously created by the Town of Cheektowaga, is in charge of operating the Anna M. Reinstein Memorial Library, and, as per the guidelines for the State Grant and County Grant, must be the applicant for such grants, and

WHEREAS, the Town of Cheektowaga would be benefiting from the aforementioned grants since renovations/rehabilitation to the Town-owned library building will be made, and the Town of Cheektowaga will be providing the local match for these grants, NOW, THEREFORE, BE IT

RESOLVED, that, as owner of the Anna M. Reinstein Memorial Library, the Town of Cheektowaga recognizes its responsibility to maintain the building and, in accordance with its responsibility, hereby commits an amount not to exceed \$175,000 to be used as local matching funds towards the State Grant, said funds to be appropriated from a budget line item to be established by the Director of Administration and Finance from fund balance authorized by a prior resolution (Resolution 2008-295), and BE IT FURTHER

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute an agreement between the Town and the Cheektowaga Public Library relating to the aforementioned project and application for grant funding.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 10. RESOLUTION 2008-415

### Authorize Supervisor to Execute Grant Application

**Sponsored By:** Councilmember Zydel, Councilmember Markel

WHEREAS, grant monies totaling \$31,000 are available to the Town of Cheektowaga through the efforts of Assemblyman Dennis H. Gabryszak; and

WHEREAS, \$18,000 is to be used to update the Town's Emergency Operations Center, including the provision of cots, and \$13,000 is to be used for the demolition of a derelict structure; 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 Department of State for the purpose of securing this grant, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-416

### Grant Application for Anna Reinstein Library

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, the New York State Education Department, Division of Library Development, under the Public Library Construction Grant Program ("State Grant"), is offering funds up to 50% of approved costs for renovation or rehabilitation of public libraries in New York State, and

WHEREAS, the Buffalo & Erie County Public Library is offering contributions ("County Grant") to provide funding to cover 60% of the local match for the cost of library renovation/rehabilitation under the State Grant, and

WHEREAS, the Town of Cheektowaga is the owner of the land and building housing the Anna M. Reinstein Memorial Library located at 2580 Harlem Road in the Town of Cheektowaga, and maintains such building under an arrangement with the Buffalo and Erie County Public Library System, and

WHEREAS, the Anna M. Reinstein Memorial Library building is in need of a new HVAC system, new windows and energy efficient lighting, and

WHEREAS, these items are eligible for funding under the aforementioned State Grant and County Grant, and

WHEREAS, the Cheektowaga Public Library, previously created by the Town of Cheektowaga, is in charge of operating the Anna M. Reinstein Memorial Library, and, as per the guidelines for the State Grant and County Grant, must be the applicant for such grants, and

WHEREAS, the Town of Cheektowaga, as owner of the Anna M. Reinstein Memorial Library, would be benefiting from the aforementioned grants since renovations/rehabilitation to the Town-owned library building will be made, and the Town of Cheektowaga will be providing the local match for these grants, and

WHEREAS, this Town Board desires to have Grantmakers Advantage, Inc., the Town's grant consultant, assist the Cheektowaga Public Library with the application for the State Grant and County Grant, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby directs Grantmakers Advantage to complete the necessary application, forms, etc. to be submitted to the State and County for the purpose of securing these grants.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-417

### Direct Town Engineer to Establish Accounts with the Erie County Water Authority and National Grid for the Harlem/Cleveland Roundabout

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the New York State Department of Transportation project for the reconstruction of Harlem Road (PIN 5268.32.306) from Genesee Street northward to Yorktown Road in the Town of Amherst provides for the installation of extensive landscape plantings within the central island of the Harlem Road/Cleveland Drive roundabout, AND

WHEREAS, the Harlem/Kensington/Cleveland Business Association and Harlem/Kensington/Cleveland Community Association have pledged support in the care and maintenance of the aforesaid landscape enhancements within the roundabout, which efforts will require a water supply and electric supply to the roundabout area, NOW, THEREFORE, BE IT

RESOLVED, that the Town Engineer be and hereby is directed to make application to the Erie County Water Authority and to National Grid to establish water service and electric service accounts for the Harlem/Cleveland Drive roundabout to facilitate long term maintenance activities.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-418

### Accept Proposal of Nussbaumer & Clarke, Inc. for Design Services for Emergency Standby Generator at the Main Pump Station

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, this Town Board, by resolution dated June 2, 2008 on behalf of the Consolidated Sewer District (District), following a public hearing, determined that it is in the public interest to increase and improve facilities of the District associated with the installation of a new emergency backup generator and related fuel storage and supply system and electrical system modifications at the Main Pump Station to replace equipment which has reached the end of its service life, AND

WHEREAS, this Town Board, by resolution dated June 2, 2008, further authorized the issuance of serial bonds to finance said emergency standby generator replacement project, AND

WHEREAS, it is necessary to prepare detailed plans, specifications and bid documents to proceed with the replacement of the Main Pump Station emergency standby generator, fuel system, transfer switch, and electrical system modifications project, AND

WHEREAS, the Town Engineer and Superintendent of the Main Pump Station have recommended that the proposal of Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo, New York 14219-1494 dated May 8, 2008 for professional services associated with the preparation of detailed engineering design drawings, specifications and bid documents for the aforesaid project be approved based on said firm's extensive knowledge of the original design, operation and preventative maintenance history of this facility, NOW, THEREFORE, BE IT

RESOLVED, that the aforesaid proposal of Nussbaumer & Clarke, Inc. is hereby accepted for the design phase of this project and that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to execute said agreement for the provision of professional design services, AND, BE IT FURTHER

RESOLVED, that the cost of said professional services in an amount not to exceed \$45,400 shall be chargeable to Account No. 500-1440-2523-5836.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-419

### Youth & Recreation Transfers

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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:

From Recreation Aide to Recreation Attendant - Regular Part time

Jayson Selbert

Joshua Burgett

Recreation Attendant - 7140.1614 - \$8.40 - Regular Part time

Amanda Kostran

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Waive the Reading of Names for Resolutions 2008-419, 420, and 421. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-420

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Kelsey Leon	Never worked	14225
Kyle Leon	Never worked	14225
Jeremiah Smith	Never worked	14215
Stanley Smith	7/2/08	14215

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-421

### Youth & Recreation Hires

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Camp Dartwood - 7140.1632

Recreation Attendant - \$7.30

Seasonal

Amanda Ciesielski 14043

Camp Crabapple - 7310.1802

Recreation Aide - Part time - \$7.15

Sarah Litwin 14225

Recreation Aide - \$7.15 - 7140.1611

Part time

Jordan Kilijanski 14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**17. RESOLUTION 2008-423****Appointment of Executive Director - Youth Board  
(Provisional) (Ellen M. Fischer)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Ellen M. Fischer was appointed to the temporary title of Executive Director - Youth Board on July 1, 2008; AND

WHEREAS, said title is in the competitive class of civil service; AND

WHEREAS, a current civil service list does not exist for said title; AND

WHEREAS, Ms. Fischer meets the requirements for provisional appointment to said title;  
NOW, THEREFORE, BE IT

RESOLVED, that Ellen M. Fischer of Cheektowaga, New York be and hereby is appointed to the provisional title of Executive Director - Youth Board effective July 21, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 18. RESOLUTION 2008-424

### Travel Authorization (Police Department) Internal Affairs School (Captain David Zack and Lieutenant Michael Isbrandt)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Police Internal Affairs School is being held July 21-23, 2008 in New Cumberland, Pennsylvania; AND

WHEREAS, Captain David Zack and Lieutenant Michael Isbrandt have 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 \$1,940.78; AND

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

RESOLVED, that Captain David Zack and Lieutenant Michael Isbrandt be and hereby are authorized to attend Police Internal Affairs School being held July 21-23, 2008 in New Cumberland, Pennsylvania.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Public Hearing at 7:00 PM

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to have this Public Hearing after the Resolutions but before the Suspension of Rules. Motion Carried.
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- Local Law Intro 2008-7 - Amend Local Law No. 2 of the Year 2008, entitled, "A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities"

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-407

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### **Adopt Local Law No. 7 of the Year 2008 - a Local Law Amending Local Law No. 2 of the Year 2008**

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, with the enactment of the Telecommunications Act of 1996, continued substantial growth in the erection of wireless telecommunications facilities is anticipated, and

WHEREAS, Town officials have been engaged in discussions concerning the impact of the construction of such facilities within the Town of Cheektowaga, and

WHEREAS, although the Town of Cheektowaga has, as part of its Zoning Law, provisions relating to communications facilities; however, these provisions have not been updated or refined in years; and there is a need to further address the impact of the telecommunications facilities on the community and otherwise control and minimize the impact on the town and its residents, and to otherwise ensure the safety of such towers and wireless facilities in the town, and

WHEREAS, this Town Board previously retained the services of The Center for Municipal Solutions to update and refine the communications facilities provisions of our Zoning Law, and

WHEREAS, the Town is working to revise, replace or implement provisions in our Zoning Law to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of our Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, this Town Board, by resolution dated April 21, 2008, adopted Local Law No. 2 of the Year 2008, entitled "A Local Law Adopting an Interim Application Process for Wireless Communications Facilities", and

WHEREAS, the Town needs additional time to enact revisions to the Zoning Law relating to communications facilities, and wants to consider extending the moratorium on the issuance of any permits/approvals by the Town for such uses, 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 all building in an area under immediate consideration for revision of regulations or legislation, 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 was held on the 21st day of July, 2008 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 as to whether Local Law Intro No. 2008-7 of the Year 2008, entitled "A Local Law

amending Local Law No. 2 of the Year 2008” should be enacted, and

WHEREAS, it is in the public interest to adopt “A Local Law Amending Local Law No. 2 of the Year 2008”, NOW, THEREFORE, BE IT BE IT FURTHER

RESOLVED, that Local Law No. 7 of the Year 2008, entitled AA Local Law Amending Local Law No. 2 of the Year 2008”, 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 2008 shall take effect immediately upon filing with the Secretary of State

\*\*\*\*\*

LOCAL LAW NO. 7 of the YEAR 2008

A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF THE YEAR 2008

Section 2 of Local Law No. 2 of the Year 2008, entitled “A Local Law Adopting an Interim Application Process for Wireless Telecommunications Facilities” shall be amended to extend the term of the interim application process from ninety (90) days to one hundred thirty-five (135) days.

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to move Resolution 2008-407 after the Public Hearing Regarding the Local Law. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Stanley Kaznowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**VI. Suspension of Rules**

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to Suspend the Rules to Include the Following Three (3) Resolutions. Motion Carried.



## 1. RESOLUTION 2008-425

### Operation Impact Tools Grant

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Operation IMPACT Tools Grant is sponsored by the Department of Criminal Justice Services to reduce Uniform Crime Report ("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 \$50,000.00 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 \$17,000.00 (+-), 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 are 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-426

### Authorize Supervisor to Execute Enrollment Form with Energy Curtailment Specialists, Inc.

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, New York Independent System Operator ("NYISO"), the operator of New York's electricity grid, supports demand support programs to deal with electricity demands during periods of high demand, and

WHEREAS, moneys are available through these programs to businesses that can reduce some or all of their electric requirements for a few hours a year when the electric grid is unstable through the "Operation Save New York" program, and

WHEREAS, the Town of Cheektowaga is committed to saving money by reducing the use of electricity at our facilities, and

WHEREAS, the Town of Cheektowaga is the owner of the Wastewater Treatment Plant/Main Pump Station located at 171 Central Boulevard in the Town, and

WHEREAS, Energy Curtailment Specialists, Inc. ("ECS"), an administrator of the NYSIO, has submitted a proposal/enrollment form to the Town of Cheektowaga for the Town's Wastewater Treatment Plant, estimating that the Town could save \$5,443.00 per year in energy savings by enrolling with ECS, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an enrollment form with ECS for the Wastewater Treatment Plant for a three (3) year term (6 periods).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2008-427

Finalization of Sale of 2660 William Street

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolutions dated March 17, 2008 (Resolution No. 2008-181) and June 16, 2008 (Resolution No. 2008-377), this Town Board accepted a purchase offer for and authorized the Supervisor to execute a Reaffirmation Agreement and Addendum, No. 2 to the Real Property Purchase Agreement for the former South Branch Library located at 2660 William Street, and

WHEREAS, the prospective purchaser, Construction Exchange of Western New York, Inc., and the Town of Cheektowaga have finalized details for the purchase of this property, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the sale of 2660 William Street by the Town of Cheektowaga to Construction Exchange of Western New York, Inc. for \$215,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and other documents necessary to effectuate the sale of 2660 William Street to Construction Exchange of Western New York, Inc, and BE IT FURTHER

RESOLVED, that the sale of 2660 William Street is subject to permissive referendum under the Town Law of the State of New York, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to file the attached Notice of adoption of Resolution Subject to Permissive Referendum on the CHEEKTOWAGA BEE, the Town's official newspaper.

\*\*\*\*\*

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on July 21, 2008, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 2660 William Street, Cheektowaga, New York to Construction Exchange of Western New York, Inc. for \$215,000.00.

A copy of such resolution and proposed deed are 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: July 21, 2008

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VII. Communications**

### ***A. Departmental Communications***

1. Minutes: Cheektowaga Traffic Safety Commission - June 17, 2008
2. Minutes: Cheektowaga Public Library - Board of Trustees - June 18, 2008
3. Minutes: Cheektowaga Conservation Advisory Council - July 3, 2008
4. Minutes: Town Environmental Advisory Committee - July 9, 2008

### ***B. General Communications***

1. Summons & Complaint: Greg W. & Mary Lou Heidenreich Vs. Town of Cheektowaga
2. Notice of Claim: Thomas Goodie Vs. Town of Cheektowaga
3. Notice of Claim: Veronica Wanderlich Vs. Town of Cheektowaga

## **VIII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **IX. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:20 pm.
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# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, July, 29, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on July 29, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

## II. Resolutions

Motion by Councilmember Markel, second by Councilmember Zydel to move to Executive Session at 6:07 PM. After discussion, Supervisor Holtz motioned and Councilmember Rogowski seconded to move out of Executive Session at 6:28 PM. At this point, Councilmember Markel excused himself from the Work Session.

Thereafter, two resolutions were acted upon at the Work Session.

At 6:36 PM, Councilmember Swiatek motioned and Supervisor Holtz seconded to again move into Executive Session.





## 1. RESOLUTION 2008-428

### Settlement of Litigation - Knaszak V. Town

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

**WHEREAS**, on or about May 17, 2007, an action (Knaszak vs Town of Cheektowaga, et al, Index No. I-2007-4703) 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 claimant's attorneys; and

**WHEREAS**, this settlement is in the best interests 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski



## 2. RESOLUTION 2008-429

### Retain Drescher & Malecki LLP to Prepare Financial Report

**Sponsored By:** Supervisor Holtz, Councilmember Zydel

WHEREAS, this Town Board previously retained the services of Drescher & Malecki LLP, Certified Public Accountants, to perform various financial audits and reports for the Town of Cheektowaga for 2008, and

WHEREAS, the Town is in need of additional financial services from Drescher & Malecki LLP for the year 2008 for the Youth & Recreational Services Department , and

WHEREAS, Drescher & Malecki has submitted an engagement letter to perform said work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is directed to execute the aforementioned engagement letter and any other documentation necessary to retain the services of Drescher & Malecki LLP on this matter, and BE IT FURTHER

RESOLVED, that fees for such services in an amount not to exceed \$10,562.50 shall be appropriated from budget line item number 100-1320-4145.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, August 4, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on August 4, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Absent	
Stanley Kaznowski	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  
Anthony Romano, Coordinator of Employee Relations  
Ellen Fischer, Director of Youth & Recreation  
Christine Ziemba, Chief of Police  
Anthony Sisti, Planning Board Chairman  
John Marriott, Planning Board Representative

## II. Public Hearing at 6:30 PM

### 1. Rezoning Request Vacant Land Union Road- SBL No. 113.12-3-10

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski  
**ABSENT:** Charles Markel

## III. Public Comment Period

## IV. Resolutions



## 1. RESOLUTION 2008-430

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

FROM:	100.1110.4321	Data Processing	\$ 5,735.00
	100.1110.4082	Business Travel	1,165.86
TO:	100.1110.2105	Equipment	\$ 6,900.86

HUD CDBG FUND

FROM:	700.1003.2300	Temporary Relocation	\$ 1,000.00
TO:	700.1003.0606	Disposition	\$ 1,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 2. RESOLUTION 2008-431

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 1, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,172,594.80
RISK RETENTION FUND	177,661.70
DEBT SERVICE FUND	571,781.25
SPECIAL DISTRICTS FUND	1,020,857.23
HIGHWAY FUND	545,039.40
CAPITAL FUND	182,219.71
TRUST & AGENCY FUND	9,982.09
HUD CDBG FUND	18,242.83
PART TOWN FUND	148,195.59
NYS AFFORDABLE HOUSING FUND	359.41
	<u>\$ 5,846,934.01</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



### 3. RESOLUTION 2008-432

## Award of Bid - Truck with 32 Cubic Yard Refuse Packer Body

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 body 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) new and unused 2009 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 \$158,843.00 for one (1) 2009 Freightliner McNeilus Truck with 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



4. RESOLUTION 2008-433

Call for Public Hearing - Local Law Intro No. 2008-8 A Local Law to Amend the Zoning Law Relating to Site Plan Approval

Sponsored By: Councilmember Kaznowski, Councilmember 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 Town of Cheektowaga previously retained Wendel Duchscherer Architects and Engineers to prepare a comprehensive plan for the future development of the Town of Cheektowaga, and

WHEREAS, the Building Inspections Department and Town Attorney, in reviewing the existing Zoning Law, have recommended that this Town Board enact revisions to the Zoning Law to clarify and amend the Town's requirements for site plan approval in the Town, 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 18th day of August, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend the Zoning Law Relating to Site Plan Approval", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Hearing in the Cheektowaga Bee, 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 18th day of August, 2008 at 6:45 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. 2008-8 of the Year 2008, entitled "A Local Law to Amend the Zoning Law Relating to Site Plan Approval". Following is a synopsis of the proposed Local Law Intro No. 2008-8:

**Local Law Intro No. 2008-8****A Local Law to Amend the Zoning Law Relating to Site Plan Approval**

A new section, **Section 260-47.1, entitled "Site Plan Approval"**, would be created under the Town Zoning Law to enable the Town to control the placement of buildings, accessory structures and ancillary improvements so that they do not negatively impact neighboring properties and the community. Site plan approval would be required for various projects within the Town of Cheektowaga. This law details the various procedures for approval of a site plan in the Town of Cheektowaga.

A copy of the entire text of such proposed local law is on file in the Town Clerk's Office, where the same may be viewed during regular business hours.

Dated: August 4, 2008

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

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel





## 5. RESOLUTION 2008-434

### Retain SJB Services, Inc. to Perform Soil Borings

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the feasibility of designing an extension of the Homeworth Parkway relief sanitary sewer requires soil borings to determine the existing soil and rock depths which are needed to design the sanitary relief sewer extension, AND

WHEREAS, SJB Services, Inc. has submitted a proposal to perform the necessary soil borings for a total cost of \$2,700.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 be and hereby is accepted to perform said soil borings as described in their proposal dated July 28, 2008, AND, BE IT FURTHER

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

RESOLVED, that funds for said soil borings shall be chargeable to Account No. 2550-8125-4543.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 6. RESOLUTION 2008-435

### Agreement & Addendum for Upgraded Internet Service

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, by prior resolution, the Town of Cheektowaga approved an Internet Services Agreement with TelCove Operations, Inc. for dedicated Internet services for use by all Town departments, and

WHEREAS, Level 3 Communications LLC acquired the operations of TelCove Operations, Inc, and

WHEREAS, the Town of Cheektowaga wishes to upgrade an internet access circuit from 6mb to 20mbps, and

WHEREAS, Level 3 Communications LLC has submitted a new agreement to the Town of Cheektowaga wherein one 6mb circuit will be terminated and will be replaced by a 20 mbps circuit, and

WHEREAS, this upgrade will give the Town a better system, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Master Service Agreement, Addendum, Service Order and any and all other documents with Level 3 Communications LLC necessary to effectuate the above upgrade of Internet services.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 7. RESOLUTION 2008-436

### Accept Proposal of F.J. Wailand Associates, Inc.

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by Town Board Resolution dated May 19, 2008, the Town Board authorized the use of fund balances for various Capital Projects, AND

WHEREAS, a portion of said funds are designated for renovations to the walls and roof of the Central Garage/Sanitation Building, AND

WHEREAS, the firm of F.J. Wailand Associates, Inc., a metal building design consultant, has submitted a proposal to the office of the Town Engineer for the preparation of the construction bid documents, specifications and general services during construction outlined in their proposal dated July 25, 2008, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of F.J. Wailand Associates, Inc., 3922 Seneca Street, West Seneca, NY 14224 be and hereby is accepted to perform said professional services as described in their proposal, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is authorized and directed to execute said agreement with F.J. Wailand Associates, Inc., AND, BE IT FURTHER

RESOLVED, that funds for said consulting services in an amount not to exceed \$8,900.00 shall be chargeable to Account No. 500-1640-2520-5835.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 8. RESOLUTION 2008-437

### Approve Relocation of Citymade, Inc. into Tonawanda Empire Zone

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, Citymade, Inc., a "pick-and-pack" operation that assembles name-brand products identified with various cities, and markets gift boxes through stores and the Internet, has approached the Town of Cheektowaga to obtain approval for the relocation of its business from the Town of Cheektowaga to the Town of Tonawanda Empire Zone at 2205 Kenmore Avenue, Suite 108, Tonawanda, New York, and

WHEREAS, Citymade, Inc. actually moved from the basement of the corporation owner's home in the Town of Cheektowaga to the Town of Tonawanda facility in 2005, but requires approval from this Town Board for its relocation in order to take advantage of Empire Zone tax breaks and incentives for operating into 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 by this Town Board on the 21st day of July, 2008 at 6:45 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning this shift of operations of Citymade, Inc., and

WHEREAS, at such public hearing, representatives from Citymade, Inc. stated that extraordinary circumstances exist to warrant the relocation of the operations of Citymade, Inc. to the Town of Tonawanda Empire Zone, NOW, THEREFORE, BE IT

RESOLVED, that, based on the testimony given at the public hearing and the extraordinary circumstances stated by Citymade, Inc., and in the spirit of regionalism, this Town Board hereby consents to the relocation of the operations of Citymade, Inc. from the Town of Cheektowaga to the Town of Tonawanda Empire Zone.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 9. RESOLUTION 2008-438

### Approve Contract for Purchase and Installation of Wireless Communications System

**Sponsored By:** Rogowski, Swiatek, Holtz, Jaworowicz, Zydel, Kaznowski

WHEREAS, the Town of Cheektowaga is interested in improving the communications systems between Town employees in order for them to be able to provide better and quicker service to Town residents and to otherwise enhance public safety; and

WHEREAS, Saia Communications, Inc., has proposed the installation of 4.9 GHz radio equipment necessary to provide the Town with said wireless services; and

WHEREAS, the purchase and installation of said equipment will save the Town tens of thousands of dollars each year by allowing the Town to eliminate services presently being provided by Verizon; and

WHEREAS, the system, when completed, will provide licensed microwave hops to the Alexander Data Center, the Town's Record Center, the Facilities Department located at 500 Losson Road, and will incorporate an unlicensed microwave spectrum for the Ice Rink and parks garage off Harlem Road and Treatment Plant No. 5; and

WHEREAS, the said equipment will be installed and grounded, and will include the necessary lightning protection to keep lightning damages to a minimum; and

WHEREAS, Saia Communications, Inc. was awarded the New York State contract (State Contract Group No. 77200, RFP #19521) to provide these microwave hops throughout the State and has offered the Town of Cheektowaga a preferred discount rate for a contract price of \$53,642.59, which is more than \$11,000.00 less than the New York State contract price; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby opts to utilize the New York State contract for the purchase and installation of microwave hops for the aforesaid wireless project through Saia Communications, Inc. for the following contract amounts:

- |   |             |
|---|-------------|
| • Alexander Data Center                           | \$13,121.88 |
| • Records Center                                  | \$ 9,766.00 |
| • Facilities (Losson Road)                        | \$ 8,986.00 |
| • Ice Rink to Alexander Data Center               | \$ 6,802.30 |
| • Plant 5 to Galleria Mall                        | \$ 7,308.21 |
| • Parks Garage to Plant 5 (Harlem Road)           | \$ 7,308.21 |
| • Additional licensing costs for 3 microwave hops | \$ 350.00   |

for a total contract in the amount of \$53,642.59; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all and all documents to effectuate the purchase and installation of the aforesaid wireless network; and BE IT FURTHER

RESOLVED, that the moneys for this project shall be appropriated from a budget line item number to be determined by the Director of Administration and Finance.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 10. RESOLUTION 2008-439

### Donation of Computer and Monitor to Village of North Collins Police Department

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga has various computer systems and equipment which have been taken out of service and are considered surplus to the needs of the Town, and

WHEREAS, the Village of North Collins Police Department is in need of a computer system to run computer programs to enable it to exchange vital information with other police agencies in Erie County, and

WHEREAS, this Town Board wishes to cooperate with and assist other police agencies in Erie County, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and approves the donation of one scrap computer and monitor to the Village of North Collins Police Department, and BE IT FURTHER

RESOLVED, that the Police Department and/or Department of Information Support Services/Director of Administration and Finance be and hereby are directed to coordinate with the Village of North Collins Police Department to transfer said scrap computer and monitor to said agency.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 11. RESOLUTION 2008-440

### Open Burning / 305 Cayuga Creek Road (JFK School)

**Sponsored By:** Councilmember Zydel, 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 High School to conduct a open fire on September 26, 2008 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 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel





## 12. RESOLUTION 2008-441

### Open Burning / 3325 Genesee Steet

**Sponsored By:** Councilmember Zydel, 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 August 24, 2008 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 13. RESOLUTION 2008-442

### New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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>
Abraham, Richard C	157 Colton Ave, Lackawanna, N.Y. 14218	4/30/2011
Artieri, Katie A	65 West High St, Lockport, N.Y. 14094	4/30/2011
Barber, Emily S	750 Elmwood Ave Garage Apt, Buffalo, N.Y. 14222	4/30/2011
Bergum, Kevin J	5350 William St, Lancaster, N.Y. 14086	1/31/2011
Buerger, Robert E	3797 Wolf Rd, Orchard Park, N.Y. 14127	1/31/2011
Campanella, Michael A	1283 Nash Rd, N Tonawanda, N.Y. 14120	4/30/2011
Cutter, Michael D	6435 Bartz, Lockport, N.Y. 14094	4/30/2011
Dettbarn, Brandon L	223 Dearborn St, Buffalo, N.Y. 14207	1/31/2011
Foote, Christopher W	123 Marrano Dr, Depew, N.Y. 14043	1/31/2010
Gibbons, Timothy P	7923 E Quaker Rd, Orchard Park, N.Y. 14127	4/30/2011
Hanna, Amy L	7218 Buffalo Ave, Niagara Falls, N.Y. 14304	4/30/2011
Hart, LaFrance M	144 Lisbon Ave. #1, Buffalo, N.Y. 14214	4/30/2011
Heary, Jeremy J	6120 Stephenson Ave, Niagara Falls, N.Y. 14304	6/30/2011
Jurek, Matthew J	6241 Versailles Rd, Lakeview, N.Y. 14085	2/28/2011
Knavel, Trish A	184 Delray Ave, West Seneca, N.Y. 14224	1/31/2011
Krauss, Robert A	39 Doris Ave, Lancaster, N.Y. 14086	6/30/2011
Krug, Frederick	185 Hillcest Dr, Amherst, N.Y. 14226	3/31/2011

Kullerkupp, Peace	PO Box 425 (311 Vulcan), Buffalo, N.Y. 14207	4/30/2011
Major, Eric	48 Southpoint Dr, Lancaster, N.Y. 14086	2/28/2011
Meek, Melelnie D	4973 Mt Vernon, Hamburg, N.Y. 14075	4/30/2011
Mingo, Andre' P	34 Embassy Sq. Apt. 3, Tonawanda, N.Y. 14150	4/30/2011
Moskowitz, Daniel W	203 Gall Landing, Buffalo, N.Y. 14202	4/30/2009
Noworyta, Mark F	81 Maldiner Ave, Tonawanda, N.Y. 14150	6/30/2011
Oberther, Scott R	58 Carla Ln, West Seneca, N.Y. 14224	3/31/2009
O'Connor, Jessica L	13 Woodward Ave, Angola, N.Y. 14006	2/28/2011
Pierce, Edward R	2041 Brookhaven Dr, Niagara Falls, N.Y. 14304	1/31/2009
Pitts, Sharlene E	108 Greenwood Pl, Buffalo, N.Y. 14213	4/30/2011
Potter, Sarah E	7467 Henrietta Rd Apt 2, Springville, N.Y. 14141	3/31/2010
Radlich, Nicholas A	4615 Boncrest East, Williamsville, N.Y. 14221	4/30/2011
Robinson, Kristine A	42 Conway St, Depew, N.Y. 14043	4/30/2011
Skinner, Kenneth C	16A Hickory St, Silver Creek, N.Y. 14136	12/31/2009
Slominski, James P	6529 Cole Rd, Orchard Park, N.Y. 14127	3/31/2011
Slusser, David H Jr	5980 Mayflower Rd, Niagara Falls, N.Y. 14305	6/30/2011
Stadler, Sara L	14 Hobard St, Buffalo, N.Y. 14206	4/30/2011
Sullivan, Neil C	425 Eden St, Buffalo, N.Y. 14220	4/30/2011
Wall, Nicholas J	3216 Cambridge Sq, Blasdell, N.Y. 14219	4/30/2011
Wattie, Jeffery E	6667 Erie Rd Apt 7, Derby, N.Y. 140047	2/28/2011
Whalen, Daniel P	153 Heath St, Buffalo, N.Y. 14214	4/30/2011
Wojtaszczyk, Jason R	2631 William St, Cheektowaga, N.Y. 14227	3/31/2011
Young, Dorian L	243 Stockbridge Ave Upper, Buffalo, N.Y. 14215	4/30/2011
Zaller, Joseph M	5303 Broadway St Apt 1, Lancaster, N.Y. 14086	2/28/2010
Zaller, Robert	136 Cumberland Ave, Buffalo, N.Y. 14220	1/31/2011

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 14. RESOLUTION 2008-443

### Unsafe-Unsecured / 3881 Broadway Street

**Sponsored By:** Councilmember Kaznowski, Councilmember 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 3881 Broadway Street, Cheektowaga, New York SBL# 103.14-3-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Martin Victor, 3881 Broadway Street, Apt 2, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3881 Broadway 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 15. RESOLUTION 2008-444

### Unsafe-Unsecured / 4496 Union Road

**Sponsored By:** Councilmember Kaznowski, Councilmember 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 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 16. RESOLUTION 2008-445

### Unsafe-Unsecured / 78 Hedley Street

**Sponsored By:** Councilmember Kaznowski, Councilmember 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 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 17. RESOLUTION 2008-446

### Unsafe-Unsecured / 3700 Broadway Street

**Sponsored By:** Councilmember Kaznowski, Councilmember 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 3700 Broadway Street, Cheektowaga, New York SBL# 103.13-1-11-12 that is a danger to the safety of others, and records kept by the Assessors Office identify Alden State Bank, PO Box 238, Alden, New York 14004, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3700 Broadway 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 18. RESOLUTION 2008-447

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$8/hour effective 7/21/08  
Ryan Full, Cheektowaga, NY

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

POLICE DEPARTMENT  
Glen J. Pinkert  
Effective 5/28/08

SEWER MAINTENANCE  
Michael O'Sullivan  
Effective 7/27/08

Motion by Supervisor Holtz, second by Councilmember Rogowski to suspend the reading of the names on Items No. 18 through 21 and the motion carried.

**RESULT:**        **ADOPTED [UNANIMOUS]**  
**MOVER:**        Jeff Swiatek, Councilmember  
**SECONDER:**    Mary Holtz, Supervisor  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski  
**ABSENT:**       Charles Markel





## 19. RESOLUTION 2008-448

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Shaunace Jenkins	never worked	14215
Amanda Lindner	never worked	14225
Joseph Reynolds	6/14/08	14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 20. RESOLUTION 2008-449

### Youth & Recreation Hires

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Attendant - \$7.15 - 7140.1613 - Regular Part time

Jessica Stechenfinger

14212

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 21. RESOLUTION 2008-450

### Youth & Recreation Transfer/Upgrades

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that below listed individuals be and hereby are transferred and/or upgraded as indicated:

Recreation Attendant - \$9.50 - Regular Part time (effective immediately)

Tom Goff

Recreation Attendant - \$8.40 - Regular Part time (retro to 7/14/08)

Melissa Petre

BE IT FURTHER RESOLVED that the individual listed below whose name was incorrectly listed as Joelle Brunetto is corrected as follows:

Recreation Attendant - \$7.65 - Regular Part time

Kristen Brunetto

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 22. RESOLUTION 2008-451

### Establish Salary for Assistant to Supervisor

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the annual salary for the title of Assistant to the Supervisor be and hereby is established at the rate of \$19,056 effective August 4, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 23. RESOLUTION 2008-452

### Travel Authorization Police Department (SWAT)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, SWAT Training is being held from September 30-October 3, 2008 in Fort Drum, New York; AND

WHEREAS, the following have requested authorization to attend said training:

Lieutenant Michael Sliwinski  
Sergeant Lawrence Bauer  
Sergeant Thomas Allen  
Sergeant Brian Coons  
Sergeant Scott Grant  
Sergeant Patrick Chludzinski  
Detective Donald Strozyk  
Detective Michael Hockwater  
Detective Joseph Crean  
Detective Robert Laskowski  
Police Officer Jonathan Ober  
Police Officer John Wanat  
Police Officer Christian Wachowiak  
Police Officer Michael Smith  
Police Eric Broska  
Police Officer Neil Held; AND

WHEREAS, 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 \$5,018.80; AND

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

RESOLVED, that the aforementioned employees be and hereby are authorized to attend SWAT Training at Fort Drum between September 30-October 3, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 24. RESOLUTION 2008-453

### Travel Authorization Police (Detective Timothy Szymanski)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the State of New York Police Juvenile Officers Association 33<sup>rd</sup> Training Conference is being held August 25-29, 2008 in Ithaca, New York; AND

WHEREAS, Detective Timothy Szymanski has requested authorization to attend said conference; AND

WHEREAS, 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 \$1,796.63; AND

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

RESOLVED, that Detective Timothy Szymanski be and hereby is authorized to attend the State of New York Police Juvenile Officers Association 33<sup>rd</sup> Training Conference being held August 25-29, 2008 in Ithaca, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



## 25. RESOLUTION 2008-454

### Travel Authorization Police Department (Lieutenant Thomas Wentland)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "Colonel Henry F. Williams International Homicide Seminar" is being held September 20-25, 2008 in Albany, New York; AND

WHEREAS, Lieutenant Thomas Wentland has requested authorization to attend said seminar; AND

WHEREAS, Chief Christine Ziemia 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 \$1,731.47; AND

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

RESOLVED, that Lieutenant Thomas Wentland be and hereby is authorized to attend the "Colonel Henry F. Williams International Homicide Seminar" being held in Albany, New York from September 20-25, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel

### V. Suspension of Rules

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to waive the rules to include the following three (3) items.
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## 1. RESOLUTION 2008-455

### Approve PILOT Agreement with Hospice

**Sponsored By:** Supervisor Holtz, Councilmember Zydel

WHEREAS, The Center for Hospice & Palliative Care and its affiliates own properties within the Town of Cheektowaga which are exempt from the payment of real property taxes, and

WHEREAS, in the past, The Center for Hospice & Palliative Care has voluntarily agreed to pay \$10,000.00 to the Town to cover special districts within the Town, including the fire district, and

WHEREAS, The Center for Hospice & Palliative recently constructed another building along Bennett Road in the Town, and

WHEREAS, The Center for Hospice & Palliative Care has offered to remit \$12,000.00 per year to the Town for 2008-2032 to cover special districts, and

WHEREAS, a Payment In Lieu of Taxes Agreement between The Center for Hospice & Palliative Care has been prepared, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Payment in Lieu of Taxes Agreement on behalf of the Town of Cheektowaga, and BE

RESOLVED, that the \$12,000.00 shall be distributed to the special districts as follows:

Bellevue Fire District	\$6,000.00
General Lighting District]	\$1,650.00
Garbage District	\$4,350.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel





## 2. RESOLUTION 2008-456

### Authorize Supervisor to Execute Grant Application

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

**WHEREAS**, grant monies totaling \$12,000 are available to the Town of Cheektowaga through the efforts of Assemblyman Dennis Gabryszak; and

**WHEREAS**, \$7,500 is to be used to fund the Drug Court Case Coordinator for the Justice Court and \$4,500 will be used toward the purchase of a Reflected Ultra-Violet Imaging System for the Police Department; **NOW, THEREFORE BE IT**

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel



3. RESOLUTION 2008-457

Notice to Bidders - Demolition of 74 Barbara Place

Sponsored By: Kaznowski, Holtz, Rogowski, Swiatek, Jaworowicz, Zydel

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of a two-family dwelling located at 74 Barbara Place, Cheektowaga, New York, and

WHEREAS, specifications for same have been prepared the by the Town of Cheektowaga Housing & Neighborhood Preservation Office, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders in connection with the furnishing of equipment, operators and laborers for the demolition of 74 Barbara Place, said notice to be published in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that sealed bids will be received and opened by the Town Clerk at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on August 28, 2008 at 11:00 A.M.

\*\*\*\*\*

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on August 28,2008 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of a two-family structure at 74 Barbara Place in the Town of Cheektowaga.

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 specification and contract documents, and may waive any informalities, make an award to other than the low bidder, or reject any or all bids should it be in the best interest of the Town.

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

Alice Magierski
Town Clerk

Dated: August 4, 2008

RESULT: ADOPTED [UNANIMOUS]

<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
<b>ABSENT:</b>	Charles Markel

## **VI. Communications**

### ***A. Departmental Communications***

1. Building Permits - July 2008
2. Cheektowaga Planning Board - Minutes of July 17, 2008 Meeting
3. Supervisor's Statement of Funds - June 2008

### ***B. General Communications***

1. Notice of Claim - Geico as Subrogee of Thomas Weismore Vs Town of Cheektowaga
2. Notice of Petition - Aldi Inc Vs Town of Cheektowaga Assessor
3. Notice of Petition - Allied Drive Universal Joint Venture Vs Town of Cheektowaga Assessor
4. Notice of Petition - Carl Hasselback, Philip Hasselback Vs Town of Cheektowaga Assessor
5. Notice of Petition - Cooper Industries, Inc Vs Town of Cheektowaga Assessor (Index No. 8845)
6. Notice of Petition - Cooper Industries, Inc Vs Town of Cheektowaga Assessor (Index No. 8846)
7. Notice of Petition - Gateway Development LLC Vs Town of Cheektowaga Assessor
8. Notice of Petition - Grunin LLC Vs Town of Cheektowaga Assessor
9. Notice of Petition - Idylwood LLC Vs Town of Cheektowaga Assessor (Index No. 2008008377)
10. Notice of Petition - Idylwood LLC Vs Town of Cheektowaga Assessor (Index No. 2008008380)
11. Notice of Petition - Idylwood LLC Vs Town of Cheektowaga Assessor (Index No. 2008008381)
12. Notice of Petition - Idylwood LLC Vs Town of Cheektowaga Assessor (Index No. 2008008386)
13. Notice of Petition - Idylwood LLC Vs Town of Cheektowaga Assessor (Index No. 08/8383)

14. Notice of Petition - Maryvale East Housing Development Fund Corp Vs Town of Cheektowaga Assessor
15. Notice of Petition - Musarra Management & Investment Co Ltd, Musarra Realty Holding Co, Diane M F Schwach, Claudette R M Musarra, and Arthur F DuC Musarra Vs Town of Cheektowaga Assessor
16. Notice of Petition - Niagara Mohawk Power Corporation Vs Town of Cheektowaga Assessor
17. Notice of Petition - Rite Aid Corporation Vs Town of Cheektowaga Assessor
18. Notice of Petition - Rite Aid Corp/Eckerd Vs Town of Cheektowaga Assessor
19. Notice of Petition - Wal-Mart Stores, Inc Vs Town of Cheektowaga Assessor

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Closing**

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to adjourn the meeting.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, August, 12, 2008

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on August 12, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

## II. Resolutions



## 1. RESOLUTION 2008-458

### Termination of Employee

**Sponsored By:** Holtz, Swiatek, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski

WHEREAS, a Notice was served on or about May 22, 2007 pursuant to Section 25-6 of the Code of the Town of Cheektowaga charging John E. Rogowski with failing to maintain residence with the Town as required by Chapter 25 of the Town Code, also known as the Residency Law of the Town of Cheektowaga; AND

WHEREAS, on May 15, 2007 the Town Board appointed Lawrence J. Vilardo as its hearing officer, and authorized him to conduct a hearing, make findings of fact and determine whether or not John E. Rogowski was a resident of the Town, as required by the Residency Law, and to report such findings and determination to the Town Board; AND

WHEREAS, a hearing was held pursuant to Section 25-6 of the Code; AND

WHEREAS, on August 5, 2008 Hearing Officer Lawrence J. Vilardo rendered his Findings of Fact & Determination, concluding that John E. Rogowski failed to maintain residence within the Town, as required by the Residency Law, and that he ceased to be a resident prior to qualifying for a service-based exemption under Section 24.09 of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; NOW THEREFORE BE IT

RESOLVED, that this Town Board hereby accepts and adopts the Hearing Officer's Findings of Fact and Determination in full; AND BE IT FURTHER

RESOLVED, that the position of Senior Maintenance Worker in the Building Maintenance Division of the Facilities Department that is currently filled by John E. Rogowski is hereby vacated, effective immediately; AND BE IT FURTHER

RESOLVED, that the employment and services of John E. Rogowski by the Town of Cheektowaga are hereby terminated, effective immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Holtz, Swiatek, Rogowski, Zydel, Markel
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz

### III. Adjournment

Meeting was adjourned at 6:40 P.M.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, August, 18, 2008

6:45 PM

Council Chambers

### I. Call to Order

6:45 PM Meeting called to order on August 18, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
 Ellen Fischer, Executive Director - Youth Board  
 John Marriott, Planning Board Representative  
 William Pugh, Town Engineer  
 Kevin Schenk, Town Attorney  
 Mark Wegner, Highway Superintendent  
 Christine Ziemba, Chief of Police

### II. Public Comment Period

### III. Public Hearing at 7:00 PM

#### 1. Local Law Intro No. 2008-8

A Local Law to Amend the Zoning Law Relating to Site Plan Approval

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** James Rogowski, Councilmember

<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

## IV. Resolutions





## 1. RESOLUTION 2008-459

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

GENERAL FUND

FROM: 100.1110.2105      Equipment      \$ 5,740.80

TO: 100.1110.4321      Data Processing      \$ 5,740.80

PART TOWN FUND

FROM: 800.1910.3088      Misc. State Aid      \$ 15,000.00

TO: 800.3620.4520      Demolition of Houses      \$ 15,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 2. RESOLUTION 2008-460

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Zydel

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 15, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 272,196.24
RISK RETENTION FUND	79,689.13
SPECIAL DISTRICTS FUND	158,627.53
HIGHWAY FUND	18,385.84
CAPITAL FUND	354,550.62
TRUST & AGENCY FUND	9,021.38
HUD CDBG FUND	28,228.44
PART TOWN FUND	3,080.66
	<u>\$ 923,779.84</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



### 3. RESOLUTION 2008-461

## Negative SEQR Declaration - 2777 Walden Avenue

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

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

WHEREAS, an application was submitted by The Krog Corp. on behalf of API Heat Transfer, Inc. for the construction of a 61,000 square foot manufacturing/office addition to 2777 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 6, 2008 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 17, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 4. RESOLUTION 2008-462

### Negative SEQR Declaration - 10 Sonwil Drive

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 BAV Services for the construction of a 3,420 square foot warehouse addition to 10 Sonwil Drive, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 6, 2008 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 17, 2008, 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 obtaining an area variance for the building setback at the Northwest building corner.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 5. RESOLUTION 2008-463

### Negative SEQR Declaration - 1717 Walden Avenue

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 with the permission of the land owner, Upstate Niagara Cooperative, Inc. for the rezoning of a portion of 1717 Walden Avenue from CM- General Commercial to MS- Motor Service for the re-establishment of a new automobile sales facility, with accessory used automobile sales, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 6, 2008 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request at their meeting of June 12, 2008 and recommended the approval of the site plan at their meeting of August 14, 2008, 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 removal of the existing easterly driveway along Walden Avenue, and the reconstruction of the roadway curb.
2. Constructing a public walk through that portion of the abandoned driveway, as well, as a stub walk for a pedestrian route to the building entrance.
3. The removal of the deteriorated fence along the east property line.
4. Upstate Niagara Cooperative, Inc. reclaiming a portion of their driveway which is along the east side of the subject property, and which provides access to the subject property; back to green space to create a visual enhancement to the land owner's site and the applicant's site - as shown on the attached exhibit.

5. The Zoning Board of Appeals granting the necessary area variance to the applicant and Upstate Niagara Cooperative, Inc. for the proposed parcel split, which requires a minimum of (10) ten feet of landscaping on both sides of proposed southerly property line of the subject property.

**ATTACHMENTS:**

upstate driveway (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski  
**ABSENT:** Jeff Swiatek



## 6. RESOLUTION 2008-464

### Negative SEQR Declaration - 2660 William Street

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Construction Exchange of Buffalo and Western New York, Inc. with the permission of the land owner, the Town of Cheektowaga for the rezoning of 2660 William Street from CF- Community Facilities to NS - Neighborhood Services for the conversion of a former town library to an administrative office, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 6, 2008 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 12, 2008, AND

WHEREAS, the applicant requires an area variance for the number of required off street parking spaces, 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 applicant obtaining a building permit for all alterations, renovations, repairs and change of occupancy classification as required by the NYS Existing Building Code.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember

<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





## 7. RESOLUTION 2008-465

### Approve Rezoning - 2660 William Street

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Construction Exchange of Buffalo and Western New York, Inc.. petitioned for a rezoning from CF-Community Facilities District to NS-Neighborhood Services property owned by Town of Cheektowaga and located at 2660 William Street, Cheektowaga, New York, which property is described in the attached legal description, for the conversion of a former library to an administrative office, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of July, 2008 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 Construction Exchange of Buffalo and Western New York, Inc.. for the rezoning from CF-Community Facilities District to NS-Neighborhood Services District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. The Zoning Board of Appeals granting the necessary variances for the project;

,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

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. 23, Township 11, Range 7 of the Holland Land Company's Survey and further distinguished as Subdivision Lots Nos. 1 to 8 inclusive and the south 14 feet of Subdivision Lot No. 9 in Block N as shown on maps filed in the Erie County Clerks Office under Cover Nos. 812, 515 and 553.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 8. RESOLUTION 2008-466

### Award of Bid - Track Loader and Trailer

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of one (1) Track Loader and Trailer for the Parks Division, which bids were duly received and opened at the August 6, 2008 public bid opening, AND

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

WHEREAS, said bids were reviewed and it is recommended that the award be made to the lowest responsible bidder meeting the intent of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) Track Loader and Trailer be and hereby is awarded to Bobcat of Buffalo, 6511 South Transit Road, Lockport, New York 14094, said bid being the lowest meeting the intent of the specifications, including trade-in, at the bid price of \$36,092.10, AND, BE IT FURTHER

RESOLVED, that funding for said Track Loader and Trailer shall be charged to Account #71110-2304

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 9. RESOLUTION 2008-467

### Award Contract for Removal of Tree at 44 Meadowbrook Parkway

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has received notification of a large dying cottonwood tree existing on property located at 44 Meadowbrook Parkway in the Town of Cheektowaga (S.B.L. # 123.36-5-6), and records kept by the Assessor's Office identify Julia Wallis as the owner; and

WHEREAS, an inspection of such premises was conducted by the Town Housing and Neighborhood Preservation Office; and

WHEREAS, said inspection has found that this tree has created an unsafe and dangerous condition on such property; and

WHEREAS, the Town 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 remove the tree; and

WHEREAS, the unsafe condition of this tree requires the Town Housing and Neighborhood Preservation Office to take immediate steps to remove the tree to protect the health and safety of residents in this neighborhood; and

WHEREAS, a Request For Proposals was issued for the removal of this tree, and the lowest qualified contractor for same is Tree Care of New York, at a cost of \$14,750.00; NOW THEREFORE, BE IT

RESOLVED, that, pursuant to Section 70-7A.(5) and Section 70-8 of the Town of Cheektowaga Law for Administration and Enforcement of the Codes of New York State, this Town Board hereby retains Tree Care of New York, P.O. Box 283, Lancaster, New York, 14086 at a cost not to exceed \$14,750.00 to remove the tree at 44 Meadowbrook Parkway, and BE IT FURTHER

RESOLVED, that all costs incurred shall be assessed against the property hereinbefore described.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



**10. RESOLUTION 2008-468**

**Call for Public Hearing - Local Law Intro No. 2008-9 - a Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions**

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga, entitled "Taxation" sets forth the requirements for obtaining exemptions from the payment of real property taxes in the Town of Cheektowaga, and

WHEREAS, the Real Property Tax Law of the State of New York authorizes towns to adopt local laws to eliminate the need for some to file an application for renewal; and to permit the assessor to accept applications which are filed after the taxable status date, and

WHEREAS, the Town Assessor has recommended that this Town Board enact revisions to the Taxation Law for said items, and

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

RESOLVED, that a public hearing be held on the 2nd day of September, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-9, entitled "A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions", and BE IT FURTHER

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

.....

**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 2nd day of September, 2008 at 6:45 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. 2008-9 of the Year 2008, entitled "A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions". Following is a draft of the proposed Local Law Intro No. 2008-9:

**LOCAL LAW INTRO NO. 2008-9  
A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions**

1. Section 220-6.E.of the Code of the Town of Cheektowaga is amended to add the following language:

Pursuant to Subdivision 6(b) of Section 467 of the Real Property Tax Law of the State of New York, a senior citizen who has received the senior citizens exemption on five (5) consecutive assessment rolls shall not be required to annually file an application for renewal of said exemption; however, such senior citizen shall submit a sworn statement of continued eligibility required by the New York State Board of Real Property Services.

2. Section 220-6 the Code of the Town of Cheektowaga shall be amended to add a new subsection, Subsection F, to read as follows:

F. In the event the owner(s) of property which has received a senior citizens exemption on a preceding assessment roll fail(s) to file the application for said exemption before taxable status date, the town assessor shall be authorized to accept said application for renewal provided same is filed before the date for the hearing of complaints.

Dated: August 18, 2008

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

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b> <b>WITHDRAWN</b>
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11. RESOLUTION 2008-469

Notice to Bidders - Refinishing of Two Swimming Pools at 701 Dingens Street

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the refinishing of two (2) metal swimming pools located at 701 Dingens Street 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 BEE, and, BE IT FURTHER

RESOLVED, that sealed bids will be received on September 3, 2008 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 September 3, 2008 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 701 Dingens Street 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 October 31, 2008.

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

Alice Magierski
Town Clerk

Dated: August 18, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 12. RESOLUTION 2008-470

### Increase Fingerprinting Fees

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, by previous resolution, this Town Board established a fee of \$10.00 for fingerprinting done by the Cheektowaga Police Department, and

WHEREAS, the Police Department has seen an increase in the number of requests for fingerprinting especially from non-residents, and

WHEREAS, the Chief of Police has recommended that this Town Board increase the fee for fingerprinting for non-residents to \$25.00 due to increases in costs incurred by the Town, NOW, THEREFORE, BE IT

RESOLVED, that, effective immediately, the fee for fingerprinting performed by the Cheektowaga Police Department for non-residents shall be \$25.00.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





## 13. RESOLUTION 2008-471

### Accept Title to 79E Windwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Erie County Department of Social Services acquired title to property located at 79E Windwood Court, Cheektowaga, New York as a result of placing a Social Services Department lien on the property for care provided to the owner, and

WHEREAS, the record owner of the property, Donato Ciminelli, no longer resides at 79E Windwood Court, and now resides in a nursing home, and

WHEREAS, the property is in deteriorated condition and appears to be a candidate for demolition, and

WHEREAS, the Erie County Department of Social Services has offered to transfer title to 79E Windwood Court to the Town of Cheektowaga at no cost to the Town, and

WHEREAS, this Town Board is interested in acquiring title to this property in an effort to eliminate the blighted condition this property poses to the neighborhood, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to accept title to 79E Windwood Court from the Erie County Department of Social Services, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to take all action necessary to effectuate the transfer of this property to the Town of Cheektowaga, 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 property transfer.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 14. RESOLUTION 2008-472

### Special Event - Cheektowaga Oldtimers League Championship Games and Picnic

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

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, Cheektowaga Oldtimers League has made application to hold its Championship Games and Picnic at Stiglmeier Park on August 24, 2008, and

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

Submittal of plan for sanitary facilities;  
Submittal of site plan;  
Submittal of Security Plan;  
Submittal of Fire Prevention/Emergency Services Plan;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of the Cheektowaga Oldtimers League for the aforementioned Championship Games and Picnic to be held in Stiglmeier Park on August 24, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 15. RESOLUTION 2008-473

### Cleve Hill Track Meets and Practices

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

WHEREAS, The Cleveland Hill Union Free School District has requested permission to utilize a portion of Cheektowaga Town Park from August 25, 2008 to October 17, 2008 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 25, 2008 to October 17, 2008 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 23, 2008 and October 7, 2008 for its home track meets, and BE IT FURTHER

RESOLVED, that the Director of Athletics of the Cleveland Hill School shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 16. RESOLUTION 2008-474

### Authorize Supervisor to Execute Grant Application Justice Court Assistance Program

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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

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

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 17. RESOLUTION 2008-475

### Unsafe-Unsecured / 80 Gardenvale Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 80 Gardenvale Drive, Cheektowaga, New York SBL# 91.06-13-7 that is a danger to the safety of others, and records kept by the Assessors Office identify Carol Kishbaugh, 36 Chardon Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 80 Gardenvale 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 18. RESOLUTION 2008-476

### Unsafe-Unsecured / 20 Andrews Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 Andrews Avenue, Cheektowaga, New York SBL# 101.28-2-5 that is a danger to the safety of others, and records kept by the Assessors Office identify Mary Dee McInturff, 20 Andrews Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 20 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 19. RESOLUTION 2008-477

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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

Melissa Hale	8/10/07	14227
Jocelyn Kiszewski	4/27/07	14225
Brian Koscielniak	8/10/07	14225
Mary Elizabeth Maziarz	3/30/07	14043

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the Reading of Names for Resolutions 2008-477 and 2008-478. Motion Carried

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:** Jeff Swiatek



## 20. RESOLUTION 2008-478

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

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><b>EFFECTIVE</b></u>
<u>SANITATION DEPARTMENT - Laborer - \$8.00 per hour</u>		
Michael McGill	Cheektowaga, NY	8/25/08
Daniel Pittorf	Sloan, NY	“
Thomas Madsen	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:

		<u><b>EFFECTIVE</b></u>
<u>FACILITIES DEPARTMENT - PARKS DIVISION - Laborer - \$7.75 per hour</u>		
Michael Lorkowski	Depew, NY	8/19/08

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

		<u><b>EFFECTIVE</b></u>
<u>TOWN SUPERVISOR'S OFFICE</u>		
Patricia Staniaszek		8/3/08
<u>BUILDING &amp; PLUMBING OFFICE</u>		
Tammy Ratcliff		8/16/08
<u>FACILITIES DEPARTMENT - BUILDINGS &amp; GROUNDS</u>		
Michael Ivansitz		7/3/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek





## 21. RESOLUTION 2008-480

### Travel Authorization Emergency Services (Earl Loder)

**Sponsored By:** Supervisor Holtz, Councilmember Zydel

WHEREAS, the New York State Disaster Preparedness Conference will be held from September 15 through September 17, 2008 in Syracuse, New York; AND

WHEREAS, the Coordinator of Emergency Services, Earl Loder, has requested authorization to attend said conference; AND

WHEREAS, Mr. Loder 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 Emergency Services Department; NOW, THEREFORE, BE IT

RESOLVED, that the Coordinator of Emergency Services, Earl Loder, be and hereby is authorized to attend the New York State Disaster Preparedness Conference from September 15 through September 17, 2008 in Syracuse, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek



## 22. RESOLUTION 2008-479

### Travel Authorization Police Department (Detective Michael Hockwater)

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the New York State Academy of Fire Science will hold a Fire/Arson Investigation Course from September 22 through October 3, 2008 in Montour Falls, New York; AND

WHEREAS, Detective Michael Hockwater of the Police Department has requested authorization to attend said conference; AND

WHEREAS, Detective Hockwater 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 \$692; AND

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

RESOLVED, that Detective Michael Hockwater, be and hereby is authorized to attend the New York State Academy of Fire Science Fire/Arson Investigation Course from September 22 through October 3, 2008 in Montour Falls, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

### V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolution. Motion Carried.



# 1. RESOLUTION 2008-481

## Approve Rezoning - Part of 1717 Walden Avenue

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, Charles Basil petitioned for a rezoning from CM-General Commercial District to MS-Motor Service District for a portion of property owned by Upstate Niagara Cooperative, Inc. at 1717 Walden Avenue, Cheektowaga, New York, which property is described in the attached legal description, for the re-establishment of a new automobile sales facility with accessory used automobile sales, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 21st day of July, 2008 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, Upstate Niagara Cooperative, Inc. must submit a development plan for their intended use of the southerly portion of the subject property being retained by them as an exception, 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 Charles Basil for the rezoning from CM-General Commercial District to MS-Motor Service District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. The Zoning Board of Appeals granting the necessary variances for the proposed parcel split and the proposed use;
2. Upstate Niagara Cooperative, Inc. reclaim a portion of their existing driveway which will provide access to the subject property, to green space;

,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

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. 24, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the southerly line of Walden Avenue (formerly Walden Avenue Extension) at a point 382.35 feet east of the east line of land conveyed to Czerwonka by a deed recorded in Erie County Clerk's Office in liber 3817 of Deeds at page 139 which is also the east line of land conveyed to Wahl by deed recorded in the said Clerk's Office in Liber 1264 of Deeds at page 291; thence southerly at an exterior angle of 69° 03' 30" a distance of 215.27 feet; thence easterly at right angles with the last mentioned line a distance of 215.55 feet to a stake; thence northerly at right angles to said last mentioned line 297.76 feet to the southerly line of Walden Avenue; thence westerly along said southerly line of Walden Avenue a distance of 230.80 feet to the point or place of beginning.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

## **VI. Communications**

### ***A. Departmental Communications***

1. Minutes - Town Environmental Advisory Committee - August 8, 2008
2. Minutes - Cheektowaga Conservation Advisory Council - July 19, 2008
3. Minutes - Cheektowaga Conservation Advisory Council - August 7, 2008
4. Minutes - Cheektowaga Traffic Safety Commission - July 15, 2008

### ***B. General Communications***

1. Notice of Claim - Lisa Cummings Vs. Town of Cheektowaga
2. Notice of Claim - Rachel Essek Vs. Town of Cheektowaga
3. Notice of Claim - Caroline Kueker Vs. Town of Cheektowaga
4. Notice of Claim - Edward Olejniczak as Parent and Natural Guardian of Kasandra Olejniczak Vs. Town of Cheektowaga
5. Notice of Claim - Stephen Paryla Vs. Town of Cheektowaga
6. Notice of Claim - Edward A. Skierczynski Vs. Town of Cheektowaga
7. Notice of Claim - Deborah Unger Vs. Town of Cheektowaga
8. Notice of Petition - 2055 Walden Avenue, Inc. Vs. Town of Cheektowaga
9. Notice of Petition - Acquest Village Plaza, LLC Vs. Town of Cheektowaga

10. Notice of Petition - American Axle & Manufacturing Vs. Town of Cheektowaga
11. Notice of Petition - AMF Bowling Centers, Inc. Vs. Town of Cheektowaga (3754 Genesee St.)
12. Notice of Petition - AMF Bowling Centers, Inc. Vs. Town of Cheektowaga (1550 Walden Avenue)
13. Notice of Petition - Barrett TB Inc., Vs. Town of Cheektowaga (4940 Transit Rd.)
14. Notice of Petition - Barrett TB, Inc. Vs. Town of Cheektowaga (3730 Union Rd.)
15. Notice of Petition - Beechwood Manor Apts., Ltd. Vs. Town of Cheektowaga
16. Notice of Petition - Benderson Properties, Inc. Vs. Town of Cheektowaga (375 Nagel Dr.)
17. Notice of Petition - Benderson Properties, Inc. Vs. Town of Cheektowaga (385 Nagel Dr.)
18. Notice of Petition - Benderson 85-1 Trust Vs. Town of Cheektowaga (145 Galleria Dr.)
19. Notice of Petition - Broadway Rinks, Ltd. Vs. Town of Cheektowaga
20. Notice of Petition - Buffalo Distribution Inc. % Crown Atlantic Co, LLC Vs. Town of Cheektowaga
21. Notice of Petition - Buffalo RHM Operating LLC Vs. Town of Cheektowaga
22. Notice of Petition - Ciminelli Development Co., Inc. Vs. Town of Cheektowaga (305 Cayuga Rd.)
23. Notice of Petition - Ciminelli Development Co., Inc. Vs. Town of Cheektowaga (307 Cayuga Rd.)
24. Notice of Petition - Ciminelli Development Co., Inc. Vs. Town of Cheektowaga (305 Cayuga Rd.)
25. Notice of Petition - Cook Moving Systems, Inc. Vs. Town of Cheektowaga
26. Notice of Petition - Costanzo's Realty, Inc. Vs. Town of Cheektowaga (30 Innsbruck Dr. (2); and 2303 Union Rd.)
27. Notice of Petition - DDR MDT Union Consumer Square LLC Vs. Town of Cheektowaga (3733-3735 Union Rd.)
28. Notice of Petition - DDR MDT Union Road Plaza, LLC Vs. Town of Cheektowaga (3601-3637, 3697 Union Rd.)
29. Notice of Petition - DDR MDT Walden Place, LLC Vs. Town of Cheektowaga (2150 Walden Avenue)
30. Notice of Petition - Dick Rd. - Blend All Hotel Development, Inc. Vs. Town of Cheektowaga

31. Notice of Petition - Dick Road Outparcel, LLC Vs. Town of Cheektowaga
32. Notice of Petition - FBBT/US Properties, LLC Vs. Town of Cheektowaga
33. Notice of Petition - Gateway Development, LLC Vs. Town of Cheektowaga
34. Notice of Petition - General Mills Restaurant Group, Inc. Vs. Town of Cheektowaga
35. Notice of Petition - Genesee Lodging Associates, LLC Vs. Town of Cheektowaga
36. Notice of Petition - Gold Seal Equity Partnership Vs. Town of Cheektowaga
37. Notice of Petition - Harlequin Sales Corporation Vs. Town of Cheektowaga
38. Notice of Petition - Holland Motor Express Vs. Town of Cheektowaga
39. Notice of Petition - JFG Management, Inc. Vs. Town of Cheektowaga
40. Notice of Petition - K-Mart #7171 Vs. Town of Cheektowaga (1460 French Rd.)
41. Notice of Petition - Linda Lane Associates, LP Vs. Town of Cheektowaga
42. Notice of Petition - Losson Gardens, LP Vs. Town of Cheektowaga
43. Notice of Petition - Manzella Productions Vs. Town of Cheektowaga
44. Notice of Petition - MSF HAR-KEN, LLC Vs. Town of Cheektowaga
45. Notice of Petition - NB/DS Associates Vs. Town of Cheektowaga (81 Benbro Dr.)
46. Notice of Petition - NB/DS Associates Vs. Town of Cheektowaga (91 Benbro Dr.)
47. Notice of Petition - Prolift, Inc. Vs. Town of Cheektowaga
48. Notice of Petition - Randall Benderson 1993-1 Trust Vs. Town of Cheektowaga (1669 Walden Avenue)
49. Notice of Petition - Randall Benderson 1993-1 Trust Vs. Town of Cheektowaga (2563 Union Rd.)
50. Notice of Petition - Randall Benderson 1993-1 Trust Vs. Town of Cheektowaga (1520-1556 Walden Avenue)
51. Notice of Petition - Rossler Properties, LLC Vs. Town of Cheektowaga
52. Notice of Petition - Rotor Motion, Inc. Vs. Town of Cheektowaga
53. Notice of Petition - Terry, LLC Vs. Town of Cheektowaga
54. Notice of Petition - Tri-City Rentals Vs. Town of Cheektowaga
55. Notice of Petition - Upstate Niagara Cooperative, Inc. Vs. Town of Cheektowaga
56. Notice of Petition - Walden Project Associates, LLC Vs. Town of Cheektowaga
57. Notice of Petition - Walgreens Vs. Town of Cheektowaga

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Adjourn the Meeting.  
Time of adjournment was 7:25 PM



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, September 2, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on September 2, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney  
William Pugh, Town Engineer  
Thomas Adamczak, Supervising Building and Plumbing Inspector  
Jerry Gabryszak, Director of Community Development  
Anthony Romano, Coordinator of Employee Relations  
Brian Hess, Assessor  
Ellen Fischer, Director of Youth & Recreation  
Christine Ziemba, Chief of Police  
John Marriott, Planning Board Representative

## II. Public Comment Period

## III. Resolutions





## 1. RESOLUTION 2008-482

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

Highway Fund

From:	300.5148.4029	Service Supplies	\$3,000.00
To:	300.5110.4186	Topsoil	\$3,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-483

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 29, 2008 are hereby approved and made a part hereof;

General Fund	\$ 2,694,929.82
Risk Retention Fund	85,712.17
Debt Service Fund	365,197.00
Special Districts Fund	770,993.23
Highway Fund	519,517.74
Capital Fund	114,362.98
Trust & Agency Fund	1,775.45
HUD CDBG Fund	26,527.86
Part Town Fund	<u>97,383.01</u>
	\$ 4,676,399.26

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2008-484

**Notice to Bidders: One New & Unused 2008 or Newer Model, 4X4 or AWD, 4 Door, 8 Passenger Utility Vehicle**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, The Town Clerk be and hereby is directed to publish a Notice to Bidders for the of purchase of One (1) New and Unused 2008 or Newer Model, 4x4 or AWD, 4 Door, 8 Passenger Utility Vehicle by the 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 hereby designated as the Officer to open bids on the aforesaid items at a public bid opening to be held on September 10, 2008, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.

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**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 2008 OR NEWER MODEL, 4x4 OR AWD, 4 DOOR, 8 PASSENGER UTILITY VEHICLE for use by the Highway Department of the Town of Cheektowaga at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall on September 10, 2008 at 11:00 A.M.

Information for bidders and specifications may be obtained from the Office of Alice Magierski, Town Clerk of The Town of Cheektowaga at the Cheektowaga Town Hall, Cheektowaga, NY 14227. Bids must be enclosed in an opaque envelope plainly marked ONE (1) NEW AND UNUSED 2008 OR NEWER MODEL, 4x4 OR AWD, 4 DOOR, 8 PASSENGER UTILITY VEHICLE.

Non-Collusion forms must be signed and submitted with each bid. The Superintendent of Highways may reject any or all bids submitted.

\_\_\_\_\_  
ALICE MAGIERSKI, TOWN CLERK

DATE:  
PUBLISHED:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-485

### **Call for Public Hearing Local Law Intro No. 2008-9 - a Local Law Regulating the Siting of Wireless Telecommunications Facilities**

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, with the enactment of the Telecommunications Act of 1996, continued substantial growth in the erection of wireless telecommunications facilities is anticipated, and

WHEREAS, Town officials have been engaged in discussions concerning the impact of the construction of such facilities within the Town of Cheektowaga, and

WHEREAS, although the Town of Cheektowaga has, as part of its Zoning Law, provisions relating to communications facilities, these provisions have not been updated or refined in years; and there is a need to further address the impact of the telecommunications facilities on the community and otherwise control and minimize the impact on the town and its residents, and to otherwise ensure the safety of such towers and wireless facilities in the town, and

WHEREAS, this Town Board previously retained the services of The Center for Municipal Solutions to assist the Town with the updating and refining of the communications facilities provisions of Town Code, and

WHEREAS, the Supervising Code Enforcement Officer, the Town Attorney and representatives from The Center for Municipal Solutions have drafted a proposed Local Law Regulating the Siting of Wireless Telecommunications Facilities to revise and replace provisions in our Town Code to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of our Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, 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 15th day of September, 2008 at 6:45 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. 2008-9 of the Year 2008, entitled "A Local Law Regulating the Siting of Wireless Telecommunications Facilities" should be enacted, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the CHEEKTOWAGA BEE, 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 15th day of September, 2008 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2008-9 of the Year 2008, entitled "A Local Law Regulating the Siting of Wireless Telecommunications Facilities". A summary of such proposed Local Law is as follows:

**LOCAL LAW INTRO NO. 2008-9 OF THE YEAR 2008****A LOCAL LAW REGULATING THE SITING OF  
WIRELESS TELECOMMUNICATIONS FACILITIES**

This law would repeal Section 260-48 ("Communications Facilities") of the Zoning Law/Town Code and revise and replace provisions in the Town of Cheektowaga Code to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of the Town of Cheektowaga Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services.

The full text of such local law is on file in the Town Clerk's Office where the same may be reviewed during regular business hours.

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 2, 2008

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ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



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## 5. RESOLUTION 2008-486

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### Grant for Children's Golf Program

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, grant monies are available from the National Recreation and Park Association to acquire equipment and materials for a children's golf program to be offered by the Department of Youth and Recreational Services; NOW, THEREFORE BE IT

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-487

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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

Timothy Fort	8/6/08	14227
Joy Donnelly Smith	5/4/07	14227
Daniel Wasielewski	3/2/08	14225

Motion by Supervisor Holtz, second by Councilmember Rogowski to waive the reading of names on the following three (3) resolutions, and the motion carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-488

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 Laborer \$7.75/hour  
Adam R. Bobeck, Cheektowaga, NY  
Effective 8/25/08

David P. Loschiavo, Cheektowaga, NY  
Effective 9/02/08

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 Animal Control Officer \$10/hour effective 9/01/08  
Sandra A. Kobee, Cheektowaga, NY

SENIOR SERVICES Recreation Attendant \$8.25/hour effective 9/03/08  
Betty V. Adolf, Cheektowaga, NY

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

PARKS DIVISION  
Michael Dececco  
Effective 7/19/08

POLICE DEPARTMENT  
Jacob Heisler  
Effective 8/25/08

SANITATION DEPARTMENT  
Christopher Weber effective 8/05/08  
Joseph Cendrowski effective 8/23/08  
Mark Rohloff effective 8/16/08  
Kevin Menchini effective 8/23/08  
Joshua Neureuther effective 8/30/08



MAIN PUMP STATION

Adam R. Bobeck effective 8/23/08

SENIOR SERVICES

Sharon Tatko effective 8/25/08

<p><b>RESULT:</b>        <b>ADOPTED [UNANIMOUS]</b></p> <p><b>MOVER:</b>        Jeff Swiatek, Councilmember</p> <p><b>SECONDER:</b>    Mary Holtz, Supervisor</p> <p><b>AYES:</b>         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski</p>
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## 8. RESOLUTION 2008-489

### Youth & Recreation Upgrades

**Sponsored By:** Councilmember Zydell, Councilmember Rogowski

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:

Recreation Instructor - \$12.80 - 7140.1664

Mary Beth Seivert

Recreation Attendant - \$10.30 - 7140.1664

Michele Radlich  
Ann Sheldon

Recreation Attendant - \$10.05 - 7140.1664 (regular part time)

Nancy Fumerelle

Recreation Attendant - \$10.05 - 7140.1664

Sandy Suwalski

Recreation Attendant - \$9.05 - 7140.1664

Mary Beth Lunghino

Recreation Attendant - \$8.25 - 7140.1664

Kathy Carnall

Recreation Attendant - \$12.55 - 7140.1664 & 7140.1612

Laila Desjardins

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



## 9. RESOLUTION 2008-490

### Travel Authorization Building & Plumbing Department (Edward Saternus)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the "New York State Fire Marshalls and Inspectors Annual Training Conference" is being held from October 21-October 23, 2008 in Montour Falls, New York; AND

WHEREAS, Fire Inspector Edward Saternus has requested authorization to attend said conference; AND

WHEREAS, Supervising Code Enforcement 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 \$105; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspector Edward Saternus be and hereby is authorized to attend the "New York State Fire Marshalls and Inspectors Annual Training Conference" being held from October 21-October 23, 2008 in Montour Falls, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-491

### Appointment of Senior Clerk Typist (Youth & Recreation) (Kathryn A. Miesowicz) (Promotional)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a promotional opportunity exists in the position of Senior Clerk Typist in the Youth and Recreational 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, Kathryn A. Miesowicz, currently employed as a Clerk Typist in the Youth and Recreational Services Department, appears on the Civil Service promotional list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Kathryn A. Miesowicz of Depew, New York, be and hereby is appointed to the position of Senior Clerk Typist in the Youth and Recreational Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 3, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-492

### Appointment of Senior Clerk in Youth and Recreational Services (Angela Ruchalski) (Provisional)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a promotional opportunity exists in the title of Senior Clerk in the Youth and Recreational 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, said title falls under the competitive class of Erie County Civil Service; AND

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

WHEREAS, Angela Ruchalski bid on said promotion and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, Angela Ruchalski of Cheektowaga, New York, be and hereby is appointed to the provisional position of Senior Clerk in the Youth and Recreational Services Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 3, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-493

### Appointment of General Mechanic (Buildings and Grounds Division) (Francis Strong) (Temporary)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the position of General Mechanic in the Building and Grounds Division; AND

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

WHEREAS, no bargaining unit member bid on said vacancy; AND

WHEREAS, Francis Strong, currently employed as a part-time Laborer in the Building and Grounds Division, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Francis Strong of Cheektowaga, New York, be and hereby is appointed to the temporary position of General Mechanic in the Building and Grounds Division, pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective August 30, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-494

### Travel Authorization Police Department (Captain John Glascott and Lieutenant Scott Prell)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "Law Enforcement Training Directors Association 2008 Conference" is being held September 17-September 19, 2008 in Saratoga Springs, New York; AND

WHEREAS, Captain John Glascott and Lieutenant Scott Prell 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 \$623; AND

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

RESOLVED, that Captain John Glascott and Lieutenant Scott Prell be and hereby are authorized to attend the "Law Enforcement Training Directors Association 2008 Conference" being held September 17-September 19, 2008 in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-495

### Travel Authorization Community Development

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the seminar entitled "Hot Housing Topics" is scheduled to be held from September 9-September 10, 2008 in Rochester, New York; AND

WHEREAS, Director of Community Development Jerome Gabryszak and Senior Clerk Diane Farugia have 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 \$455; AND

WHEREAS, these expenses have been budgeted by the Community Development Department; NOW, THEREFORE, BE IT

RESOLVED, that Director of Community Development Jerome Gabryszak and Senior Clerk Diane Farugia be and hereby are authorized to attend the seminar entitled "Hot Housing Topics" scheduled to be held from September 9-September 10, 2008 in Rochester, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### IV. Suspension of Rules

Motion by Councilmember Kaznowski, second by Supervisor Holtz to suspend the rules to include the following five (5) items and the motion carried.
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## 1. RESOLUTION 2008-496

### Award of Bid - Demolition of 74 Barbara Place

**Sponsored By:** Markel, Kaznowski, Rogowski, Holtz, Zydel, Swiatek, Jaworowicz

WHEREAS, as a result of advertisement, bids were duly received and opened on August 28, 2008 for the furnishing of equipment, operators and laborers for the demolition of a two-family dwelling located at 74 Barbara Place, Cheektowaga, New York, and

WHEREAS, said bids were referred to the Building and Plumbing Inspector and the Town Attorney for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of equipment, operators and laborers for the demolition of a two-family dwelling located at 74 Barbara Place, Cheektowaga, New York be and hereby is awarded to National Vacuum Corporation for their submission of the lowest responsible bid meeting the requirements of the specifications in the amount of \$19,999.00, and BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account # 800-3620-4520.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-497

### Award of Bid: New Trees for Spring Planting

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, written proposals were duly received and opened at the Cheektowaga Highway Department on Friday, August 15, 2008, for the Purchase of New Trees for Fall 2008, planting season by the Cheektowaga Highway Department. As a result, 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 the bid for the Purchase of New Trees for Fall 2008, planting season be awarded to Schichtel's Nursery Inc., 6745 Chestnut Ridge Road, Orchard Park, New York 14127, said bidder being the lowest responsible bidder, meeting specifications as set forth in the tabulation attached hereto and made a part hereof,

BE IT FURTHER RESOLVED, that said monies be charged to line item #0300-5140-4291.

\*SEE BELOW FOR BID PROPOSAL

\*\*\*\*\*

#### BID PROPOSAL

Pursuant to and in accordance with the specifications dated April 2, 2008, the undersigned hereby offers to furnish balled and burlap trees of the following sizes (1-1/2", 1-3/4", 2" cal.) with exception to pine trees; to be furnished at 4', 5' & 6' sizes. Species delivered to the Town of Cheektowaga Highway Department, Erie County, New York. (All species must be bid).

COMMON NAME/ BOTANICAL NAME	QUANTITY	UNIT COST FOR 1-1/2" or 1-3/4"	TOTAL PRICE
<b>AUTUMN FLOWERING CHERRY</b> (Prunus Sub 'Autumnalis')	15	\$82.00	\$1,230.00
<b>'CRIMSON KING' NORWAY MAPLE</b> (Acer Platanoides 'Crimson King')	15	55.00	825.00
<b>IVORY SILK TREE LILAC</b> (Syringa reticulata 'Ivory Silk')	15	81.00	1,215.00
<b>GREEN VASE ZELKOVA</b> (Zelkova S. 'Green Vase')	15	81.00	1,215.00
<b>RED SUNSET MAPLE</b> (Acer rubrum 'Red Sunset')	20	50.00	1,000.00
<b>SKYLINE HONEYLOCUST</b> (Gleditsia t.i. 'Skyline')	15	<b>55.00</b>	<b>825.00</b>

<b>HARVEST GOLD CRABAPPLE</b>	20	55.00	1,100.00
(Malus 'Harvest Gold')			

**BASE BID TOTAL.....\$7,410.00**

**QUANTITIES:**

The quantities stated for each species are approximate and may vary either greater or fewer for each species set forth in the bid specifications provided the total amount does not exceed \$10,000. Final quantities are to be determined based on availability of funds.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-498

## Authorize Supervisor Execute Grant Application

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, through the efforts of Assemblyman Dennis Gabryszak, \$125,000 in grant monies may be available from the Dormitory Authority for the State of New York for public works improvements associated with Wayne Terrace, and

WHEREAS, the Town Board deems use of these funds to be in the public interest;  
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 Dormitory Authority for the State of New York for the purpose of securing this grant, and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-499

### Authorize Supervisor to Execute Enrollment Form with Energy Curtailment Specialists for Lights at Stiglmeier Park Ball Diamonds

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, New York Independent System Operator ("NYISO"), the operator of New York's electricity grid, supports demand support programs to deal with electricity demands during periods of high demand, and

WHEREAS, moneys are available through these programs to businesses that can reduce some or all of their electric requirements for a few hours a year when the electric grid is unstable through the "Operation Save New York" program, and

WHEREAS, the Town of Cheektowaga is committed to saving money by reducing the use of electricity at our facilities, and

WHEREAS, the Town of Cheektowaga is the owner of the ball diamond lights located in Stiglmeier Park (800 Losson Road), and

WHEREAS, Energy Curtailment Specialists, Inc. ("ECS"), an administrator of the NYSIO, has submitted a proposal/enrollment form to the Town of Cheektowaga for the Stiglmeier Park ball diamond lights, estimating that the Town could save \$1,050.00 per year in energy savings by enrolling with ECS, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an enrollment form with ECS for the Stiglmeier Park ball diamond lights for a three (3) year term (6 periods).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-500

### Extend Time for Employee to Obtain Residency

**Sponsored By:** Holtz, Markel, Rogowski, Swiatek, Jaworowicz, Zydel, Kaznowski

WHEREAS, by resolution dated November 5, 2007, this Town Board appointed Daniel Lelito to the position of Assistant Code Enforcement Officer in the Building and Plumbing Department, and

WHEREAS, since Mr. Lelito was not a resident of the Town of Cheektowaga at such time, pursuant to the Residency Law of the Town of Cheektowaga, because of his special skills, aptitudes and expertise, and knowledge of the State Building Codes, he was given six (6) months from the date of said resolution in which to obtain residency within the Town of Cheektowaga, and

WHEREAS, Mr. Lelito has had difficulty in selling his residence in Orchard Park, and was verbally told by the Personnel Director that this Town Board would grant him an additional six (6) months in which to obtain residency within the Town of Cheektowaga, and

WHEREAS, in the past, this Town Board has, when special circumstances exist which prevent a new employee from being able to move into the Town of Cheektowaga within six (6) months, granted such employee an additional six (6) months in which to obtain residency, and

WHEREAS, Mr. Lelito has submitted documentation to this Town Board confirming said special circumstances in being unable to sell his present home, and

WHEREAS, Mr. Lelito has proven himself to be a valued employee, and this Board feels that he has attempted to obtain residency within the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED, that Daniel Lelito be and hereby is granted an additional six (6) months, retroactively from April 22, 2008 until October 22, 2008, to obtain residency within the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Supervisor's Statement of Funds - July 2008

***B. General Communications***

1. Summons & Complaint - Wells Fargo Bank Minnesota, National Association, as Trustee Vs Town of Cheektowaga and Others
2. Notice of Claim - Joyce Butts Vs Town of Cheektowaga
3. Notice of Claim - Lisa Cummings Vs Town of Cheektowaga
4. Notice of Claim - Regina C Eich Vs Town of Cheektowaga
5. Notice of Claim - Ann Marie Garry Vs Town of Cheektowaga
6. Notice of Claim - James & Susan Myers Vs Town of Cheektowaga
7. Notice of Claim - Nancy Vasquez Vs Town of Cheektowaga

**VI. Comments*****A. Supervisor's Comments******B. Councilmember's Comments******C. Public Comments*****VII. Closing**

Motion by Supervisor Holtz, seconded by Councilmember Rogowski to adjourn the meeting.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, September, 9, 2008

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on September 9, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

## II. Resolutions





## 1. RESOLUTION 2008-501

### **Request State Liquor Authority to Approve Liquor Licenses for Establishments at Walden Galleria Mall**

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Walden Galleria Mall is a regional shopping center located in the Town of Cheektowaga which attracts visitors from all over New York State and Canada, and

WHEREAS, in 2006, the Pyramid Companies, owner of the Walden Galleria Mall, announced plans to renovate/expand and redevelop the northerly section of the mall, and

WHEREAS, the redevelopment of the northerly section of the mall property is proceeding, and

WHEREAS, this redevelopment includes retail space and a series of restaurants, and

WHEREAS, Section 64(7)(b) of the Alcoholic Beverage Control Law of the State of New York provides that the State Liquor Authority will not grant any more than three (3) liquor licenses for on-premises consumption to establishments within 500 feet of each other unless it holds a hearing after notifying the municipality within which such establishments are proposed, and

WHEREAS, Hyde Park Steakhouse is expected to open on or about September 30, 2008 and needs a liquor license, and

WHEREAS, there could be up to a total of twelve (12) restaurants opening in this area of the Mall within 500 feet of each other and each is expected to request a liquor license, and

WHEREAS, this Board has seen the plans for the proposed redevelopment of the northerly section of the Mall and feels that it will be an asset to the Town and become a destination for visitors to Western New York, and

WHEREAS, there is adequate security from the Mall available to monitor activities in this section of the mall and, based on the caliber of restaurants proposed for the Mall, the consumption of alcoholic beverages will be strictly monitored and controlled, and

WHEREAS, this Town Board is in full support of the proposed establishment of up to twelve (12) restaurants with the on-premises consumption of alcohol in this area of the Mall, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports and endorses the proposed establishment of Hyde Park Steakhouse and up to a total of twelve (12) restaurants with on-premises consumption of alcohol in the redeveloped northerly section of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED, that, in the public interest, this Town Board hereby requests the State Liquor Authority to act with all due and deliberate speed in approving liquor licenses for Hyde Park Steakhouse and all of the twelve (12) establishments proposed for the northerly section of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED, that, pursuant to Section 64(7)(f) of the Alcoholic Beverage Control Law, this Town Board hereby waives the 15 day notice requirement for any proposed hearing to be held by the State Liquor Authority for the issuance of liquor licenses for on-premises consumption of alcoholic beverages for Hyde Park Steakhouse and the other establishments seeking to locate in the northerly section of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the State Liquor Authority at 535 Washington Street, Buffalo, New York 14203

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Motion To: Motion

COMMENTS - Current Meeting:

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to move into Executive Session at 6:25 PM to discuss litigation and the motion carried.
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<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

3. Motion To: Motion

COMMENTS - Current Meeting:

Motion by Supervisor Holtz, second by Councilmember Markel to go out of Executive Session at 6:35 PM and the motion carried.
--

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-502

### Settlement of Litigation - Roszczyk

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

**WHEREAS**, on October 17, 2005, Perry Roszczyk, a Town employee, was allegedly injured while in the course of his employment with the Town; and

**WHEREAS**, as a result of his injuries, Mr. Roszczyk received Worker's Compensation benefits from the Town, and the Town, through its Third Party Administrator W.C.S of N.Y., Inc., asserted a lien against any recovery received by Mr. Roszczyk in his claim against the defendant in his first-party action; and

**WHEREAS**, Mr. Roszczyk settled his first-party claim, and his attorneys have requested that the Town compromise its lien; and

**WHEREAS**, the Deputy Town Attorney recommends said compromise in the best interests of the Town and avoids further litigation, **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Deputy Town Attorney is hereby directed and authorized to settle and compromise the Worker's Compensation lien filed on its behalf against Perry Roszczyk.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-503

### Settlement of Litigation - Schiersing

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

**WHEREAS**, on June 3, 2003, Mark Schiersing, a Town employee, was allegedly injured while in the course of his employment with the Town; and

**WHEREAS**, as a result of his injuries, Mr. Schiersing received Worker's Compensation benefits from the Town, and the Town, through its Third Party Administrator W.C.S of N.Y., Inc., asserted a lien against any recovery received by Mr. Schiersing in his claim against the defendant in his first-party action; and

**WHEREAS**, Mr. Schiersing settled his first-party claim, and his attorneys have requested that the Town compromise its lien; and

**WHEREAS**, the Deputy Town Attorney recommends said compromise in the best interests of the Town and to avoid further litigation, **NOW, THEREFORE, BE IT**

**RESOLVED**, that the Deputy Town Attorney is hereby directed and authorized to settle and compromise the Worker's Compensation lien filed on its behalf against Mark Schiersing.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, September, 15, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on September 15, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Ellen Fischer, Executive Director - Youth Board  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Representative  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Kerry Switalski, Senior Services Director  
Christine Ziemba, Chief of Police  
Richard Chamberlain, Captain

## II. Public Comment Period

## III. Public Hearings

### 1. Local Law Intro No. 2008-9 - a Local Law Regulating the Siting of Wireless Telecommunications Facilities

This being the time and place advertised for a Public Hearing, 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]**

<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Resolutions



## 1. RESOLUTION 2008-504

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**GENERAL FUND**

FROM:	100.1410.4262	Mailing costs	\$ 2,000.00
TO:	100.1410.4001	Office Supplies	\$ 2,000.00

**HIGHWAY FUND**

FROM:	300.5110.4178	Blacktop General	\$ 5,500.00
	300.5110.4331	Machinery Rental	6,000.00
	300.5110.4469	Disposal Cost	4,500.00
TO:	300.5110.4186	Topsoil	\$ 5,500.00
	300.5110.4177	Receiver & Pipe	10,500.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-505

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 12, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$	597,983.41
RISK RETENTION FUND		20,581.75
NYS HOME PROGRAM		1,585.00
SPECIAL DISTRICTS FUND		287,029.20
HIGHWAY FUND		129,352.03
CAPITAL FUND		168,637.71
TRUST & AGENCY FUND		15,094.66
HUD CDBG FUND		25,002.00
PART TOWN FUND		25,150.63
		<u>25,150.63</u>
	\$	1,270,416.39

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





### 3. RESOLUTION 2008-506

## Award of Bid - Refinishing Two Metal Swimming Pools

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, as a result of advertisement, bids were received on September 3, 2008 for refinishing two (2) metal swimming pools located at 701 Dingens Street 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 \$72,000.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for said refinishing work in Account No. 500-7110-0020-5837.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-507

Call for Public Hearing - Rezoning Request Part of 4039 Genesee St.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Oxford Development Co. has made application with the permission of the landowner, Concourse Center II, LLC and requested the rezoning of part of 4039 Genesee Street from M1- Light Manufacturing to C- Retail Business for a six story 127 room hotel, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 6, 2008 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 6th day of October, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Oxford Development Co.

for the rezoning of part of 4039 Genesee Street from M1- Light Manufacturing to C-Retail Business for a six story, 127 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

Alice Magierski, 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 5, Township 11, Range 7 of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at a point in the east line of Buell Avenue (50.0 feet wide) distant 225.00 feet southerly from the former south line of Genesee Street (as a 100.0 foot wide street) as measured along said east line of Buell Avenue;

THENCE: S-89°-28'-46"-E, along the south line of relocated Buell Avenue as shown on New York State Map No. 1870, Parcel No. 1882 a distance of 472.13 feet;

THENCE through the lands conveyed to Concourse Center II, LLC by Deed recorded in the Erie

County Clerk's Office in Liber 11024 of Deeds at page 5827, Parcel 1, the following two (2) courses and distances:

- 1.) S-19°-23'-24"-E, a distance of 417.40 feet;
- 2.) S-89°-09'-04"-W, a distance of 394.79 feet to the east line of lands conveyed to ATA Associates by Deed recorded in Liber 10229 of Deeds at page 290;

THENCE: N-00°-50'-56"-W along the easterly line of said ATA Associates lands a distance of 323.78 feet to the northeast corner thereof;

THENCE: N-89°-33'-11"-W along the north line of said ATA Associates lands a distance of 209.99 feet to the east line of Buell Avenue;

THENCE: N-00°-50'-56"-W along the east line of Buell Avenue a distance of 78.49 feet to the POINT OF BEGINNING containing 3.38 acres be the same more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-508

### Call for Public Hearing - Special Permit Request 1130 & 1180 French Road

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, Myron M. Hunt, Inc on behalf of French /Borden Partners, LLC has made application and requested a special permit for an accessory drive thru window for a proposed pharmacy at 1130-1180 French Road , NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 6, 2008 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

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#### 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 6th day of October, 2008 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Myron M. Hunt, Inc.

for a special permit to establish an accessory drive thru window for a proposed pharmacy at 1130-1180 French 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  
Town of Cheektowaga, NY

Alice Magierski, TOWN CLERK

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#### LEGAL DESCRIPTION

Parcel 1 - 1130 French Road

All that tract or parcel of land situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 50, Township 10, Range 7, of the Buffalo Creek Reservation and being further described as follows:

Beginning at a point in the center line of French Road (66 feet wide) 233.00 feet west of the intersection of the center line of French Road and the center line of Borden Road (66 feet wide); thence westerly along the center line of French Road a distance of 274.80 feet to a point; thence northerly at an interior angle of 89°43'33" a distance of 316 feet to a point; thence southeasterly at an interior angle of 76°48'37" a distance of 283.52 feet to a point; thence southerly at an interior angle of 102°54'20" a distance of 250.00 feet to the point or place of beginning.

EXCEPTING THEREFROM lands acquired by County of Erie Department of Public Works, Parcel No. 96.

Parcel 2 - 1180 French Road

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. 50, Township 10, Range 7 of the Buffalo Creek Reservation, bounded and described as follows: BEGINNING at a point in the westerly line of Borden Road (66 feet wide) 1279.23 feet south of the north line of said Lot No. 50 as measured along the west line of Borden Road, said point being at the intersection of the southerly line of lands conveyed to Joseph Pajak and Stella F. Pajak, his wife by deed recorded in the Erie County Clerk's Office in Liber 5409 of Deeds at page 554, with the westerly line of Borden Road; running thence southerly along the westerly line of Borden Road 179.17 feet to the north line of French Road (66 feet wide); running thence westerly along the north line of French Road 200 feet to a point; running thence northerly parallel with the line of Borden Road 179.17 feet to a point; running thence easterly parallel with the north line of French Road 200 feet to the point of beginning. EXCEPTING therefrom lands acquired by County of Erie for the construction of French Road, CR #321 Map SK 198-7R, Parcel 40.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-509

Call for Public Hearing - Local Law Intro No. 2008-10 - a Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga, entitled "Taxation" sets forth the requirements for obtaining exemptions from the payment of real property taxes in the Town of Cheektowaga, and

WHEREAS, the Real Property Tax Law of the State of New York authorizes towns to adopt local laws to eliminate the need for some to file an application for renewal; and to permit the assessor to accept applications which are filed after the taxable status date, and

WHEREAS, the Town Assessor has recommended that this Town Board enact revisions to the Taxation Law for said items, and

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

RESOLVED, that a public hearing be held on the 6th day of October, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-10, entitled "A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions", and BE IT FURTHER

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

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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 6th day of October, 2008 at 6:45 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. 2008-10 of the Year 2008, entitled "A Local Law to Amend Chapter 200 of the Town Code Relating to Senior Citizen Exemptions". Following is a draft of the proposed Local Law Intro No. 2008-10:

LOCAL LAW INTRO NO. 2008-10

**A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions**

1. Section 220-6 of the Code of the Town of Cheektowaga shall be amended to add a new subsection, Subsection F, to read as follows:

F. In the event the owner(s) of property which has received a senior citizens exemption on a preceding assessment roll fail(s) to file the application for said exemption before taxable status date, the town assessor shall be authorized to accept said application for renewal provided same is filed before the date for the hearing of complaints.

Dated: September 15, 2008

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

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2008-510

Notice to Bidders - Rental of Equipment & Operator for Emergency Snow Removal 2008-09 Winter Season

Sponsored By: Councilmember Swiatek, Supervisor Holtz

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 thru Friday, NOW THEREFORE, BE IT

RESOLVED, That the Town Clerk is here by designated as the Office to open bids on the afroesaid items at a public bid opening to be held on Wednesday October, 1, 2008, at 11:00 AM, in the Council Chambers of the Cheektowaga Town Hall.

\*\*\*\*\*

NOTICE TO BIDDERS

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 2008-09 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 1, 2008, 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.

Alice Magierski, Town Clerk



**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 8. RESOLUTION 2008-511

## Notice to Bidders - 2008 3/4 Ton, 4 X 4 Pick-Up Truck

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Main Pump Station 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 Main Pump Station, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town of Cheektowaga on October 1, 2008 at 11:00 A.M. at the Town Hall, at which time they will be publicly opened and read.

\*\*\*\*\*

Sealed proposals will be received by the Town of Cheektowaga on October 1, 2008 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads for the purchase of one (1) unused 2008 or newer 3/4 ton pick-up truck for the Main Pump Station.

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.

Alice Magierski  
Town Clerk

DATED: September 15, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2008-512

**Notice to Bidders - One (1) New and Unused 2008 Sulliar (Or Equal) 185 CFM Portable Air Compressor with a Diesel Engine**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, The Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of One (1) New and Unused 2008 Sulliar (or equal) 185 CFM Portable Air Compressor with a Diesel Engine for use by the Cheektowga 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 thru Friday, NOW THEREFORE, BE IT

RESOLVED, the 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 1, 2008, 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 2008 SULLAIR (OR EQUAL) 185 CFM PORTABLE AIR COMPRESSOR WITH A DIESEL ENGINE. For use by the Highway Department of the Town of Cheektowaga at a public opening to be held in the Council chambers at the Cheektowaga Town Hall on October 1, 2008 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magierski, Town Clerk at her office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "ONE (1) NEW AND UNUSED 2008 SULLAIR (OR EQUAL) 185 CFM PORTABLE AIR COMPRESSOR WITH A DIESEL ENGINE."

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

ALICE MAGIERSKI, TOWN CLERK

DATE: September 15, 2008

PUBLISHED: September 18, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-513

### Unsafe-Unsecured / 11 Normandy Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 Normandy Avenue, Cheektowaga, New York SBL# 102.21-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify Duncan Yelds, Genesis REI, LLC, 1398 Culver Road, Rochester, New York 14609, as the owner AND

WHEREAS, an inspection of such premises was conducted at 11 Normandy 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-514

### Unsafe-Unsecured / 2371 Genesee Street

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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, 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 C. 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-515

### Unsafe-Unsecured / 40 Alpine Place

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 G. 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-516

### Unsafe-Unsecured / 11 Robert Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 Robert Court, Cheektowaga, New York SBL# 91.07-8-32 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas J. Hausner, 25 Ryleigh Lane Unit D, Anniston, AL 36207, as the owner AND

WHEREAS, an inspection of such premises was conducted at 11 Robert Court, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 14. RESOLUTION 2008-517

### Authorize Supervisor to Execute Application For Motor Vehicle Theft and Insurance Fraud Grant

**Sponsored By:** Councilmember Jaworowicz, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-518

### Opposition to Proposed Changes to Public Health Law Regarding Vital Statistics

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the New York State Local Government Commission on Efficiency and Competitiveness has made certain recommendations to the Governor which affects the operation of local governments; and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of Vital Statistics' duties to the County level under the direction of the New York State Health Commissioner; and

WHEREAS, New York State Department of Health has developed a program bill that would allow the Commissioner to consolidate the function of the local registrars of vital statistics; and

WHEREAS, the New York State Department of Health has inappropriately attached these proposed changes in the structure of the Registrar of Vital Statistics' duties to the "Pandemic Flu and Public Health Emergency Preparedness Law", and

WHEREAS, the Commissioner could consolidate these services without county legislative approval; and

WHEREAS, local city, town, and village Clerks have provided this service professionally and efficiently over the years; and

WHEREAS, losing this business would have a financial impact on the local governments; and

WHEREAS, many citizens are under financial stress due to high fuel costs; and

WHEREAS, the County's geography would increase this burden since services would be located further from the residents; and

WHEREAS, the local Registrars presently charge \$10.00 per certified copy and the State proposes that the County will charge \$30.00 per certified copy; NOW THEREFORE, BE IT

RESOLVED, that in the interest of good government, the Town Board of the Town of Cheektowaga opposes the consolidation of the function of local registrars of vital statistics; and  
BE IT FURTHER

RESOLVED, that a copy of this Resolution be forwarded to our Governor and State elected officials to encourage their support.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Mary Holtz, Supervisor  
**SECONDER:**   Patricia Jaworowicz, Councilmember  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-519

### Public Improvement Permit - 3095 Harlem Road, Inc.

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to, and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, 3095 Harlem Road, Inc., who recently acquired a portion of West Adeline Road south of Adeline Road from the Town to facilitate an expansion of the Atwal Eye Center, has submitted a Public Improvement Permit Application, plans and specifications and permit fee for the reconstruction of the Adeline Road/West Adeline Road intersection, AND

WHEREAS, the Town Engineer and Town Superintendent of Highways have reviewed the plans and specifications and find that the design of the subject improvements conform with established Town requirements, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the reconstruction of the aforesaid intersection, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$892.88 be deposited in the Public Improvement Permit Account which has been established for receipt and disbursement of such fees.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-520

### **Negative SEQR Declaration 233 Bennett Road & SBL No. 114.09-4-2.13**

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Elderwood Senior Care for the rezoning of 233 Bennett Road and SBL No. 114.09-4-2.13 from R - Residence to RSC - Senior Citizen Housing District the construction of a 14 townhome units, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 3, 2008 recommended a determination of non-significance as shown on the attached memorandum dated September 4, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 8, 2008, 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 US Army Corps of Engineers providing a letter of no jurisdiction for the isolated freshwater wetlands identified by the applicant.
2. The Town Engineer approve the drainage/grading plans.
3. The applicant providing 313 replacement trees which will be displaced by the project consistent with the requirements of section 229-5 of the Town of Cheektowaga Town Code.

ATTACHMENTS:

EAC-September 3, 2008 minutes (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-521

### Open Burning / 3600 Union Road-Cheektowaga Central

**Sponsored By:** Councilmember Zydel, 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 High School to conduct a open fire on October 8, 2008 with rain date of October 9, 2008 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 in conjunction with summer youth activities, 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 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-522

### Maryvale Track Meets and Practices

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, The Maryvale School District has requested permission to utilize a portion of Cheektowaga Town Park from September 16, 2008 to October 17, 2008 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 Maryvale School District has provided the Town with the necessary insurance coverage for such track meets, and

WHEREAS, Maryvale 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 September 16, 2008 to October 17, 2008 for the Maryvale Cross Country Track team practices, and BE IT FURTHER

RESOLVED, that this Town Board also approves of the use of Cheektowaga Town Park by Maryvale Cross Country Teams on September 16 & 30, 2008 for its home track meets, and BE IT FURTHER

RESOLVED, that the Director of Athletics of the Maryvale School District shall coordinate with the General Crew Chief of the Facilities Department concerning these track meets.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 20. RESOLUTION 2008-523

### Change Order No. 1 - Rein Road Bridge

**Sponsored By:** Councilmember Kaznowski, Councilmember Swiatek

WHEREAS, a contract for the rehabilitation of a bottom chord truss member for the Rein Road Bridge was awarded by Town Board resolution dated May 5, 2008 to Hohl Industrial Services, Inc. in the amount of \$31,760.00, AND

WHEREAS, the New York State Department of Transportation, by letter dated July 18, 2008, has advised the Town Highway Superintendent that two (2) additional yellow structural flags have been placed on the subject bridge associated with corrosion following a recent biennial inspection, AND

WHEREAS, the Town Engineer, Town Highway Superintendent and Project Consulting Engineer Nussbaumer & Clarke, Inc. have recommended the approval of Change Order No. 1 for the aforementioned project in the amount of \$22,277.00 to provide for additional structural repairs to the truss bottom cord and installation of a new fascia stringer to address the NYSDOT issued yellow flags as outlined in the Change Order document dated September 2, 2008, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the subject project in the amount of \$22,277.00 as an addition to the contract of Hohl Industrial Services, Inc., 770 Riverview Boulevard, Tonawanda, New York 14150 be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute Change Order No. 1 on behalf of this Town Board which shall be chargeable to Account #500-5120-2050-5832.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-524

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### Creation of Eight (8) Assistant Code Enforcement Officer Positions

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, the Town Board hereby creates eight (8) Assistant Code Enforcement Officer positions pursuant to Civil Service Laws and Rules effective September 15, 2008.

<b>RESULT:</b> <b>WITHDRAWN</b>
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## 22. RESOLUTION 2008-525

### Creation of One (1) Senior Traffic Signal Technician Position

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, the Town Board hereby creates the position of Senior Traffic Signal Technician pursuant to Civil Service Laws and Rules effective September 15, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-526

### Youth & Recreation Hire

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individual be and hereby is hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Attendant - \$7.15 - Regular Part time - 7140.1614

Aaron Tymorek

14227

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to waive the Reading of Names for the following Resolutions. Resolutions 2008-526 to 2008-529.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-527

### Youth & Recreation Transfers

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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

From Camp Dartwood 7140.1632 to the Adapted Recreation Program (ARP) 7140.1803

Melissa Rogers  
Kristy Rzesutek

From Camp JI-IK-DO-WAH-GAH - 7310.1801 to 7310.1803 ARP

Laura Gabryszak  
Brandon Schunke  
Maribeth Stadelmeyer

From Camp Flamingo - 7310.1810 to ARP

Emily Castiglia  
Mark Hannon  
Amy McMahon  
Danielle Phillips  
DeYonca Porter  
Kristen Stadelmeyer

From Camp Crabapple - 7310.1802 to ARP

Nicole Habermehl  
Alex Ladowski  
Laura Munson  
Carly Rehac  
Barb Walters

**FROM SEASONAL TO REGULAR PART TIME:**

From Camp Dartwood 7140.1632 to the Adapted Recreation Program (ARP) 7140.1803  
Recreation Attendant - \$7.15  
Brian Wartinger

From Camp JI-IK-DO-WAH-GAH - 7310.1801 to 7310.1803 ARP  
Recreation Attendant - \$7.15  
Courtney Ciesielski

Recreation Attendant - \$7.50

Kylie Mars

From Camp Flamingo - 7310.1810 to ARP

Recreation Attendant - \$7.40

Merissa Ciesielski

Recreation Instructor - \$8.50

Lauren Szydlowski

Recreation Attendant - \$7.30

Jessica Szyjka

From Camp Crabapple - 7310.1802 to ARP

Recreation Attendant - \$7.40

Meggan Empric

Recreation Attendant - \$7.30

Stephanie Gemmati

From Laborers (Bathhouse Attendants) - 7180.1901 to Recreation Aide -7140.1614 - \$7.15

Part time

Jamie Russell

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2008-528

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Brad Agen	8/22/08	14227
Jacob Bauer	8/29/08	14227
Andrew Balash	8/15/08	14215
Christopher Balash	8/15/08	14215
Brandon Chittenden	8/27/08	14227
Jessica Cunningham	8/22/08	14225
Justin Delbello	8/19/08	14212
Kevin Derry	8/28/08	14225
James Eberle	8/20/08	14227
David Eron	8/5/08	14225
Jessica Garland	8/22/08	14225
Tiffany Gasiiecki	8/15/08	14225
Jennifer Grzebinski	8/15/08	14227
Rachel Kandefer	8/29/08	14225
Alissa Kowalski	8/27/08	14206
Alissa Kozakiewicz	8/2/08	14227
Stefani Krysztofowicz	8/26/08	14043
Michael Lewandowski	8/29/08	14043
Megan Lewis	8/8/08	14225
Kaitlin Lipinoga	8/9/08	14211
Brian Mayle	8/15/08	14215
Tyler Miesowicz	8/27/08	14043
Jamie Nash	8/15/08	14206
Pilar Nelson	8/29/08	14211
Kenneth Obstarczyk	8/22/08	14227
Stephen Pfalzer	8/27/08	14043
Tara Przybyl	8/22/08	14227
Julia Harvey	8/15/08	14225
Brian Sheldon	8/27/08	14227
Gary Steltermann	8/15/08	14225
Andrew Swiat	8/29/08	14227
Michael Tworkowski	8/29/08	14225
Kimberly Viles	8/15/08	14225
Alyssa Warden	8/22/08	14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



26. RESOLUTION 2008-529

Hire/Termination Part-Time/Seasonal Employees

Sponsored By: Councilmember Swiatek, Supervisor Holtz

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:

Table with columns for department/position, name, location, and effective date. Includes entries for Police Department (Sign Maintenance Division, Student Assistant) and Main Pump Station (Clerk).

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

Table with columns for department, name, and effective date. Lists terminations for Records Center, Sanitation Department, and Facilities Department (Parks Division).

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**27. RESOLUTION 2008-530****Appointment of Acting Detective (Police Department - Joseph Stroud)**

**Sponsored By:** Councilmember Jaworowicz, 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 Joseph Stroud of Cheektowaga, 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 September 15, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 28. RESOLUTION 2008-531

### Travel Authorization Main Pump Station/Engineering Department

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Twenty-Four Hour HAZWOPER Technician course will be held from September 15 through September 17, 2008 in Grand Island, New York; AND

WHEREAS, Superintendent of the Main Pump Station, Jon Nichy, and Town Engineer, Bill Pugh, have requested authorization to attend said conference; AND

WHEREAS, Mr. Nichy and Mr. Pugh have 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 \$990; AND

WHEREAS, these expenses have been budgeted by the Main Pump Station and Engineering Department; NOW, THEREFORE, BE IT

RESOLVED, that Superintendent of the Main Pump Station, Jon Nichy, and Town Engineer, Bill Pugh, be and hereby are authorized to attend the Twenty-Four Hour HAZWOPER Technician course from September 15 through September 17, 2008 in Grand Island, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions. Motion Carried.
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## 1. RESOLUTION 2008-532

### Authorize Supervisor to Execute Leases with Board of Election

**Sponsored By:** Supervisor Holtz, Councilmember Zydel

WHEREAS, the Town of Cheektowaga is the owner of the following buildings:

- 222 Autumnwood Drive (Dartwood Community Center)
- 3459 Broadway (Cheektowaga Senior Citizens Center)

and

WHEREAS, the Erie County Board of Elections has requested the use of these buildings on Primary Day, September 9, 2008 and Election Day, November 4, 2008 for polling locations, and

WHEREAS, the Director of Department of Parks, Recreation & Youth Services and the Director of the Senior Services Department have no objection to the use of such buildings, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute leases with the Board of Elections for use of the above referenced Town buildings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-533

### Negative SEQR Declaration- Regulating the Siting of Wireless Telecommunications Facilities

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Law Department to establish a local law for the regulation of telecommunications facilities and rescind those sections of the Town Zoning Law which regulates telecommunication facilities , AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 3, 2008 recommended a determination of non-significance, 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:**

SEQR EAF Form (PDF)

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-534

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## Adopt Local Law No. 8 of the Year 2008 - a Local Law Regulating the Siting of Wireless Telecommunications Facilities

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, with the enactment of the Telecommunications Act of 1996, continued substantial growth in the erection of wireless telecommunications facilities is anticipated, and

WHEREAS, Town officials have been engaged in discussions concerning the impact of the construction of such facilities within the Town of Cheektowaga, and

WHEREAS, although the Town of Cheektowaga has, as part of its Zoning Law, provisions relating to communications facilities, these provisions have not been updated or refined in years; and there is a need to further address the impact of the telecommunications facilities on the community and otherwise control and minimize the impact on the town and its residents, and to otherwise ensure the safety of such towers and wireless facilities in the town, and

WHEREAS, this Town Board previously retained the services of The Center for Municipal Solutions to assist the Town with the updating and refining of the communications facilities provisions of Town Code, and

WHEREAS, the Supervising Code Enforcement Officer, the Town Attorney and representatives from The Center for Municipal Solutions have drafted a proposed Local Law Regulating the Siting of Telecommunications Facilities to revise and replace provisions in our Town Code to more effectively protect the health, safety and welfare of the community; and to remove or change certain sections of our Zoning Law pursuant to recent case law to ensure the orderly development of wireless technology in the town, including, but not limited to the development of procedures governing the filing of an application, and for granting a permit to construct, modify and use wireless telecommunications facilities or other tall structures for the purpose of providing wireless communications services, 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 15th day of September, 2008 at 6:45 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. 2008-9 of the Year 2008, entitled "A Local Law Regulating the Siting of Wireless Communications Facilities" should be enacted, and

WHEREAS, this Town Board previously issued a Negative Declaration under the State Environmental Quality Review Act for the adoption of this local law, and

WHEREAS, it is in the public interest to enact A Local Law Regulating the Siting of Wireless Telecommunications Facilities, and

WHEREAS, the Town Supervisor has certified as to the necessity for the immediate passage of this local law, NOW, THEREFORE, BE IT

RESOLVED, that Section 260-48 of the Code of the Town of Cheektowaga (“Communications Facilities”) be and hereby is repealed, effective upon the filing of Local Law No. 8 of the Year 2008 with the Secretary of State, and BE IT FURTHER

RESOLVED, that Local Law No. 8 of the Year 2008, entitled AA Local Law Regulating the Siting of Wireless Telecommunications Facilities”, 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 2008 shall take effect immediately upon filing with the Secretary of State

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-535

Approval of Rezoning - 233 Bennett Road and S.B.L. No. 114.09-4-2.13

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, Elderwood Senior Care petitioned for a rezoning from R-Residence District to RSC- Senior Citizen Housing District for vacant property owned by Wodmark Development, Inc. and located at 233 Bennett Road and S.B.L. No. 114.09-4-2.13, Cheektowaga, New York, which property is described in the attached legal description, for the construction of 14 senior citizen townhome units, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 5th day of May, 2008 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 Elderwood Senior Care for the rezoning from R-Residence District to RSC-Senior Citizen Housing District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

- 1. The US Army Corps of Engineers providing a letter of no jurisdiction for the isolated freshwater wetlands identified by the applicant;
2. Any future additions/changes to the development or site plan area must be resubmitted to this Town Board to determine that the addition/change is substantially in agreement with the intent of the rezoning;
3. Unless application for a building permit for this property is made within a period of one (1) year after this Board's approval, said approval shall be void and the zoning classification shall be as it was when the petition for rezoning was filed.

, 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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot 10, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the centerline of Bennett Road 445.00 feet southwest of the intersection of the southwest line of premises of Boris Reinstein in Liber 1288 of deeds at page 180 and the centerline of Bennett Road as measured along the centerline of Bennett Road;

Thence southeasterly along the northerly line of lands conveyed to Woodmark Development, Inc by deed filed in the Erie County Clerks Office in Liber 10187 of deeds at page 143, S.49-04'39"E a distance of 260 feet to the centerline of Cayuga Creek;

Thence southerly along the centerline of Cayuga Creek as it winds and turns a distance of 327.2 feet to the northerly line of lands conveyed to Maplewood Property Associates by deed filed in the Erie County Clerks Office in Liber 10359 of deeds at page 777, said line also being the south line of lands conveyed to Woodmark Development, Inc by deed filed in the Erie County Clerks Office in Liber 10187 of deeds at page 143;

Thence westerly along said line N.89-12'-01"W a distance of 213.00 feet to a point;

Thence northerly along said division lines N.04-7'-59"E a distance of 119.35 feet to the south east corner of lands conveyed to Woodmark Development, Inc by deed filed in the Erie County Clerks Office in Liber 10878 of deeds at page 5037;

Thence westerly along the northerly line of Maplewood Property Management and the southerly Line of Woodmark Development, Inc S.86-42'-20"W a distance of 53.50 feet to the south west corner of Woodmark Development, Inc,

Thence northerly along said line N.20-48'-02"W a distance of 60.90 feet to a point;

Thence N.12-16'-35"W a distance of 160.00 feet to the centerline of Bennett Road, said point also being the northwest corner of Woodmark Development, Inc and the north east corner of Maplewood Property Management;

Thence along the centerline of Bennett Road N.54-26'-43"E a distance of 166.16 feet to an angle point in said centerline of Bennett Road;

Thence continuing along the centerline of Bennett Road N.40-55'-21"E a distance of 78.11 feet to the Point or Place of Beginning, Containing 2.885 acres more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 5. RESOLUTION 2008-536

### **Appointment of Program Leader (Youth) (Youth and Recreation Department) (Timothy White) (Permanent)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Timothy M. White was appointed provisionally by this Town Board to the position of Program Leader (Youth) in the Youth and Recreational Services Department effective January 16, 2008; 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, Timothy M. White has been approved by Erie County Civil Service for said position and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, Timothy M. White of Depew, New York, be and hereby is appointed to the permanent position of Program Leader (Youth) 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 September 16, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-537

### Appointment of Recreation Leader (Youth and Recreation) (Victor Nosal) (Permanent)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Timothy M. White was appointed by this Town Board to the permanent position of Program Leader (Youth) in the Youth and Recreational Services Department effective September 16, 2008; AND

WHEREAS, as a result of said appointment, a permanent vacancy exists in the position of Recreation Leader in the Youth and Recreational 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, the existing Civil Service list for said title was canvassed for permanent appointment; AND

WHEREAS, Victor Nosal, currently employed as a Recreation Leader (Temporary) in the Youth and Recreation Department, appears on said list and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Victor Nosal of Cheektowaga, New York, be and hereby is appointed to the permanent 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 September 16, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Communications

### A. Departmental Communications

1. Building Permits - August 2008
2. Minutes - Town Environmental Advisory Committee - September 3, 2008
3. Minutes - Cheektowaga Planning Board - August 14, 2008
4. Minutes - Cheektowaga Conservation Advisory Council - August 16, 2008

## **B. General Communications**

1. Summons & Complaint: Lino Oliveri & Etal Vs. Town of Cheektowaga
2. Notice of Claim: David & Linda Krajewski Vs. Town of Cheektowaga
3. Notice of Claim: Donna Lelonek Vs. Town of Cheektowaga
4. Notice of Claim: Sarah Mostkowski Vs. Town of Cheektowaga
5. Notice of Claim: Scott Orf Vs. Town of Cheektowaga
6. Notice of Claim - Eileen Skowronski Vs. Town of Cheektowaga

## **VII. Comments**

### **A. Supervisor's Comments**

### **B. Councilmember's Comments**

### **C. Public Comments**

## **VIII. Executive Session**

Motion by Supervisor Holtz and Seconded by Councilmember Rogowski to exit the Meeting and Go Into Executive Session. Time 8:10 PM

1. Motion To: Motion

COMMENTS - Current Meeting:

to Exit the Executive Session. Time 9:06 PM

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Mary Holtz, Supervisor  
**SECONDER:**       Patricia Jaworowicz, Councilmember  
**AYES:**             Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-538

### Prefer Charges Against Police Officer and Appoint Hearing Officer

**Sponsored By:** Jaworowicz, Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

WHEREAS, Cheektowaga Chief of Police Christine M. Ziembra has recommended and preferred disciplinary charges against a certain Town of Cheektowaga Police Officer (the "Officer"); and

WHEREAS, a Notice of Hearing ("Notice") and accompanying Charges and Specifications ("Charges") have been prepared for service upon the Officer; NOW, THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board approves service of the prepared Notice and accompanying Charges upon the Officer at the Officer's address indicated therein; and BE IT FURTHER

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 (the "Deputy Town Attorney") is hereby appointed to act as Hearing Officer to hear charges and report and recommend to the Cheektowaga Town Board proposed disciplinary action, upon the Charges preferred against the Officer; and BE IT FURTHER

RESOLVED that upon service of Notice of Hearing and Charges and Specifications, the Officer shall be suspended without pay for a period not exceeding 30 days pending the hearing and determination of charges, pursuant to Civil Service Law § 75(3); and BE IT FURTHER

RESOLVED that the Hearing to be conducted by the Deputy Town Attorney shall be bifurcated into two separate phases; and BE IT FURTHER

RESOLVED that, pursuant to the first phase of the Hearing, the Deputy Town Attorney shall take testimony to determine only whether the Officer is guilty of any of the Charges preferred; and BE IT FURTHER

RESOLVED that, if and only if the Officer is found guilty of one or more of the Charges preferred, the Hearing shall proceed to a second phase, pursuant to which the Deputy Town Attorney shall take testimony to determine a recommended punishment for the Officer.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IX. Adjournment

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting. Time 9:10 PM.

**Appendix C**  
**State Environmental Quality Review**  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
**For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres      Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No      If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No      If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

Attachment: SEQR EAF Form (RES-2008-533 : Negative SEQR Declaration- Local Law No. 8)

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

Yes  No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

- C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
  
- C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
  
- C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
  
- C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
  
- C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
  
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
  
- C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

Attachment: SEQR EAF Form (RES-2008-533 : Negative SEQR Declaration- Local Law No. 8)



# Town of Cheektowaga

## Special Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Saturday, September, 27, 2008

9:00 AM

Supervisor's Office

## I. Call to Order

9:00 AM Meeting called to order on September 27, 2008 at Supervisor's Office, 3301 Broadway, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	9:15 AM
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Absent	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Brian Krause, Director of Finance and Administration

## II. Resolutions





## 1. RESOLUTION 2008-539

### Authorize Supervisor to Execute Work Permit with the New York State Thruway Authority

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga Engineering Department proposes to clean and regrade the existing New York State Thruway Authority (NYSTA) ditch adjacent to the west bound on-ramp at Walden Avenue to facilitate upstream drainage improvements on Anderson Road, AND

WHEREAS, the Town of Cheektowaga is required to obtain a Work Permit from the NYSTA associated with the aforesaid ditch work, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said Work Permit with the NYSTA necessary for the aforesaid project, AND, BE IT FURTHER

RESOLVED, that the NYSTA Work Permit fee in the amount of \$250.00 shall be chargeable to Account No. 500-1440-9910-5527.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz, Richard Zydel



## 2. RESOLUTION 2008-540

### Retain Realtor to Sell 3409 Genesee Street

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga is the owner of property located at 3409 Genesee Street known as the Maryvale Community Center, 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, Pyramid Brokerage Company submitted a proposal to sell this property for a commission of 6%, and

WHEREAS, Pyramid Brokerage Company recently acted as the broker for the Town of Cheektowaga and sold the former South Branch Library at 2660 William Street, 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 3409 Genesee 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 3409 Genesee Street on behalf of the Town.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz, Richard Zydel



### 3. RESOLUTION 2008-541

## Authorize Supervisor to Sign Agreement for Professional Services for New Building Maintenance Facility

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated May 19, 2008, the Town Board authorized the use of fund balances for various capital projects, AND

WHEREAS, a portion of said funds were allocated for professional and technical services for a new Building Maintenance Facility, the construction of which will enable the demolition of the former Incinerator Building, AND

WHEREAS, the architectural firm of Aurora Architectural Design PC has submitted a proposal to the Town Engineer to perform the architectural and engineering services required to prepare bidding and construction documents and specifications for the construction of said facility, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Aurora Architectural Design PC, 1051 Olean Road, East Aurora, New York 14052 dated September 9, 2008 for professional services associated with the preparation of construction drawings and specifications for the new Building Maintenance Facility 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 Aurora Architectural Design PC for the provision of said professional services in an amount not to exceed \$59,800.00, which shall be chargeable to Account No. 500-1625-2520-5835.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 4. RESOLUTION 2008-542

### Amendment to Resolution Dated February 23, 2004

**Sponsored By:** Supervisor Mary Holtz

WHEREAS, on February 23, 2004, the Cheektowaga Town Board adopted a resolution requiring contractors for public works projects having certain monetary thresholds to have apprenticeship agreements in accordance with Article 23 of the Labor Law of the State of New York, and

WHEREAS, due to the increase in the cost of materials and labor, and the fact that fewer contractors on smaller projects have apprenticeship programs, this Town Board desires to increase the lower limits for public works projects which would require contractors to have apprenticeship programs, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated February 23, 2004 be and hereby is amended to provide that the lower threshold monetary limit for "construction contract", as defined in said resolution, shall be increased from \$250,000 to \$1,000,000, and BE IT FURTHER

RESOLVED, that this resolution shall be effective immediately.

<b>RESULT:</b> <b>WITHDRAWN</b>
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III. Adjournment

Meeting ended at 9:16 am.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, September, 30, 2008

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on September 30, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Brian Krause, Director of Finance and Administration  
Kevin Schenk, Town Attorney

## II. Resolutions



## 1. RESOLUTION 2008-543

### **Authorize Supervisor To Sign Agreement for Professional Services for New Maintenance Facility**

**Sponsored By:** Supervisor Holtz, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated May 19, 2008, the Town Board authorized the use of fund balances for various capital projects, AND

WHEREAS, a portion of said funds were allocated for professional and technical services for a new Building Maintenance Facility, the construction of which will enable the demolition of the former Incinerator Building, AND

WHEREAS, the architectural firm of Aurora Architectural Design PC has submitted a proposal to the Town Engineer to perform the architectural and engineering services required to prepare bidding and construction documents and specifications for the construction of said facility, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Aurora Architectural Design PC, 1051 Olean Road, East Aurora, New York 14052 dated September 9, 2008 for professional services associated with the preparation of construction drawings and specifications for the new Building Maintenance Facility 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 Aurora Architectural Design PC for the provision of said professional services in an amount not to exceed \$59,800.00, which shall be chargeable to Account No. 500-1625-2520-5835.

<b>RESULT:</b>	<b>WITHDRAWN</b>
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## 2. RESOLUTION 2008-544

### Settlement of Assessment Challenges

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

**WHEREAS**, the following named entities/property owners commenced Article 7 proceedings against the Town for Tax Year 2006/07, 2007/08 and 2008/09, seeking a reduction in the assessment of property owned by them located at the following respective locations in the Town of Cheektowaga:

<u>Property Owner(s)</u>	<u>Property Location</u>
Buffalo RHM Operating LLC	2040 Walden Avenue (S.B.L. #102.02-1-27, and 102.02-1-29.2 and 102.02-1-27./A)
American Axle & Manufacturing, Inc.	2799 Walden Avenue (S.B.L. #103.14-2-21.1)
DDR MDT Union Road Plaza LLC 6.1	3601-3637, 3697 Union Road (S.B.L. #102.02-2- and 102.02-2-6.2)

, and

**WHEREAS**, the Town's outside counsel and Town Assessor have reviewed the petitions 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 these matters without further litigation and strongly recommend the proposed compromise for the 2006/07, 2007/08 and 2008/09 Tax Years;

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board approves the above compromise and settlements, and the Town's outside counsel be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceedings in accordance with the above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, October, 6, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on October 6, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Ellen Fischer, Executive Director - Youth Board  
Captain John Glascott, Cheektowaga Police Dept.  
Brian Krause, Director of Finance and Administration  
John Marriott, Planning Board Representative  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney

## II. Public Hearings at 6:30 PM

### 1. Rezoning Request Part of 4039 Genesee St. from M1-Light Manufacturing to C-Retail Business

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Charles Markel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### 2. Special Permit Request 1130 & 1180 French Road

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Charles Markel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### III. Public Comment Period

### IV. Public Hearing 6:45 PM

1. Local Law Intro No. 2008-10 - a Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions

This being the time and place advertised for a Public Hearing, 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:** Patricia Jaworowicz, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Resolutions



## 1. RESOLUTION 2008-545

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**HUD CDBG FUND**

FROM:	700.1006.0704	Contingency	\$	2,894.48
	700.1006.5000	Removal of Architectural Barriers		3,000.00
	900.8600.4910	NYS AHC Revenues		100,000.00
TO:	700.5006.0500	Village of Depew Sanitary Sewer Improvements	\$	2,894.48
	700.1006.0606	Disposition		3,000.00
	900.8668.4006	Loans from Program		100,000.00

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-546

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 3, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,652,053.90
RISK RETENTION FUND	117,933.12
DEBT SERVICE FUND	564,087.50
SPECIAL DISTRICT FUND	1,168,209.47
HIGHWAY FUND	526,874.62
CAPITAL FUND	436,372.00
TRUST & AGENCY FUND	20,506.65
HUD CDBG FUND	78,114.82
PART TOWN FUND	129,572.03
	<u>\$ 6,693,724.11</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**3. RESOLUTION 2008-547**

**Adopt Local Law No. 9 of the Year 2008 - a Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga, entitled "Taxation" sets forth the requirements for obtaining exemptions from the payment of real property taxes in the Town of Cheektowaga, and

WHEREAS, the Real Property Tax Law of the State of New York authorizes towns to adopt a local law to permit the assessor to accept applications which are filed after the taxable status date, and

WHEREAS, the Town Assessor has recommended that this Town Board enact revisions to Chapter 200 of the Town Code Law for said item, and

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

WHEREAS, a public hearing was held on the 6th day of October, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-10, entitled "A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions", and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 9 of the Year 2008, entitled "AA Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions", 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.

\*\*\*\*\*

**LOCAL LAW NO. 9 OF THE YEAR 2008  
A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions**

1. Section 220-6 of the Code of the Town of Cheektowaga shall be amended to add a new subsection, Subsection F, to read as follows:

F. In the event the owner(s) of property which has received a senior citizens exemption on a preceding assessment roll fail(s) to file the application for said exemption before taxable status date, the town assessor shall be authorized to accept said application for

renewal provided same is filed before the date for the hearing of complaints.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-548

**Award of Bid - One (1) New and Unused 2008 Sullair185 CFM Portable Air Compressor with a Diesel Engine**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on October 1, 2008 for One (1) New and Unused 2008 Sullair (or equal) 185 CFM Portable Air Compressor with a Diesel Engine as 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 the bid for One (1) New and Unused 2008 Sullair (or equal) 185 CFM Portable Air Compressor with a Diesel Engine be awarded to Admar Supply Co., Inc., 1394 Military Road, Buffalo, NY 14127 at a total bid price of \$10,795.00 said bidder being the lowest responsible bidder meeting specifications, AND, BE IT FURTHER

RESOLVED, that monies be charged to line items 300-5110-4177

\*\*\*\*\*

TABULATION FOR  
ONE (1) NEW AND UNUSED 2008 SULLIAR (OR EQUAL) 185 CFM PORTABLE AIR  
COMPRESSOR WITH A DIESEL ENGINE

Admar Supply Co., Inc. 1394 Military Road Buffalo, NY 14127	\$10,795.00
George & Swede Sales & Service 7155 Big Tree Road Pavilion, NY 14525	\$10,900.00
United Rentals 4811 Transit Road Williamsville, NY 14221	\$11,375.00
Anderson Equipment Co. 101 Great Arrow Ave. Buffalo, NY 14216	\$12,750.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-549

### Authorization for Purchase of 3 Passenger Vans

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, Senior Services and Youth and Recreation Services have requested authorization to purchase a total of three (3) 2009 Chevrolet 3500, 12 passenger vans as specified in the New York State OGS Contract No. PC62820, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 100-1640-2509, NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2009 Chevrolet 3500, 12 passenger van in the amount of \$18,886.91 for the Senior Services Department and two (2) 2009 Chevrolet 3500, 12 passenger vans in the amount of \$37,473.82 for Youth & Recreation Services from

Hoselton Chevrolet Inc.  
909 Fairport Road  
East Rochester, New York 14445

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2008-550

Notice to Bidders - One (1) New and Unused 2008 Model Self-Propelled 1.5 Ton Ride-On Tandem Vibratory Roller

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, The Town Clerk be and hereby is directed to publish a Notice to bidders for One (1) New and Unused 2008 Model Self-Propelled 1.5 Ton Ride-On Tandem Vibratory Roller for use by the Cheektowaga Highway Department in conjunction with Anderson Road Storm Drainage Improvement Project.

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 thru 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 15, 2008, 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 2008 MODEL SELF-PROPELLED 1.5 TON RIDE-ON TANDEM VIBRATORY ROLLER. For use by the Highway Department and in conjunction with the Anderson Road Storm Drainage Improvement Project at a public opening to be held in the Council chambers at the Cheektowaga Town Hall on October 15, 2008 at 11:00 A.M.

Information for bidders and specifications may be obtained from the office of Alice Magierski, Town Clerk at her office located at Town Hall, Cheektowaga NY. Bids must be enclosed in an opaque envelope plainly marked "ONE (1) NEW AND UNUSED 2008 MODEL SELF-PROPELLED 1.5 TON RIDE-ON TANDEM VIBRATORY ROLLER."

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

ALICE MAGIERSKI, TOWN CLERK

DATE: October 6, 2008

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Jeff Swiatek, Councilmember, Mary Holtz, Supervisor, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)





**7. RESOLUTION 2008-551**

**Request for Proposals for Pro Shop, Concession Stand and Vending Machines**

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Director of the Youth and Recreational Services Department and the General Crew Chief of the Facilities Department have recommended that this Town Board seek proposals for a vendor to operate a pro shop and concession stand at the Ice Rink located at the Cheektowaga Recreation Center, and

WHEREAS, the Town also needs to advertise for proposals for the provision of vending machines in various Town buildings since the existing contract expires on October 31, 2008, and

WHEREAS, it was recommended that the Town solicit proposals for one vendor to operate the pro shop and concession stand, and also provide the vending machines, 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 Cheektowaga Recreation Center Pro Shop & Concessions and Vending Machines for Various Town Buildings, and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Request for Proposals in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that Proposals for the Cheektowaga Recreation Center Pro Shop & Concessions and Vending Machines for Various Town Buildings shall be due no later than October 22, 2008 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 October 22, 2008 at 11:00 a.m.

.....

**REQUEST FOR PROPOSALS  
FOR  
VENDOR TO OPERATE A PRO SHOP AND CONCESSION STAND AT THE ICE RINK IN  
THE CHEEKTOWAGA RECREATION CENTER  
AND  
PROVIDE VENDING MACHINE SERVICE TO VARIOUS TOWN BUILDINGS**

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga is seeking proposals from qualified vendors to operate a pro shop and concession stand at the Ice Rink in the Cheektowaga Recreation Center, and to provide vending machine service to various Town of Cheektowaga buildings.

Sealed proposals will be received and considered by the Town Board of the Town of

Cheektowaga on October 22, 2008 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for said services.

Information to 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 proposal not prepared and submitted in accordance with the specifications, and may waive informalities and make an award to the vendor who, in its opinion, offers the best deal for the Town.

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

Dated: October 6, 2008

ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



8. RESOLUTION 2008-552

Call for Public Hearing on Local Law Intro No. 2008-11 - a Local Law to Amend a Local Law Relating to Vehicles, Removal and Storage Of

Sponsored By: Councilmember Jaworowicz, 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 amount of fees which towers can charge has not been increased in over 18 months and, with the increase in the cost of gasoline, an increase in fees is warranted, and

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to increase the fee schedules and rates to bring them in line with current costs, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 20th day of October, 2008 at 6:45 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 Bee.

\*\*\*\*\*

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 20th day of October, 2008 at 6:45 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 Of". An abstract of this local law is as follows:

LOCAL LAW INTRO NO. 2008-11

A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO VEHICLES, REMOVAL AND STORAGE OF

Chapter 241 of the Code of the Town of Cheektowaga, entitled "Vehicles, Removal and Storage Of" is proposed to be amended as follows:

Section 241-15, Fee Schedule, shall be amended to increase fees to bring them into line with current costs.

A copy of the entire text of the proposed Local law Intro No. 2008-11 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: October 6, 2008

ALICE MAGIERSKI

Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2008-553

Designation of Halloween Night

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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 Friday, October 31, 2008 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 Friday, October 31, 2008 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

ALICE MAGIERSKI, Town Clerk

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Content (ADOPTED [UNANIMOUS], Mary Holtz, Supervisor, Patricia Jaworowicz, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



## 10. RESOLUTION 2008-554

### Approve Public Improvement Permit - 505 Duke Road

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Public Improvement Permit Ordinance of the Town of Cheektowaga requires that all public improvements which are to be dedicated to, and be maintained by the Town, be installed under a Public Improvement Permit, AND

WHEREAS, the developer of the proposed Restaurant Depot facility at 505 Duke Road has submitted plans and specifications, Public Improvement Permit Application and permit fee for the proposed modification to a Town-owned sanitary sewer manhole to facilitate a force main connection from the proposed development, AND

WHEREAS, the Town Engineer has reviewed the plans and specifications for said manhole modification and finds said design acceptable, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the proposed modification to the referenced sanitary sewer manhole facility, AND BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$216.88 be deposited in the Public Improvement Permit Account which has been established for receipt and disbursement of such fees.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-555

### 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.

#### AGREEMENT

**THIS AGREEMENT** (hereinafter referred to as "this Agreement") is made and entered into as of the \_\_\_\_\_ day of October, 2008, by and between the **TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK**, a municipal corporation organized under the laws of the State of New York, with offices at 3301 Broadway, Cheektowaga, New York 14227 (hereinafter referred to as the "Town") and **LARDON CONSTRUCTION CORP.**, a corporation organized under the laws of the State of New York, with an office for the transaction of business at 108 Lake Avenue, Blasdell, New York, 14219 (hereinafter referred to as the "Contractor").

#### WITNESSETH:

**WHEREAS**, the Town of Cheektowaga Highway Department is responsible for picking up and disposing of brush grindings and logs from various locations within the Town of Cheektowaga; and

**WHEREAS**, the Contractor contacted the Superintendent of Highways with a proposal wherein it 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 of Cheektowaga, and

**WHEREAS**, the Town Superintendent of Highways has recommended that the Town of Cheektowaga accept Contractor's proposal;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein and of the consideration by the Town to the Contractor, as herein set forth, the parties hereto agree as follows:

1. The Contractor will pick up the following materials from the Town of Cheektowaga Highway Department site behind 3145 Union Road, Cheektowaga, New York and properly dispose of same at its sole cost and expense at no cost to the Town of Cheektowaga: Brush grindings and logs.
2. The Contractor shall perform the work in compliance with all applicable federal, state, county and local laws, ordinances, rules and as well as any other regulatory entity having jurisdiction over the same.
3. The Contractor shall pick-up the aforementioned brush grindings and logs from the

Highway Department site upon twenty-four (24) hours notice by the Town of Cheektowaga Highway Department.

4. During the term of this Agreement, the Contractor shall procure and maintain at its own expense insurance as set forth in Exhibit "A", annexed hereto and made a part hereof. Insurance must be placed with insurance companies authorized to do business in the State of New York. The policy or policies shall be endorsed to provide at least thirty (30) days advance written notice of cancellation, reduction or non-renewal of coverage to the Town. The Contractor shall furnish the Town with certificates of insurance showing that it has procured the appropriate policy or policies in compliance with this paragraph. Coverage must be written by an insurance company with a rating of at least B+ according to Best Key Rating Guide.

5. The Contractor agrees that it shall defend, indemnify and hold harmless the Town, its officers, agents and employees from and against all claims, damages, losses and expenses arising out of or resulting from the performance of the work by the Contractor and/or caused in whole or in part by any negligent act or omission of the Contractor.

6. The Town agrees that it shall defend, indemnify and hold harmless the Contractor, its members, managers, officers, agents and employees from and against all claims, damages, losses and expenses arising out of or resulting from the Town's performance of its duties hereunder and/or caused in whole or in part by any negligent act or omission by the Town, or any of its officers, employees or agents.

7. The Contractor will be held responsible for damage to the Town of Cheektowaga site caused by, but not limited to: Lawn damage, rutting during very wet conditions, structural damage to buildings, structures, fences, sidewalks, driveways, etc. The Contractor will, in the event of any damage, notify the Town immediately and shall make the necessary repairs by qualified personnel within a reasonable amount of time, or if agreed by both parties, the Town will have the necessary repairs made and the Contractor will be billed for said repairs.

8. This Agreement shall become effective November 1, 2008, and it shall terminate on October 31, 2009.

9. This Agreement shall be governed by the laws of the State of New York, both as to interpretation and performance.

10. This Agreement constitutes the entire agreement and understanding between the parties hereto, and it may not be modified, altered, changed or amended in any respect unless in writing and signed by the parties hereto.

11. If any provision of this Agreement shall be declared illegal, void or unenforceable, the other provisions shall not be affected, but shall remain in full force and effect.

12. The Contractor agrees to not assign, transfer, convey, sublet or dispose of this Agreement or of its right, title or interest therein or its power to execute same without the consent, in writing, of the Town, or of any monies which are to become due or payable to it because thereof, to any person, company or corporation without the previous consent, in writing, of the Town, and that until such consent in writing shall have been given, no claim or demand shall exist in favor of any person, company or corporation to any of the monies to be paid by the Town on account of the provisions of this Agreement, in favor of any person, association or corporation except the Contractor. The Town shall not unreasonably withhold such written consent.

**IN WITNESS WHEREOF**, the Town and the Contractor have executed four (4) copies of this Agreement, each of which shall constitute an original agreement, as of the day and year first written above.

**TOWN OF CHEEKTOWAGA,  
ERIE COUNTY, NEW YORK**

By: \_\_\_\_\_

**MARY F. HOLTZ  
Supervisor**

**LARDON CONSTRUCTION CORP.**

By: \_\_\_\_\_

**JONATHAN PALMER  
President**



STATE OF NEW YORK :
: SS:
COUNTY OF ERIE :

On this \_\_\_ day of October, 2008, before me, the undersigned, a notary public in and for the said County of Erie, personally appeared MARY F. HOLTZ, Supervisor of the Town of Cheektowaga, Erie County, New York, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and she acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEW YORK :
: SS:
COUNTY OF ERIE :

On this \_\_\_ day of October, 2008, 2007 before me, the undersigned, a notary public in and for the said County of Erie, personally appeared JONATHAN PALMER, President of Lardon Construction Corp., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

\_\_\_\_\_  
NOTARY PUBLIC

EXHIBIT "A"
TOWN OF CHEEKTOWAGA
MINIMUM INSURANCE REQUIREMENTS FOR
VENDORS DOING WORK FOR THE TOWN

The following minimum limits of Insurance shall be evidenced to the Town by any vendor:

- A. Workers' Compensation New York Statutory
Employers Liability Unlimited in New York
B. Commercial General Liability
Including Products Liability, Completed Operations Liability
Bodily Injury and Property Damage \$1,000,000 per occurrence
\$2,000,000 aggregate

- 1. COVERAGE MUST NAME THE "TOWN OF CHEEKTOWAGA, ITS TOWN BOARD OFFICIALS, EMPLOYEES AND AGENTS" AS AN ADDITIONAL INSURED AND THAT COVERAGE MUST BE SHOWN ON THE CERTIFICATE. THIS COVERAGE SHALL ALSO BE "PRIMARY" TO ANY OTHER COVERAGE.
2. Coverage shall include Explosion, Collapse and Underground Hazard coverage

- 3. Coverage should include a "Per Project" or "Per Location" endorsement that is listed in the Certificate;4. Continued coverage shall remain in force for at least three years following the date of completion of the project.
- C. Auto Liability \$1,000,000 per accident  
Including Owned, Non-Owned and Hired Autos
- D. Excess Umbrella Coverage \$3,000,000  
Providing Excess limits over the General  
And Auto Liability coverages listed above.
- E. Disability Coverage New York Statutory

Instructions for Preparing Certificates

The original certificate evidencing the above coverages shall be submitted prior to the commencement of work to the Town Attorney's Office, Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227. Evidence of renewal coverage must be submitted to the Town by the date of renewal. Coverage must be written by an Insurance Company authorized to do business in New York State with a rating of at least B+ according to Best Key Rating Guide.

Indemnification

The Vendor agrees that it shall indemnify and hold harmless the Town of Cheektowaga to the fullest extent permitted by law for any claim,, suit, damages, legal costs and expenses including but not limited to Bodily Injury, Property Damage, Personal Injury, Disease or Death arising out of, caused by or in any way related to the activities of the Vendor.

Name of Vendor \_\_\_\_\_

By \_\_\_\_\_

Signature and Title

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-556

### Authorize Supervisor to Execute Agreement with SJB Services, Inc.

**Sponsored By:** Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated May 19, 2008 the Town Board authorized the use of fund balances for various Capital Projects, AND

WHEREAS, a portion of said funds have been allocated for a proposed westward storm sewer trunkline extension in the area of Dingens Street Park, necessary to alleviate flooding problems throughout the neighboring streets, AND

WHEREAS, a geotechnical investigation is required to identify the existence and extent of bedrock to facilitate project design , AND

WHEREAS, SJB Services, Inc. has submitted a proposal dated September 16, 2008 to perform drilling services in several designated locations to determine the depth of bedrock for a total cost of \$2,800.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 be and hereby is accepted to perform said geotechnical drilling services, AND, BE IT FURTHER

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

RESOLVED, that funds for said geotechnical services shall be chargeable to Account No. 500-1440-9910-5839.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-557

### Approve Auction of Town Surplus Copy Machines

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Town wishes to dispose of two surplus copiers no longer in use by the Youth & Recreational Services Department; and

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

WHEREAS, Auctions International, Inc., will sell such copiers at an on-line auction in accordance with the terms of a proposed contract, a copy of which is attached hereto; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, as per the submitted contract, to conduct a sale of the surplus copiers identified on the attached list at an on-line auction to be held on its website; and BE IT FURTHER

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-558

### Youth & Recreational Services Program Fees 2009

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following program fees be and hereby are established in the Department of Youth & Recreational Services:

FEEES IN (\$0.00) DENOTE 2008 FEEES

#### RESIDENT DISCOUNT CARDS

CHILDREN (7 - 15 YEARS OF AGE)	\$5.00 (\$5)
ADULT (16 - 59 YEARS OF AGE)	\$7.00 (\$7)
SENIORS (60 YEARS OF AGE AND OLDER)	FREE (FREE)

#### CAMP DARTWOOD

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD ALL 6 WEEKS	\$ 572 (\$555)	\$ 683 (\$663)
PER CHILD WEEKLY	\$ 103 (\$100)	\$ 125 (\$122)
SECOND CHILD ALL 6 WEEKS	\$ 556 (\$540)	\$ 667 (\$647)
SECOND CHILD WEEKLY	\$ 101 (\$ 98)	\$ 119 (\$116)
THREE (3) DAYS PER WEEK	\$ 90 (\$ 87)	UNAVAILABLE

#### CAMP FLAMINGO

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD ALL 6 WEEKS	\$ 572 (\$555)	\$ 683 (\$663)
PER CHILD WEEKLY	\$ 103 (\$100)	\$ 125 (\$122)
SECOND CHILD ALL 6 WEEKS	\$ 556 (\$540)	\$ 667 (\$647)
SECOND CHILD WEEKLY	\$ 101 (\$ 98)	\$ 119 (\$116)
THREE (3) DAYS PER WEEK	\$ 90 (\$87)	UNAVAILABLE

#### CAMP JI-IK-DO-WAH-GAH

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD ALL 6 WEEKS	\$ 556 (\$540)	\$ 683 (\$663)
PER CHILD WEEKLY	\$ 103 (\$100)	\$ 125 (\$122)
SECOND CHILD ALL 6 WEEKS	\$ 535 (\$519)	\$ 667 (\$647)
SECOND CHILD WEEKLY	\$ 101 (\$ 98)	\$ 119 (\$116)
THREE (3) DAYS PER WEEK	\$ 90 (\$ 87)	UNAVAILABLE

#### CAMP CRABAPPLE

	RESIDENT	NON-RESIDENT
SUMMER		
PER CHILD ALL 6 WEEKS	\$ 556 (\$476)	\$ 683 (\$663)
PER CHILD WEEKLY	\$ 103 (\$100)	\$ 125 (\$122)

SECOND CHILD ALL 6 WEEKS	\$ 535 (\$455)	\$ 667 (\$647)
SECOND CHILD WEEKLY	\$ 101 (\$ 98)	\$ 119 (\$116)
THREE (3) DAYS PER WEEK	\$ 90 (\$ 87)	UNAVAILABLE
<b>ADAPTED RECREATION PROGRAM</b>		
OCTOBER - APRIL	RESIDENT \$ 195 (\$188)	NON-RESIDENT \$ 228 (\$220)
<b>SPECIAL OLYMPICS</b>	\$ 30 (\$25)	\$30 (\$25)
<b>TINY TOTS</b>		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD	\$54 (\$43)	\$61 (\$53)
SECOND CHILD	\$49 (\$38)	\$56 (\$48)
<b>THREE TO GET READY</b>		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD	\$49 (\$43)	\$56 (\$53)
SECOND CHILD	\$44 (\$38)	\$51 (\$48)
<b>GYMNASTICS</b>		
2 DAY	RESIDENT	NON-RESIDENT
PER CHILD	\$65 (\$60)	\$75 (\$70)
SECOND CHILD	\$59 (\$55)	\$69 (\$65)
SUMMER 1 DAY		
PER CHILD	\$29 (\$25)	\$35 (\$35)
SECOND CHILD	\$25 (\$20)	\$30 (\$30)
<b>TINY TUMBLERS</b>		
SUMMER 3&4YR OLD 1 DAY	RESIDENT	NON-RESIDENT
PER CHILD	\$39 (\$25)	\$49 (\$35)
SECOND CHILD	\$35 (\$20)	\$45 (\$30)
<b>FRIDAY GYMNASTICS</b>		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD	\$25 (\$23)	\$35 (\$33)
SECOND CHILD	\$20 (\$18)	\$30 (\$28)
<b>ADVANCED I &amp; II GYMNASTICS</b>		
SUMMER	RESIDENT	NON-RESIDENT
PER CHILD	\$65 (\$70)	\$75 (\$80)
SECOND CHILD	\$59 (\$65)	\$69 (\$75)
<b>INTRO TO ADVANCED GYMNASTICS</b>		
PER CHILD	\$65 (\$70)	\$75 (\$65)
SECOND CHILD	\$59 (\$65)	\$69 (\$75)
<b>ADVANCED GYMNASTICS</b>		
<b>PRACTICES</b> (per class)	\$ 5 (\$ 3)	\$ 5 (\$ 3)
<b>ACROBATIC GYMNASTICS</b>		
	RESIDENT	NON-RESIDENT

PER CHILD	\$45 --	\$55 --
2 <sup>ND</sup> CHILD	\$39 --	\$49 --

**JUST A BACK HANDSPRING & FUN WITH FLOOR EXERCISE**

	RESIDENT	NON-RESIDENT
PER CHILD	\$45 --	\$55 --
2 <sup>ND</sup> CHILD	\$39 --	\$49 --

**PILATES & FLEXIBILITY**

	RESIDENT	NON-RESIDENT
	\$20 --	\$30 --
	\$2 PER CLASS	\$3 PER CLASS

**AEROBICS**

YEAR ROUND	RESIDENT	NON-RESIDENT
PER CLASS	\$ 3 (\$2)	\$ 3 (\$3)

**ADULT EXERCISE (CLEVELAND HILL)**

	RESIDENT	NON - RESIDENT
	\$125 - \$100	EARLY BIRD FEE - \$2 PER DAY

**SWIMMING**

SUMMER	RESIDENT	NON-RESIDENT
YOUTH	\$35 (\$32)	\$45 (\$42)
SECOND CHILD	\$32 (\$29)	\$42 (\$39)
PARENT/INFANT	\$25 (\$22)	\$35 (\$32)
SECOND CHILD	\$22 (\$19)	\$32 (\$29)
TODDLER	\$25 (\$22)	\$35 (\$32)
SECOND CHILD	\$22 (\$19)	\$32 (\$29)
WATER WALKING	\$27 (\$24)	\$37 (\$34)
ADULT	\$32 (\$29)	\$42 (\$39)
GUARD START	\$35 (\$32)	\$45 (\$42)
WATER SLIDE/ ANIMALS	\$ 1 (\$1)	\$ 1 (\$1)
DAILY USER FEE (Maryvale/Dingens)	\$ 7 (\$7)	\$ 7 (\$7)
DAILY USER FEE (Town Pool)	\$ 7 (\$7)	\$ 7 (\$7)

**FALL/ WINTER (2009/2010)**

YOUTH	\$35 (\$32)	\$45 (\$42)
SECOND CHILD	\$32 (\$29)	\$42 (\$39)
OPEN/ FAMILY (LESS DAYS)	\$35 (\$32)	\$45 (\$42)

**LIFEGUARD TRAINING**

	\$143 (\$137)	\$183 (\$177)
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Pool utilization for instructional groups will be charged \$30 per hour for 10 or less patrons. Five dollars more will be charged for every person above 10 in number. Rental availability subject to approval by the Pool Director.

**INSTRUCTIONAL TENNIS**

SUMMER	RESIDENT	NON-RESIDENT
YOUTH	\$31 (\$31)	\$41 (\$41)
ADULT TWO DAY	\$31 (\$31)	\$41 (\$41)
ADULT ONE DAY	\$15.50 --	\$20.50 --

**WEE THREE-TWICE THE FUN 2009-10**

FALL/ WINTER/SPRING	RESIDENT	NON-RESIDENT
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PER CHILD	\$425 (\$275)	\$450 (\$295)
SECOND CHILD	\$400 (\$250)	\$425 (\$270)

**TEA TIME FOR TWO 2009-10**

FALL/ WINTER	RESIDENT	NON-RESIDENT
PER CHILD	\$71 (\$60)	\$81 (\$70)
SECOND CHILD	\$66 (\$55)	\$76 (\$65)

**PRE K**

2009-2010 SEPT-MAY	RESIDENT	NON-RESIDENT
THREE DAYS		
PAID IN FULL AT REGISTRATION	\$549 (\$511)	\$599 (\$571)
MONTHLY INSTALLMENTS	\$574 (\$531)	\$624 (\$591)
2 <sup>ND</sup> CHILD	\$549 (\$491)	\$599 (\$551)

**PUBLIC SKATE**

FALL/WINTER		
GENERAL ADMISSION	\$4	(\$4)
	<b>W/ RESIDENT DISCOUNT CARD</b>	
CHILDREN 3 AND UNDER	FREE	(FREE)
CHILDREN 4 TO 15	\$2	(\$2)
ADULTS 16 AND UP	\$3	(\$3)
SKATE RENTAL	\$2	(\$2)
BIRTHDAY PARTIES	\$7.50 PER PERSON	(\$6)
SCHOOL TIME SKATES	\$4.00 PER PERSON	(\$3)
SENIOR CITIZENS	\$2	(\$2)

**LEARN TO SKATE**

FALL/ WINTER		
PER INDIVIDUAL	RESIDENT	NON-RESIDENT
	\$50 (\$48)	\$70 (\$68)

**ICE HOCKEY**

FALL/ WINTER	RESIDENT	NON-RESIDENT
	HOUSE TRAVEL	HOUSE TRAVEL
NOVICE	\$288 (\$288) N/A	\$463(\$463) N/A
MITE	\$328 (\$328) \$443 (\$443)	\$513(\$513) \$628 (\$628)
SQUIRT	\$378 (\$378) \$493 (\$493)	\$563(\$563) \$678(\$678)
PEE WEE	\$428 (\$428) \$543 (\$543)	\$613(\$613) \$728 (\$728)
BANTAM	\$478 (\$478) \$593 (\$593)	\$663(\$663) \$778 (\$633)
MIDGET	\$548 (\$548) \$448 (\$448)	\$713(\$713) \$633 (\$633)

--ALL HEAD COACHES WILL RECEIVE A \$50.00 REDUCTION FOR ONE CHILD  
 --SECOND CHILD ENROLLED FROM A FAMILY \$40.00 REDUCTION  
 --THIRD CHILD ENROLLED FROM A FAMILY \$90.00 REDUCTION  
 --2008- 2009 TRAVEL TRY-OUT FEE \$7.00 EACH TRY OUT  
 --THERE WILL BE A \$50.00 LATE FEE FOR ANYONE NOT PAID IN FULL BY  
 OCTOBER 15TH OF EACH SEASON

**ICE RENTALS**

FALL/ WINTER		
PER HOUR	PRIME TIME \$175	5:00pm-11:00pm M-F



All day Sat and Sun

NON-PRIME \$150

8:00am- 5:00pm  
M-F**SPORT COURT RENTALS**

PER HOUR	\$65	(\$65)
PER HOUR AND HALF	\$85	(\$85)
PER 2 HOURS	\$120	(\$100)

**INLINE HOCKEY**

SUMMER	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$75 (\$89)	\$105 (\$119)
ADULT TEAM	\$740 (\$210)	\$800 (-)

\*\* ADULT INLINE TEAMS ARE RESPONSIBLE FOR PAYMENT OF REFEREES  
PRIOR TO THE START OF EACH GAME\*\*

**FLOOR HOCKEY**

	RESIDENT	NON-RESIDENT
YOUTH PARTICIPANT	\$ 55	\$ 70
ADULT/ MIDGET TEAM	\$ 550	\$595

\*\* ADULT/MIDGET FLOOR HOCKEY TEAMS ARE RESPONSIBLE FOR PAYMENT  
OF REFEREES PRIOR TO THE START OF EACH GAME\*\*

**YOUTH SOCCER**

SUMMER CHILD	RESIDENT	NON-RESIDENT
	\$55 (\$53)	\$71 (\$69)

**ADULT INDOOR SOCCER 2009**

ADULT, JUNIORS, MIDGET	\$510 (\$450)	\$575 -
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(ADULT, JUNIORS AND MIDGET TEAMS PAY THE REFEREE FEES PRIOR TO THE  
START OF THE GAME)

<b>ALL STAR-ALL SPORTS</b>	\$55 (\$30)	\$65 (\$40)
<b>START SMART SOCCER</b>	\$45 (\$45)	\$60 (\$60)
<b>START SMART BASEBALL</b>	\$49 (\$48)	\$59 (\$58)
<b>START SMART BASKETBALL</b>	\$49 (\$48)	\$59 (\$58)

**YOUTH BASKETBALL**

FALL/WINTER PER PARTICIPANT	RESIDENT	NON-RESIDENT
	\$29 (\$30)	\$39 (\$40)

**ADULT BASKETBALL**

PER TEAM	\$100 (\$75)	\$125 (-)
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\*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER

\*\*TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK

**VOLLEYBALL (teams pay referee fees each week)**

INDOOR FALL/ WINTER SESSIONS I &amp; II (Thursday &amp; Friday)

\$200 per team (resident rate) \$250 per team (non resident rate)

SATURDAY League \$250 per team (resident rate) \$280 per team (non resident rate)

**SUMMER**

OUTDOOR LEAGUE \$75 per team (resident rate) \$100 per team (non-resident rate)

**\*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER****\*\*TEAMS ARE RESPONSIBLE FOR PAYING REFEREE FEES EACH WEEK****DIAMOND PERMITS**

SUMMER (per 2 hour time block)	RESIDENT	NON-RESIDENT
NO LIGHTS	\$50 (\$50)	\$70 (\$70)
LIGHTS	\$80 (\$80)	\$95 (\$95)

**13 WEEK SERIES**

NO LIGHTS	\$450 (\$450)	\$675 (\$675)
LIGHTS	\$750 (\$750)	\$925 (\$925)

Additional games added to 13-week series are charged at the regular 2-hour block rate

**SOCCER / FOOTBALL FIELD RENTAL**

PER TWO HOUR TIME BLOCK	RESIDENT	NON-RESIDENT
	\$60 (\$60)	\$75 (\$75)

**VOLLEYBALL COURT RENTAL**

1 COURT PER TWO HOUR BLOCK	RESIDENT	NON-RESIDENT
	\$50 (\$50)	\$70 (\$70)

**ADULT SOFTBALL LEAGUES**

SUMMER	LEAGUE RESIDENT	LEAGUE NON-RESIDENT
CO-ED	\$330 (\$315)	\$410.00 (-)
WOMEN'S	\$330 (\$315)	\$410.00 (-)
MEN'S LEISURE	\$330 (\$315)	\$410.00 (-)
MEN'S OVER 40	\$330 (\$315)	\$410.00 (-)
OPEN MEN'S	\$330 (\$315)	\$410.00 (-)

FALL - ALL LEAGUES - RESIDENT-	\$135 (\$135)	\$160 (-)
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**\*\*BUSINESS TEAMS (BUSINESSES WITHIN THE TOWN), ALL PLAYERS MUST WORK FOR THAT BUISNESS, \$375 (\$355) THIS INCLUDES THE FIRST 11 ON THE ROSTER.****\*\*ALL TEAMS ARE RESPONSIBLE FOR PAYING THE UMPIRES EACH WEEK****\*\*THE \$15 ASA FEE WILL BE INCLUDED WITH THE REGISTRATION FEE****\*\*ALL RESIDENT TEAMS MUST SUPPLY ID'S FOR EVERY PLAYER**

**SUMMER TEEN PROGRAM**

WEEKLY	RESIDENTS	NON-RESIDENTS
ONE CHILD	\$101 (\$95)	\$120 (\$109)
SECOND CHILD	\$96 (\$90)	\$116 (\$100)
6 WEEKS	RESIDENTS	NON-RESIDENTS
ONE CHILD	\$601 (\$570)	\$715 (\$630)
SECOND CHILD	\$571 (\$540)	\$691 (\$600)
*FIRST WEEK ONLY - one child	\$94	\$113
	89	109

\*3 day week

**CULTURAL CENTER (BAND SHELL) LOCATED IN TOWN PARK**

THE RENTAL FEE IS FOR FOUR HOURS ANY TIME PRIOR TO OR AFTER THE SPECIFIED RENTAL TIME THE RENTER IS RESPONSIBLE FOR THE COSTS OF KEEPING STAFF ON.

RESIDENTS

\$400 for a four hour period Additional hours before or after the specified rental time will be billed at \$125 per hour.

NON-RESIDENTS

\$800 for a four hour period Additional hours before or after the specified rental time will be billed at \$195 per hour.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-559

### Unsafe-Unsecured / 44 Meadowbrook Parkway

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 44 Meadowbrook Parkway, Cheektowaga, New York SBL# 123.36-5-6 that is a danger to the safety of others, and records kept by the Assessors Office identify Julia Wallis, 44 Meadowbrook Parkway,, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 44 Meadowbrook Parkway, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-560

### Unsafe-Unsecured / 15 Chardon Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 15 Chardon Drive, Cheektowaga, New York SBL# 91.52-2-9 that is a danger to the safety of others, and records kept by the Assessors Office identify Jason & Michelle Downing, 15 Chardon Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 15 Chardon 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-561

### Creation of and Transfer of Six (6) Assistant Code Enforcement Officers (6)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, in conjunction with Erie County Department of Civil Service, the Town of Cheektowaga has re-titled the job of Housing Inspector to Assistant Code Enforcement Officer; AND

WHEREAS, pursuant to civil service law the title of Assistant Code Enforcement Officer must be added to the Town's job inventory ; NOW, THEREFORE, BE IT

RESOLVED, the Town Board hereby create six (6) Assistant Code Enforcement Officer positions pursuant to Civil Service Laws and Rules effective October 7,2008; AND, BE IT FURTHER

RESOLVED, that the following individuals currently appointed to the title of Housing Inspector be and hereby are transferred to the title of Assistant Code Enforcement Officer at no additional cost to the Town effective October 7, 2008:

Richard C. Coburn, Depew, New York,  
Lawrence J. Kensy, Cheektowaga, New York,  
Dale M. Parks, Cheektowaga, New York,  
Gerald E. Sprada, Cheektowaga, New York,  
Donald C. Wartinger, Depew, New York, and  
Richard J. Willis, Cheektowaga, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-562

### Youth & Recreation Upgrades

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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:

Recreation Attendant - \$7.75

Erica Au  
Jan Kostran

Recreation Attendant - \$7.40

Glenn M. Au  
Katie DeFilippo  
Donald McEvoy

Recreation Attendant - \$8.00

Joseph Ciesielski

Recreation Instructor - \$8.25

Diane Panasiewicz

Recreation Attendant - \$9.50

Sherry Maran

Recreation Attendant - Regular part time to - Clerk - \$9.50 Part time 7310.1804 & 7140.1614

Amanda Kostran

From Seasonal to Regular Part time - Lifeguard - 7180.1903 - \$8.16 (Retro to 5/19/08)

Torrie Wydysch

BE IT FURTHER RESOLVED that the individuals listed below whose titles and/or salaries were incorrectly listed be corrected as follows:

Recreation Aide - Part time - \$7.15 - 7310.1803

Emily Castiglia

Recreation Attendant - \$7.55 - 7310.1803 - Regular Part time

Jessica Szyjka

Motioned by Supervisor Holtz; Seconded by Councilmember Zydel to Waive the Reading of Names for Resolutions 2008-562 to 2008-565. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-563

### Youth & Recreation Hire

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Aide - 7140.1630 - Part time - \$7.15  
Melanie Mikolajczyk 14225

Recreation Aide - 7140.1611 - Part time - \$7.15  
Eric Fiorello 14225

Recreation Attendant - 7140.1611 - Regular part time - \$7.15  
Nicholas Guagenti 14227

Recreation Attendant - 7140.1611 - Regular part time - \$7.50  
Dean Lach 14212

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 20. RESOLUTION 2008-564

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Kelly Astyk	8/21/08	14227
Josh Atzrott	8/22/08	14215
Dan Badzinski	8/15/08	14227
Ashley Bajer	8/22/08	14225
Jennifer Behlmaier	never worked	14043
Corey Beszczynski	8/20/08	14212
Gared Brock	8/22/08	14225
Jennifer Brock	8/22/08	14225
Mandy Burton	8/15/08	14225
Jackie Campbell	8/22/08	14043
Ken Carlucci	8/17/08	14227
Dan Carter	8/19/08	14225
Dominique Celotto	8/22/08	14225
Andrew Charvat	8/8/08	14225
Andrew Chruscicki	8/22/08	14225
Nicholas Coronado	8/22/08	14225
Samantha Cycon	7/1/08	14225
Uyen Dang	never worked	14225
Andrea Deuser	8/6/08	14227
Randy Derfert	8/15/08	14227
Margaret Drzewski	8/22/08	14225
Matthew Eckle	never worked	14225
Megan Eckle	8/15/08	14225
Samantha Ehrig	8/22/08	14225
Stacey Ehrig	never worked	14225
Melissa Farruggio	8/20/08	14227
Lauren Fial	8/15/08	14227
Adam Fuest	8/20/08	14225
Lauren Fuest	8/22/08	14225
Josh Galante	8/22/08	14206
Laura Garcea	8/30/08	14225
Jacob Gasiorek	8/15/08	14206
Jill Golembiewski	8/22/08	14206
Stephen Gospodarski	8/21/08	14215
Aaron Grupka	8/30/08	14206
Ashlee Guay	never worked	14043
Becky Gworek	8/22/08	14227
Jon Gworek	8/22/08	14227
Lauren Habermehl	8/15/08	14225
Ben Hannel	8/22/08	14227
Valerie Herman	never worked	14225
John Hinshaw	8/15/08	14225

Matt Hockwater	8/22/08	14227
Kellie Howells	8/15/08	14225
Brandon Jarczewski	8/15/08	14227
Joel Jarnot	8/15/08	14225
Brandon Kacala	8/17/08	14212
Christina Kae	never worked	14227
Jeff Kapanek	8/22/08	14206
Shawn Kaznica	8/22/08	14206
Sean Keegan	8/15/08	14215
Ryan Kelly	3/5/05	14227
Shannon Kelly	8/15/08	14227
Michael Kirpolsky	8/22/08	14215
Tim Kish	8/22/08	14206
Dana Kryszczak	8/15/08	14227
Sean Kunkel	8/30/08	14225
Jennifer Laffrado	8/15/08	14225
Sean Langan	8/22/08	14225
Richard Laskay	never worked	14225
Anthony Latucca	8/22/08	14043
Catherine Lease	never worked	14225
Melissa Litwin	8/15/08	14225
Samantha Long	8/20/08	14225
Dana Machajewski	4/11/08	14043
Elizabeth Machnica	never worked	14225
Nicole Maciejewski	8/22/08	14227
Brandon Maes	8/22/08	14225
Nicholas Maes	8/21/08	14225
Craig Mahalic	8/8/08	14206
Lori Majewski	8/15/08	14227
Danielle Malicki	8/19/08	14227
Lauren Malicki	8/19/08	14227
Megan Maloney	8/19/08	14227
Vicky Maslowski	8/4/08	14225
Jared Messina	8/22/08	14225
Jonah Messina	8/22/08	14225
Michael McMahon	8/15/08	14225
Tom Michalewski	8/22/08	14225
Jon Miller	8/30/08	14227
Liz Monaco	8/22/08	14225
Sara Montgomery	8/22/08	14225
Amanda Moran	8/20/08	14206
Briana Parker	8/18/08	14225
Matt Pazderski	8/22/08	14227
Hilary Peacock	8/12/08	14225
Jeffrey Persutti	never worked	14227
Gail Phillips	8/15/08	14206
Alison Pieroni	8/22/08	14225
Adam Piscitello	7/28/08	14043
Holly Podniesinski	8/22/08	14227
Mark Przybysz	8/30/08	14206
Andrew Puehn	8/22/08	14211
Robert Radlich	8/21/08	14225
Clayton Reeb	8/22/08	14227
Carolyn Reczek	8/15/08	14227

Caitlyn Rieck	8/22/08	14225
Nicholas Russell	8/18/08	14206
Caitlyn Rutski	8/22/08	14043
Nicole Scherrer	8/22/08	14225
Sara Schwab	8/22/08	14043
Elizabeth Sinski	8/30/08	14206
Tabitha Slachiak	8/15/08	14212
Corilynn Slisz	never worked	14206
Austin Snyder	8/22/08	14225
Naomi Snyder	8/22/08	14225
Rebecca Szyjka	8/15/08	14227
Morgan Taylor	8/15/08	14225
Katherine Tomaschko	8/22/08	14225
Michael Vito	8/22/08	14215
Jessica Wales	8/15/08	14225
Chelsea Wartinger	8/21/08	14043
Krista Wayne	8/19/08	14227
Tiffany Wheeler	8/13/08	14225
Ron Whitehead	7/19/08	14225
Briana Wozniak	8/15/08	14043
Kelsey Zamoyski	8/16/08	14227
Leah Zamoyski	8/14/08	14227
Frank Zawodzinski	8/15/08	14043
Mary Zelasko	8/15/08	14227
Kylie Zywicki	8/22/08	14225

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-565

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 \$8/hour effective 9/22/08  
Cory Herr, Depew, NY  
Brian Kazmierczak, Cheektowaga, NY  
Keith Pheasant, Depew, NY

SANITATION DEPARTMENT Laborer \$8/hour effective 9/29/08  
Richard Kraft, Cheektowaga, NY  
Erik Wilkinson, Cheektowaga, NY  
Jonathan Biller, 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:

RECORDS MANAGEMENT Clerk \$8/hour effective 9/15/08  
Kevin T. Daugherty, Depew, NY

POLICE DEPARTMENT Student Assistant \$7.15/hour effective 10/06/08  
Julie Strychalski, Depew, NY

JUSTICE COURT Clerk \$9.25/hour effective 10/09/08  
Sherry Vinci, Depew, NY

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

SANITATION DEPARTMENT effective 9/20/08  
Christopher Ahrens  
Paul Herr  
David Vinci  
Michael Fullington  
Adam Stasila  
Andrew Wastchak  
Jesse Herr  
Walter Szafranec

SEWER MAINTENANCE effective 9/22/08

John Lockhart  
Timothy Kopp  
Justin Nowak  
William Olewniczak  
Sean Ross  
Jacob Nowak  
Austin Bobeck

POLICE DEPARTMENT effective 8/24/08

Stephen T. Kolbert

PARKS DIVISION effective 8/23/08

Michael Boccio

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-566

### Travel Authorization - Police Department (Police Officers Anthony Nazzarett/Timothy Turnbull)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 2008 Safe Schools Conference/Basic School Resource Officer Training is being held from October 20 through October 24, 2008 in Auburn, New York; AND

WHEREAS, Police Officers Anthony Nazzarett and Timothy Turnbull have requested authorization to attend said training; 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 \$2,949.75; AND

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

RESOLVED, that Police Officers Anthony Nazzarett and Timothy Turnbull be and hereby are authorized to attend the 2008 Safe Schools Conference/Basic School Resource Officer Training from October 20 through October 24, 2008 in Auburn, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**23. RESOLUTION 2008-567****Travel Authorization - Police Department (Lieutenant Scott Pilat)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Law Enforcement Accreditation Program Manager Workshop is being held on October 28, 2008 in Onondaga County; AND

WHEREAS, Lieutenant Scott Pilat has requested authorization to attend said workshop; 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 \$325.57; AND

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

RESOLVED, that Lieutenant Scott Pilat be and hereby is authorized to attend the Law Enforcement Accreditation Program Manager Workshop being held on October 28, 2008 in Onondaga County.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**24. RESOLUTION 2008-568****Travel Authorization - Police Department (Lieutenant Scott Prell)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Domestic Violence Instructor Training Program is being held October 6 through October 8, 2008 in Long Beach, California; AND

WHEREAS, Lieutenant Scott Prell has requested authorization to attend said training program; 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, there shall be no expenses incurred to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Scott Prell be and hereby is authorized to attend the Domestic Violence Instructor Training Program being held October 6 through October 8, 2008 in Long Beach, California.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 25. RESOLUTION 2008-569

### Travel Authorization - Youth & Recreation Department (Ellen Fischer and Jillian Gorman-King)

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, a conference entitled, "Youth Development: Root for a Strong New York" is being held October 27 through October 28, 2008 in Syracuse, New York; AND

WHEREAS, Executive Director Ellen Fischer and Program Coordinator Jillian Gorman-King have requested authorization to attend said conference; AND

WHEREAS, Ms. Fischer 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 \$640; AND

WHEREAS, these expenses have been budgeted by the Youth and Recreation Department; NOW, THEREFORE, BE IT

RESOLVED, that Executive Director Ellen Fischer and Program Coordinator Jillian Gorman-King be and hereby are authorized to attend a conference entitled, "Youth Development: Root for a Strong New York" being held October 27 through October 28, 2008 in Syracuse, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### VI. Suspension of Rules

Motioned by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following (5) Resolutions. Motion Carried.
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## 1. RESOLUTION 2008-570

### Approve Purchase of Two (2) Trucks

**Sponsored By:** Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Sanitation Department has requested authorization to purchase one (1) 2009 Ford F-250, 4x4 pick-up truck with plow and one (1) 2009 Ford F-450 stake truck with dump and lift gate as specified in New York State OGS Contracts PC63652 and PC62886, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 1500-8160-4000-2501, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2009 Ford F-250, 4x4 pick-up truck with plow and one (1) 2009 Ford F-450 stake truck with dump and lift gate in the amount of \$ 68,823.42 from:

Van Bortel Ford, Inc.  
7325 Route 96  
Victor, New York 14564

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-571

### Approve Relocation of Conax Technologies LLC to Buffalo Empire Zone

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

WHEREAS, Conax Technologies LLC, a company which supplies custom designed temperature sensors and sealing glands for a variety of applications in every industry, currently owns property at 2300 Walden Avenue in the Town of Cheektowaga for its business, and

WHEREAS, Conax Technologies LLC has been in its current location since the early 1960's, and currently employs 95± people at the Cheektowaga facility, and

WHEREAS, Conax Technologies LLC has stated that the current building space in Cheektowaga is inadequate to accommodate its present and future manufacturing growth needs, and has been unable to identify property in Cheektowaga to accommodate its future growth plans, and

WHEREAS, by resolution dated July 21, 2008 (Resolution 2008-408), this Town Board consented to the relocation of the operations of Conax Technologies LLC to a Town of Tonawanda Empire Zone, and

WHEREAS, Conax Technologies LLC notified the Town of Cheektowaga that it has now decided to move its operations to the Lakeside Commerce Park in Buffalo, and

WHEREAS, a public hearing was originally held by this Town Board on the 7th day of July, 2008 at 6:45 P.M. in the Cheektowaga Town Hall Council Chambers, 3301 Broadway, Cheektowaga, New York for the purpose of soliciting comments from the public concerning the shift of operations of Conax Technologies LLC, and

WHEREAS, Conax Technologies LLC has informed this Town Board that it still has plans to redevelop and re-lease the property at 2300 Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED, that, based on the testimony given at the public hearing and the extraordinary circumstances stated by Conax Technologies LLC, and in the spirit of regionalism, this Town Board hereby consents to the relocation of the operations of Conax Technologies LLC at 2300 Walden Avenue from the Town of Cheektowaga to the Lakeside Commerce Park, an Empire Zone in the City of Buffalo.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2008-572

Issue Request for Proposals for Asbestos Survey for 79E Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga recently became the owner of a vacant dilapidated dwelling located at 79E Windwood Court, and

WHEREAS, the Town accepted ownership of this property from the Erie County Department of Social Services in order to expedite demolition of this eyesore, and

WHEREAS, prior to demolition of this property, the Town needs to have an asbestos survey done to determine whether there is asbestos in the structure, and

WHEREAS, the Managing Housing Inspector of the Housing and Neighborhood Preservation Office has prepared a Request for Proposals for this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Request for Proposals for the asbestos survey, etc. for 79E Windwood Court, and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Request for Proposals in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that Proposals for the Asbestos Survey, Specifications and Air Monitoring Services for 79 E Windwood Court shall be due no later than October 16, 2008 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 October 16, 2008 at 11:00 a.m.

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REQUEST FOR PROPOSALS FOR ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES FOR PROPERTY LOCATED AT 79E WINDWOOD COURT, CHEEKTOWAGA

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga is seeking proposals from qualified contractors to prepare an asbestos survey for property located at 79E Windwood Court, Cheektowaga, New York. The contractor shall also submit quotes for Asbestos specifications for the demolition and air monitoring services during demolition if asbestos is found in this dwelling.

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 16, 2008 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for said services.

Information to 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 proposal not prepared and submitted in accordance with the specifications, and may waive informalities and make an award to the vendor who, in its opinion, offers the best deal for the Town.

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

Dated: October 6, 2008

ALICE MAGIERSKI  
Town Clerk

ATTACHMENTS:

79E Windwood -10-6-08 RFP-Asbestos Survey Specs Air Monitoring (2) (DOC)

**RESULT:** **ADOPTED [UNANIMOUS]**  
**MOVER:** Charles Markel, Councilmember  
**SECONDER:** Stanley Kaznowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-573

### National Grid Connection

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

BE IT RESOLVED, that National Grid be and hereby is authorized to connect two (2) 100 watt high pressure sodium post top luminaires on Woodrow Place under Service Classification No. 3 in accordance with the proposal dated September 22, 2008 at an annual increase of \$67.86 which shall be chargeable to the General Lighting District, AND, BE IT FURTHER

RESOLVED, that a one-time connection fee in the amount of \$139.03 for connection to the Roy Alley Pole #195 source point shall be chargeable to the General Lighting District, AND, BE IT FURTHER

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

Colleene Reed  
Consumer Representative  
National Grid  
144 Kensington Avenue  
Buffalo, New York 14214

Fax: (716-831-5181)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-574

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### **Adoption of Rules Pertaining to Public Access To Records of the Town of Cheektowaga**

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the New York State Public Officers Law, Article 6, Sections 84-90 (also sometimes referred to as the Freedom of Information Law or F.O.I.L.), provides for the availability of government documents to the public; and

WHEREAS, it is necessary for the Town and the Town Records Access Officers to follow certain procedures when individuals seek access to records under the custody and control of the Town under the Freedom of Information Law (F.O.I.L.); NOW THEREFORE, BE IT

RESOLVED that the Cheektowaga Town Board hereby adopts Rules Pertaining to Public Access to Records of the Town of Cheektowaga (Freedom of Information Law also known as F.O.I.L.) as set forth herein; and BE IT FURTHER

RESOLVED that this Policy shall be established, effective immediately, and BE IT FURTHER

RESOLVED that this Policy shall supersede any previously adopted policy.

## RULES PERTAINING TO PUBLIC ACCESS TO RECORDS OF THE TOWN OF CHEEKTOWAGA

1. Purpose and scope
2. Designation of records access officer
3. Location
4. Hours for public inspection
5. Requests for public access to records
6. Subject matter list
7. Denial of access to records
8. Fees
9. Severability

### **§ 1 Purpose and Scope.**

(a) The State Legislature finds that a free society is maintained when government is responsive and responsible to the public. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. The more open a government is with its residents, the greater the understanding and participation of the public in government. All Town records belong to our citizens and it is our duty to care for them properly and make them available. See generally Public Officers Law, Article 6, §§ 84-90.

(b) Any New York State or municipal department or government entity performing a governmental or proprietary function is subject to the Freedom of Information Law, most commonly referred to as "F.O.I.L." or "FOIL". Each governmental entity is an "agency." The Town Justice Court is outside its coverage but often must disclose records under other provisions of law. Set forth herein are the procedures to be followed when individuals seek access, pursuant to the Freedom of Information Law, to records in the custody of and maintained by the Town of Cheektowaga.

(c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law. In this regard the term "records" is defined to include all information kept, held, filed, produced or reproduced by, with or for the Town of Cheektowaga in any physical form whatsoever and applies to Town records generated, received, or maintained electronically, including, but not limited to, all records and data kept on Town servers, individual computers, e-mail logs, private e-mail messages, text messages, etc.

### **§ 2 Designation of Records Access Officer.**

The Cheektowaga Town Clerk's Office (the Town Clerk's Office) is responsible for insuring compliance with FOIL and with the policies and procedures established by the Town of Cheektowaga for responding to release of information requests. The Town Clerk and the Records Manager of the Town Clerk's Office are designated as Records Access Officers.



**§ 3 Location.**

Records shall be available for public inspection and copying at:

Cheektowaga Records Center  
735 Maryvale  
Cheektowaga, NY 14225

unless otherwise specified.

**§ 4 Hours for Public Inspection.**

Requests for public access to records may be made by appointment with the Records Manager of the Town Clerk's Office.

**§ 5 Request for Public Access to Records.**

(a) A written request shall be required. A standard request form will be generally used, although it will not be an absolute requirement to use that form when filing a Freedom of Information Law request. All FOIL requests should be directed and/or submitted to the Town Clerk. It shall be the responsibility of the Records Manager to make the decision as to how each FOIL request should be responded to.

(b) An acknowledgement letter will be sent to the requestor within five (5) business days of receipt of a request by the Records Manager.

(c) A decision and response will be made by the Records Manager, which shall be reasonable under the circumstances of the request, as to whether the request will be granted, denied or that the circumstances prevent disclosure.

(d) The records will be provided on the medium requested by a person if the Town can reasonably make such a copy or have such copy made by engaging an outside professional service.

(e) If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.

(f) Once the Records Manager has obtained the records that have been requested, the requestor will be contacted to either review the records, or pick up the copies of the records. The Records Manager will inform the requestor of the times and places the records are available, from whom the records may be obtained, and the fees for the copies of the records requested. While in most cases, the records will be forwarded to the Records Center, in some cases, the requestor will be asked to view or pick up the records at the respective department.

(g) The Records Manager will close the FOIL request once it is satisfied and paid or it is denied.

(h) A failure to comply with the time limitations described herein may result in the request being deemed denied and subject to appeal.

### **§ 6 Subject Matter List.**

(a) The Records Manager shall maintain a reasonably detailed current list by subject matter of all records maintained by the Town of Cheektowaga, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

### **§ 7 Denial of Access to Records and Appeal of Denial.**

(a) Denial of access to records shall be from the Records Manager and shall be in writing stating the reason therefore and advising the requestor of the right to appeal in writing, within thirty (30) days of the denial, to the Cheektowaga Town Clerk, Town Hall, 3301 Broadway, Cheektowaga, New York 14227 ((716) 686-3400).

(b) The time for deciding an appeal by the Cheektowaga Town Clerk shall commence upon receipt of the written appeal that identifies the following:

- (1) the date and location of requests for records;
- (2) a description, to the extent possible, of the records that were denied; and
- (3) the name and return address of the person denied access.

(c) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

(d) The Cheektowaga Town Clerk shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government at the following address:

Committee on Open Government  
Department of State  
41 State Street  
Albany, NY 12231

### **§ 8 Fees.**

- (a) There shall be no fee charged for:
- (1) inspection of records;
  - (2) search for records; or
  - (3) any certification pursuant to this part.
- (b) Copies may be provided without charging a fee.
- (c) Fees for copies may be charged, provided that:
- (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;
  - (2) the fee for copies of records not covered by paragraph (1) of this subdivision, such as fees for the actual cost of reproducing any other records in varying forms of media such as a computer disk, can also be charged; the cost of reproducing a record may include the hourly salary paid to the lowest paid agency employee able to reproduce the record if at least two hours of agency employee time is needed to prepare a copy of the record requested, the cost of the storage device or media provided to the person making the request and the cost of engaging an outside organization to produce a copy of the record.
- (d) The requestor will be instructed to pay the Town Clerk or the Records Manager for the fees incurred.
- (e) In the event the requestor has requested records in which photocopying fees will be in excess of \$10.00, the requestor will be required to pay a deposit of \$10.00 prior to the photocopying of documents. This will ensure that the requestor is serious in the request to receive the information and avoid the risk of time being wasted by employees making photocopies of records that are never claimed.

### § 9 Severability.

If any provision of these rules or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these rules or the application thereof to other persons and circumstances.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VII. Communications**

### ***A. Departmental Communications***

1. Town of Cheektowaga 2009 Tentative Budget
2. Town of Cheektowaga - 2009 Tentative Benefit Basis Budget
3. Supervisor's Statement of Funds - August 2008
4. Building Permit List - September 2008
5. Town of Cheektowaga Emergency Services - Quarterly Reports for July to September 2008
6. Minutes - Cheektowaga Planning Board - September 11, 2008
7. Minutes - Cheektowaga Conservation Advisory Council - September 5, 2008

### ***B. General Communications***

1. Summons & Complaint - Keybank National Association Vs. Town of Cheektowaga & Etal
2. Notice of Claim: Thomas E. Wiesmore Vs. Town of Cheektowaga
3. Notice of Claim: Joshua C. St. Louis Vs. Town of Cheektowaga
4. Notice of Claim: Amy Schanne Vs. Town of Cheektowaga
5. Notice of Claim: Daniel V. Siekierski Vs. Town of Cheektowaga
6. Request to Speak - Zachary Smith Re: Streetlights in Cheektowaga

## **VIII. Adjournment**

Motion was made by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the Meeting at 8:28 PM.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, October, 14, 2008

6:00 PM

Council Chambers

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## I. Call to Order

6:00 PM Meeting called to order on October 14, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Absent	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

## II. Public Portion

## III. Resolutions



1. RESOLUTION 2008-575

Call for Public Hearing Re: Benefit Basis Budget - 2009

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2009 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 28th day of October, 2008 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 BEE, the official Town newspaper on October 16, 2008.

\*\*\*\*\*

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 28, 2008 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

Alice Magierski  
Town Clerk

Dated: October 14, 2008  
Published: October 16, 2008

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Jeff Swiatek, Councilmember  
**SECONDER:**   Richard Zydel, Councilmember  
**AYES:**        Swiatek, Rogowski, Zydel, Markel, Kaznowski  
**ABSENT:**      Mary Holtz, Patricia Jaworowicz



**2. RESOLUTION 2008-576**

**Call for Public Hearing 2009 Ad Valorem Budget**

**Sponsored By:** Councilmember Swiatek, Councilmember Kaznowski

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, 2009, 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 15, 2008, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 28<sup>th</sup> day of October, 2008, 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 BEE, the official Town newspaper on October 16, 2008, 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, 2009, 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 15, 2008.



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 28<sup>th</sup> day of October,2008 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

ALICE MAGIERSKI,  
TOWN CLERK

Dated: October 14, 2008

Published: October 16, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Mary Holtz, Patricia Jaworowicz



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, October, 20, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on October 20, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	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  
Ellen Fischer, Director of Youth & Recreation  
Christine Ziemba, Chief of Police  
Anthony Sisti, Planning Board Chairman  
James Vallone, Town Justice  
John Staniszewski, TCEA Representative

## II. Public Comment Period

## III. Public Hearing at 6:45 PM

1. Local Law Intro No. 2008-11 - a Local Law to Amend a Local Law Relating to Vehicles, Removal and Storage Of

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Charles Markel, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Resolutions



## 1. RESOLUTION 2008-577

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**SPECIAL DISTRICTS FUND**

FROM:	150.8160.4468	Composting	\$ 31,000.00
	255.8135.2512	Building Improvements	12,000.00
	255.8135.4431	Equipment Repairs	10,000.00
TO:	150.8160.2501	Misc. Equipment	\$ 31,000.00
	255.8135.2550	Over the Road Vehicles	22,000.00

**HUD CDBG FUND**

FROM:	700.1006.5000	Removal of Architectural Barriers	\$ 3,000.00
TO:	700.1006.0606	Disposition	\$ 3,000.00

**PART TOWN FUND**

FROM:	800.3620.2770	Permits & Inspections	\$ 15,000.00
TO:	800.3620.4411	Refunds Permits	\$ 15,000.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-578

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 17, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 396,826.34
RISK RETENTION FUND	20,517.79
HUD HOUSING REHAB	552.00
SPECIAL DISTRICTS FUND	256,215.66
HIGHWAY FUND	41,358.80
CAPITAL FUND	282,615.30
TRUST & AGENCY	2,610.00
HUD CDBG FUND	31,357.51
PART TOWN FUND	14,951.07
	<u>\$1,047,004.47</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-579

## Award of Bid - Rental of Equipment & Operators for Emergency Snow Removal 2008-09 Winter Season

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on October 1, 2008 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 Michael Serafini, Inc., 3529 Broadway, Cheektowaga, NY 14227, AND BE IT FURTHERED

RESOLVED, that line item to be used of emergency is 300-5142-4029.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2008-580

**Award of Bid - One (1) New and Unused 2008 Model Self-Propelled 1.5 Ride-On Tandem Vibratory Roller**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on October 15, 2008 for One (1) New and Unused 2008 Model Self-Propelled 1.5 Ride-On Tandem Vibratory Roller 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 the bid for One (1) New and Unused 2008 Model Self-Propelled 1.5 Ride-On Tandem Vibratory Roller, be awarded to Gateway Equipment Corp. 8033 Transit Road, East Amherst, NY 14051 at a total bid price of \$13,495.00 said bidder being the lowest responsible bidder meeting specifications, AND, BE IT FURTHER

RESOLVED, that monies be charged to line items 500-1440-9910-5527

\*\*\*\*\*

TABULATION FOR  
ONE (1) NEW AND UNUSED 2008 MODEL SELF-PROPELLED 1.5 TONE  
RIDE-ON TANDEM VIBRATORY ROLLER

Gateway Equipment Corp. \$13,495.00  
8033 Transit Road  
East Amhers, NY 14051

Admar Supply Co., Inc. \$13,950.00  
1394 Military Road  
Buffalo, NY 14217

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-581

### Amend Resolution to Authorize Purchase of 3 Passenger Vans

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

WHEREAS, by resolution dated October 6, 2008 (Resolution No. 2008-549), this Town Board authorized the purchase of three (3) 12-passenger vans for the Senior Services and Youth and Recreational Services Departments, as specified in the New York State OGS Contract No. PC62820, AND

WHEREAS, in said resolution, there was an error in the dollar amount for said passenger vans, and

WHEREAS, funds for said purchase covering the corrected cost for the vehicles, including options and delivery, have been budgeted from Account #100-1640-2509, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to provide that the purchase prices for the respective passenger vans shall be as follows:

- one (1) 2009 Chevrolet 3500, 12-passenger van in the amount of \$19,810.33 for the Senior Services Department; and
- two (2) 2009 Chevrolet 3500, 12-passenger vans in the amount of \$39,338.66 for Youth & Recreational Services Department from:

Hoselton Chevrolet Inc.  
909 Fairport Road  
East Rochester, New York 14445

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-582

### Reject Bids for Purchase of 4 X 4 Truck for Main Pump Station

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, by resolution dated September 15, 2008, this Town Board issued a Notice to Bidders for the purchase of one (1) unused 2008 or newer 3/4 ton, 4 X 4 ton pick-up truck for the Main Pump Station, and

WHEREAS, bids were opened for this pick-up truck on October 1, 2008, and

WHEREAS, after the bids were opened, it was discovered that there was a discrepancy in the description of the vehicle to be purchased in the bid specifications, and

WHEREAS, after further review and inquiry into the cost of such a vehicle under New York State purchase (Office of General Services) contracts, it was determined that the vehicle could be purchased at a lower cost through the New York State purchase contract, and

WHEREAS, it is in the best interest of the Town to reject the bids received and to award the purchase of a pick-up truck for the Main Pump Station through the New York State purchase contract, NOW, THEREFORE, BE IT

RESOLVED, that aforementioned bids for the purchase of one (1) unused 2008 or newer 3/4 ton, 4X4 pick up truck for the Main Pump Station be and hereby are rejected.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 7. RESOLUTION 2008-583

### Purchase of Unused 2008 3/4 Ton 4 X 4 Truck for Main Pump Station

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Main Pump station is in need of an unused 2008 or newer 3/4 Ton Pick-Up Truck, and

WHEREAS, after review into the cost of such a vehicle under New York State purchase (Office of General Services) contracts, it was determined that the vehicle could be purchased at a lower cost through the New York State purchase contract, and

WHEREAS, it is in the best interest of the Town to purchase this pick-up truck for the Main Pump Station through the New York State purchase contract, NOW, THEREFORE, BE IT

RESOLVED, that purchase of one (1) 4x4 Regular Cab F250 XL 8' Box Pick up truck, with the equipment required by the Main Pump Station shall be purchased through the New York State Office of General Services Contract (Award Number 20339; Group 405560; OGS Item 14) from Van Bortel Ford, Inc., 7325 Route 96, Victor, New York 14564 for a total cost of \$20,282.50, and BE IT FURTHER

RESOLVED, that moneys for the purchase of this truck shall be appropriated from budget line item number 255-8135-2550.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-584

### Call for Public Hearing for Community Development Block Grant Program

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 2009 Program Year, and

WHEREAS, the Town of Cheektowaga is required to prepare and submit to the Department of Housing and Urban Development an Annual Plan which identifies the activities that the Town will carry-out during said 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 3, 2008 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 a public notice of such public hearing be published in the Cheektowaga Bee on Thursday, October 23, 2008.

\* \* \* \* \*

Notice of Public Hearing  
Town of Cheektowaga FY 2009 Annual Plan  
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 3, 2008 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2009 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 2008, the Town received \$ 1,008,721 in CDBG funds and \$345,003 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2008-585

Call for Public Hearing - a Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, by resolution dated October 6, 2008, this Town Board adopted Local Law No. 9 of the Year 2008, entitled "A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions", and

WHEREAS, said local law authorizes the Assessor to accept applications for renewal from property owners who receive a senior citizens exemption if said applications are filed after the taxable status date and prior to the date for the hearing of assessment complaints, and

WHEREAS, Section 467 (5-a) of the RPTL provides that the Assessor's ability to permit the late filing of these renewal applications is limited to cases where failure to file a timely application results from:

- (a) a death of the applicant's spouse, child, parent, brother or sister; or
(b) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician, and

WHEREAS, Local Law No. 9 of the Year 2008 needs to be amended to reflect this restriction, and

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

RESOLVED, that a public hearing be held on the 3rd day of November, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-12, entitled "A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions", and BE IT FURTHER

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

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 3rd day of November, 2008 at 6:45 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. 2008-12 of the Year 2008, entitled "A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions". Following is a draft of the proposed Local Law Intro No. 2008-12:

**LOCAL LAW INTRO NO. 2008-12**  
**A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions**

1. Subsection F of Section 220-6 of the Code of the Town of Cheektowaga shall be amended to read as follows:

F. In the event the owner(s) of property which has received a senior citizens exemption on a preceding assessment roll fail(s) to file the application for said exemption before taxable status date, the town assessor shall be authorized to accept said application for renewal provided same is filed before the date for the hearing of complaints of assessments where failure to file a timely application results from:

(a) a death of the applicant's spouse, child, parent, brother or sister; or

(b) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician.

Dated: October 20, 2008

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

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**10. RESOLUTION 2008-586**

**Call for Public Hearing - Amendments to Traffic Ordinance**

**Sponsored By:** Councilmember Zydell, 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 November 3, 2008 at 6:45 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 BEE on the 23rd day of October, 2008, 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 3, 2008 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 235-46, Schedule VII: Stop Intersections**, shall be amended by adding thereto the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

<b>Stop Signs on</b>	<b>Direction Traffic Stops</b>	<b>At Intersection of</b>
Cari Lane	South	Davidson Drive
Cari Lane	North	Sherry Drive
RV Derenda Lane	Both	Linden Street
RV Derenda Lane	Both	Mansion Avenue
RV Derenda Lane	Both	Peoria Avenue
RV Derenda Lane	East	Girard Avenue
Davidson Drive	Both	Cari Lane
Linden Street	Both	RV Derenda Lane
Mansion Avenue	Both	RV Derenda Lane
Peoria Avenue	Both	RV Derenda Lane

**ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections**, shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

<b>Stop Signs on</b>	<b>Direction Traffic Stops</b>	<b>At Intersection of</b>
Bordeaux Drive	South	Davidson Drive
Bordeaux Drive	North	Sherry Drive

Candlelight Lane	Both	Linden Street
Candlelight Lane	Both	Mansion Avenue
Candlelight Lane	Both	Peoria Avenue
Candlelight Lane	East	Girard Avenue
Davidson Drive	Both	Bordeaux Drive
Linden Street	Both	Candlelight Lane
Mansion Avenue	Both	Candlelight Lane
Peoria Avenue	Both	Candlelight Lane

**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 described streets or parts of streets:

HELEN STREET - East Side: From the north curb line of Cayuga Creek Road to its terminus at the New York State Thruway property

CARI LANE - East Side: From the north curb line of Davidson Drive to the south curb line of Sherry Drive.

BUELL AVENUE - North, south, east and west sides: from the south curb line of Genesee Street to the terminus.

**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 §235-43, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

BORDEAUX DRIVE - East Side: from the north curb line of Davidson Drive to the south curb line of Sherry Drive.

BUELL DRIVE - East and west sides: from the south curb line of Genesee Street to the terminus.

**ARTICLE V. Schedules, Section 235-53. Schedule XIV, Left Lane Must Turn Left**, shall be amended by adding thereto the following:

In accordance with the provisions of §235-23, traffic in the left lane on the following streets or parts of streets must turn left:

Name of Street	Direction	Location
Losson Road	East	At approach to Stiglmeier Park Entrance
Losson Road	West	At approach to Towers Boulevard

**ARTICLE V. Schedules, Section 235-56. Schedule XVII: Right Lane Must Turn Right**, shall be amended by adding thereto the following:

In accordance with the provisions of §235.23.1, traffic in the right lane on the following streets or parts of streets must turn right:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Galleria Dr.	East	Walden Galleria West Service Road
Losson Road	East	At approach to Towers Boulevard

**ARTICLE V, Schedules, Section 235-57. Schedule XVIII: Through Traffic Must Use Left Lane**, shall be amended by adding thereto the following:

In accordance with the provisions of §235-24.1, through traffic must use the left lane at the following intersections:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Galleria Dr.	East	Walden Galleria West Service Road

**ARTICLE V, Schedules, Section 235-53. Schedule XIV: Left Lane Must Turn Left**, shall be amended by adding thereto the following:

In accordance with the provisions of §235-23, traffic in the left lane on the following streets or parts of streets must turn left:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Galleria Dr.	West	Walden Galleria East Service Road
Galleria Dr.	West	Walden Galleria Midway East Service Road
Galleria Dr.	West	Walden Galleria Midway Service Road
Galleria Dr.	West	Walden Galleria Midway West Service Road

**ARTICLE V. Schedules, Section 235-40. Schedule I: Traffic Control Signals**, shall be amended to add the following:

In accordance with the provisions of §235-12, traffic control signals shall be installed and operated at the following described intersections and locations:

Galleria Drive at Midway Service Road

**ARTICLE V. Schedules, Section 235-40 Schedule I: Traffic Control Signals**, shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-12, traffic control signals shall be installed and operated at the following described intersections and locations:

Pine Ridge Heritage Boulevard [6-5-2000] at East Delavan Avenue

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

Dated: October 20, 2008

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk



<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-587

### Retain Firm for Asbestos Survey and Abatement Work for 79E Windwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga recently became the owner of property located at 79E Windwood Court in the Town of Cheektowaga, and

WHEREAS, the building is deteriorated, an eyesore and unsafe to the public; and needs to be demolished, and

WHEREAS, prior to the demolition of 79E Windwood Court, the Town needs to retain a firm to perform an asbestos survey and asbestos abatement plan for same, and

WHEREAS, this Town Board issued a Request for Proposals to various asbestos abatement firms for said asbestos survey and abatement, and

WHEREAS, based on proposals submitted, has recommended that this Town Board retain UNYSE at a cost not to exceed \$3,681.00 to perform said asbestos survey and abatement work with respect to 79E Windwood Court, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains UNYSE to perform the necessary asbestos survey and abatement work for 79E Windwood Court at a cost not to exceed \$3,681.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with UNYSE for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-0800-0440.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-588

### Special Event - South Line Fire Company Halloween Parade

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the South Line Volunteer Fire Company has made application to hold their Halloween Parade on Sunday, October 26th, 2008 at 6:00 p.m., beginning from their firehall to Violet Senior Housing; around building, then returning to firehall; 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 South Line Volunteer Fire Company for the aforementioned Halloween Parade to be held on Sunday, October 26th, 2008, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-589

### Clean-Up / 76 Sprucewood Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 76 Sprucewood Drive, Cheektowaga, New York SBL# 125.11-3-19 that is a danger to the safety of others, and records kept by the Assessors Office identify Denise M. Frank, 76 Sprucewood Drive, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 76 Sprucewood 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-590

### Clean-Up / 1097 Walden Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-591

### Unsafe-Unsecured / 510 Ellicott Road

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 510 Ellicott Road, Cheektowaga, New York SBL# 103.14-1-3 that is a danger to the safety of others, and records kept by the Assessors Office identify All-Weather Services, LLC, 510 Ellicott Road, Cheektowaga, New York 14227, as the owner AND

WHEREAS, an inspection of such premises was conducted at 510 Ellicott 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-592

### Unsafe-Unsecured / 4 A-D Windwood Court

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 4 A-D Windwood Court, Cheektowaga, New York SBL# 91.09-6-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Selina C. Allen, 1102 W San Gabriel Avenue, Fresno , CA 93705, as the owner AND

WHEREAS, an inspection of such premises was conducted at 4 A-D Windwood Court, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-593

### Agreement with Supportive Services Corporation

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has received funding for the 2008-2009 program year from the U.S. Department of Housing and Urban Development under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, energy conservation and weatherization services for low-moderate income persons is an eligible activity under the Community Development Block Grant Program, and

WHEREAS, Supportive Services Corporation of Western New York has requested funding for assisting in providing energy conservation and weatherization services for low-moderate income Town residents, and

WHEREAS, funding for such services is available in the 2008-2009 Community Development Block Grant program budget, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Supportive Services Corporation of Western New York for an amount not to exceed \$6,000 to provide energy conservation and weatherization services for income-eligible Town residents for the 2008-2009 Program Year.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 18. RESOLUTION 2008-594

### Agreement with Belmont Shelter Corp.

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town has received federal funding under the Housing and Community Development Act of 1974, as amended, one of the purposes of which is to expand and improve the quality and quantity of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities, and

WHEREAS, the provision of comprehensive housing counseling, rent delinquency and mortgage default counseling, and the provision of housing-related services information to low & moderate-income residents would assist in achieving these goals and are consistent with the purposes of the Housing & Community Development Act, as amended,

WHEREAS, the Town and Belmont entered into an Agreement dated April 1, 2007 for the provision of Housing Counseling Services, and

WHEREAS, the Town and Belmont desire to renew said Agreement for the 2008-2009 Program Year under the same terms and conditions, NOW, THEREFORE BE IT

RESOLVED, that the Agreement dated April 1, 2007 between the Town and Belmont Shelter Corp. is hereby renewed for the 2008-2009 program year in the amount of \$12,000 under the same terms and conditions contained in said Agreement, and the Supervisor is hereby authorized to execute any required documents for renewal of said Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-595

### Authorize Supervisor to Execute Agreement with National Grid to Attach Holiday Decorations to Electrical Poles

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, during the holiday season, the Town of Cheektowaga usually attaches decorations to electrical poles throughout the town, and

WHEREAS, National Grid is the owner of electrical poles in a portion of the Town of Cheektowaga, and

WHEREAS, National Grid has notified the Town of Cheektowaga that, if we decide to attach decorations to National Grid's poles, the Town needs to execute an agreement with National Grid, and

WHEREAS, the Youth & Recreational Services Department is interested in attaching holiday decorations to National Grid's electrical poles, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with National Grid and any other documents necessary to permit the Town to attach holiday decorations to the electrical poles of National Grid.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 20. RESOLUTION 2008-596

### Authorize Supervisor to Execute Agreement with CGI Communications, Inc.

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, CGI Communications, Inc., in partnership with the US Conference of Mayors, has launched the technology for streaming video applications on the internet, and

WHEREAS, CGI Communications, Inc. has offered the Town of Cheektowaga the opportunity to receive a fully produced Community Video Showcase to enhance our website with a video welcome message to showcase the Town of Cheektowaga in a powerful, new and innovative way, and

WHEREAS, this video showcase will also have community highlight videos on the Town's business, industry, education, etc. to showcase the best of what the Town of Cheektowaga has to offer residents, visitors and our business community, and

WHEREAS, this Video Showcase will be provided at no cost to the Town of Cheektowaga, and

WHEREAS, this Video Showcase will be very advantageous to the Town of Cheektowaga, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute an agreement with CGI Communications, Inc. for this Video Showcase and all other documents necessary to effectuate the terms of this agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-597

### Youth & Recreation Corrections

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below whose titles and/or salaries were incorrectly listed be corrected as follows:

Recreation Attendant - Regular part time to - Clerk - \$9.50 Regular part time 7310.1804 & 7140.1614 (retro to 10/6/08)

Amanda Kostran

BE IT FURTHER RESOLVED that the individual listed below last day worked was incorrect be corrected as follows:

Ryan Kelly                      3/5/08                      14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-598

### Hire/Termination Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 Detention Officer \$15.25/hour effective 10/01/08  
John W. Reimer, Cheektowaga, NY

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 9/15/08  
Patricia A. Frank, Cheektowaga, NY

BE IT RESOLVED, that the following part-time employee's name be amended as follows:

POLICE DEPARTMENT Sign Maintenance Division \$7.15/hour effective 9/15/08  
Zachary J. Elphick, Cheektowaga, NY

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 23. RESOLUTION 2008-599

### Travel Authorization Police Department (Police Officers Jay Ober and Nathan Frank)

**Sponsored By:** Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, the SPEAR System Instructor Certification is being held November 10-November 14, 2008 in Saratoga Springs, New York; AND

WHEREAS, Police Officers Jay Ober and Nathan Frank have requested authorization to attend said certification; 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 \$4,178.42; AND

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

RESOLVED, that Police Officers Jay Ober and Nathan Frank be and hereby are authorized to attend the SPEAR System Instructor Certification being held November 10-November 14, 2008 in Saratoga Springs, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 24. RESOLUTION 2008-600

### Travel Authorization Police Department (Lieutenant Scott Pilat)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the New York State Law Enforcement Accreditation Assessor Training Seminar is being held on November 13, 2008 in Albany, New York; AND

WHEREAS, Police Lieutenant Scott Pilat 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 \$653.95; AND

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

RESOLVED, that Police Lieutenant Scott Pilat be and hereby is authorized to attend the New York State Law Enforcement Accreditation Assessor Training Seminar being held on November 13, 2008 in Albany, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motion by Councilmember Rogowski, second by Supervisor Holtz to suspend the rules to include the following three (3) items, and the motion carried.
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## 1. RESOLUTION 2008-601

### Negative SEQR Declaration - 1180 French Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Myron M. Hunt, Inc. for the construction of a 14,550 square foot retail/pharmacy building with an accessory drive thru window at 1180 French Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 3, 2008 recommended a determination of non-significance as shown on the attached memorandum dated September 4, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 14, 2008, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending approval with an acknowledgement that relief is necessary from the Town's drive thru regulations, specifically section 260-48.2D(2)(2)(a) which requires all driveways which serve a drive thru lane must be a minimum of (220) feet from the functional area of the road intersection , AND

WHEREAS, the applicant's proposed parking area requires relief from the parking setback requirements, and has petitioned the Cheektowaga Zoning Board of Appeals for an area variance, AND

Whereas, this Town Board held a public hearing on October 6, 2008 to consider the applicant's request for a special permit to establish an accessory drive thru window and consider granting the necessary relief from the drive thru design standards, 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 reviewing and approving the drainage plan.
2. The site amenities and architectural details agreed to with the Cheektowaga Planing Board/ Zoning Board of Appeals be implemented.
3. The Cheektowaga Zoning Board of Appeals grant the necessary area variance.
4. The applicant provide a drainage easement to the Town of Cheektowaga for access to Slate Bottom Creek

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-602

### New/Renewal Ambulance Driver/Attendant Licenses

#### Sponsored By:

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 Dr, West Seneca, N.Y. 14224	8/31/2011
Barnack, Joseph F	3085 Seaford Terrace, Hamburg, N.Y. 14075	1/31/2011
Brimmer, Margo E	10 Hertel Ave apt 408, Buffalo, N.Y. 14207	1/31/2010
Flateau, Nathanael J	14 Cresthill Ave, Tonawanda, N.Y. 14150	3/31/2009
Goudy, Jessica K	171 Taber Pl, North Tonawanda, N.Y. 14120	10/31/2011
Happ, Doughas J	6775 Vail Drive, Hamburg, N.Y. 14075	9/30/2010
Hardy, Jeremy C	1311 Cambridge Ave, N Tonawanda, N.Y. 14120	7/31/2011
Harris, Tiffany E	6316 Green Valley Ln, Lockport, N.Y. 14094	1/31/2011
Ignatowski, Kimberly A	47 Louise Dr, Cheektowaga, N.Y. 14227	8/31/2011
Mahoney, Katherine A	313 Hedstrom Dr, Amherst, N.Y. 14226	2/28/2011
McClaney, Norman J	25 Andover Ave, Buffalo, N.Y. 14215	7/31/2011
Mitchell, Christopher J	99Bellwood Ave, West Seneca, N.Y. 14224	9/30/2010
Owens, Michael R	484 Chestnut Dr, Lockport, N.Y. 14094	5/31/2009
Peters, Brandon J	118 Margerate Rd, Amherst, N.Y. 14226	1/31/2011
Pullano, Jeremy M	2917 Sunset Dr, Grand Island, N.Y. 14072	8/31/2011
Ross, Michael	4936 Mt Vernon Blvd, Hamburg, N.Y. 14075	10/31/2010
Thoman, Matthew R	451 aurora St, Lancaster, N.Y. 14086	1/31/2011
Walters, Bradley M	719 South Huth Rd, Cheektowaga, N.Y. 14225	7/31/2011

Wassell, Corey K	796 Hopper Rd, Forestville, N.Y. 14062	9/30/2009
Whelan, Jason P	45 Virgil Ave A1, Buffalo, N.Y. 14216	7/31/2011
Williams, Alicia M	101 Chaddock Ave, Buffalo, N.Y. 14207	8/31/2011
Wolff, Bradley F	414 Porter Ave #2, Buffalo, N.Y. 14201	6/30/2011

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-603

## Approval of Special Use Permit and Variances for 1130 French Road and 1180 French Road

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, Myron M. Hunt, Inc. has applied for a Special Use Permit to establish an accessory drive through window for a proposed pharmacy on property owned by it and located at 1130 French Road and 1180 French Road, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga ("Zoning Law"); and

WHEREAS, Myron M. Hunt, Inc. also requested a variance to permit the driveways which serve the drive through lanes of this property to be located a distance of:

1. Along French Road - 215 feet from the functional area of the intersection of French Road and Borden Road whereas the Zoning Law requires 220 feet;
2. Along Borden Road - 103.4 feet from the functional area of the intersection of French Road and Borden Road;

, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 6<sup>th</sup> day of October, 2008 at 6:30 P.M. of said day for the purpose of considering said applications for a Special Permit and variances from the Zoning Law, 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 of this Special Permit; and

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA for this project; NOW, THEREFORE BE IT

RESOLVED, that the aforesaid Special Use Permit be and hereby is granted, and BE IT FURTHER

RESOLVED, that this Town Board hereby grants the aforementioned variances relating to the locations of the driveways along Borden Road and French Road in order to obviate the unnecessary hardship to the applicant caused by the irregular shape of the lot and the location of Slate Bottom Creek.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VI. Communications**

### ***A. Departmental Communications***

1. Minutes - Cheektowaga Public Library - September 24, 2008

### ***B. General Communications***

1. Notice of Claim: R. Coyle Sheetmetal Vs. Town of Cheektowaga
2. Notice of Claim: Susan M. Danner Vs. Town of Cheektowaga
3. Notice of Claim: John R. Gerhardt Vs. Town of Cheektowaga
4. Notice of Claim - Nationwide Mutual Ins. Co. as Subrogee of Robert Giza Vs. Town of Cheektowaga
5. Notice of Claim: Adam R. Blonar Vs. Town of Cheektowaga

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Closing**

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to adjourn the meeting.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, October, 28, 2008

6:00 PM

Council Chambers

## I. Public Hearings at 6:00 PM

### 1. Benefit Basis Budget - 2009

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### 2. 2009 Ad Valorem Budget

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## II. Call to Order

6:00 PM Meeting called to order on October 28, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	

Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

Thomas Adamczak, Supervising Building Inspector  
 Ellen Fischer, Executive Director - Youth Board  
 Jerry Gabryszak, Director of Community Development  
 Captain John Glascott, Cheektowaga Police Department  
 Brian Hess, Assessor  
 John Jaroszewski, General Crew Chief, Parks Division  
 Brian Krause, Director of Finance and Administration  
 Stephanie Lewandowski, Justice Court  
 Adam Locher, Representative of Assemblyman Gabryszak  
 Tom Malecki, Drescher & Malecki  
 Jon Nichy, Superintendent of Wastewater Pump Station  
 William Pugh, Town Engineer  
 Anthony Romano, Coordinator of Employee Relations  
 Kevin Schenk, Town Attorney  
 Kerry Switalski, Senior Services Director  
 James Vallone, Town Justice  
 Christine Ziemba, Chief of Police

### III. Resolutions



## 1. RESOLUTION 2008-604

### Authorize Supervisor to Execute Grant Application For Training of Community Emergency Response Team

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga, in cooperation with the Town of Amherst and Town of Lancaster, seeks grant monies to supplement the costs associated with the training of a Citizens Corps/Community Emergency Response Team to assist the Police Department during times of emergency, and,

WHEREAS, the U.S. Department of Homeland Security, Office of Domestic Preparedness, State Homeland Security Program via the New York State Emergency Management Office, offers grant monies to pay 100% of the costs associated with the implementation of such a program; NOW, THEREFORE BE IT

RESOLVED, that the Town of Cheektowaga will serve as lead agency for the purpose of submitting and administering 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-605

### Authorize Supervisor to Execute Settlement Agreement and Liability Release in Connection with Frontier Chemical Royal Avenue Site

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, in November of 1989, the Town of Cheektowaga, in compliance with State and Federal laws at such time, retained Waste Technology Services, Inc. to dispose of Nickel Cadmium batteries and battery solution at the Treatment, Storage and Disposal Frontier Chemical facility on Royal Avenue in Niagara Falls, New York ("Frontier Chemical Site"), and

WHEREAS, for the past decade, investigation and remedial activities have been implemented at the Frontier Chemical Site by the United States Environmental Protection Agency ("EPA") and the New York State Department of Environmental Conservation ("DEC"), and

WHEREAS, the DEC has threatened an enforcement action against parties who disposed of hazardous substances at Frontier Chemical Site, and remediation of this site may exceed \$20,000,000.00, and

WHEREAS, a group of businesses involved with the disposal of hazardous substances at the Frontier Chemical Site have formed a Frontier Chemical Site PRF Group to resolve the matter with the DEC and to implement a remedial action program at this site, and

WHEREAS, this PRP Group has offered the Town of Cheektowaga a "de-minimis cash-out settlement" whereby, if the Town of Cheektowaga agrees to contribute \$2,000.00 to the investigation and remediation of the Frontier Chemical Site, the PRP Group will provide the Town with a liability release and avoidance of any further involvement with the site, and

WHEREAS, the Town Attorney has recommended that this Town Board accept such offer, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Settlement Agreement and Liability Release in connection with the above referenced matter, and BE IT FURTHER

RESOLVED, the funds in the amount of \$2,000.00 to effectuate the terms of this Settlement Agreement and Liability Release shall be appropriated from budget line item number 101-1932-4703.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Closing

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to adjourn the meeting.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, November 3, 2008

6:45 PM

Council Chambers

### I. Call to Order

6:45 PM Meeting called to order on November 3, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

#### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
 Ellen Fischer, Executive Director - Youth Board  
 Jerry Gabryszak, Director of Community Development  
 Brian Hess, Assessor  
 Brian Krause, Director of Finance and Administration  
 John Marriott, Planning Board Representative  
 Anthony Romano, Coordinator of Employee Relations  
 Kevin Schenk, Town Attorney  
 John Staniszewski, TCEA Union Representative  
 Mark Wegner, Highway Superintendent  
 Christine Ziemba, Chief of Police

### II. Public Hearing at 6:30 PM

#### 1. Community Development Block Grant Program

**RESULT:** CLOSED [UNANIMOUS]  
**MOVER:** Stanley Kaznowski, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### III. Public Hearings at 6:45 PM

#### 1. A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions

This being the time and place advertised for a Public Hearing, 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:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Amendments to Traffic Ordinance

This being the time and place advertised for a Public Hearing, 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:** Charles Markel, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Presentation of Plaque from Old Timers League

## V. Public Comment Period

## VI. Resolutions



## 1. RESOLUTION 2008-606

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**GENERAL FUND**

FROM:	100.1430.4013	Reference Library	\$	300.00
	100.1430.4431	Maintenance & Repairs		750.00
	100.7110.4141	Chemicals		10,282.00
TO:	100.1430.2501	Office Equipment	\$	1,050.00
	100.7110.4162	Gasoline & Oil		10,282.00

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-607

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 31, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,000,038.69
RISK RETENTION FUND	87,783.70
NYS HOME PROGRAM	13,000.00
DEBT SERVICE FUND	390,049.42
SPECIAL DISTRICTS FUND	879,048.20
HIGHWAY FUND	567,364.40
CAPITAL FUND	329,057.65
TRUST & AGENCY FUND	20,028.23
CDBG FUND	25,095.27
PART TOWN FUND	152,867.21
NYS AFFORDABLE HOUSING	11,161.00
	<u>\$ 5,475,493.77</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-608

## Adopt 2009 Ad Valorem Budget

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

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 2009 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, 2009, and a public hearing was conducted there on October 28, 2008 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, 2009, and the same shall be entered in the minutes of the Town Board.

Motion by Councilmember Rogowski, second by Councilmember Zydel to table this item.

**RESULT:** TABLED [UNANIMOUS] Next: 11/17/2008 6:45 PM  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-609

### Adopt 2009 Benefit Basis Budget

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

WHEREAS, Mary F. Holtz, 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 28th day of October, 2008 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 2009.

Motion by Councilmember Rogowski, second by Councilmember Zydel to table this item.

**RESULT:** TABLED [UNANIMOUS] Next: 11/17/2008 6:45 PM  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





5. RESOLUTION 2008-610

Adopt Local Law No. 10 of the Year 2008 - a Local Law to Amend a Local Law Relating to Vehicles, Removal and Storage Of

Sponsored By: Councilmember Jaworowicz, 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 amount of fees which towers can charge has not been increased in over 18 months and, with the increase in the cost of gasoline, an increase in fees is warranted, and

WHEREAS, the Police Department has recommended that Chapter 241 of the Town Code be amended to increase the fee schedules and rates to bring them in line with current costs, and

WHEREAS, a draft of Local Law Intro No. 2008-11, entitled "A Local Law to Amend A Local Law Relating to Vehicles, Removal and Storage Of" was prepared to increase these fees, and

WHEREAS, a public hearing was held on the 20th day of October, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-11, and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 10 of the Year 2008, entitled A Local Law to Amend A Local Law Relating to Vehicles, Removal and Storage Of", 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.

\*\*\*\*\*

LOCAL LAW NO. 10 OF THE YEAR 2008
A LOCAL LAW TO AMEND A LOCAL LAW RELATING TO VEHICLES, REMOVAL AND STORAGE OF"

Section 241-15, Fee schedule, of Chapter 241 of the Code of the Town of Cheektowaga shall be amended to read as follows:

Authorized Town towers shall not charge more than the following fees for the following respective services:

- A. Passenger vehicles and light trucks (vehicles up to 10,000 pounds GVW), also to include motorcycles, snowmobiles, ATV's and other such motorized vehicles:
- (1) Standard tow (Dolly wheels, etc.) or flatbed service: \$110.00
  - (2) Additional fees for labor, recovery and winching:
    - (a) Truck with driver - ¼ hour increments: \$30.00
    - (b) Truck with driver (full hour): \$110.00
  - (3) Administrative fee (letter fee): \$25.00
  - (4) Storage (per 24-hour day): \$35.00
- B. Medium Duty Tow (10,001 to 25,999 GVW)
- (1) Hourly rate: \$180.00
  - (2) Additional laborer(s) [hourly per person]: \$79.00
  - (3) Storage (per 24-hour day): \$50.00
- C. Heavy Duty Tow (26,000 lbs. and up GVW):
- (1) Hourly rate: \$295.00
  - (2) Additional laborer(s)[hourly per person]: \$79.00
  - (3) Storage (per 24-hour day): \$50.00
- 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 (if exceeding 3 bags): 20% above market price
- E. After hour release:
- (1) Releasing (vehicles or belongings) after 5 P.M. weekdays or other than required business hours on Saturday, Sunday and Holidays: \$60.00 per hour
  - (2) After-hour releases will be arranged by appointment between the towing company and the patron.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**6. RESOLUTION 2008-611**

**Adopt Local Law No. 11 of the Year 2008 - a Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions**

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, by resolution dated October 6, 2008, this Town Board adopted Local Law No. 9 of the Year 2008, entitled "A Local Law to Amend Chapter 220 of the Town Code Relating to Senior Citizen Exemptions", and

WHEREAS, said local law authorizes the Assessor to accept applications for renewal from property owners who receive a senior citizens exemption if said applications are filed after the taxable status date and prior to the date for the hearing of assessment complaints, and

WHEREAS, Section 467 (5-a) of the RPTL provides that the Assessor's ability to permit the late filing of these renewal applications is limited to cases where failure to file a timely application results from:

- (a) a death of the applicant's spouse, child, parent, brother or sister; or
- (b) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a licensed physician, and

WHEREAS, Local Law No. 9 of the Year 2008 needs to be amended to reflect this restriction, and

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

WHEREAS, a public hearing was held on the 3rd day of November, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting Local Law Intro No. 2008-12, entitled "A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions", and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 11 of the Year 2008, entitled "A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions", 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.

\*\*\*\*\*

**LOCAL LAW NO. 11 OF THE YEAR 2008  
A Local Law to Amend Local Law No. 9 of the Year 2008 Relating to Senior Citizen Exemptions**

1. Subsection F of Section 220-6 of the Code of the Town of Cheektowaga shall be amended to read as follows:

F. In the event the owner(s) of property which has received a senior citizens exemption on a preceding assessment roll fail(s) to file the application for said exemption before taxablestatus date, the Town Assessor shall be authorized to accept said application for renewal provided same is filed before the date for the hearing of complaints of assessments where failure to file a timely application results from:

(a) a death of the applicant's spouse, child, parent, brother or sister; or

(b) an illness of the applicant or of the applicant's spouse, child, parent, brother or sister, which actually prevents the applicant from filing on a timely basis, as certified by a

licensed physician.

**RESULT:**           **ADOPTED [UNANIMOUS]**

**MOVER:**           Patricia Jaworowicz, Councilmember

**SECONDER:**       Mary Holtz, Supervisor

**AYES:**            Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-612

### Adoption of Amendments to Vehicle and Traffic Ordinance

**Sponsored By:** Councilmember Zydell, Councilmember Markel

WHEREAS, this Town Board held a public hearing on November 3, 2008 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 235-46, Schedule VII: Stop Intersections,** shall be amended by adding thereto the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

Stop Signs on	Direction Traffic Stops	At Intersection of
Cari Lane	South	Davidson Drive
Cari Lane	North	Sherry Drive
RV Derenda Lane	Both	Linden Street
RV Derenda Lane	Both	Mansion Avenue
RV Derenda Lane	Both	Peoria Avenue
RV Derenda Lane	East	Girard Avenue
Davidson Drive	Both	Cari Lane
Linden Street	Both	RV Derenda Lane
Mansion Avenue	Both	RV Derenda Lane
Peoria Avenue	Both	RV Derenda Lane

**ARTICLE V. Schedules, Section 235-46, Schedule VII: Stop Intersections,** shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-18, the following described intersections and locations are designated stop intersections:

Stop Signs on	Direction Traffic Stops	At Intersection of
Bordeaux Drive	South	Davidson Drive
Bordeaux Drive	North	Sherry Drive
Candlelight Lane	Both	Linden Street

Candlelight Lane	Both	Mansion Avenue
Candlelight Lane	Both	Peoria Avenue
Candlelight Lane	East	Girard Avenue
Davidson Drive	Both	Bordeaux Drive
Linden Street	Both	Candlelight Lane
Mansion Avenue	Both	Candlelight Lane
Peoria Avenue	Both	Candlelight Lane

**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 described streets or parts of streets:

HELEN STREET - East Side: From the north curb line of Cayuga Creek Road to its terminus at the New York State Thruway property

CARI LANE - East Side: From the north curb line of Davidson Drive to the south curb line of Sherry Drive.

BUELL AVENUE - North, south, east and west sides: from the south curb line of Genesee Street to the terminus.

**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 §235-43, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

BORDEAUX DRIVE - East Side: from the north curb line of Davidson Drive to the south curb line of Sherry Drive.

BUELL DRIVE - East and west sides: from the south curb line of Genesee Street to the terminus.

**ARTICLE V. Schedules, Section 235-53. Schedule XIV, Left Lane Must Turn Left,** shall be amended by adding thereto the following:

In accordance with the provisions of §235-23, traffic in the left lane on the following streets or parts of streets must turn left:

Name of Street	Direction	Location
Losson Road	East	At approach to Stiglmeier Park Entrance
Losson Road	West	At approach to Towers Boulevard

**ARTICLE V. Schedules, Section 235-56. Schedule XVII: Right Lane Must Turn Right,** shall be amended by adding thereto the following:

In accordance with the provisions of §235.23.1, traffic in the right lane on the following streets or

parts of streets must turn right:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Galleria Dr.	East	Walden Galleria West Service Road
Losson Road	East	At approach to Towers Boulevard

**ARTICLE V, Schedules, Section 235-57. Schedule XVIII: Through Traffic Must Use Left Lane**, shall be amended by adding thereto the following:

In accordance with the provisions of §235-24.1, through traffic must use the left lane at the following intersections:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Galleria Dr.	East	Walden Galleria West Service Road

**ARTICLE V, Schedules, Section 235-53. Schedule XIV: Left Lane Must Turn Left**, shall be amended by adding thereto the following:

In accordance with the provisions of §235-23, traffic in the left lane on the following streets or parts of streets must turn left:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Galleria Dr.	West	Walden Galleria East Service Road
Galleria Dr.	West	Walden Galleria Midway East Service Road
Galleria Dr.	West	Walden Galleria Midway Service Road
Galleria Dr.	West	Walden Galleria Midway West Service Road
Galleria Dr.	West	Walden Galleria West Service Road
Galleria Dr.	East	South Service Road to 1750 Walden Avenue

**ARTICLE V. Schedules, Section 235-40. Schedule I: Traffic Control Signals**, shall be amended to add the following:

In accordance with the provisions of §235-12, traffic control signals shall be installed and operated at the following described intersections and locations:

Galleria Drive at Midway Service Road

**ARTICLE V. Schedules, Section 235-40 Schedule I: Traffic Control Signals**, shall be amended by deleting therefrom the following:

In accordance with the provisions of §235-12, traffic control signals shall be installed and operated at the following described intersections and locations:

Pine Ridge Heritage Boulevard [6-5-2000] at East Delavan Avenue

## 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 BEE, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 8. RESOLUTION 2008-613

### **Negative SEQR Declaration Part of 4039 Genesee St.- Hyatt Place Hotel**

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Oxford Development Company with permission of the land owner, Concourse Center II, LLC for the rezoning of 3.38 acres of vacant land which is part of 4039 Genesee Street for the construction of a Six (6) Story 127 room hotel, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 29, 2008 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request on August 14, 2008 and the site plan at their meeting of October 9, 2008, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that a public walk be established from the current walk at the north property line of the existing Holiday Inn Express hotel, along the entire Buell Avenue road frontage to the existing public walk on Genesee Street, AND

WHEREAS, the applicant's proposed hotel requires an area variance for the building height and parking setbacks, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals is reviewing said area variance request, 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 reviewing and approving the drainage/grading plan.

2. The Zoning Board of Appeals granting the necessary area variance.
3. A public sidewalk installed as recommended by the Traffic Safety Commission.
4. The establishment of a defined driveway east of the project site, on the remaining land retained by Concourse Center II, LLC.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-614

### Negative SEQR Declaration - Union Road SBL No. 113.12-3-10

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Bernie Rusiniak for the rezoning of 0.66 acres of vacant land along Union Road identified as SBL No. 113.12-3-10 from RA- Apartment District to CM- General Commercial for the construction of three self storage buildings totaling 7,200 square feet in area, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 24, 2008 recommended a determination of non-significance, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meeting of June 12, 2008, 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 constructing the buildings consistent with the architectural design/color scheme presented to the planning board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2008-615

Approve Rezoning - Part of 4039 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Oxford Development Company petitioned for a rezoning from M1-Light Manufacturing District to C-Retail Business District for 3.38± acres of vacant property owned by Concourse Center LLC and located at 4039 Genesee Street, Cheektowaga, New York, which property is described in the attached legal description, for the construction of a six (6) story, 127 room hotel, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 6th day of October, 2008 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 Oxford Development Company for the rezoning from M1-Light Manufacturing District to C-Retail Business District of the property described in the attached legal description be and the same is hereby approved, subject to the following conditions:

1. The Zoning Board of Appeals granting the necessary area variance(s)
2. Any future additions/changes to the development or site plan area must be resubmitted to this Town Board to determine that the addition/change is substantially in agreement with the intent of the rezoning;
3. Unless application for a building permit for this property is made within a period of one (1) year after this Board's approval, said approval shall be void and the zoning classification shall be as it was when the petition for rezoning was filed,

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

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 5, Township 11, Range 7 of the Holland Land Company's survey, bounded and described as follows:

BEGINNING at a point in the east line of Buell Avenue (50.0 feet wide) distant 225.00 feet southerly from the former south line of Genesee Street (as a 100.0 foot wide street) as measured along said east line of Buell Avenue;

THENCE: S-89°-28'-46"-E, along the south line of relocated Buell Avenue as shown on New York State Map No. 1870, Parcel No. 1882 a distance of 472.13 feet;

THENCE through the lands conveyed to Concourse Center II, LLC by Deed recorded in the Erie County Clerk's Office in Liber 11024 of Deeds at page 5827, Parcel 1, the following two (2) courses and distances:

- 1.) S-19°-23'-24"-E, a distance of 417.40 feet;
- 2.) S-89°-09'-04"-W, a distance of 394.79 feet to the east line of lands conveyed to ATA Associates by Deed recorded in Liber 10229 of Deeds at page 290;

THENCE: N-00°-50'-56"-W along the easterly line of said ATA Associates lands a distance of 323.78 feet to the northeast corner thereof;

THENCE: N-89°-33'-11"-W along the north line of said ATA Associates lands a distance of 209.99 feet to the east line of Buell Avenue;

THENCE: N-00°-50'-56"-W along the east line of Buell Avenue a distance of 78.49 feet to the POINT OF BEGINNING containing 3.38 acres be the same more or less.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-616

### Award Contract for Pro Shop, Concessions and Vending Machines

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, by resolution dated October 20, 2008, this Town Board issued a Request For Proposals for the Cheektowaga Recreation Center Pro Shop and Concession Stand, and for Vending Machines for Various Town Buildings for the period from November 1, 2008 to October 31, 2011, and

WHEREAS, proposals were received and publicly opened on the 22<sup>nd</sup> day of October, 2008, and

WHEREAS, the Directors of the Youth & Recreational Services Department and the General Crew Chief of the Facilities Department analyzed the various proposals, together with the Parks, Facilities & Wildlife Management Committee, and

WHEREAS, said individuals recommended that the bid be awarded to Ice Time of WNY, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the contract for the aforementioned Pro Shop, Concession Stand and Vending Machines for a term beginning on November 1, 2008 and ending on October 31, 2011, be and hereby is awarded to Ice Time of WNY Ltd, Inc., 5948 Fairway Court, Lakeview, New York 14085 based on the following fees to be paid to the Town of Cheektowaga:

	11/1/08 - 10/31/09	11/1/09 - 10/31/10	11/1/10 - 10/31/11
Rent per month for Pro-shop concession Stand:			
Oct. 1 - March 31	\$850/month	\$895/month	\$925/month
Apr 1 - Sept 30	\$600/month	\$600/month	\$600/month
Fee to be charged By Ice Time for Rental of ice skates	\$2.00/pair	\$2.00/pair	\$2.00/pair
Fee to be paid by Ice Time to Town of Cheektowaga for Rental of ice skates	\$1.00/pair	\$1.00/pair	\$1.00/pair
Vending Machines	11.0% of Gross Revenues/month	11.0% of Gross Revenues/month	11.0% of Gross Revenues/month
and BE IT FURTHER			

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract with Ice Time of WNY Ltd, Inc. in accordance with the above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-617

### Contracts for Senior Center/Youth and Recreation Special Events

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED that subject to approval by the Town Attorney, Supervisor Mary F. Holtz 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 2009.

FUNDING SOURCE:           0100-7140-4503  
                                      0100-7140-4491  
                                      0100-7620-4491  
                                      0100-7620-4685  
                                      0100-7550-4374

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 13. RESOLUTION 2008-618

### Construction Change Order No. 1 - Rails to Trails

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the contract for the construction of the Historic Rails to Trails Project was awarded to Northeast Diversification, Inc. by resolution dated September 25, 2007 for the contract amount of \$1,345,846.40, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with New York State Department of Transportation and Federal Highway Administration contract requirements and further recommends that approval of Construction Change Order No. 1 (final) which provides for contract modifications as outlined in the Change Order Document, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to execute the final contract acceptance documents with Northeast Diversification, Inc., 2 Cadby Industrial Park, Lancaster, New York 14086 including Construction Change Order No. 1 (final) which provides an increase to the aforesaid contract in the amount of \$106,420.74 which shall be chargeable to Account #500-1440-9607-5705, Account #400-8140-4432 and Account #100-7110-4451, AND, BE IT FURTHER

RESOLVED, that pursuant to the terms of the Federal funding, the Town will be reimbursed for 78.4% (TEP) and 80% (TEA21) of the cost of such Project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-619

### Inspection Change Order No. 1 - Rails to Trails

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the contract for the inspection of the Historic Rails to Trails Project was originally awarded to Wendel Duchscherer Architects & Engineers by resolution dated July 20, 1998 and by an amended resolution dated July 30, 2007 for the contract amount of \$95,000.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with New York State Department of Transportation and Federal Highway Administration requirements and further recommends that approval of Inspection Change Order No. 1 (final) which provides for contract modifications as outlined in the Change Order Documents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project/inspection and directs the Supervisor to execute the final contract acceptance documents with Wendel Duchscherer Architects & Engineers, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228 including Inspection Change Order No. 1 (final) which provides an increase to the aforesaid contract in the amount of \$7,692.92, which shall be chargeable to Account #500-1440-9607-5705, AND, BE IT FURTHER

RESOLVED, that pursuant to the terms of the Federal funding, the Town will be reimbursed for 78.4% (TEP) and 80% (TEA21) of the cost of such Project.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-620

### Installation of Hydrant on Como Park Boulevard

**Sponsored By:** Councilmember Zydel, Councilmember Kaznowski

WHEREAS, the Erie County Highway Department has awarded a contract for the reconstruction of Como Park Boulevard from Union Road to Indian Road, Project No. FA523-07, which project also provides for watermain replacement and improvements to the water distribution system owned and operated by the Erie County Water Authority, AND

WHEREAS, the Bellevue Fire District No. 9, by letter dated October 27, 2008 to the Town Engineer, has advised that it concurs with proposed hydrant relocations being performed under this project and has requested the installation of one (1) additional hydrant on the south side of Como Park Boulevard at 511 Como Park Boulevard, immediately west of the main truck entrance to the fire hall parcel to better facilitate district operations, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized and requested to install one (1) additional hydrant on Como Park Boulevard at the aforesaid location as requested by the Board of Commissioners of the Bellevue Fire District No. 9, in conjunction with the waterline improvements being constructed under the Como Park Boulevard Reconstruction Project, with the cost of hydrant installation being borne under the referenced contract, AND  
BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible to the Erie County Water Authority for the annual hydrant rental fee, which fees are billed directly to the Bellevue Fire District No. 9 under existing arrangements which are in place with the Town Accounting Department.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-621

### Unsafe-Unsecured / 74 Peoria Avenue

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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 Peoria Avenue, Cheektowaga, New York SBL# 113.55-1-15 that is a danger to the safety of others, and records kept by the Assessors Office identify Stanley Owczarczak, 74 Peoria Avenue, Cheektowaga, New York 14206, as the owner AND

WHEREAS, an inspection of such premises was conducted at 74 Peoria 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 17. RESOLUTION 2008-622

### Hire/Termination of Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the following individual be and hereby is hired as a **PART-TIME EMPLOYEE** in the department 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:

BUILDING AND PLUMBING DEPARTMENT Clerk \$8.25/hour  
Melinda S. Londos, Depew, NY  
Effective 11/05/08

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

JUSTICE COURT  
Sherry Vinci  
Effective 10/20/08

FACILITIES (Parks Division) DEPARTMENT  
William Haderer  
Effective 8/30/08

David DeFields  
Effective 9/26/08

Richard Gramza  
Effective 9/18/08

Philip Buetler  
Effective 9/20/08

Joseph Boccio  
Effective 10/06/08

Daniel Wagner  
Effective 9/14/08

Aaron Hausburger  
Effective 10/05/08

Michael Lawicki  
Effective 10/05/08

Edward Pozdyn  
Effective 10/01/08

Francis Kreppel  
Effective 10/05/08

Motion by supervisor Holtz, second by Councilmember Rogowski to waive the reading of the names on the this resolution, and Resolution Number 2008-624, and the motion carried.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**        Jeff Swiatek, Councilmember  
**SECONDER:**    Mary Holtz, Supervisor  
**AYES:**         Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-623

### Youth & Recreation Hire

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individual be and hereby is hired, as indicated in the Dept. of Youth & Recreational Services, effective immediately:

Recreation Aide - Part-time - \$7.15 - Adapted Recreation Program 7310.1803  
Martin Acevedo 14206

BE IT FURTHER RESOLVED that the appointment of the following individual is amended as follows:

Recreation Attendant - Regular Part time - \$9.50 per hour (effective 10/6/08)  
7310.1804 & 7140.1614  
Amanda Kostran

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-624

### **Transfer General Mechanic (Temporary) to Part-Time Laborer (Building Maintenance Division) Francis G. Strong**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Francis G. Strong was appointed to a temporary Laborer position in the Building Maintenance Division effective August 30, 2008 to fill the vacancy of a full-time employee on extended sick leave; AND

WHEREAS, the full-time employee has returned to full duty; AND

WHEREAS, Mr. Strong must be returned to his former part-time position; NOW, THEREFORE, BE IT

RESOLVED, that Francis G. Strong be and hereby is appointed to his former position as part-time Laborer in the Building Maintenance Division effective October 16, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**20. RESOLUTION 2008-625****Appointment of Pump Operator (Main Pump Station)  
(Temporary) (Donald R. Hayes)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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

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

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

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

WHEREAS, the existing Civil Service list was canvassed; AND

WHEREAS, Donald R. Hayes appears on said Civil Service list and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Donald R. Hayes of Lancaster, 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 November 10, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 21. RESOLUTION 2008-626

### Appointment of Senior Traffic Signal Technician (Police Department) (Provisional) (Christopher R. Taber, Jr)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a vacancy exists in the title of Senior Traffic Signal Technician in Police Department Sign 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, 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, Christopher R. Taber, Jr., currently employed as a Traffic Signal Technician in the Sign Maintenance Division, has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Christopher R. Taber, Jr. of Cheektowaga, New York, be and hereby is appointed provisionally to the position of Senior Traffic Signal Technician in the Police Department Sign Maintenance Division, 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 5, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 22. RESOLUTION 2008-627

### Appointment of Public Safety Dispatcher (Police Department) (Permanent) (Alison R. Whelan)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a vacancy exists in the position of Public Safety Dispatcher in the Police Department; AND

WHEREAS, said vacancy is in the competitive class of civil service; AND

WHEREAS, Alison R. Whelan appears on said civil service list and meets all the qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Alison R. Whelan of Depew, New York, be and hereby is 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 November 9, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**23. RESOLUTION 2008-628****Appointment of Recreation Leader - Senior Citizens  
(Permanent) (Camille J. Russell)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Ms. Camille J. Russell was appointed to the title of Recreation Leader - Senior Citizens provisionally on September 5, 2007; AND

WHEREAS, a civil service examination was administered for said title and a list established for appointment purposes; AND

WHEREAS, Ms. Russell is eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Camille J. Russell of Cheektowaga, New York be and hereby is appointed to the permanent position of Recreation Leader - Senior Citizens 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 November 3, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**24. RESOLUTION 2008-629****Appointment of Senior Clerk (Office of the Town Assessor)  
(Permanent)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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, the Erie County Civil Service list was canvassed and interviews conducted; AND

WHEREAS, Diane Sieber appears on said list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, Diane Sieber of Depew, New York, be and hereby is appointed to the title 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 11/17/08.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 25. RESOLUTION 2008-630

### Request for Extension of Residency Provision (Mark C. Bielefeld)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Mark C. Bielefeld was appointed to the position of Assistant Code Enforcement Officer by Town Board Resolution May 7, 2008; AND

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

WHEREAS, current real estate market conditions have made it difficult for Mr. Bielefeld to sell his current domicile and establish residency within the Town; NOW, THEREFORE, BE IT

RESOLVED, that in compliance with the Local Law known as the Residency Law of the Town of Cheektowaga, Mark C. Bielefeld of Angola, New York is hereby granted an additional six (6) months from the expiration of the prior resolution until May 7, 2009.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### VII. Suspension of Rules

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to suspend the rules to include the following three (3) items and the motion carried.
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## 1. RESOLUTION 2008-631

### Authorize Community Development Director to Attend 2008 County Auction

**Sponsored By:** Councilmember Markel, Supervisor Holtz

WHEREAS, on November 5, 2008, the Erie Tax Certificate Corporation will be conducting an auction of real properties within the County of Erie which are in arrears on their property taxes, and

WHEREAS, there are a number of properties located in the Town of Cheektowaga on the auction list for November 5, 2008, and

WHEREAS, some of these properties are in various stages of disrepair and the Town is interested in acquiring them to either demolish or rehabilitate same, and

WHEREAS, the Director of the Office of Community Development and Chairman of the Community Development Committee have offered to attend this auction to bid on these properties, and

WHEREAS, up to \$27,000.00 is available in the 2008 Town budget to enable the Town to acquire these properties, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby allocates the sum of \$27,000.00 for the purchase of properties in the Town of Cheektowaga which are on the 2008 Erie Tax Certificate Corporation November 5, 2008 auction, and BE IT FURTHER

RESOLVED, that the Director of the Community Development Office and/or the Chairman of the Community Development Committee be and hereby are authorized to attend the aforementioned auction and to submit bids up to a total amount of \$27,000.00 for these properties, and to execute documents in connection with same, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documentation necessary to effectuate the terms of any agreement to purchase the properties for which the Town is the successful bidder at this auction so that the Town of Cheektowaga can acquire ownership of same.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2008-632

Approve Rezoning - Vacant Land, Union Road (S.B.L. No. 113.12-3-10)

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Bernard Rusiniak, Jr. petitioned for a rezoning from RA-Apartment District to CM -General Commercial District for vacant property owned by Bernard Rusiniak, Sr. and wife and located on the west side of Union Road north of Bennett Road, Cheektowaga, New York (S.B.L. No. 113.12-3-10), which property is described in the attached legal description, for the construction of a mini storage facility, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 4th day of August, 2008 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, by a 6-1 vote, 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 Bernard Rusiniak, Jr. for the rezoning from RA-Apartment District to CM-General Commercial 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

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie, State of New York, being part of lot 10, Township11, Range 7 of the Holland Land Company's Survey described as follows:

Beginning at a point on the western side of Union Road at its intersection of the south line of Lot 15, and the north line of lot 64, which is also the north line of the Buffalo Creek Reservation, thence 1,160.35' along the western line of Union Road to the point of beginning, Thence in a westerly direction 171.5' to a point, thence in a northerly direction 167.24' to a point, thence in an easterly direction 171.5' to a point, said point being on the westerly line of Union Road, thence in a southerly direction along the westerly line of Union Road 167.24' to the point of beginning. Said area being 0.658acres.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember



**SECONDER:** Stanley Kaznowski, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-633

## Request State Liquor Authority to Issue Liquor License for PF Changs China Bistro

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the Walden Galleria Mall is a regional shopping center located in the Town of Cheektowaga which attracts visitors from all over New York State and Canada, and

WHEREAS, in 2006, the Pyramid Companies, owner of the Walden Galleria Mall, announced plans to renovate/expand and redevelop the northerly section of the mall, and

WHEREAS, the redevelopment of the northerly section of the mall property is proceeding, and

WHEREAS, this redevelopment includes retail space and a series of restaurants, and

WHEREAS, Section 64(7)(b) of the Alcoholic Beverage Control Law of the State of New York provides that the State Liquor Authority will not grant any more than three (3) liquor licenses for on-premises consumption to establishments within 500 feet of each other unless it holds a hearing after notifying the municipality within which such establishments are proposed, and

WHEREAS, P.F. Changs China Bistro has announced plans to open an establishment in the Walden Galleria Mall, and needs a liquor license, and

WHEREAS, there could be up to a total of twelve (12) restaurants open in this area of the Mall within 500 feet of each other and each is expected to request a liquor license, and

WHEREAS, this Board has seen the plans for the proposed redevelopment of the northerly section of the Mall and feels that it will be an asset to the Town and become a destination for visitors to Western New York, and

WHEREAS, there is adequate security from the Mall available to monitor activities in this section of the mall and, based on the caliber of restaurants proposed for the Mall, the consumption of alcoholic beverages will be strictly monitored and controlled, and

WHEREAS, this Town Board is in full support of the proposed establishment of up to twelve (12) restaurants with the on-premises consumption of alcohol in this area of the Mall, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports and endorses the proposed establishment of P.F. Changs China Bistro and up to a total of twelve (12) restaurants with on-premises consumption of alcohol in the redeveloped northerly section of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED, that, in the public interest, this Town Board hereby requests the State Liquor Authority to act with all due and deliberate speed in approving liquor licenses for P.F. Changs China Bistro and all of the twelve (12) establishments proposed for the northerly section of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED, that, pursuant to Section 64(7)(f) of the Alcoholic Beverage Control Law, this Town Board hereby waives the 15 day notice requirement for any proposed hearing to be held by the State Liquor Authority for the issuance of liquor licenses for on-premises consumption of alcoholic beverages for P.F. Changs China Bistro and the other establishments seeking to locate in the northerly section of the Walden Galleria Mall, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the State Liquor Authority at 535 Washington Street, Buffalo, New York 14203

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VIII. Communications**

### ***A. Departmental Communications***

1. Supervisor's Statement of Funds - September 2008
2. Building Permits - October 2008
3. Cheektowaga Conservation Advisory Council - Minutes of October 2, 2008 Meeting
4. Cheektowaga Traffic Safety Commission - Minutes of September 16, 2008 Meeting

### ***B. General Communications***

1. Notice of Claim - Thomas F. Herr Vs. Town of Cheektowaga
2. Notice of Claim - US Dept. of Veterans Affairs Vs. Town of Cheektowaga

## **IX. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **X. Closing**

Motion by Supervisor Holtz, second by Councilmember Kaznowski to adjourn the meeting at 7:52 PM.
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# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, November 17, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on November 17, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
Patrick Bowen, Assistant Town Engineer  
Ellen Fischer, Executive Director - Youth Board  
Jerry Gabryszak, Director of Community Development  
Brian Krause, Director of Finance and Administration  
Andrew Kulyk, Zoning Board Chairman  
John Marriott, Planning Board Representative  
Jon Nichy, Superintendent of Wastewater Pump Station  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Anthony Sisti, Planning Board Chairman  
John Staniszewski, TCEA Union Representative  
Mark Wegner, Highway Superintendent  
Jeffrey Whiting, Deputy Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. From the Table



## 1. RESOLUTION 2008-608

### Adopt 2009 Ad Valorem Budget

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

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 2009 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, 2009, and a public hearing was conducted there on October 28, 2008 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, 2009, and the same shall be entered in the minutes of the Town Board.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>NAYS:</b>	James Rogowski



## 2. RESOLUTION 2008-609

### Adopt 2009 Benefit Basis Budget

**Sponsored By:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

WHEREAS, Mary F. Holtz, 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 28th day of October, 2008 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 2009.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>NAYS:</b>	James Rogowski

## IV. Resolutions



## 1. RESOLUTION 2008-634

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

#### GENERAL FUND

FROM:	100.1410.4431	Equipment Maintenance	\$ 1,000.00
	100.1410.4008	Travel, Training & Conf	269.00
	100.7620.1971	PT-Regular	8,045.00
	100.1315.1971	PT-Regular	1.00
	100.1355.1902	Overtime	1,677.00
	100.1440.1901	Regular Payroll	1,096.00
	100.1625.1971	PT-Regular	1.00
	100.1640.1902	Overtime	1,001.00
	100.3020.1908	Training	1,130.00
	100.7620.1971	PT-Regular	843.00
	100.9499.1971	PT-Regular	828.00
	100.1910.4081	Municipal Dues	299.00
	100.1910.4082	Government Business Travel	1,207.00
	100.6410.4195	Events	1,000.00
	100.1410.4111	Publications	1,000.00
	100.1410.4551	Moving Machines	2,000.00
	100.1420.4501	Contracted Legal	6,257.00
	100.1430.4093	Town Training	1,213.00
	100.1680.4146	Out Sourcing Services	1,500.00
	100.7140.1971.1613	Rec/Playground Supervisor	10,250.00
	100.7180.1971.1901	PT-Regular	12,000.00
	100.7180.1971.1902	PT-Regular	5,600.00
	100.7140.1971.1664	PT-Regular	15,000.00
	100.7310.1971.1816	PT-Regular	4,500.00
	100.7310.1971.1810	Camp Flamingo	2,550.00
	100.7140.1971.1633	PT-Regular Softball Salaries	4,500.00
	100.7140.1971.1640	PT-Regular In-line Skating	4,000.00
	100.1910.3088	Misc. State Aid	18,000.00
TO:	100.1410.4001	Office Supplies	\$ 1,269.00
	100.7620.4432	Repairs & Maintenance	8,045.00
	100.1315.1932	Sick Sellback	1.00
	100.1355.1932	Sick Sellback	827.00
	100.1355.1911	Longevity	850.00
	100.1440.1932	Sick Sellback	1,096.00
	100.1625.1932	Sick Sellback	1.00
	100.1640.1932	Sick Sellback	1,001.00
	100.3020.1932	Sick Sellback	1,130.00
	100.7620.1932	Sick Sellback	843.00
	100.9499.1932	Sick Sellback	828.00
	100.1910.4706	Real Property Taxes	299.00

100.1010.4088	Travel, Training & Conferences	1,207.00
100.1220.4001	Office Supplies	1,000.00
100.1410.4343	Records Storage Space	1,236.03
100.1410.4055	Ordinance Code	1,763.97
100.1420.4013	Law Books	6,257.00
100.1430.4011	Printing Contracts	1,213.00
100.1680.4001	Office Supplies	1,000.00
100.1680.4206	Internet Services	500.00
100.7140.1971.1614	Rec./Playground Attendant	10,250.00
100.7180.1971.1903	PT-Regular	37,100.00
100.7310.1971.1802	Crabapple Day Camp	1,275.00
100.7310.1971.1803	Adapted Rec. Program	1,275.00
100.7140.1971.1611	PT Rink Personnel	4,500.00
100.7140.1971.1639	PT Regular Hockey Salaries	4,000.00
100.1220.4010	Disaster Preparedness	18,000.00

**SPECIAL DISTRICTS FUND**

FROM:	150.8160.1951	Seasonal	\$	896.00
	255.8135.1951	Seasonal		1.00
	650.8355.4339	Hydrant Rentals		82.00
TO:	150.8160.1932	Sick Sellback	\$	896.00
	255.8135.1932	Sick Sellback		1.00
	650.8355.4352	EC Charge Backs		82.00

**HIGHWAY FUND**

FROM:	300.5141.1951	Seasonal	\$	2,746.00
TO:	300.5141.1932	Sick Sellback		2,746.00

**PART TOWN FUND**

FROM:	800.3620.1971	PT-Regular	\$	2,276.00
TO:	800.3620.1932	Sick Sellback	\$	2,276.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-635

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 14, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,219,813.91
RISK RETENTION FUND	29,965.62
DEBT SERVICE FUND	270,000.00
SPECIAL DISTRICTS FUND	3,842,040.20
HIGHWAY FUND	478,977.79
CAPITAL FUND	234,507.57
TRUST & AGENCY FUND	14,277.00
HUD CDBG FUND	1,687.48
PART TOWN FUND	60,125.49
	<u>\$ 6,151,395.06</u>

**RESULT:** ADOPTED [UNANIMOUS]

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-636

## Notice to Bidders - Portable Trailer Mounted Diesel Generator

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Town Sewer Maintenance Department is in need of a portable emergency generator in order to provide power to various District pump station facilities during an electrical outage, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purchase of one (1) 30 kw, 3 Phase 120/208 Vac Diesel Trailer Mounted Portable Generator, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 3rd day of December, 2008 at 11:00 AM 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 December 3, 2008 at 11:00 AM at the Town Hall, corner of Broadway and Union Road, for the furnishing of one (1) 30 kw, 3 Phase 120/208 Vac Diesel Trailer Mounted Portable Generator.

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

Alice Magierski  
Town Clerk

DATED: November 17, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-637

### Notice to Bidders - Snow & Ice Removal from Sidewalks

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Building Inspections, Housing & Neighborhood Preservation Division, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with residential and commercial property maintenance codes, and

WHEREAS, maintenance of these properties sometimes includes the removal of snow and ice from the public sidewalks adjoining properties, and

WHEREAS, when violations are noted, property owners are notified to keep the sidewalks free and clear of snow and ice, and

WHEREAS, in the event property owners do not comply with these orders from the Housing & Neighborhood Preservation Office, and public health and safety require that action be taken immediately, it is necessary that the Housing & Neighborhood Preservation Office retain a private contractor to perform the necessary work on the property, and

WHEREAS, due to the projected annual cost for performing this work, it is in order that this Board advertise for bids for these services, and

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2009, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant and Unmaintained Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 10, 2008 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time 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 December 10, 2008 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 2009.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Snow and Ice Removal from Public Sidewalks for

2009" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

Alice Magierski  
Town Clerk

DATED: November 17, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-638

### Notice to Bidders - Boarding Up & Demolition of Structures

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Building Inspections, Housing & Neighborhood Preservation Division, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with residential and commercial property maintenance codes, and

WHEREAS, maintenance of these properties sometimes includes boarding up/securing structures and minor demolition of structures and other related work, and

WHEREAS, when violations are noted, property owners are notified to maintain and secure their properties, and

WHEREAS, in the event property owners do not comply with these orders from the Housing & Neighborhood Preservation Office, and public health and safety require that action be taken immediately, it is necessary that the Housing & Neighborhood Preservation Office retain a private contractor to perform the necessary work on the property, and

WHEREAS, due to the projected annual cost for performing this work, it is in order that this Board advertise for bids for these services, and

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2009, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant and Unmaintained Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 10, 2008 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time 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 December 10, 2008 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 2009, said services to include installation of padlocks and latches; boarding up of openings and minor demolitions.

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

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

Furnishing of Equipment and Operators for Boarding Up, Etc. of Properties for 2009” and submitted to the Town Clerk prior to bid opening.

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

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

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

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

Alice Magierski  
Town Clerk

DATED: November 17, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-639

### Notice to Bidders - Grass Cutting, Landscape Work & Debris Removal

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Building Inspections, Housing & Neighborhood Preservation Division, is responsible for inspecting various properties within the Town of Cheektowaga to ensure compliance with residential and commercial property maintenance codes, and

WHEREAS, the cleaning up of these properties includes grass cutting and other landscape-related work, and

WHEREAS, when violations are noted, property owners are notified to clean up their properties by cutting their grass, etc., and

WHEREAS, in the event property owners do not comply with clean up orders from the Housing & Neighborhood Preservation Office, and public health and safety require that action be taken immediately, it is necessary that the Housing & Neighborhood Preservation Office retain a private contractor to perform the necessary clean-up work on the property, and

WHEREAS, due to the projected annual cost for performing this work, it is in order that this Board advertise for bids for these services, and

WHEREAS, the Building Inspections Department, Housing & Neighborhood Preservation Office and the Town Attorney's Office have drafted bid specifications for this purpose for calendar year 2009, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and hereby is directed to publish a Notice to Bidders for Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant and Unmaintained Properties in the Town of Cheektowaga in the Cheektowaga Bee, and BE IT FURTHER

RESOLVED, that bids will be received until December 10, 2008 at 11:00 a.m. by the Town Clerk, who is hereby authorized and directed to publicly open all bids received at such time 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 December 10, 2008 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant Land and Unmaintained Properties in the Town of Cheektowaga for 2009, said services to include mowing of grass, removal of brush, tree/bush/shrub trimming, cleaning flower beds and removal of garbage/debris.

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

Proposals shall be submitted in a sealed envelope plainly marked on the outside "Bid for Furnishing of Equipment and Operators for Grass Cutting, Etc. of Properties for 2009" and submitted to the Town Clerk prior to bid opening.

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

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

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

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

Alice Magierski  
Town Clerk

DATED: November 17, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 7. RESOLUTION 2008-640

### Authorize Supervisor to Sign Agreement for Professional Services for New Building Maintenance Facility

**Sponsored By:** Councilmember Swiatek, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated May 19, 2008 the Town Board authorized the use of fund balances for various capital projects, AND

WHEREAS, a portion of said funds were allocated for professional and technical services for a new Building Maintenance Facility, the construction of which will enable the demolition of the former Incinerator Building, AND

WHEREAS, the architectural firm of EI Team has submitted a proposal to the Town Engineer to perform the architectural and engineering services required to prepare bidding and construction documents and specifications for the construction of said facility, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of EI Team, 2060 Sheridan Drive, Buffalo, New York 14223 dated October 9, 2008 for professional services associated with the preparation of construction drawings and specifications for the new Building Maintenance Facility 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 EI Team for the provision of said professional services in an amount not to exceed \$49,500.00, which shall be chargeable to Account No. 500-1625-2520-5835.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-641

### Authorize Supervisor to Sign Agreement with Trautman Associates for the Police & Court Building

**Sponsored By:** Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, by Town Board Resolution dated May 19, 2008, the Town Board authorized the use of fund balances for various capital projects, AND

WHEREAS, a portion of said funds were allocated for professional and technical services for the proposed addition(s) and renovations to the existing Police & Court Building, AND

WHEREAS, the architectural firm of Trautman Associates, who has been deemed qualified and experienced for this specific service, has submitted a proposal to the Town Engineer to perform the architectural and engineering services required to perform a schematic design study which will enable the Town to receive budgetary figures for construction costs associated with the addition(s) and renovations of said facility, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 dated October 10, 2008 for professional services associated with the preparation of a schematic design study for the proposed addition(s) and renovations to the Police & Court Building 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 Trautman Associates for the provision of said professional services in an amount not to exceed \$89,750.00, which shall be chargeable to Account No. 500-3120-2520-5835.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-642

### **Authorize Supervisor to Sign Supplemental Agreement with the NYSDOT for the Cheektowaga Rails to Trails Project**

**Sponsored By:** Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has incorporated a Right-of-Way Incidentals phase and Right-of-Way Acquisition phase for the Cheektowaga Rails to Trails Project, AND

WHEREAS, a Supplemental Agreement is required between the Town of Cheektowaga and the New York State Department of Transportation to incorporate these phases into the Project's Federal Aid Agreement, AND

WHEREAS, the Cheektowaga Rails to Trails Project in the Town of Cheektowaga, Erie County PIN 5755.08 (the Project) is eligible for funding under Title 23 U.S. Code as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of approximately 78.4% Federal funds and 21.6% Non-Federal funds or 80% Federal funds and 20% Non-Federal funds, depending on the Federal Funding Program; AND

WHEREAS, the Town of Cheektowaga desires to advance the above project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection phases of the project, PIN 5755.08, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby authorizes the Town of Cheektowaga to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection phases of the Project or portions thereof; AND, IT IS FURTHER

RESOLVED, that the sum of \$462,200.00 has been previously appropriated from Town Board Resolutions adopted on June 2, 1997 @ \$137,200.00 and on April 4, 2005 @ \$325,000.00 and made available to cover the cost of participation in the above described Project; AND, IT IS FURTHER

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection Phases exceeds the amount previously appropriated, \$462,200 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction & Construction Inspection Phases exceeds \$2,036,050.00, the Town of Cheektowaga shall convene its Board as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, AND, IT IS FURTHER

RESOLVED, that the Supervisor of the Town of Cheektowaga be and hereby is authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the Town of Cheektowaga with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid-Eligible Project costs and all Project costs within appropriations therefore that are not so eligible, AND, IT IS FURTHER

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, AND, IT IS FURTHER

RESOLVED, that this Resolution shall take effect immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-643

### Request Creation of Non-Partisan Citizens Committee Regarding Downsizing of Town Board

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, Western New York has for many years endured economic downturns and lack of sustained investment and growth; and

WHEREAS, Erie County has lost over one quarter of a million residents since 1970, and over 40,000 private sector jobs since 1990; and

WHEREAS, the Town of Cheektowaga has lost over 11,000 residents since 1990; and

WHEREAS, in response to this dramatic reduction in population and capital, local institutions, including hospitals, places of worship, libraries, and other public amenities have downsized; and

WHEREAS, our national economy appears to be entering a recession, jeopardizing the fiscal condition of the State of New York, upon which local governments rely for assistance, and further burdening local taxpayers and residents; and

WHEREAS, the Town Board of the Town of Cheektowaga has undertaken and will continue to explore new and innovative ways to reduce costs, deliver high quality services, and create more efficient, more effective, and less costly government; including through the restructuring and reorganization of Town operations; and

WHEREAS, in view of these challenges, to join other municipalities which have or are about to downsize, to take steps toward creating a vibrant economy for our town, and to achieve other cost benefits and efficiencies, this Board wishes to initiate the process by which Cheektowaga residents may approve a reduction in the size of this honorable body from six Councilmembers to four Councilmembers; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Cheektowaga hereby requests that downsizing expert Kevin Gaughan chair and assemble a non-partisan citizens committee for the purpose of reporting to this Board, within thirty (30) days of the adoption of this resolution, on any and all processes and options available to reduce the number of Town of Cheektowaga Councilmembers from six to four, and to provide such other recommendations to the Town Board as is appropriate in relation to the downsizing the Town Board. The report of the citizens committee shall include identification of all legal, logistical, and necessary steps to conduct such public referendum in accordance with applicable New York State Election Law, General Municipal Home Rule Law and any other applicable laws, rules and regulation and BE IT FURTHER

RESOLVED, that a copy of this resolution shall be sent to the Town Clerk, the Town Attorney, the Office of the Erie County Executive and Kevin Gaughan.

<b>RESULT:</b>	<b>DEFEATED [2 TO 5]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember

**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Mary Holtz, Jeff Swiatek  
**NAYS:** Jaworowicz, Rogowski, Zydell, Markel, Kaznowski



11. RESOLUTION 2008-644

Approve Lease with National Fuel Gas Distribution Corporation

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, National Fuel Gas Distribution Corporation ("National Fuel") has requested the Town of Cheektowaga to approve a Meter and Regulator Lot Lease with it for the installation of a regulator station, relief valve and piping on Town-owned property on the western portion of the Alexander Community Center parcel immediately north of 106 Straley Avenue, and

WHEREAS, National Fuel has offered to remit annual lease payments to the Town for \$750 pre year for ten (10) years for this lease, and

WHEREAS, the Town Engineer and General Crew Chief of the Facilities Department have reviewed this request and the proposed location of the regulator station and have no objection to same, NOW, THEREFORE, BE IT

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

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

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

\*\*\*\*\*

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on November 17, 2008, adopted a resolution authorizing the Town of Cheektowaga to approve a Meter and Regulator Lot Lease with National Fuel Gas Distribution Corporation for the placement of a meter and appurtenances of Town-owned property located on the Alexander Community Centre parcel just north of 106 Straley Avenue in the Town of Cheektowaga.

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

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

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

ALICE MAGIERSKI  
Town Clerk

Dated: November 17, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 12. RESOLUTION 2008-645

### Youth & Rec Girl Power Club Campout

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, members of the Department of Youth & Recreational Services' Girl Power Club have requested permission to conduct a sleep-over at the Dartwood Community Center, in early 2009, and

WHEREAS, the Director of Youth and Recreational 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 Youth and Recreational Services, BE IT

RESOLVED, that this Town Board hereby authorizes the Department of Youth and Recreational Services' Girl Power Club to utilize the Dartwood Community Center for a sleep-over in early 2009, 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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-646

### Youth & Recreation Hire

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the following individual be and hereby is hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Aide - \$7.15 - Part-time 7140.1630

Jada Love 14211

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the reading of names for Resolutions 2008-646; 2008-647; and 2008-648. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 14. RESOLUTION 2008-647

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be are hereby are terminated in the Department of Youth & Recreational Services, effective as indicated:

Amanda Ciesielski	9/12/08	14043
Merissa Ciesielski	8/18/08	14225
Courtney Ciesielski	8/18/08	14225
Benjamin Dziekan	Never Worked	14225
Nick Guagenti	Never Worked	14227
Joelle Hochulski	Never Worked	14227
Bradley Larkin	Never Worked	14227
Kylie Mars	8/15/08	14211
Cory Suszek	6/28/08	14206
Ashley Thompson	Never Worked	14225
Matthew Weaver	Never Worked	14225
Dean Wilkes	Never Worked	14215
Pamela Zgoda	Never Worked	14227

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 15. RESOLUTION 2008-648

### Part-Time/Seasonal Appointments/Terminations

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 Clerk \$7.15/hour  
Ashley L. Kornecki, Depew, NY Effective 11/17/08

FACILITIES DEPARTMENT (Building Maintenance Division) Laborer \$7.75/hour  
William Lauber, Cheektowaga, NY Effective 11/18/08

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

JUSTICE COURT  
Marcia B. Morath Effective 10/14/08  
Theresa M. Majchrzak Effective 12/01/06

SANITATION DEPARTMENT  
Erik Wilkinson Effective 10/30/08

FACILITIES DEPARTMENT  
John Gorski Effective 11/03/08  
Brandon Morris Effective 11/03/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 16. RESOLUTION 2008-649

### Reappointment of Members to the Board of Ethics

**Sponsored By:** Councilmember Markel, 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; and

WHEREAS, the term of member Melvin Florczak expired on August 1, 2007; and the term of member Thomas S. Kulaszewski expired on August 1, 2008, and

WHEREAS, Mr. Florczak and Mr. Kulaszewski have expressed interest in continuing to serve on said Board of Ethics; NOW, THEREFORE, BE IT

RESOLVED, that Melvin Florczak of Cheektowaga, New York, and hereby is re-appointed to the Board of Ethics of the Town of Cheektowaga, effective August 1, 2007 and terminating on August 1, 2012; and BE IT FURTHER

RESOLVED, that Thomas S. Kulaszewski be and hereby is reappointed as member of the Board of Ethics, effective August 1, 2008 and terminating on August 1, 2013.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**17. RESOLUTION 2008-650****Appointment of Clerk Typist (Temporary) (Youth and Recreation) (Sherry Jo Maran)**

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Clerk Typist in the Youth and Recreation Department; AND

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

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

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

WHEREAS, the existing Civil Service list was canvassed; AND

WHEREAS, Sherry Jo Maran appears on said Civil Service list and meets all the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Sherry Jo Maran of Cheektowaga, New York, be and hereby is appointed to the temporary position of Clerk Typist 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 November 18, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 18. RESOLUTION 2008-651

### Appointment Recreation Supervisor (Permanent) (Youth and Recreation) (Lynn Koszuta)

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, a permanent vacancy exists in the position of Recreation Supervisor 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, Lynn Koszuta appears on the civil service list and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Lynn Koszuta of Cheektowaga, New York be and hereby is appointed to the permanent position of Recreation Supervisor 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 December 2, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 19. RESOLUTION 2008-652

### **Appointment of Senior Traffic Signal Technician (Permanent) (Police Department) (Christopher R. Taber, Jr.)**

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, this Town Board appointed Christopher R. Taber, Jr. to the position of Senior Traffic Signal Technician on a provisional basis on November 5, 2008; AND

WHEREAS, Mr. Taber has been approved for a permanent non-competitive promotion by the Erie County Department of Personnel; NOW, THEREFORE, BE IT

RESOLVED, that Christopher R. Taber, Jr. of Cheektowaga, New York, be and hereby is permanently appointed to the position of Senior Traffic Signal Technician in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective November 18, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 20. RESOLUTION 2008-653

### Appointment of Detective (Permanent) (Police Department) (Timothy R. Szymanski)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Timothy R. Szymanski was assigned to the rank of Acting Detective in the Detective Bureau on May 22, 2008; 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 Timothy R. Szymanski of Cheektowaga, 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 November 22, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions, 2008-654 and 2008-655. Motion Carried.
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1. RESOLUTION 2008-654

Notice to Bidders - 35' Tow Behind Boomlift

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Town desires to purchase a 35' Tow Behind Boomlift for the Cheektowaga Police/Sign Division, 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 said 35' Tow Behind Boomlift, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on December 3, 2008 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 3, 2008 at 11:00 AM, Eastern Standard Time, at the Town Hall, corner of Broadway and Union Road, for the purchase of one (1) New and Unused 2008 35' Tow Behind Boomlift.

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.

Alice Magierski
Town Clerk

DATED: November 17, 2008

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Content (ADOPTED [UNANIMOUS], Patricia Jaworowicz, Councilmember, James Rogowski, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



## 2. RESOLUTION 2008-655

### Approve Settlement of Article 7 Proceeding

**Sponsored By:** Holtz, Markel, Swiatek, Jaworowicz, Zydel, Rogowski, Kaznowski

WHEREAS, the following named entities/property owners commenced Article 7 proceedings against the Town for Tax Year 2006/07, 2007/08 and 2008/09, seeking a reduction in the assessment of various two-family and four-family residences owned by them located in the Town of Cheektowaga:

Musarra Management & Investment Co., Ltd.  
 Musarra Realty Holding Co., Ltd.  
 Diane M.F. Schwach  
 Claudette M. Musarra  
 Arthur F. DuC. Musarra,

and

WHEREAS, the Town's outside counsel has reviewed the petitions and, after due consideration of all materials facts, and after negotiations with the petitioners' attorney, believes it is in the best interest of the Town to resolve these matters without further litigation and strongly recommends the proposed compromise for the 2006/07, 2007/08 and 2008/09 Tax Years; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlements, and the Town's outside counsel be and hereby is authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceedings in accordance with the above.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## VI. Communications

### A. Departmental Communications

1. Minutes - Town Environmental Advisory Committee - October 29, 2008

### B. General Communications

1. Notice of Claim - Patricia Wojcinski Vs. Town of Cheektowaga
2. Notice of Claim: Metlife as Subrogee for Alvin Mintz and Joyce Mintz Vs. Town of Cheektowaga
3. Summons & Complaint - Thomas E. Wiesmore Vs. Town of Cheektowaga

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Adjournment**

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting. Time of Adjournment was 8:30 PM.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, November, 25, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on November 25, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Kevin Schenk, Town Attorney  
Christine Ziembra, Chief of Police

## II. Resolutions



## 1. RESOLUTION 2008-656

### Prefer Amended Charges Against Police Officer

**Sponsored By:** Jaworowicz, Rogowski, Holtz, Swiatek, Zydel, Markel, Kaznowski

WHEREAS, by resolution dated September 15, 2008, this Town Board approved service of a proposed Notice and accompanying charges against a certain police officer and appointed a Hearing Officer to hear said charges, and

WHEREAS, the Chief of Police has recommended that additional/amended charges be preferred against said police officer, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the service of an amended Charge and accompanying charges against said police officer and directs that the Hearing Officer hear said amended charges.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-657

### Decision on Alleged Correction of Errors Re: Assessment of 751 French Road

**Sponsored By:** Jaworowicz, Rogowski, Holtz, Swiatek, Zydel, Markel, Kaznowski

WHEREAS, on or about March 9, 2007, Buffalo Creek Community Church purchased 751 French Road (S.B.L. #125.10-11-2) from the Emmanuel Baptist Church, and

WHEREAS, for the 2007-08 tax year, the Town Assessor permitted the property tax exemption granted to the Emmanuel Baptist Church to continue, and

WHEREAS, the Town Assessor never received an application for exemption from the Buffalo Creek Community Church for the 2008-09 year; as such, the property became fully taxable for County, Town and School taxes, and

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the Buffalo Creek Community Church, a/k/a Next Level Church, filed an Application for Corrected Tax Roll with the Erie County Department of Real Property Tax Services citing a claimed clerical error, unlawful entry or error in essential fact relating to the taxable status of the property, and

WHEREAS, the Erie County Director of Real Property Tax Services recommended denial of this application, and

WHEREAS, pursuant to Section 554(4) and (5) of the Real Property Tax Law, the County Director's recommendation was transmitted to this Town Board for action, and

WHEREAS, this Town Board has examined the application of the Buffalo Creek Community Church and report from the County Director of Real Property Tax Services, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby finds and determines that there was no clerical error, unlawful entry or error in essential fact with respect to the taxable status of property located at 571 French Road, and thus the application of the Buffalo Creek Community Church is rejected, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to note on the application form that it is rejected and to execute same on behalf of the Town of Cheektowaga.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-658

## Settlement of Litigation - Dickson V. Town

**Sponsored By:** Swiatek, Zydel, Holtz, Jaworowicz, Rogowski, Markel, Kaznowski

WHEREAS, on or about July 27, 2007, an action (Dickson and Dickson vs Town of Cheektowaga, et al, Index No. I-2007-005042) 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 claimant's attorneys; and

WHEREAS, this settlement is in the best interests 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## III. Adjournment

Meeting adjourned at 7:40 PM





# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, December 1, 2008

6:45 PM

Council Chambers

## I. Call to Order

6:45 PM Meeting called to order on December 1, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
John Glascott, Captain, Cheektowaga Police Department  
Brian Krause, Director of Finance and Administration  
William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
John Staniszewski, TCEA Union Representative  
Kerry Switalski, Senior Services Director  
Mark Wegner, Highway Superintendent

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2008-659

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

**GENERAL FUND**

FROM:	100.1110.4431	Equipment	\$ 4,899.25
	100.1110.1971	Part-Time Regular	9,520.00
TO:	100.1110.4001	Office Supplies	\$ 4,899.25
	100.1110.4321	Data Processing	9,520.00

**HUD CDBG FUND**

FROM:	700.9006.0662	Sloan Drainage	\$ 4,980.35
TO:	700.9006.0650	Televising of Sewer System	\$ 4,980.35

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-660

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 28, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,632,593.87
RISK RETENTION FUND	33,294.78
NYS HOME PROGRAM	1,850.00
HUD HOUSING REHABILITATION FUND	13,955.00
SPECIAL DISTRICTS FUND	747,490.68
HIGHWAY FUND	619,272.61
CAPITAL FUND	199,511.06
TRUST & AGENCY FUND	26,268.02
HUD CDBG FUND	31,605.02
PART TOWN FUND	114,386.57
NYS AFORDABLE HOUSING	2,585.00
	<u>\$ 5,422,812.61</u>

**RESULT:** **ADOPTED [UNANIMOUS]**

**MOVER:** Mary Holtz, Supervisor

**SECONDER:** Jeff Swiatek, Councilmember

**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-661

## 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, Paula Bielat of Clarence, New York and Diana Proudman 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 Diana Proudman as court stenographers to provide court reporting services and transcripts as required, regarding the court-directed Drug Diversion-to-Treatment Program for the calendar year 2006; 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.

\*\*\*\*\*

Motion by Councilmember Swiatek, second by Supervisor Holtz to modify the wording in the third paragraph by changing the word "retains" to "ratifies the retention of" and the motion carried.

\*\*\*\*\*

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, Paula Bielat of Clarence, New York and Diana Proudman 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 ratifies the retention of the services of Paula Bielat and Diana Proudman as court stenographers to provide court reporting services and transcripts as required, regarding the court-directed Drug Diversion-to-Treatment Program for the calendar year 2006; 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.

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-662

### Adapted Recreation Winter Camping Trip

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Cheektowaga Youth and Recreational Services Department is desirous of renting campground facilities known as Camp Duffield a winter weekend camp for participants with disabilities, from January 30, 2009 through February 1, 2009.

WHEREAS, said facilities are owned by Camp Duffield Inc. and are located in Delevan, New York, and

WHEREAS, Camp Duffield Inc. is willing to rent such facilities to the Town of Cheektowaga provided that the Town execute an appropriate agreement for such rental of said property at a cost of \$800.

WHEREAS, such agreement has been prepared and is acceptable between parties,  
NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized and directed to execute an agreement with Camp Duffield Inc. for renting the aforementioned campground facilities, and  
BE IT FURTHER

RESOLVED that the Cheektowaga Youth and Recreational Services Department, as in the past, seek reimbursement from any appropriate state and charitable source, in addition to any camper fees to cover the necessary costs of said activity.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-663

### Creation of Two (2) Maintenance Worker Positions

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board wishes to create two (2) Maintenance Worker positions in the Town of Cheektowaga; AND

WHEREAS, these unfunded positions are to be placed in the Erie County Civil Service job inventory of the Town; AND

WHEREAS, these positions are being created for use when future turnover occurs; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby creates two (2) Maintenance Worker positions pursuant to Civil Service Laws and Rules effective December 1, 2008.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-664

### Youth & Recreation Termination

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individual(s), listed below be are hereby is(are) terminated in the Department of Youth & Recreational Services, effective as indicated:

Recreation Attendant  
Sherry Jo Maran  
Effective 11/17/08

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to waive the reading of the names in the following two resolutions and the motion carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 7. RESOLUTION 2008-665

### Part-Time/Seasonal Appointment/Termination

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 Clerk \$7.15/hour effective 12/01/08  
Deborah S. Kraus, Cheektowaga, NY

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

POLICE DEPARTMENT  
Thomas D. Fial  
Effective 12/13/07

Dwayne A. Perrine  
Effective 7/01/08

MAIN PUMP STATION  
Gregory Sansone  
Effective 6/12/03

SANITATION DEPARTMENT  
Jeff Cwiklinski  
Effective 11/15/08

SUPERVISOR'S OFFICE  
Elizabeth Gorski  
Effective 11/17/08

SEWER DEPARTMENT  
Brandon Hill  
Effective 9/22/08

Adam Bobeck  
Effective 11/24/08

Shane Latshaw  
Effective 12/1/08

BE IT RESOLVED, the following termination date be amended as follows:

JUSTICE COURT  
Sherry Vinci  
Effective 10/09/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 8. RESOLUTION 2008-666

### Reappointments & Appointment to Cheektowaga Conservation Advisory Council

**Sponsored By:** Councilmember Kaznowski, 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, 2008, and

WHEREAS, Patricia Goodwin, a member of the Cheektowaga Conservation Advisory Council, resigned her position on November 5, 2008; and Diane Benczkowski has expressed an interest in serving on the CCAC NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are re-appointed to the CCAC, effective October 15, 2008 to October 15, 2010:

Frederic Beaman, AIA Architect, Chairman  
Lawrence Watson, Member  
Lorraine Aloisio, Member  
Rosalia Becker, Member  
Joseph Fischer, Member  
Kelly Robinson, Member

, and BE IT FURTHER

RESOLVED, that Diane Benczkowski of Cheektowaga, New York be and hereby is appointed as a member of the Cheektowaga Conservation Advisory Council, effective immediately and terminating on October 15, 2010, and BE IT FURTHER

RESOLVED, that the following individuals be and hereby are appointed as ex-officio members of the CCAC, effective from October 15, 2008 to October 15, 2010:

Jane Wiercioch, Member, Zoning Board of Appeals  
Daniel Ulatowski, Zoning Inspector  
John Marriott, Member, Planning Board

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## IV. Suspension of Rules

Motion by Councilmember Jaworowicz, Seconded by Supervisor Holtz to Suspend the Rules to include the following three resolutions and the motion carried.



## 1. RESOLUTION 2008-667

### Pick-Up Truck for Sewer

**Sponsored By:** Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2009 Ford F-150 4x4 pick-up truck as specified in the New York State OGS Contract No. PC 62882, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No.255-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2009 Ford F-150 4x4 pick up truck in the amount of \$18,866.77 for the Sewer Maintenance Department from

Fairport Ford, LLC  
71 Marsh Road  
E Rochester, New York 14445

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-668

### Negative SEQR Declaration - 590 Duke Road

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 Scheid Architectural for Derrick Corp. for the construction of a 110,540 square foot manufacturing addition and an accessory parking area at 590 Duke Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on November 19, 2008 recommended a determination of non-significance as shown on the attached memorandum dated November 20, 2008, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of October 9, 2008, AND

WHEREAS, the applicant has modified his site plan to provide for additional trees to be planted off premises and has offered this town board monies in lieu of replacement trees pursuant to section 229-5B of the Town Code as confirmed by the attached correspondence dated December 1, 2008, 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.

**ATTACHMENTS:**

derrick manufDAN U 12-1-08 (PDF)

EAC-November 19, 2008minutes (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**3. RESOLUTION 2008-669**

**Rezoning Request / Special Permit- 25 Long Avenue & SBL No. 90.84-4-7**

**Sponsored By:** Councilmember Markel, Councilmember Rogowski

WHEREAS, Benderson Development Co., LLC has made application with the permission of the land owners, Frank Kilma Jr. and William Burse, Jr. requesting the rezoning of 25 Long Street and land identified as SBL No. 90.84-4-7 from R-Residence to C-Retail Business for a Retail Pharmacy with an accessory drive thru, AND

WHEREAS, the applicant's accessory drive thru window also requires the issuance of a Special Use Permit, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said rezoning request and special permit request under the provisions of the Zoning Law on December 15th 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 15th day of December, 2008 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 and special permit request for 25 Long Avenue and SBL No. 90.84-4-7 from R-Residence to C- Retail Business for a Retail Pharmacy with an accessory drive thru window.

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

Alice Magierski, 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, described as part of Lot 34, Township 10, Range 7 of the Buffalo Creek Reservation Survey, bounded and described as follows:

Beginning at a point of intersection of the northerly line of Genesee Street (as an original 66 foot right-of-way) and the easterly line Long Avenue (as a 66 foot road);



Thence northerly along the easterly line of said Long Avenue at a bearing of N 00-22'-46" E, a distance of 200.00 feet to a point being the True Point and Place of Beginning;

Thence continuing northerly along the easterly line of said Long Avenue at a bearing of N 00-22'-46" E, a distance of 135.00 feet to a point; Thence easterly along a line at a bearing of S 89-37'-14" E, a distance of 159.82 feet to a point; Thence southerly along a line at a bearing of S 00-07'-50" W, a distance of 135.00 feet to a point; Thence westerly along a line at a bearing of N 89-37'-14" W, a distance of 160.40 feet to the True Point and Place of Beginning;

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## V. Communications

### A. Departmental Communications

1. Cheektowaga Conservation Advisory Council - Minutes of November 6, 2008 and November 15, 2008
2. Environmental Advisory Committee - Minutes of November 19, 2008
3. Cheektowaga Traffic Safety Commission - Minutes of October 21, 2008

### B. General Communications

1. Notice of Claim - Steven Schenck Vs Town of Cheektowaga
2. Notice of Claim - Michael Schlager Vs Town of Cheektowaga
3. Notice of Claim - 100-120 Moorman Dr. Associates Vs Town of Cheektowaga
4. Notice of Claim - the Hartford as Subrogee for Margaret McGee Vs Town of Cheektowaga

## VI. Comments

### A. Supervisor's Comments

### B. Councilmember's Comments

### C. Public Comments

## VII. Adjournment

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to adjourn the meeting.



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Tuesday, December, 9, 2008

6:00 PM

Council Office

## I. Call to Order

6:00 PM Meeting called to order on December 9, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Absent	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

Brian Krause, Director of Finance and Administration  
Kevin Schenk, Town Attorney

## II. Public Portion

## III. Resolutions



## 1. RESOLUTION 2008-670

### Ratify Termination of Employee

**Sponsored By:** Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski

**WHEREAS**, a notice was served on or about May 22, 2007, pursuant to Section 25-6 of the Code of the Town of Cheektowaga charging John E. Rogowski with failing to maintain residence within the Town as required by Chapter 25 of the Town Code, also known as the Residency Law of the Town of Cheektowaga; and

**WHEREAS**, on May 15, 2007, the Town Board appointed Lawrence J. Vilardo as its hearing officer, and authorized him to conduct a hearing, make findings of fact and determine whether or not John E. Rogowski was a resident of the Town, as required by the Residency Law, and to report such findings and determination to the Town Board; and

**WHEREAS**, a hearing was held pursuant to Section 25-6 of the Code; and

**WHEREAS**, on August 5, 2008 Hearing Officer Lawrence J. Vilardo rendered his Findings of Fact & Determination, concluding that John E. Rogowski failed to maintain residence within the Town, as required by the Residency Law, and that he ceased to be a resident prior to qualifying for a service-based exemption under Section 24.09 of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; and

**WHEREAS**, the Town Board adopted a resolution on August 12, 2008, accepting and adopting Hearing Officer Vilardo's said Findings of Fact & Determination, declared that John E. Rogowski automatically vacated his position when he ceased to be a resident of the Town of Cheektowaga, and accordingly terminated the services of John E. Rogowski; and

**WHEREAS**, John E. Rogowski has challenged the Board's action on August 12, 2008, on the ground that some Town Board members may not have fully reviewed Hearing Officer Vilardo's said Findings of Fact & Determination prior to the August 12 vote; and

**WHEREAS**, all Town Board members have now fully reviewed Hearing Officer Vilardo's said Findings of Fact & Determination, and have had full opportunity to review the record of the said hearing and ask questions about the matter;

#### NOW THEREFORE BE IT

**RESOLVED**, that this Town Board hereby adheres to its August 12 determination to accept and adopt the Hearing Officer's Findings of Fact and Determination, and ratifies its prior action in full.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Jeff Swiatek

## IV. Adjournment

Motion by Supervisor Holtz, second by Councilmember Markel to adjourn the meeting.



# Town of Cheektowaga

## Regular Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

Monday, December, 15, 2008

6:45 PM

Council Chambers

### I. Public Hearing at 6:30 PM

- Rezoning Request / Special Permit- 25 Long Avenue & SBL No. 90.84-4-7 from R-Residential District to C-Commercial District

<b>RESULT:</b>	<b>CLOSED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### II. Call to Order

6:45 PM Meeting called to order on December 15, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.
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Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

- Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector  
 Ellen Fischer, Executive Director - Youth Board  
 Brian Hess, Assessor  
 Brian Krause, Director of Finance and Administration  
 John Marriott, Planning Board Representative  
 William Pugh, Town Engineer  
 Kevin Schenk, Town Attorney  
 Anthony Sisti, Planning Board Chairman  
 Christine Ziemba, Chief of Police

### III. Public Comment Period

### IV. Resolutions



## 1. RESOLUTION 2008-671

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following transfer is hereby approved and made a part hereof;

#### GENERAL FUND

FROM:	100.7110.2201	Office Equipment	\$	2,300.00
	100.7110.4454	Portable Toilets		1,000.00
	100.1625.4489	Maintenance Tool Replacement		2,500.00
	100.1625.4021	Maintenance Supplies		4,300.00
	100.1625.2303	Over the Road Vehicles		1,250.00
	100.1410.4021	Medical Supplies		200.00
	100.1410.4111	Publishing Notices		1,000.00
	100.1410.4431	Equipment Maintenance		1,000.00
	100.1410.4188	Equipment Rental		400.00
	100.1410.4111	Publishing Notices		1,510.00
	100.7620.4491	Special Events		8,800.00
	100.7620.4027	Senior Center Supplies		4,200.00
	100.7620.4432	Repairs & Maintenance		6,655.00
	100.7140.4464	Pre-K		4,000.00
	100.7140.4516	Cedargrove Camp		2,500.00
	100.7140.4517	Dartwood Camp		1,500.00
	100.7140.4524	Field Trips		3,000.00
	100.7140.4601	Aid to Youth		21,000.00
	100.7310.4689	Conservation Corps		7,350.00
	100.9501.9211	Bond Interest		40,771.00
	100.9501.9101	Bond Principal		40,000.00
TO:	100.7110.4451	Maintenance & Repair	\$	2,300.00
	100.7110.4431	Equipment Repairs		1,000.00
	100.1625.4432	Repairs & Maintenance		8,050.00
	100.1410.4001	Office Supplies		1,200.00
	100.1410.4055	General Code		2,910.00
	100.1640.2509	Vans		19,655.00
	100.1640.2509	Vans		39,350.00
	100.1680.2202	Network Hardware		51,405.00
	100.1680.4146	Outsource Services		615.00
	100.3120.2501	Other Equipment		20,000.00
	100.3120.2204	Computer Equipment		8,751.00

#### SPECIAL DISTRICTS FUND

FROM:	400.8140.4476	Ditch & Creek Pest Control	\$	7,376.98
	400.8140.4430	Detention Basin Maintenance		2,500.00
	400.8140.4581	Consulting Engineers		8,000.00
TO:	400.8140.4432	Storm Sewer Maintenance	\$	17,876.98

#### PART TOWN FUND

FROM: 800.3620.2770 Permits & Inspections \$ 10,000.00  
TO: 800.3620.4411 Refund of Permits \$ 10,000.00

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Mary Holtz, Supervisor  
**SECONDER:** Jeff Swiatek, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 2. RESOLUTION 2008-672

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 12, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,241,074.36
RISK RETENTION FUND	168,702.05
DEBT SERVICE FUND	196,878.30
HUD HOUSING REHABILITATION FUND	12,236.00
SPECIAL DISTRICTS FUND	854,116.83
HIGHWAY FUND	339,816.64
CAPITAL FUND	377,150.44
TRUST & AGENCY FUND	5,510.70
HUD CDBG FUND	8,009.14
PART TOWN FUND	109,501.77
NYS AFORDABLE HOUSING	9,955.00
	<u>\$ 4,322,951.23</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





### 3. RESOLUTION 2008-673

## Award of Bid - Portable Trailer Mounted Diesel Generator

**Sponsored By:** Councilmember Kaznowski, Supervisor Holtz

WHEREAS, as a result of advertisement, bids were received on December 3, 2008 for the furnishing of one (1) new and unused portable trailer mounted 30 kw diesel generator for use by the Town Sewer Maintenance Department, 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) new and unused portable trailer mounted 30 kw diesel generator be awarded to Kinsley Power Systems, 2205 Kenmore Avenue, Suite 104, Tonawanda, New York 14207 for their submission of the lowest bid meeting the requirements of the specifications in the amount of \$26,996.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account Nos. 2550-8125-2550 and 2550-8125-4453 for this purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 4. RESOLUTION 2008-674

### Award of Bid - 35' Tow Behind Boomlift

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, as a result of advertisement, bids were received on December 3, 2008 for the furnishing of one (1) 35' Tow Behind Boomlift for the Cheektowaga Sign Division, 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) 35' Tow Behind Boomlift be awarded to:

A 2 Z Rentals, Inc.  
6411 Walmore Road  
Niagara Falls, New York 14304

for submission of the lowest bid meeting the requirements of the specifications in the amount of \$21,884.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted in Account No. 990-5182-4432 for this purchase.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 5. RESOLUTION 2008-675

### Notice to Bidders for Imaging Maps/Plans for Records Center

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

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 is hereby directed to publish the attached Notice to Bidders in the Cheektowaga Bee; and BE IT FURTHER

RESOLVED, that sealed bids will be received by the Town Clerk at the Town Clerk's Office located in Town Hall, 3301 Broadway, Cheektowaga, New York until the 7th day of January, 2009 at 11:00 A.M., at which time the Town Clerk is directed to publicly open said bids.

#### NOTICE TO BIDDERS

Sealed proposals will be received by the Town Clerk of the Town of Cheektowaga on January 7, 2009, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 3301 Broadway (corner of Broadway and Union Road), for the purpose of imaging and microfilming maps/plans for the Town of Cheektowaga.

Information for bidders and specifications may be obtained from the Town Clerk at her office in said Town between the hours of 9:00 A.M. and 4:30 P.M. One bid is to be submitted for said imaging project 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: December 15, 2008

Alice Magierski  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-676

### New/Renewal Ambulance Driver/Attendant Licenses

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

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>
Acosta, Jessica	1 Maryner Tower apt 205, Buffalo, N.Y. 14201	7/31/2011
Albanese, Matthew H	269 Tennyson Terrace, Williamsville, N.Y. 14221	7/31/2011
Amoia, Christine V	78 Mayberry Drive West, Cheektowaga, N.Y. 14227	7/31/2011
Aquino, Joseph M	32 Marie Ave, Cheektowaga, N.Y. 14227	7/31/2011
Banas, Marjanna	1902 Ridge Rd Ste 22, West Seneca, N.Y. 14224	3/31/2009
Bender, Keith E	106 Sycamore St, East Aurora, N.Y. 14052	9/30/2010
Blake, Scott G	6700 Luther St, Niagara Falls, N.Y. 14304	10/31/2011
Briggs, Jackie L	4970 Hollenbeck, Lockport, N.Y. 14094	7/31/2011
Brousse, Adam	51 Fletcher St, Tonawanda, N.Y. 14150	9/30/2010
Bunce, Tammy J	PO Box 103, Niagara Falls, N.Y. 14304	2/28/2011
Burt, Eric A	128 Browning Dr, Hamburg, N.Y. 14075	9/30/2011
Cancel, Melissa R	4225 Coventry Green Circle, Williamsville, N.Y.	2/28/2011
Christensen, Jeffrey A	45 West Avenue, Attica, N.Y. 14011	6/30/2011
Conboy, Mark C	5 Rosedale St, Buffalo, N.Y. 14207	9/30/2011
Conley, Eric J	173 Bellwood, West Seneca, N.Y. 14224	12/31/2011
Cramer, Christopher K	195 Westminster Rd, West Seneca, N.Y. 14224	2/28/2011
Downey, vincent J	159 Fowler Ave, Kenmore, N.Y. 14217	7/31/2010
Foote, Brian M	123 Marrano Drive, Depew, N.Y. 14043	1/31/2011

Gannon, Keith D	8930 Back Creek Road, boston, N.Y. 14025	9/30/2011
Gedra, Ashley R	5182 Briercliff Dr, Hamburg, N.Y. 14075	7/31/2011
Gonska, Daniel J	111 North 18th St, Olean, N.Y. 14760	2/28/2011
Grant, Willian F	4889 William St, Lancaster, N.Y. 14086	10/31/2011
<u>Name</u>	<u>Address</u>	<u>Expiration Date</u>
Greenwell, David A	42 State St, Middleport, N.Y. 14105	12/31/2011
Gustafson-Bartel, Debbie	34 Terrell St, Depew, N.Y. 14043	9/30/2011
Hanna, Jennifer K	476 24th St, Niagara Falls, N.Y. 14303	8/31/2011
Hastreiter, Amy C	4594 Tomaka Dr, Hamburg, N.Y. 14075	9/30/2011
Hofer, Deann E	852 Kenmore Ave, Buffalo, N.Y. 14216	1/31/2011
Hunt, John L	93 McIntosh Drive, Lockport, N.Y. 14094	9/30/2011
Hurd, Sarah M	169 Falls Road, West Falls, N.Y. 14170	8/31/2011
Joseph, Michelle M	255 Westfall Dr, Tonawanda, N.Y. 14150	6/30/2011
Kaplan, Amy L	81 Springville Ave Lower, Amherst, N.Y. 14226	6/30/2011
Kick, Michael R	121 South Lake Street, Hamburg, N.Y. 14075	11/30/2011
Kinnear, Jon P	12203 Townsend Rd, Springville, N.Y. 14141	7/31/2011
Kobus, Jonathan	786 S Division St, Buffalo, N.Y. 14210	7/31/2011
Korniczky, Jr, Joseph Z	260 Lakewood Pkwy, Amherst, N.Y. 14226	7/31/2011
Kraffert, Mary A	32 Miller Ave @3, Blasdell, N.Y. 14219	9/30/2011
Kregg, Amanda L	101 Chadduck Ave, Buffalo, N.Y. 14207	9/30/2011
Kruger, Kimberly A	1073 Creek Rd, Attica, N.Y. 14011	6/30/2011
Kroe, Scott A	2977Lockport-Olcott Rd, Newfane, N.Y. 14108	6/30/2011
LaBella, Rachel E	1 Crestwood Apt. 3, Buffalo, N.Y. 14216	10/31/2011
LaPlante, Andrew J	155 Wheatfield Street, North Tonawanda, N.Y.	8/31/2010
Lindquist, Allen L	137 Walnut St, Gowanda, N.Y. 14070	11/30/2011
LoTempio, Rosanne	41 S Blosson Rd, Elma, N.Y. 14059	9/30/2011
Lucarelli, Robert A	39 Old Orchard Lane, Orchard Park, N.Y. 14127	7/31/2011
Malbaez, Katuska	402 Witmer Rd, North Tonawanda, N.Y. 14120	7/31/2011
Manning, Patrick S	1913 Marjorie Dr, Grand Island, N.Y. 14072	8/31/2011
Marek, Kenneth P	2950 Bullis Rd, Elma, N.Y. 14059	7/31/2010
Marshall, Matthew E	3086 George Urban Blvd Apt 2, Depew, N.Y. 14043	9/30/2011
Marshall, Timothy P	4745 Broadway, Depew, N.Y. 14043	3/31/2010
Masullo, Laura A	7815 Lakeshore Rd, Angola, N.Y. 14006	10/31/2011
Mazurowski, Thomas E	18 Cardy Lane, Depew, N.Y. 14043	10/31/2011
McGoldrick, Paul A	1991 Thomas Rd, Varysburg, N.Y. 14167	6/30/2011
McIntyre, Shawn M	5242 Randolph St, Sanborn, N.Y. 14132	8/31/2011
Miller, Matthew D	248 Norwood, Buffalo, N.Y. 14222	8/30/2011

<u>Name</u>	<u>Address</u>	<u>Expiration Date</u>
Moore, Timothy G	235 Oliver St Apt 1, North Tonawanda, N.Y. 14120	9/30/2011
Morse, Matthew R	10599 Elm Street, N Collins, N.Y. 14111	9/30/2011
Myers, Amanda M	1735 Caravelle Dr, Niagara Falls, N.Y. 14304	9/30/2011
Nelson, Richard R	36 Lake Ave, Lancaster, N.Y. 14086	9/30/2011
O'Mara, Steven D	382 Birchwood drive, Lockport, N.Y. 14094	8/31/2011
Perrott, Timothy R	33 Mumfort St Lower, Buffalo, N.Y. 14220	10/31/2011
Pomeroy, Albert S	19 Colombus Ave, Buffalo, N.Y. 14220	10/31/2011
Popiela, Sarah N	255 Saranac Avenue, Buffalo, N.Y. 14217	9/30/2011
Powell, Richard B	8 Robins Nest Ct, Lancaster, N.Y. 14086	9/30/2011
Raisor, Joel R	88 Rugby Road, upper, Buffalo, N.Y. 14216	10/31/2011
Rath, Gregory J	172 Berkshire Ave, Buffalo, N.Y. 14215	9/30/2011
Reed, Kristilynn	303 North St, Buffalo, N.Y. 14201	9/30/2011
Rostami, Vida	5430 East River Rd, Grand Island, N.Y. 14072	9/30/2011
Rutecki, Jason D	71 Yvonne Avenue, Cheektowaga, N.Y. 14225	9/30/2011
Schieber, Lawrence S	64 Lein Rd, West Seneca, N.Y. 14224	10/31/2011
Schrimmel, John R	44 Stream View, Lancaster, N.Y. 14086	7/31/2011
Servis, Elizabeth R	243 Crestwood - Lower, Buffalo, N.Y. 14216	8/31/2011
Sherman, Christopher B	2661 Youngstown Lockport Rd, Ransomville, N.Y.	7/31/2011
Shorter, Carl J	205 Oneida St, Buffalo, N.Y. 14206	7/31/2011
Stano, Douglas J	366 E Kirby St, Dexter, N.Y. 13634	8/31/2011
Steinbach, Joseph J	11 Harris Ct, Cheektowaga, N.Y. 14225	7/31/2011
Stiner, Jeffrey M	1650 98th St Apt 6, Niagara Falls, N.Y. 14304	7/31/2011
Tambacas, Connie	2859 Kulp Rd, Eden, N.Y. 14057	1/31/2011
Trzepakcz, Donald E Jr	61 Dellwood Dr, Ema, N.Y. 14059	10/31/2011
Vaarwerk, Stephanie M	29 Garfield St, Buffalo, N.Y. 14207	9/30/2011
Valle, Jose M	8421 Munson Ave, Niagara Falls, N.Y. 14304	10/31/2011
Ventura, Jennifer	PO Box 231, Glenwood, N.Y. 14069	9/30/2009
Weber, Eric Scott	2708 Niagara Falls Blvd, Niagara Falls, N.Y. 14304	5/31/2009
West, Tracy L	6738 West Hill Rd, Little Valley, N.Y. 14755	6/30/2011
White, Tiffany M	91 Ellen Dr, Rt, Cheektowaga, N.Y. 14225	9/30/2011
Williams, Alicia M	101 Chaddock Ave, Buffalo, N.Y. 14207	8/31/2011
Wolkiewicz, Ronald S	145 Heather Rd, Cheektowaga, N.Y. 14225	10/31/2011
Wood, James A	236 Main St Apt B, Arcade, N.Y. 14009	6/30/2011
Wood, Jason T	4548 Ardmore Ct, Blasdell, N.Y. 14219	10/31/2011
Young, Kimberly A	1188 Eden Evans Center Rd, Angola, N.Y. 14006	8/31/2011

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-677

### Renew Agreement With Rural Metro Medical Services, Inc.

**Sponsored By:** Councilmember Zydell, Councilmember Markel

WHEREAS, the Town of Cheektowaga and Rural Metro Medical Services, Inc. entered into an Agreement made as of January 1, 2008 for Pre-Hospital Emergency Services for ambulance services for emergencies when called into the Cheektowaga Dispatch Office; and

WHEREAS, such agreement initially expired on December 31, 2007, but contains a provision for renewal for two (2) one-year periods, upon the recommendation of the Emergency Medical Services Board (EMS Board) and approval by the Town; and

WHEREAS, by resolution dated May 15, 2008, this Town Board approved a one (1) year renewal of said agreement for 2008, and

WHEREAS, the EMS Board has recommended the approval of the second renewal of the aforementioned agreement for the calendar year 2009; and

WHEREAS, the Town Attorney's Office has prepared a Memorandum of Extension of Agreement for a one-year renewal; NOW, THEREFORE, BE IT

RESOLVED, that this Town Board approves the renewal of the aforementioned Agreement with Rural Metro Medical Services, Inc., for the calendar year 2009, under the terms and conditions set forth in said Agreement; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute the Memorandum of Extension of Agreement, subject to approval by the Town Attorney.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Richard Zydell, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski





## 8. RESOLUTION 2008-678

### Authorize Supervisor to Enter into an Intermunicipal Agreement

**Sponsored By:** Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) coordinates the activities of the Western New York Stormwater Coalition (WNYSC) in fulfilling New York State Stormwater Phase II Regulations which govern the operation of municipal separate storm sewer systems, AND

WHEREAS, the ECDEP has assumed the role of lead agency and has pursued grant funding to support the work of the WNYSC since its inception; AND

WHEREAS, the Town of Cheektowaga is a member of the WNYSC; AND

WHEREAS, the New York State Department of State solicited applications for projects that target shared services through its 2008-2009 Local Government Efficiency Grant Program; AND

WHEREAS, the ECDEP, in cooperation with the WNYSC, has prepared a grant application for an Outfall Inspection and Illicit Discharge Track Down Project Proposal; AND

WHEREAS, the required local match of 10% will be provided by the WNYSC members annual membership fees; AND

WHEREAS, the co-applicants to this application are the members of the WNYSC: Village of Alden, Town of Alden, Town of Amherst, Village of Angola, Town of Aurora, Village of Blasdell, Town of Boston, Buffalo Sewer Authority, Town of Cheektowaga, Town of Clarence, Village of Depew, Village of East Aurora, Town of Eden, Town of Elma, Town of Evans, Town of Grand Island, Town of Hamburg, Village of Hamburg, Village of Kenmore, City of Lackawanna, Village of Lancaster, Town of Lancaster, Village of Orchard Park, Town of Orchard Park, Village of Sloan, City of Tonawanda, Town of Tonawanda, Town of West Seneca, Village of Williamsville, Town of Cambria, Village of Lewiston, Town of Lewiston, Town of Niagara, Niagara Falls Water Board, City of North Tonawanda, Town of Pendleton, Town of Porter, Town of Wheatfield, Village of Youngstown, County of Erie, County of Erie - Sewer District #6, County of Niagara, Buffalo and Fort Erie Peace Bridge Authority, State University of New York at Buffalo; NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga be and hereby authorizes the ECDEP to submit an application to the Local Government Efficiency Grant Program for the aforesaid project proposal for the 2008-2009 funding year; AND, BE IT FURTHER

RESOLVED, that Chris Collins, Erie County Executive, is the Lead Applicant Contact Person and is authorized to execute all financial and/or administrative processes relating to the grant program; AND, BE IT FURTHER

RESOLVED, that the required local match of 10% to be provided by the Town of

Cheektowaga will come from its membership in the WNYSC and the annual membership fee it pays; AND, BE IT FURTHER

RESOLVED, that upon approval of said grant request, the Town Supervisor be and is hereby authorized to enter into an Intermunicipal Agreement where the shared services of the proposed project are listed in detail with the co-applicants.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 9. RESOLUTION 2008-679

### Youth & Recreation Terminations

**Sponsored By:** Councilmember Zydel, Councilmember Rogowski

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

Michael O'Mara	Never worked	14225
Megan Panus	Never worked	14225
Timothy Zielinski	Never worked	14227

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the reading of names for Resolution 2008-679 and 2008-680. Motion Carried.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Richard Zydel, Councilmember  
**SECONDER:** James Rogowski, Councilmember  
**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 10. RESOLUTION 2008-680

### Hire/Termination Part-Time/Seasonal Employees

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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

**SANITATION DEPARTMENT**

Jonathan Biller  
Effective 11/28/08

Cory Herr  
Effective 11/28/08

Keith Pheasant  
Effective 11/28/08

Keith Piatek  
Effective 12/06/08

**BUILDINGS AND GROUNDS DIVISION**

John Gorski  
Effective 11/03/08

Brandon Morris  
Effective 11/03/08

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Swiatek, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 11. RESOLUTION 2008-681

### Reappointment of Civil Officers

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, pursuant to Section 20(1)(a) of the Town Law of the State of New York, this Town Board has the authority to appoint civil officers which possess the powers and duties of Constables in civil actions and proceedings, and

WHEREAS, The Town has a police department duly established pursuant to law, and

WHEREAS, there is a need to appoint civil officers to assist landlords with eviction proceedings initiated in the Cheektowaga Justice Court, and

WHEREAS, the Town Board of the Town of Cheektowaga, a duly constituted Town of the First Class, by resolutions dated March 5, 2007 and May 21, 2007, appointed Frank Krisnosky and Walter Geising (of Esquire Process Service, LLC) as civil officers of the Town of Cheektowaga possessing the powers and duties of a constable in civil actions and proceedings only for terms expiring on December 31, 2008, and

WHEREAS, the appointment of civil officers has been well-received by the residents of the Town of Cheektowaga and has proved to be beneficial to the Town; and

WHEREAS, the aforesaid civil officers have requested that their appointments be renewed for a three (3) year term, 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, and Walter Geising of Esquire Process Service, LLC, 43 Brinker Road, Lackawanna, New York 14218, be and hereby are re- appointed as civil officers of the Town, possessing all the powers of a constable in civil actions and proceedings only for a term expiring on December 31, 2011; and BE IT FURTHER

RESOLVED, that said Civil Officers shall be paid no salary but shall be entitled to collect the statutory fees allowed by law in such civil actions and proceedings.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 12. RESOLUTION 2008-682

### Reappointment of Member of Board of Assessment Review

**Sponsored By:** Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the term of Andrew H. Schwenk as member of the Board of Assessment Review for the Town of Cheektowaga expired on September 30, 2008 , and

WHEREAS, Andrew H. Schwenk requested reappointment to said Board, and

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

RESOLVED, that Andrew H. Schwenk be and hereby is reappointed to the position of member of the Cheektowaga Board of Assessment Review, effective immediately and terminating on September 30, 2013.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 13. RESOLUTION 2008-683

### Travel Authorization Police Department (Lieutenant Scott Prell)

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the seminar entitled "Ethics: Train the Trainer" is being held January 13-15, 2009 in White Plains, New York; AND

WHEREAS, Lieutenant Scott Prell 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 \$1,823.46; AND

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

RESOLVED, that Lieutenant Scott Prell be and hereby is authorized to attend the seminar entitled "Ethics: Train the Trainer" being held January 13-15, 2009 in White Plains, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

### V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following Resolutions. Motion carried.
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## 1. RESOLUTION 2008-684

### Award of Bid - Snow and Ice Removal from Vacant/Unmaintained Properties

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties for the Office of Building Inspections, Housing & Neighborhood Preservation Division, which bids were duly received and opened on December 10, 2008 by the Town Clerk; and

WHEREAS, said bids were referred to the Supervising Code Enforcement Officer and Town Attorney for analysis, tabulation and report, and

WHEREAS, the Supervising Code Enforcement Officer and Town Attorney recommend that the contract for Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties be awarded to Benson Site Services, Inc., 5 Old Indian Road, Cheektowaga, New York, 14227, for its submission of the lowest bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Furnishing Equipment and Operators for the Removal of Snow and Ice from Public Sidewalks Adjoining Vacant Land and Unmaintained Properties be and hereby is awarded to Benson Site Services, Inc. for the bid prices listed in its proposal, being the lowest responsible bid meeting the requirements of the specifications for said bid item; and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Benson Site Services, Inc. for the aforesaid service.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 2. RESOLUTION 2008-685

### Award of Bid - Grass Cutting and Landscape Work on Vacant and Unmaintained Properties

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant Land and Unmaintained Properties for the Office of Building Inspections, Housing & Neighborhood Preservation Division, which bids were duly received and opened on December 10, 2008 by the Town Clerk; and

WHEREAS, said bids were referred to the Supervising Code Enforcement Officer and Town Attorney for analysis, tabulation and report, and

WHEREAS, the Supervising Code Enforcement Officer and Town Attorney recommend that the contract for the Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant Land and Unmaintained Properties be awarded to Benson Site Services, Inc., 5 Old Indian Road, Cheektowaga, New York, 14227, for its submission of the lowest bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Furnishing Equipment and Operators for Grass Cutting and Landscape Work on Vacant Land and Unmaintained Properties be and hereby is awarded to Benson Site Services, Inc. for the bid prices listed in its proposal, being the lowest responsible bid meeting the requirements of the specifications for said bid item; and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Benson Site Services, Inc. for the aforesaid service.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



### 3. RESOLUTION 2008-686

## Negative SEQR Declaration- Local Law for Site Plan Review

**Sponsored By:** Councilmember Kaznowski, Councilmember Markel

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 an amendment to the Zoning Law of the Town of Cheektowaga, establishing a procedure and standards for site plan review , AND

WHEREAS, the Environmental Advisory Committee at its meetings held on September 3, 2008 recommended a determination of non-significance as shown on the attached memorandum dated September 4, 2008, 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:**

EAC-September 3, 2008 minutes (PDF)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Stanley Kaznowski, Councilmember
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



**4. RESOLUTION 2008-687**

**Adopt Local Law No. 12 of the Year 2008 - a Local Law to Amend the Zoning Law Relating to Site Plan Approval**

**Sponsored By:** Councilmember Markel, Councilmember 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 Town of Cheektowaga previously retained Wendel Duchscherer Architects and Engineers to prepare a comprehensive plan for the future development of the Town of Cheektowaga, and

WHEREAS, the Building Inspections Department and Town Attorney, in reviewing the existing Zoning Law, have recommended that this Town Board enact revisions to the Zoning Law to clarify and amend the Town's requirements for site plan approval in the Town, and

WHEREAS, a draft of such amendment was prepared by the Building Inspections Office, and

WHEREAS, a public hearing was held on the 18th day of August, 2008 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Amend the Zoning Law Relating to Site Plan Approval", and

WHEREAS, it is in the public interest to adopt "A Local Law to amend the Zoning Law Relating to Site Plan Approval", NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 12 of the Year 2008, entitled "AA Local Law to Amend the Zoning Law Relating to Site Plan Approval", 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. 12 of the Year 2008 shall take effect immediately upon filing with the Secretary of State

\*\*\*\*\*

**Town of Cheektowaga  
Local Law No. 12 of the Year 2008  
A Local Law to Amend the Zoning Law Relating to Site Plan Approval**

**§ 260-47.1 Site Plan Approval: Purpose.**

- A. The purpose of these regulations is to enable the Town to control the placement of buildings, accessory structures, and ancillary improvements so that they do not impact neighboring land uses or negatively impact the surrounding community. The implementation of these requirements

further the public health, safety and general welfare of the community by allowing the reviewing body to restrict the number, size and location of vehicular access points along all roads; require buffering of incompatible land uses; require adequate aesthetic enhancements in the form of soft and hard landscaping features; and require buildings to have architectural features which are consistent with human scale and/or require architectural styles that are consistent or reflective of the surrounding community. These provisions also establish a requirement to preserve open space within multifamily residential or manufactured housing parks for recreational opportunities or permit the Town to accept monies in lieu of providing such open space, for the creation of recreational opportunities elsewhere in the community.

#### **B. Applicability.**

1. Prior to the development of land for commercial or manufacturing activities, the expansion and/or relocation of existing commercial and manufacturing activities, the excavation of one or more acres of land, the quarrying or extracting of sand and gravel from a parcel of land (or a portion of a parcel of land) from a parcel (or portion thereof) that has not heretofore been quarried or had sand and gravel extracted from it, a change in use from one permitted use to another permitted use and/or the intensification of an existing land use, the developer/owner must submit a site plan to the Town of Cheektowaga which site plan must be reviewed and approved by the Town Board. Commercial activities under this section shall also include the construction of multifamily dwellings and/or manufactured homes.
2. The following activities do not require site plan approval:
  - a. The construction, alteration or addition to a one or two family dwellings and their customary accessory structures on individual lots.
  - b. Exterior alterations or additions to existing commercial structures which are less than 500 square feet in area.

#### **C. Approval Authority.**

The authority to approve site plans shall be vested with the Town Board. The Planning Board shall receive and review all site plans required by this article and shall offer a recommendation to the Town Board on the adequacy of the proposed site plan, consistent with the provisions of this article and consistent with their duties pursuant to chapter 26 of the Town Code.

1. Actions which are deemed to be major as defined below shall also be referred to the following advisory committees for a recommendation to the Town Board:
  - a.) The Town Environmental Advisory Committee (EAC) pursuant chapter 107 of the Town Code;
  - b.) The Traffic Safety Commission pursuant to chapter 36 of the Town Code;
  - c.) The Conservation Advisory Council pursuant to chapter 9 of Town Code

**D. Minor and Major Actions.**

1. All commercial activities requiring site plan approval shall be classified by the Code Enforcement Officer or his/her designee as either a minor or major action. Minor actions are those which are listed as type II SEQR Actions pursuant to section 617.4 of State Environmental Quality Review Act and not excluded pursuant to section 260-47.1B.2 of this section.
2. Major actions shall be defined as those activities which are Unlisted and Type One actions pursuant to 617.4 of the State Environmental Quality Review Act .
3. The Code Enforcement Officer may also classify an action as a major action, requiring recommendations from the Town's Advisory Committees as listed in section 260-47.1C1. above, if the Code Enforcement Officer believes that a proposed action may have potential significant impacts on the surrounding community.

**E. Review and Approval Procedure.**

Prior to a building permit being issued or construction commencing for an activity which requires site plan approval, a development review application shall be submitted to the Code Enforcement Officer or his/her office for site plan approval.

1. All minor and major actions shall require a pre-application meeting to be held with the Office of Building Inspections and the applicant prior to the preparation and submission of a formal site plan . The intent of the meeting is to inform the applicant of the Town submittal requirements and review a site plan for conflicts prior to the preparation of a detailed site plan. Pre-application meetings may also be done via telephone/e-mail through the submittal of an electronic filing. The applicant shall provide the following with his /her written request for a pre-application meeting. All electronic filings for pre-application meetings must be provided in pdf format and include :
  - a. A project statement indicating the proposed use and/or changes (if an addition to an existing facility).
  - b. A rough sketch (to scale), showing the locations and dimensions of principal and accessory structures, parking areas, vehicular ingress and egress points, proposed signage, existing and proposed vegetation, any other proposed exterior site features; anticipated changes in topography and natural site features including, floodplains, floodways and/or regulated wetlands or water bodies.
  - c. A general location map which places the site in context with the

- surrounding streets, right of ways, easements and other pertinent features.
- d. A boundary survey prepared by a NYS Licensed Land Surveyor reflective of current conditions.
2. Following a pre-application meeting, a formal development review submittal shall be submitted to the Code Enforcement Officer or his/her designee with the specified number of copies of the site plan, showing all of the information required on the Town development review checklist as deemed necessary (as discussed during the pre-application meeting).
  3. In addition to the information indicated on the development review application, the Town Environmental Advisory Committee may also request that the applicant prepare studies to demonstrate that potential impacts (including but not limited to: traffic, storm drainage, noise, air and water quality, vibration, odor, cultural resources and natural resources) will be mitigated and/or avoided as required pursuant to the provisions of the State Environmental Quality Review Act (SEQRA).
  4. In addition to the filing fee for a development approval request, the Town shall be reimbursed for any costs the Town reasonably incurs for professional assistance or other extraordinary expense in connection with the review of a proposed site plan. Such reimbursable costs will be a charge associated with the site plan review, in addition to the aforesaid site plan filing fee. In the event that the Town Board, as lead agency under the relevant provisions of the State Environmental Quality Review Act (SEQRA) shall be entitled to collect fees and costs under 6 NYCRR §617.13 for preparing or reviewing a draft and/or final environmental impact statement (EIS), the fees and costs collected under this section of the Town Code shall be applied in full against what SEQRA permits the Town Board to charge as fees and costs.

#### F. Standards for Review.

The Town Board's review of the site plan shall include, as appropriate, the following general considerations:

1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking, loading and drive thru lane stacking.
4. Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walks and walkway structures, control of intersections with vehicular traffic and overall pedestrian mobility and convenience.

5. Adequacy of storm water and drainage facilities.
6. Adequacy of water supply and sewage disposal facilities.
7. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between adjoining lands, including the maximum retention of existing vegetation.
8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
9. Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
10. The effects of vibration.
11. Mitigating air pollution and objectionable odors.
12. The quality of surface water and sewered discharges.
13. Overall impact on the neighborhood including compatibility of design considerations and consistency with the Town's Comprehensive Plan.
14. The provision of open space within multifamily and manufactured home parks for the recreational needs of the residents of such developments.

#### **G. Open Space for Recreation.**

The Town may require the provision of open space up to a maximum of thirty (30) percent of a development site within proposed multifamily developments, mixed use developments which have dwelling units and within proposed manufactured home parks to provide for the recreation needs of the residents of such developments. The Town may also accept, in lieu of such open space, monies to provide recreational opportunities elsewhere in the community.

#### **H. Referral to Town Planning Board .**

1. Within sixty-two (62) days of receipt of a development review application for site plan approval, the Planning Board shall schedule a public meeting with the applicant and render a recommendation to the Town Board. In its recommendation, the Planning Board shall recommend the approval, disapproval or approval of the site plan with modifications. Any recommendation rendered shall be in writing and based on evidence of the proceedings and based on information contained within the site plan submittal. The recommended decision of the Planning Board shall be filed in the Office of the Town Clerk within five business days of the date of the Planning Board letter of recommendation being prepared and a copy shall be mailed to the applicant by the Secretary of the Planning Board.
2. The failure of the Planning Board to act within sixty two (62) days

of receipt of a site plan application, shall be deemed a recommendation for the approval of the site plan as submitted. The time period within which the Planning Board shall render a recommendation may be extended by mutual consent of the applicant and the Planning Board. If requested by the applicant, the applicant shall make a written request to extend the time frame to the Planning Board prior to the expiration of the initial 62 day review period.

#### **I. Town Board Decision.**

The Town Board shall approve, deny or approve with modifications the site plan submitted to the Planning Board. The time frames for rendering a decision by the Town Board, as mandated pursuant to the State Environmental Quality Review Act (SEQRA), shall be observed in addition to the time frames allowed for this section.

#### **J. Failure to Obtain Site Plan Approval.**

Failure of an applicant to obtain site plan approval prior to commencing an activity requiring site plan approval under this law, or prior to the use or occupancy of land and structures in a manner that requires site plan approval under this law, shall be considered a violation punishable by the provisions of section 260-72A. of this chapter. In addition, the use or occupancy of land and structures without a site plan approval required under this law shall be subject to enforcement proceedings, including but not limited to injunction, as permitted H:\Building Inspections Dept\site plan review law final.docH:\Building Inspections Dept\site plan review law final.doc under the New York Town Law §268.

#### **K. Severability.**

If any provision of this site plan review law or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this site plan review law or the application to other persons and circumstances.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski





## 5. RESOLUTION 2008-688

### Notice to Bidders: 2009 Portable Chemical Toilets

**Sponsored By:** Councilmember Rogowski, Supervisor Holtz

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 29th day of December, 2008 at 11:00 AM Eastern Standard Time 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 December 29, 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 2009.

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.

Alice Magierski  
Town Clerk

Date: December 15, 2008

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Mary Holtz, Supervisor
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 6. RESOLUTION 2008-689

### Approve STOP-DWI Agreement with Erie County for 2008-2010

**Sponsored By:** Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the County of Erie, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law of the State of New York, has established a special options program for driving while intoxicated ("STOP-DWI"), and

WHEREAS, said program provides for the coordination of county, town, city and village efforts to reduce alcohol-related traffic accidents, including improvements in law enforcement and adjudication, increased education and other related activities, and

WHEREAS, Erie County has prepared and submitted to the Town for its approval a STOP-DWI Contract for calendar years 2008-2010, and

WHEREAS, the Town of Cheektowaga is interested in availing itself of funding under the STOP-DWI program and is also desirous of coordinating its efforts to reduce alcohol-related traffic injuries and fatalities with the County of Erie, NOW, THEREFORE, BE IT

RESOLVED, that the Town of Cheektowaga enter into the STOP-DWI Agreement which commences on January 1, 2008 and terminates on December 31, 2010 with the County of Erie concerning its STOP-DWI program, and BE IT FUTRHER

RESOLVED, tat the Supervisor be and hereby is authorized and directed to execute four (4) copies of the STOP-DWI Agreement and any and all other papers necessary to implement the terms of this Agreement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	James Rogowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



## 7. RESOLUTION 2008-690

### Authorize Supervisor to Execute Agreement with Stereo Advantage, Inc.

**Sponsored By:** Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga is the owner of the Recreation Center located at 2600 Harlem Road in Cheektowaga Town Park, and

WHEREAS, the Town Ice Rink is located in the Recreation Center, and

WHEREAS, Stereo Advantage, Inc. has proposed to give the Town flat-screen television sets, a VCR/DVD unit, and other materials and labor necessary to install such equipment at the Recreation Center, in exchange for dasher board advertising space and advertising on the Zamboni machine for five (5) years, and

WHEREAS, the Town Attorney's Office has prepared a License Agreement to memorialize the above referenced terms, NOW, THEREFORE, BE IT

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Rogowski, Councilmember
<b>SECONDER:</b>	Richard Zydel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

## **VI. Communications**

### ***A. Departmental Communications***

1. Supervisor's Statement of Funds - October 2008
2. Building Permits - November 2008
3. Minutes - Cheektowaga Planning Board - November 13, 2008
4. Minutes - Cheektowaga Traffic Safety Commission - November 18, 2008

### ***B. General Communications***

1. Notice of Claim: William Baker Vs. Town of Cheektowaga
2. Notice of Claim: Carol A. Giza Vs. Town of Cheektowaga

## **VII. Comments**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

### ***C. Public Comments***

## **VIII. Adjournment**

Motion by by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:25 pm.

# The Town of Cheektowaga



- Office of Building and Plumbing Ins ons  
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 Mary F. Holtz  
Honorable Town Board Members  
Alice Magierski, Town Clerk  
Kevin Schenk, Town Attorney

FROM: Thomas Adamczak  
Supervising Code Enforcement Officer

DATE: September 4, 2008

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on September 3, 2008 in the Town Hall Council Office Conference Room. All members present.

**ITEM I Bennett Road - Proposed Rezoning to RSC for Senior Citizens Townhouses**

**Applicant: Elderwood Associates**

The Planning Board has recommended approval of the project. The hold up has been with the wetlands determination by the U.S. Army Corp of Engineers. A small amount of wetlands has been found on the site and the consultant had suggested that they were non jurisdictional. The local branch of the U.S. Army Corp of Engineers has looked at this and by e-mail indicated that this would be considered non jurisdictional; however, the Washington office must make the final determination or concur with their opinion. This may take some time to obtain.

The applicant is interested in getting the site ready for const ruction but realizes that no tree cutting can occur until the U.S. Army Corp of Engineers provides a written approval.

The committee would recommend that the Town Board issue a Negative Declaration for this project subject to a written U.S. Army Corp of Engineers signoff on the project and a letter from the applicant indicating that no tree removal or other work will begin until that written signoff is received.

EAC – September 3, 2008  
 September 4, 2008  
 Page: 2

**ITEM II      4039 Genesee Street      -      Proposed Rezoning from M-1 to C for a  
 6-Story Hotel**

**Applicant:      Oxford Development Company / Hyatt Place Hotel**

The proposal is to construct a 6-story, 127 room hotel with parking for a 152 vehicles. The hotel will be located behind the Holiday Inn on Buell in what is presently a large open parking lot for the Concourse Center warehouse. At a previous meeting the committee expressed concerns regarding the driveway access and traffic interaction between hotel traffic and warehouse traffic. This will be reviewed at this months Traffic Safety Committee meeting. In addition the Budget Rent-A-Car driveway on Buell must be plotted. Some further suggestions for traffic related items will include stop signs, a better pedestrian access with sidewalks located in front of stop bars.

The landscaping and drainage plans have not been finalized as they are still on the drawing boards.

The committee would recommend that the Town Board hold a public hearing to solicit further input on the proposed hotel. A EAC recommendation will be subsequent to such hearing.

**ITEM III      1130-1180 French Road      -      Proposed 14,550 Sq. Ft. Walgreens**

**Applicant:**

The Traffic Safety Commission has recommended approval of the site plan; however, they note that there is a conflict with the new drive thru regulations. This would require a hearing before the Town Board and their approval for the variance to the regulations. At the present time the driveway for Borden Road is too close to the intersection of French and Borden and the location of the driveway on French Road must be verified to determine it is too close to the intersection.

The Planning Board has recommended approval of the landscaping and site plan for the project.

The Town Engineer indicated that further redesign must occur along the north property line to provide access and an easement for the Town to access Slate Bottom Creek when necessary. This would mean moving the landscaping and fences further south closest to the building and away from the creek.

The committee would recommend a Negative Declaration be issued by the Town Board and the Town Board schedule a hearing for the drive thru variances and that any approval be granted subject to the providing of an easement along Slate Bottom creek and access to said easement.

EAC – September 3, 2008

September 4, 2008

Page: 3

**ITEM IV Zoning Law Amendment for Site Plan Approval**

**Applicant: Town of Cheektowaga Building Department**

The amendment had a public hearing before the Town Board and comments had been received from various reviewing groups. The committee has added specifically the other advisory groups that normally review plans. The Zoning Officer will look at the amendment one more time with the Town Attorney and the committee would recommend a Negative Declaration be issued subject to the final version being approved by the Town Attorney.

**ITEM V New Local Law for Wireless Telecommunication Facilities**

**Applicant: Town of Cheektowaga Law Department**

The proposal will further identify telecommunication facilities that must be reviewed by the Town and its consultant. It further strengthens the language on maintenance of these facilities and provides better control for the Town in determining siting and “looks” of the tower and antennae.

The committee would recommend that a Negative Declaration be issued for this proposal of the law.

THE NEXT MEETING OF THE  
ENVIRONMENTAL ADVISORY  
COMMITTEE MEETING WILL BE  
HELD WEDNESDAY,  
SEPTEMBER 24, 2008  
AT 10:00 A.M.  
IN THE COUNCIL OFFICE  
CONFERENCE ROOM



# Town of Cheektowaga

## Work Session

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Tuesday, December, 23, 2008

6:00 PM

Council Office

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## I. Call to Order

6:00 PM Meeting called to order on December 23, 2008 at Council Office, Conference Room, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Absent	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Present	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

## II. Resolutions





## 1. RESOLUTION 2008-691

### Support for Inclusion of 2777 Walden Avenue in Buffalo Empire Zone

**Sponsored By:** Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

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, API Heat Transfer, Inc. headquartered at 2777 Walden Avenue, 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 and exporting 100 percent of its product outside the County of Erie and 99.7 percent out of New York State, and

WHEREAS, on December 23, 2008, the City of Buffalo Common Council resolved to amend the City of Buffalo Empire Zone for Empire Zone designation for API Heat Transfer, Inc. in the Town of Cheektowaga for a Regionally Significant Project, and

WHEREAS, the Town of Cheektowaga wishes to support and concur with the City of Buffalo's designation of 2777 Walden Avenue, SBL Number 103.14-2-20.11, 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 2777 Walden Avenue, SBL Number 103.14-2-20.11, in the Town of Cheektowaga, into the Buffalo Empire Zone.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz



## 2. RESOLUTION 2008-692

### Amendment to Resolution Dated February 23, 2004

**Sponsored By:** Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

WHEREAS, on February 23, 2004, the Cheektowaga Town Board adopted a resolution requiring contractors for public works projects having certain monetary thresholds to have apprenticeship agreements in accordance with Article 23 of the Labor Law of the State of New York, and

WHEREAS, due to the increase in the cost of materials and labor, and the fact that fewer contractors on smaller projects have apprenticeship programs, this Town Board desires to increase the lower limits for public works projects which would require contractors to have apprenticeship programs, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated February 23, 2004 be and hereby is amended to provide that the lower threshold monetary limit for "construction contract", as defined in said resolution, shall be increased to \$1,000,000, and BE IT FURTHER

RESOLVED, that this resolution shall be effective immediately.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	Patricia Jaworowicz

### III. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to adjourn the meeting.  
Motion Carried.



# Town of Cheektowaga

## Special Meeting

~ Minutes ~

3301 Broadway  
Cheektowaga, NY 14227  
<http://www.town.cheektowaga.ny.us>

Alice Magierski  
716-686-3400

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Monday, December, 29, 2008

6:00 PM

Council Chambers

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## I. Call to Order

6:00 PM Meeting called to order on December 29, 2008 at Council Chambers, 3301 Broadway St, Cheektowaga, NY.

Attendee Name	Organization	Title	Status	Arrived
Mary Holtz	Town of Cheektowaga	Supervisor	Present	
Patricia Jaworowicz	Town of Cheektowaga	Councilmember	Present	
Jeff Swiatek	Town of Cheektowaga	Councilmember	Present	
James Rogowski	Town of Cheektowaga	Councilmember	Absent	
Richard Zydel	Town of Cheektowaga	Councilmember	Present	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

### 2. Additional Attendees

William Pugh, Town Engineer  
Anthony Romano, Coordinator of Employee Relations  
Kevin Schenk, Town Attorney  
Christine Ziemba, Chief of Police

## II. Public Comment Period

## III. Resolutions



## 1. RESOLUTION 2008-693

### Transfer of Funds

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following transfer is hereby approved and made a part hereof;

**GENERAL FUND**

FROM:	100.1010.1990	Other Pay	\$	518.00
	100.1355.4082	Conferences & Seminars		573.00
	100.1420.1911	Longevity		116.00
	100.1420.4501	Contracted Legal		1,500.00
	100.1430.1931	Vacation Sellback		420.00
	100.1430.4088	Travel Training & Conferences		140.00
	100.1440.1932	Sick Sellback		.10
	100.1440.1901	Other Pay		600.00
	100.1440.4191	Misc. Expenses		361.00
	100.1625.1971	Part-Time Regular		9,047.00
	100.1640.1902	Overtime Payroll		965.00
	100.1680.4088	Travel Training & Conferences		1,249.00
	100.1680.4146	Outsourcing Services		2,032.00
TO:	100.1010.1931	Vacation Sellback	\$	518.00
	100.1355.4431	Maintenance Agreement		573.00
	100.1420.1931	Vacation Sellback		116.00
	100.1420.4001	Office Supplies		1,500.00
	100.1430.1911	Longevity		420.00
	100.1430.4752	Pre-Employment Physical		140.00
	100.1440.1931	Vacation Sellback		.10
	100.1440.1990	Other Pay		600.00
	100.1440.4325	Copy Machine Supplies		361.00
	100.1625.1951	Seasonal Regular		9,047.00
	100.1640.1914	Shift Differential		965.00
	100.1680.4001	Office Supplies		1,000.00
	100.1680.4206	Internet Services		249.00
	100.1680.4431	Hardware Maintenance		2,032.00

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 2. RESOLUTION 2008-694

### Warrant

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

**BE IT RESOLVED**, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 26, 2008 are hereby approved and made a part hereof;

GENERAL FUND	\$ 247,022.95
RISK RETENTION FUND	41,493.41
HUD HOUSING REHABILITATION FUND	7,210.00
SPECIAL DISTRICTS FUND	73,281.58
HIGHWAY FUND	59,564.96
CAPITAL FUND	126,253.55
TRUST & AGENCY FUND	1,797.04
HUD CDBG FUND	1,650.39
PART TOWN FUND	6,525.00
NYS AFFORDABLE HOUSING FUND	6,100.00
	<u>\$ 570,898.88</u>

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



3. RESOLUTION 2008-695

Call for Public Hearing for 2009 Community Development Block Grant Program Annual Plan

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town is eligible to receive approximately \$1,000,000 in Community Development Block Grant funds and approximately \$350,000 in Home Investment Partnership program funds for the 2009 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 2009 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 20, 2009 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, 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 Bee on Thursday, January 8, 2009.

\*\*\*\*\*

Notice of Public Hearing

Town of Cheektowaga FY 2009 Annual Plan

Community Development Block Grant/HOME Programs

A public hearing will be held on Tuesday, January 20, 2009 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, NY 14227 on the Town's Fiscal Year 2009 Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) Programs to obtain the views of citizens and interested parties on housing and community development needs in the Town and on the draft Annual 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 2009 CDBG and HOME Program funds. The Town is eligible to receive approximately \$1,000,000 in CDBG funds and approximately \$350,000 in HOME Investment Partnership Program funds from HUD in 2009. The Town estimates approximately \$200,000 in program income from its revolving housing

rehabilitation loan program and \$300,000 in economic development revolving business loan program income will be received. Those wishing to offer comments at the hearing are asked to also submit a written text, which may also be submitted 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 need such special arrangements, contact the Cheektowaga Community Development Office at 897-7200 at least seven (7) business days prior to the hearing. The hearing location is accessible to the physically disabled.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



4. RESOLUTION 2008-696

Notice to Bidders - Asbestos Survey for 1097 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga recently became the owner of a vacant dilapidated commercial building located at 1097 Walden Avenue, and

WHEREAS, the Town purchased this property from the Erie County auction in order to expedite demolition of this eyesore, and

WHEREAS, prior to demolition of this property, the Town needs to have an asbestos survey done to determine whether there is asbestos in the structure, and

WHEREAS, the Managing Housing Inspector of the Housing and Neighborhood Preservation Office has prepared a Notice to Bidders and Bid Specifications for this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Notice to Bidders and Bid Specifications for the asbestos survey, etc. for 1097 Walden Avenue, and BE IT FURTHER

RESOLVED, that the Town Clerk's Office be and hereby is directed to publish the attached Notice to Bidders in the CHEEKTOWAGA BEE, and BE IT FURTHER

RESOLVED, that Proposals for the Asbestos Survey, Specifications and Air Monitoring Services for 1097 Walden Avenue shall be due no later than January 15, 2009 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 January 15, 2009 at 11:00 a.m.

\*\*\*\*\*

NOTICE TO BIDDERS FOR ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES FOR PROPERTY LOCATED AT 1097 Walden Avenue, CHEEKTOWAGA

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga is seeking proposals from qualified contractors to prepare an asbestos survey for property located at 1097 Walden Avenue, Cheektowaga, New York. The contractor shall also submit quotes for Asbestos specifications for the demolition and air monitoring services during demolition if asbestos is found in this dwelling.

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on January 15, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York for said services.

Information to 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 proposal not prepared and submitted in accordance with the specifications, and may waive informalities and make an award to the vendor who, in its opinion, offers the best deal for the Town.

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

Dated: December 29, 2008

\_\_\_\_\_  
ALICE MAGIERSKI  
Town Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 5. RESOLUTION 2008-697

### Establish Salaries for Elected Officials

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, the salaries of the following Town officials be and hereby are established and set forth as follows, effective January 1, 2009:

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 6. RESOLUTION 2008-698

### Establish Salaries of Town Officials and Employees

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, the salaries of the following Town officials and employees who are not covered by any bargaining unit be and hereby are established and set forth as follows, effective January 1, 2009:

Police Chief	\$ 101,279
Town Engineer	\$ 85,326
Assistant Town Engineer	\$ 66,787
Director of Administration & Finance	\$ 81,659
Accountant	\$ 59,005
Assessor	\$ 78,797
Supervising Code Enforcement Officer	\$ 73,459
Executive Director Youth & Recreation	\$ 61,605
Town Attorney	\$ 76,353
Deputy Town Attorney (1)	\$ 42,231
Deputy Town Attorney - Prosecutors (2)	\$ 18,805
Clerk of Justice Court	\$ 49,872
Clerk to Town Justice	\$ 38,551
Director of Community Development	\$ 73,724
Council Office Clerk Steno	\$ 45,022
Administrative Assistant (Town Board)	\$ 45,022
Municipal Administrative Assistant Legal	\$ 45,802
Deputy Town Clerk	\$ 54,238
Deputy Receiver of Taxes	\$ 46,099
Deputy Superintendent of Highways	\$ 75,200
Director of Senior Services	\$ 61,605
Coordinator of Employee Relations	\$ 80,169
Employee Relations Administrative Clerk	\$ 48,320
Assistant to Supervisor	\$ 29,869
Principal Personnel Clerk	\$ 43,493

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 7. RESOLUTION 2008-699

### Establish Town Board Meeting Dates for 2009

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2009 shall be held at 6:45 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York on the following referenced dates:

- January 5<sup>th</sup> & 20<sup>th</sup>
- February 2<sup>nd</sup> & 23<sup>rd</sup>
- March 2<sup>nd</sup> & 16<sup>th</sup>
- April 6<sup>th</sup> & 20<sup>th</sup>
- May 4<sup>th</sup> & 18<sup>th</sup>
- June 1<sup>st</sup> & 15<sup>th</sup>
- July 6<sup>th</sup> & 20<sup>th</sup>
- August 3<sup>rd</sup> & 17<sup>th</sup>
- September 8<sup>th</sup> & 21<sup>st</sup>
- October 5<sup>th</sup> & 19<sup>th</sup>
- November 2<sup>nd</sup> & 16<sup>th</sup>
- December 7<sup>th</sup> & 21<sup>st</sup>

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 28, 2009 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 8. RESOLUTION 2008-700

### Establish Work Session Dates for 2009

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2009 at 6:00 P.M. on the following dates:

- January 13<sup>th</sup> and 27<sup>th</sup>
- February 12<sup>th</sup> & 24<sup>th</sup>
- March 10<sup>th</sup> & 31<sup>st</sup>
- April 14<sup>th</sup> & 28<sup>th</sup>
- May 12<sup>th</sup> & 26<sup>th</sup>
- June 9<sup>th</sup> & 30<sup>th</sup>
- July 14<sup>th</sup> & 28<sup>th</sup>
- August 11<sup>th</sup>
- September 1<sup>st</sup>, 15<sup>th</sup> & 29<sup>th</sup>
- October 13<sup>th</sup> & 27<sup>th</sup>
- November 10<sup>th</sup>
- December 1<sup>st</sup>, 15<sup>th</sup>, 22<sup>nd</sup> & 29<sup>th</sup>

, 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.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 9. RESOLUTION 2008-701

### EstablishTown Holidays for 2009

**Sponsored By:** Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2009:

New Year's Day	January 1, 2009	Thursday
Martin Luther King, Jr. Day	January 19, 2009	Monday
President's Day	February 16, 2009	Monday
Good Friday	April 10, 2009	Friday
Memorial Day	May 25, 2009	Monday
Independence Day	July 3, 2009	Friday
Labor Day	September 7, 2009	Monday
Columbus Day	October 12, 2009	Monday
Election Day	November 3, 2009	Tuesday
Veterans Day	November 11, 2009	Wednesday
Thanksgiving Day	November 26, 2009	Thursday
Day After Thanksgiving	November 27, 2009	Friday
Christmas Eve	December 24, 2009	Thursday
Christmas Day	December 25, 2009	Friday
New Year's Day	January 1, 2010	Friday

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 10. RESOLUTION 2008-702

### Authorization to Attend 2009 Association of Towns Training School and Annual Meeting

**Sponsored By:** Supervisor Holtz, Councilmember Markel

WHEREAS, the Association of Towns of the State of New York Year 2009 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 15th - 18th, 2009; 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 2009 Training School and Annual Meeting of the Association of Towns, and payments for expenses incurred by said individuals shall be appropriated from the following respective budget lines:

<u>Official/Employee Authorized to Attend</u>	<u>Budget Line Item No.</u>
Town Supervisor Mary F. Holtz	100.1220.4088
Town Clerk Alice Magierski	100.1410.4088
Town Engineer William Pugh	100.1440.4088
Town Attorney Kevin G. Schenk	100.1420.4088
Councilmember Richard Zydel	100.1010.4088
Councilmember Charles Markel	100.1010.4088
Director of Administration and Finance Brian M. Krause	100.1315.4088
Town Judge Thomas S. Kolbert	100.1110.4088
Town Judge James Vallone	100.1110.4088
Superintendent of Highways Mark Wegner	300.5130.4087
Clerk to Justice Court Stephanie Lewandowski	100.1110.4088

and BE IT FURTHER

RESOLVED, that the Supervisor and/or the Deputy Supervisor/Councilmember Jeff Swiatek 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 above referenced budget line numbers.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mary Holtz, Supervisor
<b>SECONDER:</b>	Charles Markel, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski



## 11. RESOLUTION 2008-703

### Authorize Supervisor to Execute Agreement with Budget Rent a Car of Buffalo

**Sponsored By:** Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Cheektowaga Police Department occasionally is in need of four-wheel drive vehicles in the event of snow or other emergencies, and

WHEREAS, Budget Rent a Car of Buffalo has submitted a proposal to provide these vehicles to the Cheektowaga Police Department at a substantially reduced cost, and

WHEREAS, Budget Rent a Car has, in the past, made such vehicles available to the Cheektowaga Police Department, and the Police Department has been very satisfied with said vehicles, and

WHEREAS, moneys have been appropriated in the Cheektowaga Police Department budget for this purpose, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with Budget Rent a Car of Buffalo for the leasing of said four-wheel drive vehicles by the Police Department in the event of snow or other emergencies.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Jaworowicz, Councilmember
<b>SECONDER:</b>	Jeff Swiatek, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski





## 12. RESOLUTION 2008-704

### Unsafe-Unsecured / 17 Fath Drive

**Sponsored By:** Councilmember Markel, Councilmember Kaznowski

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Markel, Councilmember
<b>SECONDER:</b>	Stanley Kaznowski, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski

**13. RESOLUTION 2008-705****Youth & Recreation Hire**

**Sponsored By:** Councilmember Zydel, Councilmember Swiatek

BE IT RESOLVED that the following individual be and hereby is hired, as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Attendant - 7140.1654 & 7140.1633 - Regular Part Time - \$8.25  
Timothy Isch 14225

Motion by Supervisor Holtz; Seconded by Councilmember Markel to waive the Reading of Names for Resolutions 2008-705 and 2008-706. Motion Carried.

**RESULT:**         **ADOPTED [UNANIMOUS]**  
**MOVER:**         Richard Zydel, Councilmember  
**SECONDER:**     Jeff Swiatek, Councilmember  
**AYES:**           Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski  
**ABSENT:**         James Rogowski



## 14. RESOLUTION 2008-706

### Part-Time/Seasonal Appointment/Termination

**Sponsored By:** Councilmember Swiatek, Supervisor Holtz

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 (Buildings & Grounds Division) Laborer \$7.75/hour  
William Lauber, Cheektowaga, NY  
Effective 1/01/09

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 (Buildings & Grounds Division) Laborer \$8/hour  
Michael Ivansitz, Depew, NY  
Effective 1/01/09

BUILDING AND PLUMBING DEPARTMENT (Neighborhood Preservation)  
Zoning Inspector \$12.25/hour  
Joseph Kopera, Cheektowaga, NY  
Effective 1/06/09

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

PARKS DIVISION  
Kyle Lackie  
Effective 10/03/08

Adam Nikel  
Effective 10/01/08

Donald R. Larkman  
Effective 10/16/08

SEWER MAINTENANCE DIVISION  
David Loshiavo  
Effective 12/31/08

BUILDINGS & GROUNDS DIVISION  
William Lauber  
Effective 12/31/08

## SANITATION DEPARTMENT

Joseph Kopera

Effective 12/31/08

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Jeff Swiatek, Councilmember  
**SECONDER:** Mary Holtz, Supervisor  
**AYES:** Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski  
**ABSENT:** James Rogowski

#### IV. Suspension of Rules

Motion by Councilmember Swiatek; Seconded by Supervisor Holtz to Suspend the Rules to Include the Following Resolution. Motion Carried.



## 1. RESOLUTION 2008-707

### Hire Part-Time Employee

**Sponsored By:** Holtz, Swiatek, Markel

WHEREAS, there has been a vacancy in the part-time position of Clerk in the Supervisor's Office since August 3, 2008, and

WHEREAS, Oliada Nowicki has applied for said position, and

WHEREAS, there are no health insurance or New York State Retirement benefits for such position, NOW, THEREFORE, BE IT

RESOLVED, that Oliada Nowicki of Cheektowaga, New York be and hereby is appointed to the position of Clerk (part-time) in the Supervisor's Office, at a salary of \$18/hour, effective February 1, 2009.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS] Next: 1/5/2009 6:45 PM</b>
<b>MOVER:</b>	Richard Zydel, Councilmember
<b>SECONDER:</b>	Patricia Jaworowicz, Councilmember
<b>AYES:</b>	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
<b>ABSENT:</b>	James Rogowski

## V. Communications

### A. Departmental Communications

1. Minutes: Cheektowaga Public Library Trustees - November 19, 2008
2. Minutes: Town Environmental Advisory Council - December 11, 2008

### B. General Communications

1. Summons & Complaint: Gale Matthews-Benson Vs. Town of Cheektowaga
2. Summons & Complaint: Rudolphus Boans, Jr. Vs. Town of Cheektowaga
3. Notice of Claim: Gene Dudek Vs. Town of Cheektowaga
4. Notice of Claim: NY Central Mutual as Subrogee for Frederick Ziarniak Vs. Town of Cheektowaga

## **VI. General Comment Period**

### ***A. Supervisor's Comments***

### ***B. Councilmember's Comments***

## **VII. Adjournment**

Motion by Supervisor Holtz; Seconded by Councilmember Jaworowicz to adjourn the meeting at 6:17 PM