



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, January, 5, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on January 5, 2009 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

Thomas Adamczak, Supervising Building and Plumbing Inspector

Ellen Fischer, Executive Director - Youth Board

Brian Hess, Assessor

William Pugh, Town Engineer

Kevin Schenk, Town Attorney

Anthony Sisti, Planning Board Chairman

John Staniszewski, TCEA Union Representative

Kerry Switalski, Senior Services Director

Christine Ziemba, Chief of Police

II. Public Comment Period

III. From The Table



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.

Motion by Supervisor Holtz, second by Councilmember Markel to amend the above resolution by adding the words "subject to her retirement from the Town Clerk's Office", and the motion carried.

AMENDED RESOLUTION

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, "subject to her retirement from the Town Clerk's Office", at a salary of \$18/hour, effective February 1, 2009.

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

IV. Resolutions



1. RESOLUTION 2009-1

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

2008

Highway Fund

From: 300-8540-4572	Creek Maintenance	\$ 4,000.00
300-5140-4291	Shade Trees	4,000.00
300-5150-4173	Stone	1,000.00
300-5180-4178	Blacktop	2,700.00
300-5110-4178	General Blacktop	3,300.00
To: 300-5142-4029	Salt	\$15,000.00

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



2. RESOLUTION 2009-2

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 2, 2009 are hereby approved and made a part hereof;

General Fund	\$ 713,698.02
Risk Retention Fund	705,897.76
NYS Home Program	6,275.00
HUD Rehabilitation	3,563.00
Special Districts Fund	392,550.13
Highway Fund	136,936.35
Capital Fund	7,692.92
Trust & Agency	4,941.05
CDBG HUD	924.28
Part Town Fund	24,857.19
NYS Affordable Housing	<u>9,837.00</u>
	\$2,007,172.70

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



3. RESOLUTION 2009-3

Award of Bid - Boarding Up/Securing and Minor Demolition of Buildings on Unmaintained Properties

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was published for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant 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 Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant and Unmaintained Properties be awarded to Paint of WNY, 2205 Hopkins Road, Getzville, New York, 14068, for its submission of the lowest bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant Land and Unmaintained Properties be and hereby is awarded to Paint of WNY 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 Paint of WNY for the aforesaid service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



4. RESOLUTION 2009-4

Award of Bid: Portable Chemical Toilets 2009

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 29, 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	\$2.58 per day per unit Items I through XII
Category B	-	Handicapped Units	\$3.95 per day per unit Item I
Category C	-	Special Events	\$54.00 per day per unit Items I through XIII

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



5. RESOLUTION 2009-5

Call for Public Hearing to Amend Vehicle and Traffic Law

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 January 20, 2009 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 8th day of January, 2009, 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 January 20, 2009 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:

Stop Signs on	Direction Traffic Stops	At Intersection of
Highview Road	North	Cleveland Drive
Highview Court	South	Cleveland Drive

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:

BURGESS BOULEVARD - East and west sides: from the south curb line of Genesee Street southerly to its terminus

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

Dated: January 5, 2009

ALICE MAGIERSKI
Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydel, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT: James Rogowski



6. RESOLUTION 2009-6

Notice of Hearing - Demolition of 19E Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 19E Windwood Court 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. Kensy, 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; 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 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 a hearing before this Board in relation to the dangerous and unsafe building at 19E Windwood Court shall be held on the 20th day of January, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Code Enforcement Office and/or the Town Attorney's Office be and hereby is directed to serve notice of said hearing on all interested parties.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



7. RESOLUTION 2009-7

Name Official Town Depositories

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following banking institutions be named official Town Depositories for the Year 2009:

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

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



8. RESOLUTION 2009-8

Request Banks to Accept Supervisor's Facsimile Signature

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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.

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



9. RESOLUTION 2009-9

Designation of Official Newspaper

Sponsored By: Councilmember Jaworowicz, Councilmember Kaznowski

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



10. RESOLUTION 2009-10

Authorize Supervisor to Execute Agreement with Village of Depew Re: Tax Credit for Police Services

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

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, 2009 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



11. RESOLUTION 2009-11

Authorize Town Clerk/Receiver of Taxes to Invest Real Property Tax Moneys

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



12. RESOLUTION 2009-12

Retain Outside Accounting Firm to Assist Town

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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, 2008.
- B. Compilation of the Annual Update Document to the Office of the State Comptroller of New York records for the year ended December 31, 2008.
- C. Compilation of financial statements from the Town's records for the year ended December 31, 2008.
- 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, 2008.
- 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 2010 benefit basis and ad valorem budgets. Will assist/advise in the compilation of the Town's 2010 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, 2008.
- I. Comprehensive Annual Financial Report - Will compile the Comprehensive Annual Financial Report for the year ended December 31, 2008 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 2010 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 2009 (which would entail the audits for the year ended December 31, 2008) for a fee not to exceed \$98,000.00 (which represents the same fee charged in 2008).

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



13. RESOLUTION 2009-13

Retain Grants Consultant

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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 2009 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 2009, 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.

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



14. RESOLUTION 2009-14

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:

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour
David DeFields, Cheektowaga, NY
Effective 1/03/09

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour
Ronald Rogowski, Cheektowaga, NY
Effective 1/03/09

SANITATION DEPARTMENT Laborer \$8/hour effective 1/01/09
Thomas Madsen, Cheektowaga, NY
Daniel Pittorf, Cheektowaga, NY

BE IT FURTHER RESOLVED, that the following employees be and hereby are terminated as follows:

SANITATION DEPARTMENT effective 12/31/08
Brian Kazmierczak
Thomas Madsen
Michael McGill
Daniel Pittorf

AND BE IT FURTHER RESOLVED, that the following be amended from Part-Time to Seasonal:

FACILITIES DEPARTMENT (Buildings & Grounds) Laborer \$8/hour
Michael Ivansitz, Depew, NY
Effective 1/01/09

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

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



15. RESOLUTION 2009-15

Reappointment of Bingo Inspectors and Chairman

Sponsored By: Kaznowski, Zydel, Swiatek, Markel, Jaworowicz

BE IT RESOLVED, that the following individuals be and hereby are reappointed as Bingo Inspectors, effective January 1, 2009 to December 31, 2009:

Katherine Ferdinand, Cheektowaga, New York
Dennis Smith, Cheektowaga, New York
Anthony Prep, Cheektowaga, New York

and BE IT FURTHER

RESOLVED, that the following individual be and hereby is reappointed Bingo Inspector Chairman, effective January 1, 2009 for a term of one year:

Thaddeus I. Marciniak, Cheektowaga, New York

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



16. RESOLUTION 2009-16

Reappoint Cheektowaga Library Board Trustee

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, the term of Judith Mietlicki as Trustee of the Cheektowaga Public Library Board expired on December 31, 2008, and

WHEREAS, Judith Mietlicki has requested reappointment to the Cheektowaga Library Board, and

WHEREAS, the Cheektowaga Library Board has recommended that Judith Mietlicki be reappointed as member of the Cheektowaga Library Board, NOW, THEREFORE, BE IT

RESOLVED, that Judith Mietlicki, of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Cheektowaga Public Library Board, effective January 1, 2009 and terminating on December 31, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



17. RESOLUTION 2009-17

Reappoint Member of Planning Board

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the term of Raymond Pugh as Member of the Planning Board expired as of December 31, 2008, and

WHEREAS, Raymond Pugh has expressed an interest in continuing to serve as Member of the Planning Board, and

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

RESOLVED, that Raymond Pugh of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Planning Board, effective January 1, 2009 and terminating on December 31, 2015.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



18. RESOLUTION 2009-18

Reappointments to Traffic Safety Commission

Sponsored By: Councilmember Zydel, Councilmember Markel

WHEREAS, the terms of Cheektowaga Traffic Safety Commission Executive Secretary Anthony Osswald and member David Przepiora expired on December 31, 2008, and

WHEREAS, Anthony Osswald and David Przepiora have expressed an interest in continuing to serve on the Traffic Safety Commission, and

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

RESOLVED, that the following individuals be and hereby are re-appointed to the Traffic Safety Commission, effective immediately and terminating on December 31, 2011:

Anthony Osswald, Executive Secretary
David Przepiora, Member

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



19. RESOLUTION 2009-19

Reappointment to Zoning Board of Appeals

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the term of Robert Brandon as Member of the Zoning Board of Appeals expired on December 31, 2008, and

WHEREAS, Robert Brandon has expressed an interest in being reappointed to this position, and

WHEREAS, Robert Brandon 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 Robert Brandon of Cheektowaga, New York be and hereby is reappointed to the position of Member of the Zoning Board of Appeals, effective January 1, 2009 and terminating on December 31, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



20. RESOLUTION 2009-20

Reappointment of Members of Veterans Affairs Committee

Sponsored By: Councilmember Zydell, 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, 2008, 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, 2009 and expiring on December 31, 2009:

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
 Kelly Robinson, Depew, New York
 Thomas M. Johnson, Jr., Depew, New York

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

V. Suspension of Rules

Motion by Supervisor Holtz, second by Councilmember Jaworowicz to suspend the rules to include the following three resolutions and the motion carried.



1. RESOLUTION 2009-21

Settlement of Litigation - Sutter V. Town of Cheektowaga

Sponsored By: Swiatek, Zydell, Holtz, Jaworowicz, Markel, Kaznowski

WHEREAS, on or about September 9, 2005, an action (Sutter vs Town of Cheektowaga, Index No. I-2005-10190) 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 Settlement Agreement and Release signed by the plaintiff, the Supervisor, 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 Settlement Agreement and Release and Stipulation of Discontinuance.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Richard Zydell, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydell, Markel, Kaznowski
ABSENT:	James Rogowski



2. RESOLUTION 2009-22

Approve Student Interns in the Police Department

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Todd Isbrandt, a student at Hilbert College; Tarah Miller, a student at Hilbert College; and Adam McCann, a student at Bryant & Stratton College, have requested to participate in the student internship program at the Cheektowaga Police Department, and

WHEREAS, these individuals have been interviewed by the Police Department and the Department is willing to afford them the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Todd Isbrandt of Cheektowaga, New York; Tarah Miller of Cheektowaga, New York; and Adam McCann of Cheektowaga, New York be and hereby are authorized to participate as unpaid interns in the Cheektowaga Police Department, subject to their execution of a Waiver of Liability and Agreement of Confidentiality; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate these student internships in the Police Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



3. RESOLUTION 2009-23

Extend Contract for Liability Claims Management

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town's contract with First Niagara Risk Management, Inc. for liability claims management services expired as of December 31, 2008, and

WHEREAS, there is a need to continue said contract until an updated contract is prepared, NOW, THEREFORE, BE IT

RESOLVED, that the Town's contract with First Niagara Risk Management, Inc. for liability claims management services be and hereby is extended on its same terms for a term expiring on January 31, 2009, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amendment to the existing contract with First Niagara Risk Management, Inc.

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

VI. Communications

A. Departmental Communications

1. Cheektowaga Planning Board - Minutes of December 11, 2008 Meeting
2. Building Permits - December 2008

B. General Communications

1. Notice of Claim - Dorothy Feirabend Vs. Town of Cheektowaga
2. Notice of Claim - Pat Konieczny Vs. Town of Cheektowaga
3. Notice of Claim - Richard Kurzdorfer 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

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, January 20, 2009

6:45 PM

Council Chambers

I. Public Hearing at 6:30 P.M.

- 2009 Community Development Block Grant Program Annual Plan

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski

II. Call to Order

6:45 PM Meeting called to order on January 20, 2009 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	

- Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Ellen Fischer, Executive Director - Youth Board
Jerry Gabryszak, Director of Community Development
John Jaroszewski, General Crew Chief, Parks Division
Larry Kensy, Housing Preservation Office
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Christine Ziembra, Chief of Police

III. Public Comment Period

IV. Public Hearings at 6:45 P.M.

1. Amend Vehicle and Traffic Law: Highview Road, Highview Court, & Burgess Blvd.

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: Richard Zydel, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT: James Rogowski

2. Demolition of 19E Windwood Court

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT: James Rogowski

V. Resolutions



1. RESOLUTION 2009-24

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

2008

Highway Fund

From:	300.1910.2401	Interest	\$ 1,200.00
	300.5110.4178	Blacktop General	1,000.00
	300.5140.4001	Office Supplies	2,400.00
	300.5110.4331	Machinery Rental	500.00
	300.5110.4469	Disposal	500.00
	300.5140.4071	Uniforms	600.00
	300.8540.4572	Creek Maintenance	900.00
	300.5110.4173	Stone	340.00
	300.5110.4177	Receivers	250.00
To:	300.5142.4029	Salt	\$ 7,690.00

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



2. RESOLUTION 2009-25

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 16, 2009 are hereby approved and made a part hereof;

General Fund	\$ 2,250,083.48
Risk Retention Fund	100,759.35
NYS Home Program	9,125.00
Debt Service Fund	63,680.68
HUD Housing Rehabilitation	6,075.00
Special Districts Fund	832,274.55
Highway Fund	451,771.83
Capital Fund	177,545.57
Trust & Agency Fund	3,332.82
HUD CDBG Fund	52,304.85
Part Town Fund	112,228.16
NYS Affordable Housing Fund	15,200.00
	<u>\$ 4,074,381.29</u>

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



3. RESOLUTION 2009-26

Negative SEQR Declaration - Walgreens Pharmacy Genesee Street & Pine Ridge Heritage Boulevard

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 Benderson Development Company, LLC for the rezoning of 25 Long Avenue and vacant land also along Long Avenue identified as SBL No. 90.84-4-7 from R- Residence to C -Retail Business for the construction of a 13,650 s.f. retail/ pharmacy building, AND

WHEREAS, a special permit application was also submitted by the applicant for an accessory drive through window, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on January 7, 2009 recommended a determination of non-significance as shown on the attached memorandum dated January 8, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of December 11, 2008 and recommended approval of the special use permit for the accessory drive through at their meeting of January 8, 2009, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project at their meeting of December 16, 2008 and has recommended restrictions on the use of Long Avenue for customer use only and prohibiting its use for delivery or other service vehicles, AND

WHEREAS, during the review of the proposed site plan, the proposed driveway along Long Avenue was evaluated for a conflict with the Town's past practice of discouraging driveways serving commercial uses on adjacent residential streets, AND

WHEREAS, during an outreach meeting with neighboring residents, it was discovered that the neighboring community believed that proposed driveway provided a safety benefit to the neighborhood by permitting motorists to enter the premises without having to travel into Genesee Street, AND

WHEREAS, the applicant's proposed site plan requires an area variance for parking setbacks and the height of a privacy fence, which is currently pending before the Cheektowaga Zoning Board of Appeals, AND

WHEREAS, the applicant's driveway locations along Genesee Street and Pine Ridge Heritage Boulevard, which serve their accessory drive through window, do not meet the minimum 220 foot distance separation from the "functional area" of the street intersection, and which requires relief from the Town Board, 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 applicant providing a written commitment agreeing to the restrictions on the proposed Long Avenue driveway.
2. The applicant providing final construction details for the proposed masonry wall/fence.
3. The Town Engineer reviewing and approving the civil plans.
4. New curbing and sidewalks be provided along Long Avenue.
5. Additional shade trees be provided along Long Avenue within the road right of way.
6. The Cheektowaga Zoning Board of Appeals grants the necessary area variances.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



4. RESOLUTION 2009-27

Approve Rezoning of 25 Long Avenue and S.B.L. No. 90.84-4-7; Special Use Permit for Accessory Drive through Window and Variances for Properties on Genesee Street, Long Avenue and Pine Ridge Heritage Boulevard

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Benderson Development Company has applied for a Rezoning of property located at 25 Long Street and S.B.L. No. 90.84-4-7 from R-Residence District to C-Retail Business District; and a Special Use Permit to establish an accessory drive through window for a proposed pharmacy on property owned by Pine Ridge Land, LLC; Kuhn's Monuments, Inc.; Frank Klima Jr. and William Burse, Jr. and located at 440 Pine Ridge Heritage Boulevard, 2398 Genesee Street, 2392 Genesee Street, 25 Long Avenue and S.B.L. No. 90.84-4-7, Cheektowaga, New York, pursuant to Sections 260-47 and 260-48.2 of the Code of the Town of Cheektowaga ("Zoning Law"); and

WHEREAS, Benderson Development Company 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 Pine Ridge Heritage Boulevard - 213 feet from the functional area of the intersection of Pine Ridge Heritage Boulevard and Genesee Street whereas the Zoning Law requires 220 feet;
2. Along Genesee Street - 197 feet from the functional area of the intersection of Genesee Street and Pine Ridge Heritage Boulevard;

, and

WHEREAS, a public hearing was held before the Cheektowaga Town Board on the 15th day of December, 2008 at 6:30 P.M. of said day for the purpose of considering said applications for a Rezoning, 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 Rezoning, Special Permit and variances; and

WHEREAS, this Town Board previously issued a Negative Declaration under SEQRA for this project; NOW, THEREFORE BE IT

RESOLVED, that the application of Benderson Development Company for the rezoning from R-Residence District to C-Retail Business District of the property described in the attached legal description be and the same is hereby approved, and BE IT FURTHER

RESOLVED, that the Zoning Map and Law of the Town Of Cheektowaga be amended in accordance with the above, subject to Section 260-84 of the Zoning Law, and subject to approval of variances by the Zoning Board of Appeals, and BE IT FURTHER

RESOLVED, that the aforesaid Special Use Permit for a drive through window for a proposed pharmacy 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 Pine Ridge Heritage Boulevard and Genesee Street in order to obviate the unnecessary hardship to the applicant caused by the irregular shape of the lot, the size of the lot and the distance from residences.

LEGAL DESCRIPTION FOR REZONING

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;

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



5. RESOLUTION 2009-28

Decision - Amendment to Vehicle and Traffic Law

Sponsored By: Councilmember Zydel, Councilmember Markel

WHEREAS, this Town Board held a public hearing on January 20, 2009 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
Highview Road	North	Cleveland Drive
Highview Court	South	Cleveland Drive

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:

BURGESS BOULEVARD - East and west sides: from the south curb line of Genesee Street southerly to its terminus

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



6. RESOLUTION 2009-29

Notice to Bidders - Salt Storage Facility

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, it is in order that bids be advertised for the construction of a new Salt Storage Facility to be located at the Cheektowaga Highway Department, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Highway Department Salt Storage Facility, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 11th day of February, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 11th day of February, 2009 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for the construction of a new Salt Storage Facility at the Town Highway Department located at 3145 Union Road, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

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

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads,

Cheektowaga, New York 14227 and marked "Highway Department Salt Storage Facility".

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

The work shall be completed within 120 consecutive calendar days to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF
THE TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: January 20, 2009

PUBLISHED: January 22, 2009

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



7. RESOLUTION 2009-30

Approve Proposal of Empire GEO Services, Inc.

Sponsored By: Councilmember Kaznowski, 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 are designated for professional and technical services for a new Building Maintenance Facility and Renovations and Additions to the Police and Court Building, AND

WHEREAS, current New York State building code requirements necessitate a geotechnical investigation for proper building foundation design, AND

WHEREAS, Empire GEO Services, Inc., a geotechnical engineering consultant, has submitted a proposal to the Town Engineer to perform the necessary soil borings, lab analysis and geotechnical report for a total cost not to exceed \$5,475.00 for the proposed new Building Maintenance Facility and Additions to the Police and Court Building, 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 #500-1625-2520-5835.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



8. RESOLUTION 2009-31

Approve Proposal of JMD Environmental, Inc. for Asbestos Survey at 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 are allocated for professional and technical services for proposed addition(s) and renovations to the existing Police & Court Building, AND

WHEREAS, an asbestos and lead based paint survey is necessary to be performed to determine the presence of said materials and to enable the evaluation of project costs associated with any necessary abatement, AND

WHEREAS, the firm of JMD Environmental, Inc. has submitted a proposal to the Town Engineer to perform an asbestos and lead based paint survey for the existing Police & Court Building in the amount of \$3,846.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of JMD Environmental, Inc., 1815 Love Road, Grand Island, New York 14072 for professional services associated with an asbestos and lead based paint survey to the existing Police & Court Building is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that funding for said professional services in the amount not to exceed \$3,846.00 shall be chargeable to Account #500-3120-2520-5835.

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



9. RESOLUTION 2009-32

Nutrition Contracts for 2009

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 2009, 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 2009, 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.

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



10. RESOLUTION 2009-33

Graffiti, 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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



11. RESOLUTION 2009-34

Opposition to Fee Increase by Time Warner Cable

Sponsored By: Councilmember Zydell, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga has a cable television franchise agreement with Time Warner Cable (f/k/a Adelphia Communications Corporation), and

WHEREAS, numerous residents in the Town of Cheektowaga subscribe to cable television services through Time Warner Cable, and

WHEREAS, many of these residents rely on cable television to provide them with entertainment and news and are on fixed incomes and cannot afford to pay additional fees for cable television, and

WHEREAS, under Federal law, the Town of Cheektowaga cannot regulate fees charged for cable television, and

WHEREAS, Time Warner Cable recently announced that, effective February 1, 2009, it will be increasing its fees to subscribers from \$1.00 to \$6.00 per month for cable television services, and

WHEREAS, in light of the poor economy, the increase in unemployment and other increases in the costs of commodities, Town residents are hard pressed to pay any further increases for cable television, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby voices its objection to the increase by Time Warner Cable in cable television fees to our residents, and BE IT FURTHER

RESOLVED, that this Town Board hereby memorializes Time Warner Cable to reconsider its plans to increase cable television fees in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to Time Warner Cable, Senator Charles E. Schumer, Congressman Brian Higgins and the New York State Department of Public Service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydell, Markel, Kaznowski
ABSENT:	James Rogowski

**12. RESOLUTION 2009-35****Authorize Supervisor to Execute Work Permit with Erie County Department of Public Works**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the Dingens Street Storm Sewer Improvement Project provides for the construction of a storm sewer trunkline extension on Dingens Street which requires the issuance of an Erie County Department of Public Works Work Permit, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Work Permit with Erie County for the aforesaid project on behalf of the Town.

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

**13. RESOLUTION 2009-36****Authorization of Student Intern (Justice Court) (Kerrie R. Augustine)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Kerrie R. Augustine, a student at Bryant & Stratton College, has requested to participate in the student internship program at the Justice Court; AND

WHEREAS, this individual has been interviewed by the Justice Court and the Justice Court is willing to afford her the opportunity to intern in the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that Kerrie R. Augustine of Cheektowaga, New York, be and hereby is authorized to participate as an unpaid intern in the Justice Court, subject to her execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate this student internship in the Justice Court.

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



14. RESOLUTION 2009-37

Renew Contract for Self Insured Liability Claims Administration Services

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Town's claims administration contract with First Niagara Risk Management (formerly Allied Claim Services, Inc.) expired on December 31, 2008, and

WHEREAS, First Niagara Risk Management has submitted a proposal to continue these services from January 1, 2009 - December 31, 2011, and

WHEREAS, the Town has been satisfied with their services, and

WHEREAS, the Town's insurance consultant, Holfoth Risk Management, recommend continuing the services of First Niagara Risk Management, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes and directs the Town Supervisor to sign the contract with First Niagara Risk Management to provide the Town's claims administration services for the Years 2009 (beginning February 1, 2009) through 2011 at the per claim fee of: \$188.35 for property damage, \$479.85 for bodily injury and \$30.00 for incident reports, and BE IT FURTHER

RESOLVED, that the claims administration services for January, 2009 shall remain at the same rate as the contract for 2006-08.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



15. RESOLUTION 2009-38

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:

MAIN PUMP STATION Laborer \$8.25/hour effective 1/20/09
Ronald Strong, 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 1/05/09
Michael McGloin, Sloan, NY
Patrick Gleason, Cheektowaga, NY

POLICE DEPARTMENT Student Intern \$7.15/hour effective 1/21/09
Corey Schanne, Cheektowaga, NY

JUSTICE COURT Clerk \$7.15/hour effective 1/21/09
Brittini Whiting, Cheektowaga, NY

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

POLICE DEPARTMENT
Christopher Buczkowski effective 12/23/08

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



16. RESOLUTION 2009-39

Appointment of Maintenance Worker (Temporary) (Buildings & Grounds) (David Ford)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Maintenance Worker in the Buildings and Grounds Division; AND

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

WHEREAS, this vacancy shall be filled for a period of no more than nine (9) months; AND

WHEREAS, David G. Ford, currently employed as a Parks Maintenance Worker II in the Parks Division, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that David G. Ford of Cheektowaga, New York, be and hereby is appointed to the temporary position of Maintenance Worker in the Buildings and Grounds Division for a period of no more than nine (9) months in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 12, 2009.

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

**17. RESOLUTION 2009-40****Appointment of Parks Maintenance Worker II (Temporary)
(Parks Division) (Joseph Rydzynski)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Parks Maintenance Worker II in the Parks Division; AND

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

WHEREAS, this vacancy shall be filled for a period of no more than nine (9) months; AND

WHEREAS, Joseph Rydzynski, currently employed as a Maintenance Worker in the Parks Division, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Joseph Rydzynski of Cheektowaga, New York, be and hereby is appointed to the temporary position of Parks Maintenance Worker II in the Parks Division for a period of no more than nine (9) months in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 12, 2009.

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

**18. RESOLUTION 2009-41****Appointment of Real Property Appraiser (Non-Competitive Permanent) (Derrick Grube)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board appointed Derrick J. Grube to the position of Real Property Appraiser on a provisional basis on November 27, 2007; AND

WHEREAS, Mr. Grube has been approved for a permanent non-competitive promotion by the Erie County Department of Personnel; NOW, THEREFORE, BE IT

RESOLVED, that Derrick J. Grube of Cheektowaga, New York, be and hereby is permanently appointed to the position of Real Property Appraiser in the Office of the Town Assessor in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 21, 2009.

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

**19. RESOLUTION 2009-42****Travel Authorization (Natural Disaster Coordinator Earl Loder)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the New York State Emergency Managers Association Winter Conference will be held from February 10-12, 2009 in Syracuse, New York; AND

WHEREAS, the Natural Disaster Coordinator 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 \$350; AND

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

RESOLVED, that Natural Disaster Coordinator Earl Loder be and hereby is authorized to attend the New York State Emergency Managers Association Winter Conference from February 10-12, 2009 in Syracuse, New York.

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



20. RESOLUTION 2009-43

Travel Authorization Town Assessor (B. Hess)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Valuation Case Studies/Appraisal Institute will conduct a seminar to be held in Ellicottville, New York on January 26, 2009; AND

WHEREAS, Town Assessor Brian Hess has requested authorization to attend said seminar; AND

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

WHEREAS, the total cost to the Town shall not exceed \$209; AND

WHEREAS, these expenses have been budgeted by the Office of the Town Assessor; NOW, THEREFORE, BE IT

RESOLVED, that Town Assessor Brian Hess be and hereby is authorized to attend the Valuation Case Studies/Appraisal Institute Seminar on January 26, 2009 in Ellicottville, New York.

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



21. RESOLUTION 2009-44

Travel Authorization (Youth & Recreation) (Jillian Gorman-King)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Association of New York State Youth Bureaus 2009 Youth Leadership Conference is being held from February 9-10, 2009 in Albany, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King has requested authorization to attend said conference; AND

WHEREAS, Youth and Recreational Services Department Executive Director Ellen 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 \$300; AND

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

RESOLVED, that Program Coordinator Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus 2009 Youth Leadership Conference being held February 9-10, 2009 in Albany, New York.

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

VI. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to suspend the rules to include the following four (4) resolutions. Motion Carried
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1. RESOLUTION 2009-45

Authorize Supervisor to Execute Grant Application for Records Center

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

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

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

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



2. RESOLUTION 2009-46

Retain Firm to Perform Asbestos Survey - 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, by resolution dated January 5, 2008, this Town Board issued a Request for Proposals to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain Sienna Environmental Technologies, LLC at a cost of up to \$2,915.00 to perform said asbestos survey and abatement work with respect to 1097 Walden Avenue, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Sienna Environmental Technologies, LLC, 429 Franklin Street, Buffalo, New York 14202 to perform the necessary asbestos survey and abatement work for 1097 Walden Avenue at a cost not to exceed \$2,915.00, 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 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



3. RESOLUTION 2009-47

Authorize Erie County Water Authority to Install Fire Hydrant on Sonwil Drive

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the owner of 10 Sonwil Drive has requested the installation of a fire hydrant on 10 Sonwil Drive to accommodate the construction of an addition to a warehouse located thereon; and

WHEREAS, Hy-View Fire District No. 8 has consented to the installation of such additional fire hydrant subject to the terms and conditions contained in a letter dated September 12, 2008; and

WHEREAS, the Town Engineer has reviewed this request and has no objection to same, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is directed to install a fire hydrant on premises located at 10 Sonwil Drive; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible to the Erie County Water Authority for annual hydrant rental fees for this hydrant, and BE IT FURTHER

RESOLVED, that such fees shall be reimbursed to the Town pursuant to a separate agreement with the owner; and BE IT FURTHER

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

Mr. Daniel Seider
Distribution Engineer
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski



4. RESOLUTION 2009-48

Authorize Supervisor to Execute Agreement Regarding Fire Hydrant at 10 Sonwil Drive

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, Sunset Associates, LLC (the "Company") is the owner of premises located at 10 Sonwil Drive in the Town of Cheektowaga; and

WHEREAS, the Company is constructing an addition to the warehouse located at 10 Sonwil Drive (the "Project"); and

WHEREAS, the Project requires the construction of a fire hydrant to service the premises; and

WHEREAS, in order to induce Sunset Associates, LLC, to proceed with the work, the Town has directed the Erie County Water Authority to install a fire hydrant at 10 Sonwil Drive; and

WHEREAS, the Company has agreed to pay the Town for any annual fee imposed by the Erie County Water Authority with respect to said hydrant, which fee is to be determined by the Water Authority; and

WHEREAS, this Town Board approves of the foregoing and is willing to enter into an agreement with the Company; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned agreement on behalf of the Town of Cheektowaga, subject to approval by the Town Attorney's Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Zydel, Markel, Kaznowski
ABSENT:	James Rogowski

VII. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - November 2008
2. Minutes - Cheektowaga Planning Board - January 8, 2009
3. Minutes: Cheektowaga Traffic Safety Commission - December 16, 2008
4. Minutes: Cheektowaga Conservation Advisory Council - December 4, 2008
5. Minutes - Town Environmental Advisory Committee - January 7, 2009
6. Quarterly Report for October to December 2008 - Emergency Services

B. General Communications

1. Notice of Claim: Margaret McGee Vs. Town of Cheektowaga
2. Notice of Claim: New York Central Mutual as Subrogee for Frederick Ziarniak Vs. Town of Cheektowaga
3. Notice of Claim: Edwin H. Gorski Vs. Town of Cheektowaga
4. Notice of Claim: Edward King Vs. Town of Cheektowaga
5. Notice of Claim: Joseph Zdybowicz Vs. Town of Cheektowaga
6. Notice of Claim: Ronald Graham Vs. Town of Cheektowaga
7. Notice of Claim: Kenneth Carlucci Vs. Town of Cheektowaga
8. Notice of Claim: James Maguire 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 Kaznowski to adjourn the meeting at 7:13 PM. Motion Carried

ALICE MAGIERSKI, Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, February 2, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 2, 2009 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 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
Anthony Sisti, Planning Board Chairman
Kerry Switalski, Senior Services Director
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-49

Transfer of Funds

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:	100.3120.4005	CRIME RESISTANCE UNIT	\$	83.74
	100.3120.4006	DARE		93.49
	100.3120.4031	PRISONER MEALS		1,597.36
	100.3120.4005	CRIME RESISTANCE UNIT		75.00
	100.3120.4006	DARE		35.00
	100.7410.4439	HEATING & AIR CONDITIONING		4,000.00
TO:	100.3120.4508	MEDICAL EXPENSES	\$	83.74
	100.3120.4085	EDUCATION EXPENSES		93.49
	100.3020.4022	MAINTENANCE CONTRACTS		978.61
	100.3120.4073	POLICE CLOTHING & UNIFORMS		618.75
	100.3120.4444	TOWING EXPENSES		110.00
	100.7410.4451	BUILDING & GROUNDS MAINT		4,000.00

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



2. RESOLUTION 2009-50

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to January 30, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$2,418,759.35
RISK RETENTION FUND	80,468.71
NYS HOME PROGRAM	110.00
DEBT SERVICE FUND	518,950.00
HUD HOUSING REHABILITATION	22,592.70
SPECIAL DISTRICT FUND	900,383.31
HIGHWAY FUND	622,212.16
CAPITAL FUND	328,691.75
TRUST & AGENCY FUND	6,042.16
HUD CDBG FUND	7,256.58
PART TOWN FUND	128,022.17
NYS AFFORDABLE HOUSING FUND	13,078.00
	<u>\$5,046,566.89</u>

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



3. RESOLUTION 2009-51

Notice to Bidders - Asbestos Survey for 19E Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Managing Housing Inspector and Supervising Code Enforcement Officer of the Town of Cheektowaga issued a written report stating that the single-family residence located at 19E Windwood Court is unsafe and recommended that such building be demolished, and

WHEREAS, the owner and lienholders of such property were notified to demolish such property, and no action on this demolition has been taken to date, and

WHEREAS, a hearing was held in front of this Board on the 20th day of January, 2009 concerning said unsafe building and the requested demolition, and

WHEREAS, the Town of Cheektowaga needs to take action to demolish this structure in the event the owner of same does not do so, 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 19E Windwood Court, 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 19E Windwood Court shall be due no later than February 18, 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 February 18, 2009 at 11:00 a.m.

**NOTICE TO BIDDERS
FOR
ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES
FOR PROPERTY LOCATED AT 19E 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 19E 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 February 18, 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: February 2, 2009

ALICE MAGIERSKI
Town Clerk

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



4. RESOLUTION 2009-52

Notice to Bidders for Police Vehicles

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

BE IT RESOLVED, that the Town Clerk is hereby directed to publish a Notice to Bidders for the Purchase of Six (6) New and Unused 2009 Police Patrol Vehicles by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Bee; and it is further

RESOLVED, that sealed bids will be received on the 18th day of February, 2009 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 February 18th, 2009 at 11:00 A.M. at the Town Hall, corner of Broadway and Union Roads, for the purchase of six (6) new and unused 2009 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 six (6) 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: February 2, 2009

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



5. RESOLUTION 2009-53

Notice to Bidders - Renovations to the Central Garage and Sanitation Building

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, it is in order that bids be advertised for Renovations to the Central Garage and Sanitation Building located at 3175 Union Road, AND

WHEREAS, the Engineering Department, in conjunction with F.J. Wailand Associates, Inc., metal building consultant, has prepared plans and specifications for the aforesaid project, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Renovations to the Central Garage and Sanitation Building, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 25th day of February, 2009 at 11:00 A.M. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Notice is hereby given that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 25th day of February, 2009 at 11:00 A.M. in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for Renovations to the Central Garage and Sanitation Building located at 3175 Union Road, complete in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by FJ Wailand Associates, Inc., James Rumsey, Architect and the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

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

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and marked "Renovations to the Central Garage and Sanitation Building".

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

The work shall be completed within 120 consecutive calendar days, to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF
THE TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: February 2, 2009
PUBLISHED: February 5, 2009

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



6. RESOLUTION 2009-54

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 18th day of February, 2009 at 11:00 a.m., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on February 18, 2009 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 & 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: February 2, 2009

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Jeff Swiatek, Councilmember, Richard Zydel, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



7. RESOLUTION 2009-55

Authorization for Purchase of One Passenger Van

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Senior Services Department has requested authorization to purchase one (1) 2009 Chevrolet 3500, 12 passenger van 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. 600-0600-0882, 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 \$19,810.33 for the Senior Services Department from:

Hoselton Chevrolet Inc.
909 Fairport Road
East Rochester, New York 14445

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



8. RESOLUTION 2009-56

Designate and Change Street Name to Trooper Paul Kurdys Way

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

WHEREAS, there is a driveway located at the New York State Police Station off of Exit 51 of the New York State Thruway in the Town of Cheektowaga, and

WHEREAS, the New York State Police have requested this Town Board to designate this driveway as a street and name it "Trooper Paul Kurdys Way" in honor of a State Trooper who was killed in the line of duty on the Thruway on September 15, 1987, and

WHEREAS, the New York State Thruway Authority has notified the Town that it has no objection to the designation of this driveway as a street and naming it Trooper Paul Kurdys Way, and

WHEREAS, this Board supports this request as a means to give recognition and honor to Trooper Paul Kurdys and all other State Troopers who put their lives on the line to protect the citizens of this Town and the State of New York,

WHEREAS, pursuant to Section 64(9) of the Town Law of the State of New York, this Town Board is authorized to change street names, house numbers, etc., *NOW, THEREFORE, BE IT*

RESOLVED, that the driveway located at the New York State Police Station off of Exit 51 of the New York State Thruway be and hereby is designated as a State highway and is hereby named Trooper Paul Kurdys Way, and *BE IT FURTHER*

RESOLVED, that the Town Clerk be and hereby is directed to, within 10 days of the passage of this resolution, notify the New York State Police, the New York State Thruway Authority, Town Assessor, Town Planning Board, Erie County Clerk, Erie County Department of Public Works, Division of Highways, and the U.S. Postal Service of this street name designation.

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



9. RESOLUTION 2009-57

Submission of CDBG/HOME Grant Application to HUD

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is eligible to receive approximately \$1,008,783 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 2009 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 3,, 2008 and January 20, 2009, 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 2009 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.

See next pages

**Town of Cheektowaga
Community Development Block Grant Program Budget**

2009 Program Year

Administration	\$ 168,100
Housing Rehabilitation - Single Family Owner-Occupied Units	234,360
Housing Rehabilitation - Multi-Family Units	75,000
<u>Rehabilitation Activity Delivery Costs</u>	233,000
\$ 193,000 - Inspections	
40,000 - Staff & other program expenses	
Environmental Hazard Testing (Lead Paint, Asbestos & Mold)	15,000
Code Enforcement/Neighborhood Preservation Activities	8,000
Demolition	25,000
Acquisition	10,000
Public Safety - Police Foot Patrols	33,000
Domestic Violence Investigation Program	1,000
Housing Counseling Services	12,000
Fair Housing	10,000
Weatherization	6,000
Senior Citizen Services Outreach Assistant	10,000
Summer Day Camp for Children	20,000
<u>Village of Depew</u>	91,180
\$ 36,000 - Public Safety-Police Foot Patrols	
15,000 - Senior Citizen Van Driver	
18,000 - Senior Services Center Support Staff	
22,180 - Accessibility Improvements - Depew Ice Rink	
<u>Village of Sloan</u>	32,143
\$ 1,000 - Carbon Monoxide/Smoke Detector Program	
\$ 2,500 - Recreation Equipment & Park Improvements	
\$ 13,000 - Sidewalk Improvements	
\$ 15,643 - Drainage and Sewer Improvements	
Contingency B Unprogrammed Funds	7,453
	CDBG Grant Amount \$ 1,008,783
Projected Revolving Program Income - Housing Rehabilitation	200,000
Projected Revolving Program Income - Economic Development	300,000
TOTAL CDBG BUDGET: Entitlement & Revolving Income Funds	\$ 1,508,783

**Town of Cheektowaga
HOME Investment Partnership &
American Dream Downpayment Initiative Programs
2009 Program Year**

HOME Funds

<u>First-Time Homebuyers Program</u>	\$ 75,000*
Loans of up to \$7,500 for closing cost/downpayment assistance for First-Time Homebuyers.	
<u>Housing Rehabilitation</u>	257,184*
Funds will be used for rehabilitation of owner-occupied housing units in the Town of Cheektowaga.	
<u>Administration and Program Delivery Costs</u>	10,000
TOTAL B HOME Funds	\$ 342,184

* Does not include HOME Program Income

American Dream Downpayment Initiative (ADDI) Funds

<u>First-Time Homebuyers Program</u>	\$ 2,819
Forgivable subsidies of up to \$7,500 for closing cost-downpayment assistance for First-Time Homebuyers.	
Total - HOME & ADDI Funds	\$ 345,003

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



10. RESOLUTION 2009-58

Authorize ECWA to Install Hydrant

Sponsored By: Councilmember Zydel, Councilmember Kaznowski

WHEREAS, the Erie County Water Authority (ECWA) proposes the installation of an eight inch (8") watermain extension on the south side of Ellicott Road commencing at the southeast corner of the Old Indian Road/Ellicott Road intersection and extending 625 L.F. easterly to the east property line of #556 Ellicott Road, AND

WHEREAS, a new hydrant is proposed to be located on this new 8" main approximately 400 L.F. east of Old Indian Road on the south side of Ellicott Road near the common property line of #5 Old Indian Road and #556 Ellicott Road, AND

WHEREAS, by letter received on January 28, 2009, the Forks Fire District #3 Board of Fire Commissioners have notified the Town Engineer of their unanimous support for the installation of the hydrant at the proposed location, NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority is hereby authorized to install one (1) hydrant at the aforesaid location in conjunction with the main extension project on Ellicott Road 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. Alan Strycharz
Erie County Water Authority
3030 Union Road
Cheektowaga, New York 14227

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



11. RESOLUTION 2009-59

Snow Removal / 3466 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 3466 Genesee Street, Cheektowaga, New York SBL# 91.16-1-20 that is a danger to the safety of others, and records kept by the Assessors Office identify The Doro Family Trust LLC, PO Box 348, Ellicottville, New York 14731, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3466 Genesee Street, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



12. RESOLUTION 2009-60

Snow Removal / 3705 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 3705 Harlem Road, Cheektowaga, New York SBL# 80.17-8-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Atlantic Refining & Market, 1735 Market Street, Philadelphia, PA 19103, as the owner AND

WHEREAS, an inspection of such premises was conducted at 3705 Harlem Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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

13. Statement

Councilmember Swiatek suggested that Item Number 2009-61 be taken at the end of the meeting, and this was so ordered.



14. RESOLUTION 2009-62

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:

SANITATION DEPARTMENT Laborer \$8/hour effective 1/14/09
Jacob G. Kelly, Cheektowaga, NY

TOWN CLERK (Records Center) Clerk (Temporary) \$8/hour effective 1/27/09
Sharon Drzyzga, Cheektowaga, NY

TOWN CLERK (Records Center) Clerk \$8/hour effective 1/27/09
Sandra Fetter, Sloan, NY

POLICE DEPARTMENT Clerk \$7.15/hour effective 2/03/09
Jacqueline M. Lewandowski, Cheektowaga, NY

BE IT RESOLVED, that the following part-time employee's title be amended as follows:

POLICE DEPARTMENT Student Intern to Student Assistant \$7.15/hour effective 1/21/09
Corey Schanne, Cheektowaga, NY

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

SANITATION DEPARTMENT
Deborah Kubiak effective 1/01/09
Patrick Gleason effective 1/16/09
Ryan Full effective 12/31/08
Richard Kraft effective 12/31/08

POLICE DEPARTMENT
Frances Rucinski effective 12/21/08

Motion by Supervisor Holtz, second by Councilmember Kaznowski to waive 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



15. RESOLUTION 2009-63

Accept Resignation of Planning Board Member

Sponsored By: Councilmember Markel, Supervisor Holtz

BE IT RESOLVED, that the resignation of Claire M. Ferrucci of Sloan, New York, from the Cheektowaga Planning Board be accepted, effective immediately.

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



16. RESOLUTION 2009-64

Appoint Members to Veterans Affairs Committee

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

WHEREAS, the members of the Veterans Affairs Committee serve for terms of one (1) year, and

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, retroactive January 1, 2009 and expiring on December 31, 2009:

Stanley Blake, Lancaster, NY
Raymond Gorski, Cheektowaga, NY

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



17. RESOLUTION 2009-65

Appointment of Traffic Signal Technician (Police Department) (Provisional) John Knoph

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a provisional vacancy exists in the title of Traffic Signal Technician in the 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, John Knoph, currently employed as a Traffic Maintenance Worker 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 John Knoph of Depew, New York, be and hereby is appointed provisionally to the position of 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 February 3, 2009.

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



18. RESOLUTION 2009-66

Travel Authorization Building Inspection & Community Development Departments

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Niagara Frontier Building Officials Association Annual Conference is being held in Cheektowaga, New York from January 26 through January 28, 2009; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has requested authorization for the following employees listed to attend said conference:

- Thomas Adamczak, Supervising Code Enforcement Officer
- Lawrence Kensy, Senior Housing Inspector
- Gary Parks, Code Enforcement Officer
- Matthew Kawczynski, Fire Inspector
- Edward Saternus, Fire Inspector
- Mark Radecki, Assistant Code Enforcement Officer
- Donald Wartinger, Housing Inspector
- Mark Bielefeld, Assistant Code Enforcement Officer
- Donald O'Neill, Assistant Plumbing Inspector
- Richard Coburn, Housing Inspector
- Gerald Gill, Housing Inspector (Part Time)
- Larry Rokitka, Housing Inspector (Part Time)
- Gregory Magnuszewski, Assistant Plumbing Inspector
- Gerald Sprada, Housing Inspector
- Donald Bielefeld, Assistant Code Enforcement Officer
- Daniel Lelito, Assistant Code Enforcement Officer
- Dale Parks, Housing Inspector (Community Development)
- Richard Willis, Housing Inspector (Community Development)
- Gail Milburth, Assistant Code Enforcement Officer (Community Development); AND

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

WHEREAS, the total cost to the Town shall not exceed \$2,200; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department as well as the Office of Community Development; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are approved to attend the Niagara Frontier Building Officials Association Annual Conference being held in Cheektowaga, New York from January 26 through January 28, 2009.

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



19. RESOLUTION 2009-67

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 April 1 through April 3, 2009 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 \$810; 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 approved to attend the New York State Government Finance Officers Association Annual Conference being held April 1 through April 3, 2009 in Albany, New York.

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



20. RESOLUTION 2009-68

Travel Authorization (Police Department) Force Science Training

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Force Science Training is being held February 9 through February 10, 2009 in Cleveland, Ohio; AND

WHEREAS, the following employees have requested authorization to attend said training:

- Captain David Zack
- Lieutenant Michael Isbrandt
- Lieutenant Michael Sliwinski
- Sergeant Lawrence Bauer; 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 \$2,682.90; 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 Force Science Training being held February 9 through February 10, 2009 in Cleveland, Ohio.

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



21. RESOLUTION 2009-69

Travel Authorization (Police Department) NYTOA Tactical Life Saver Course

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the NYTOA Tactical Life Saver Course is being held on February 11, 2009 in Poughkeepsie, New York; AND

WHEREAS, Detective Michael Hockwater, Police Officer Neil Held and Police Officer Troy Blackchief 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, the total cost to the Town shall not exceed \$1,495.87; AND

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

RESOLVED, that Detective Michael Hockwater, Police Officer Neil Held and Police Officer Troy Blackchief be and hereby are authorized to attend the NYTOA Tactical Life Saver Course being held February 11, 2009 in Poughkeepsie, New York.

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

IV. Suspension of Rules

Motion by Councilmember Markel, second by Councilmember Rogowski to suspend the rules to include the following three (3) resolutions, and the motion carried.



1. RESOLUTION 2009-70

Renew Contract for Curb-Side Collection of Recyclable Materials

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, on April 1, 2004 the Town entered into a Recycling Contract with BFI Waste Systems of North America ("BFI") for the curbside collection of recyclable material within the Town; and

WHEREAS, by Resolution dated November 7, 2005, the Town consented to an assignment by BFI of the contract documents and all rights, title and interest of BFI therein to its subsidiary, Allied Waste Services of North America, which assumed all responsibilities in compliance with the terms and conditions of BFI's contract with the Town; and

WHEREAS, said Recycling Contract, which will expire on April 1, 2009, contains an option to renew under the same terms and conditions for an additional five (5) year period, with an adjustment upward or downward annually based upon the change in the regional consumer price index (CPI); and

WHEREAS, the Town has been satisfied with the services performed under the contract and wishes to exercise its option to renew same; NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves of the renewal of the Recycling Contract between the Town and Allied Waste Services of North America (formerly BFI) for an additional five (5) year term; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute a Memorandum of Agreement with regard to said renewal, subject to approval by the Town Attorney.

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



2. RESOLUTION 2009-71

Approve Student Intern in Police Department

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, McKenzie Higgins, a student at Daemen College has requested to participate in the student internship program at the Cheektowaga Police Department, and

WHEREAS, Ms. Higgins has been interviewed by the Police Department and the Department is willing to afford her the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that McKenzie Higgins of Cheektowaga, New York be and hereby is authorized to participate as an unpaid intern in the Cheektowaga Police Department , subject to her execution of a Waiver of Liability and Agreement of Confidentiality; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate this student internship in the Police Department.

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



3. RESOLUTION 2009-72

Application for Neighborhood Stabilization Program Funds

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the New York State Housing Finance Agency has requested proposals for grant funds to develop projects under the U.S. Department of Housing and Urban Development Neighborhood Stabilization Program provided through HUD's Community Development Block Grant Program, and

WHEREAS, said application will also serve as an application for matching funding through the New York State Affordable Housing Corporation,

WHEREAS, said funds can be utilized for a variety of projects, including acquisition/rehabilitation and demolition in specifically targeted areas, and

WHEREAS, the targeted area in the Town eligible for such project funding is the Walden Avenue neighborhood as encompassed by the 14211 zip code, and

WHEREAS, the Town Community Development Office has been working with the City of Buffalo to prepare a joint application for such funding to be submitted by the City of Buffalo, and

WHEREAS, said application will incorporate projects for acquisition/rehabilitation and demolition in the designated eligible area of Cheektowaga, and

WHEREAS, submission of a joint application with the City of Buffalo increases the possibility of the Town receiving funding through the Neighborhood Stabilization Program being administered through the New York State Housing Finance Agency, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute said application and any related documents, and submit same to the New York State Housing Finance Agency in conjunction with the City of Buffalo for a grant application of Neighborhood Stabilization Program funds of up to \$3.8 million, and BE IT

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

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

V. Executive Session

Motion by Councilmember Markel to go into Executive Session at 7:05 PM, seconded unanimously. The Town Board unanimously moved to go out of Executive Session at 7:25 PM.



1. RESOLUTION 2009-61

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 immediately:

Deputy Town Clerk	\$50,000.00
Deputy Receiver of Taxes	\$42,000.00

Motion by Supervisor Holtz, second by Councilmember Swiatek to amend the above resolution by changing the amounts in the salary column as stated below, and the motion carried.

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 immediately:

Deputy Town Clerk	\$52,000.00
Deputy Receiver of Taxes	\$41,000.00

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

VI. Communications

VII. Departmental Communications

1. Supervisor’s Statement - December 2008
2. Building Permits - January 2009
3. Cheektowaga Conservation Advisory Council - Minutes of January 17, 2009 Meeting

VIII. General Communications

1. Summons & Complaint - David & Linda Krajewski Vs Town of Cheektowaga
2. Notice of Claim - Christopher P. Kramer 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 Rogowski to adjourn the meeting at 7:48 PM.



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Thursday, February, 19, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on February 19, 2009 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 2009-98

Authorize Supervisor to Execute Revised Engagement Letter with Outside Counsel

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, by resolution dated March 3, 2008, this Town Board retained the law firm of Phillips Lytle LLP as outside counsel to assist the Town with labor and employee relations matters, and

WHEREAS, Phillips Lytle LLP has submitted a revised engagement letter to the Town relating to increases in fees, and

WHEREAS, this Board feels that the revised engagement letter is satisfactory since the Town is not locked into the arrangement for any specified period of time, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an amended or new engagement letter with Phillips Lytle, LLP.

This item was taken at the end of the work session.

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



2. RESOLUTION 2009-99

Settlement of Litigation - Vehicle Accident on September 16, 2008

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, on or about September 16, 2008, a Town of Cheektowaga Police Department vehicle was involved in an accident with a motor vehicle owned by Robert Giza, and

WHEREAS, the insurance carrier for Mr. Giza contacted the Town of Cheektowaga to make a subrogation claim for the damages to the vehicle, and

WHEREAS, the Town's self-insured liability claims administrator has reviewed this case, together with the Town Attorney; and has recommended a settlement with the claimant's insurance carrier; 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.

Item No. 2009-99 was acted upon first at the work session, at 6:55 PM, followed by Item No. 2009-100, and then Item No. 2009-98.

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



3. RESOLUTION 2009-100

Settlement of Litigation - Vehicle Accident on December 3, 2008

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, on or about December 3, 2008, a Town of Cheektowaga Police Department vehicle was involved in an accident with a motor vehicle owned by Frederick Ziarniak, and

WHEREAS, the insurance carrier for Mr. Ziarniak contacted the Town of Cheektowaga to make a subrogation claim for the damages to the vehicle, and

WHEREAS, the Town's self-insured liability claims administrator has reviewed this case, together with the Town Attorney; and has recommended a settlement with the claimant's insurance carrier; 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	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, February 23, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on February 23, 2009 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 Hess, Assessor
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
Anthony Sisti, Planning Board Chairman
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-73

Transfer of Funds

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: 100.1430.4754	DRUG TESTING	\$	255.00
100.1430.4093	TOWN TRAINING		137.00
100.1680.4434	SOFTWARE MAINTENANCE		6,711.00
100.1685.4051	RECORDS MANAGEMENT		35.00
100.1910.4083	PRIVATE VEHICLE REIMB.		479.00
100.1010.4001	OFFICE SUPPLIES		144.00
100.6410.4195	EVENTS		1,289.00
100.1220.1971	PT REGULAR		2,706.00
100.1315.1971	PT REGULAR		2,706.00
100.3120.4031	PRISONER MEALS		569.58
100.7550.2039	POLISH FESTIVAL REVENUES		7,676.00
100.3120.4031	PRISONER MEALS		34.00
100.1910.2799	APPROPRIATED FUND BALANCE	3,600,000.00	
100.1110.1971	PART TIME REGULAR		6,510.15
100.1110.4389	DRUG COURT REVENUES		18,428.85
100.1110.4321	DATA PROCESSING		390.00
100.1420.4501	CONTRACTED LEGAL		4,336.00
100.1430.1971	PART TIME REGULAR		6.00
100.1440.1901	REGULAR PAYROLL		11,200.00
100.1355.2005	OFFICE EQUIPMENT		283.00
100.1625.1911	LONGEVITY		168.00
100.1625.1971	PT REGULAR		8,849.00
100.1625.1901	REGULAR PAYROLL		21,725.00
100.1625.4202	TOWNWIDE TELEPHONE		3,118.00
100.1640.1901	REGULAR PAYROLL		6,314.00
100.1640.4165	GASOLINE ALLOCATED		96,186.00
100.1640.4167	DIESAL ALLOCATED		168,251.00
100.1640.1902	OVERTIME PAYROLL		8,887.00
100.1670.4002	PRINT SHOP SUPPLIES		1,016.00
100.1685.1902	OVERTIME PAYROLL		1,001.00
100.1685.4051	RECORDS MANAGEMENT		11.00
100.1315.1901	REGULAR PAYROLL		4,751.00
100.3020.1901	REGULAR PAYROLL		8,758.00
100.3120.1901	REGULAR PAYROLL		92,655.00
100.3120.4321	DATA PROCESSING		2,564.00
100.3120.4508	MEDICAL EXPENSES		285.00
100.3120.4093	PATROL TRAINING		132.00
100.3510.2501	EQUIPMENT		3.00
100.3510.1902	OVERTIME PAYROLL		419.00
100.3510.4001	OFFICE SUPPLIES		804.00

	100.3510.4432	REPAIRS & MAINTENANCE	5,529.00
	100.3510.4211	ELECTRIC	741.00
	100.5132.4432	REPAIRS & MAINTENANCE	1.00
	100.7110.1901	REGULAR PAYROLL	28,857.00
	100.7110.4106	WILDLIFE MAINTENANCE	26,143.00
	100.7140.1971.1648	PART TIME REGULAR	5,922.00
	100.7140.1971.1611	PART TIME REGULAR	1,028.00
	100.7180.1971.1903	PART TIME REGULAR	311.00
	100.7620.1901	REGULAR PAYROLL	126.00
TO:	100.1430.4088	TRAVEL TRAINING & CONF	\$ 137.00
	100.1430.4752	PRE-EMPLOYMENT PHYSICAL	255.00
	100.1680.2202	NETWORK HARDWARE	140.00
	100.1680.2204	COMPUTER HARDWARE	3,613.00
	100.1680.4431	HARDWARE MAINTENANCE	2,958.00
	100.1685.4001	OFFICE SUPPLIES	35.00
	100.1910.4261	POSTAGE	479.00
	100.7550.4382	FIREMANS RECOGNITION DAY	144.00
	100.7550.4374	POLISH FESTIVAL	6,701.00
	100.3120.4001	OFFICE SUPPLIES	569.58
	100.7550.4374	POLISH FESTIVAL	7,676.00
	100.3120.4009	SIU SUPPLIES	34.00
	100.9501.9400	INTERFUND TRANSFERS	3,600,000.00
	100.1110.1902	OVERTIME PAYROLL	2,099.00
	100.1110.4431	EQUIPMENT MAINTENANCE	390.00
	100.1110.4590	DRUG COURT	22,840.00
	100.1420.1901	REGULAR PAYROLL	4,336.00
	100.1430.1901	REGULAR PAYROLL	6.00
	100.1440.1902	OVERTIME PAYROLL	10,963.00
	100.1440.4191	MISC EXPENSES	18.00
	100.1440.4325	COPY MACHINE SUPPLIES	219.00
	100.1355.4431	MAINTENANCE AGREEMENT	283.00
	100.1625.1914	SHIFT DIFFERENTIAL	168.00
	100.1625.1951	SEASONAL REGULAR	849.00
	100.1625.4217	UTILITIES	32,843.00
	100.1640.1914	SHIFT DIFFERENTIAL	598.00
	100.1640.2509	CARGO VAN	144.00
	100.1640.4161	GASOLINE	91,701.00
	100.1640.4163	DIESAL	181,084.00
	100.1640.4441	EQUIPMENT REPAIR	2,054.00
	100.1640.4442	EQUIPMENT REPAIR	374.00
	100.1640.4443	EQUIPMENT REPAIR	3,518.00
	100.1640.4445	EQUIPMENT REPAIR	101.00
	100.1640.4449	EQUIPMENT REPAIR	64.00
	100.1670.1901	REGULAR PAYROLL	3.00
	100.1670.1902	OVERTIME PAYROLL	1,013.00
	100.1685.1901	REGULAR PAYROLL	2.00
	100.1685.1971	PT REGULAR	4,167.00
	100.1685.2000	EQUIPMENT	1,594.00
	100.3020.1902	OVERTIME PAYROLL	4,046.00
	100.3020.1990	OTHER PAY	4,712.00
	100.3120.1902	OVERTIME PAYROLL	76,417.00
	100.3120.1914	SHIFT DIFFERENTIAL	6,538.00
	100.3120.1917	CLOTHING ALLOWANCE	8,900.00

100.3120.1918	EDUCATION	400.00
100.3120.1990	OTHER PAY	400.00
100.3120.2501	OTHER EQUIPMENT	2,849.00
100.3120.4005	COMMUNITY SERVICE SUPPLIES	120.00
100.3120.4091	AMMUNITION	12.00
100.3510.1901	REGULAR PAYROLL	3.00
100.3510.1971	PART TIME REGULAR	7,493.00
100.5132.4431	RADIO REPAIR	1.00
100.7110.1902	OVERTIME PAYROLL	14,090.00
100.7110.1971	PART TIME REGULAR	14,317.00
100.7110.1990	OTHER PAY	450.00
100.7110.4211	UTILITIES	26,143.00
100.7140.1971.1614	PART TIME REGULAR	4,932.00
100.7140.1971.1664	PART TIME REGULAR	990.00
100.7140.4999	CREDIT CARD EXPENSE	1,028.00
100.7180.1971.1902	PART TIME REGULAR	311.00
100.7620.1914	SHIFT DIFFERENTIAL	126.00

SPECIAL DISTRICTS FUND

FROM: 255.8135.4021	MAINTENANCE SUPPLIES	\$ 176.00
150.8160.4469	LANDFILL COSTS	45,390.00
640.1910.2799	APPROPRIATED FUND BALANCE	921.00
990.5182.4212	ELECTRIC	11,594.00
400.1910.2799	APPROPRIATED FUND BALANCE	725,000.00
150.8160.1901	REGULAR PAYROLL	7,584.00
150.8160.1951	SEASONAL	41,313.00
150.8173.4194	ADVERTISING	178.00
255.8125.1901	REGULAR PAYROLL	10,789.00
255.8135.1901	REGULAR PAYROLL	2,262.00
255.8135.4203	CELLULAR PHONES	1,871.00

TO: 255.8135.4001	OFFICE SUPPLIES	\$ 176.00
150.8160.4160	DIESAL FUEL	45,390.00
640.8354.4339	HYDRANT RENTAL	921.00
990.5182.4213	ELECTRIC	11,383.00
990.5182.4354	CHARGE BACKS LIGHTING	211.00
400.9950.9950	INTERFUND TRANSFERS	725,000.00
150.8160.1902	OVERTIME PAYROLL	7,584.00
150.8160.1971	PT REGULAR	41,313.00
150.8173.4444	RECYCLING CONTRACTOR	178.00
255.8125.1902	OVERTIME PAYROLL	9,967.00
255.8125.1914	SHIFT DIFFERENTIAL	822.00
255.8135.1914	SHIFT DIFFERENTIAL	2,262.00
255.8135.4217	UTILITIES	1,871.00

PART TOWN FUND

FROM: 800.3620.4001	OFFICE SUPPLIES	\$ 1,500.00
800.3620.4088	TRAVEL & CONFERENCES	1,529.00
800.3620.1901	REGULAR PAYROLL	27,283.00

TO: 800.3620.2201	OFFICE EQUIPMENT	\$ 3,029.00
800.3620.1902	OVERTIME PAYROLL	27,108.00
800.3620.1931	VACATION SELL BACK	175.00

HIGHWAY FUND

FROM: 300.1910.2799 APPROPRIATED FUND BALANCE \$ 2,075,000.00

TO: 300.9950.8000 INTERFUND TRANSFERS \$ 2,075,000.00

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mary Holtz, Supervisor

SECONDER: Jeff Swiatek, Councilmember

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



2. RESOLUTION 2009-74

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 20, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,048,431.55
RISK RETENTION FUND	32,204.37
NYS HOME PROGRAM	9,720.00
HUD HOUSING REHABILITATION	21,279.00
SPECIAL DISTRICTS FUND	599,088.90
HIGHWAY FUND	267,457.64
CAPITAL FUND	142,942.68
TRUST & AGENCY FUND	6,366,809.39
HUD CDBG FUND	304,325.83
PART TOWN FUND	64,423.19
NYS AFFORDABLE HOUSING FUND	20,727.00
	<u>\$ 8,877,409.55</u>

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



3. RESOLUTION 2009-75

Award of Bid - Salt Storage Facility

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a Notice to Bidders was published for the receipt of bids for the construction of a new Salt Storage Facility to be located at the Highway Department, which bids were duly received and opened on February 11, 2009 at 11:00 A.M. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is contained in a letter from the Engineering Department dated February 13, 2009, AND

WHEREAS, said letter recommends that the contract for the construction of a new Salt Storage Facility be awarded to Kirst Construction, Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the construction of a new Salt Storage Facility be and hereby is awarded to Kirst Construction, Inc., 7170 Boston State Road, Boston, New York 14110 for the total bid price of \$295,500.00 which includes the base bid and Alternate No. 3 providing for an interior roof liner, said bid being the lowest bid meeting the requirements of the specifications and construction drawings, 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 Kirst Construction, Inc. for the aforesaid project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #500-5141-2522-5831.

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



4. RESOLUTION 2009-76

Award of Bid - Truck with 32 Cubic Yard Refuse Packer Body

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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, NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of one (1) new and unused 2010 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 \$169,250.00 for one (1) 2010 Freightliner Truck with Heil Refuse Packer Body; said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #1500-8160-2306.

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



5. RESOLUTION 2009-77

Award of Bid - Asbestos Survey 19E Windwood Ct

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 19E Windwood Court 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 January 5, 2009 (#2009-6), this Town Board ordered that the building located at 19E Windwood Court 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 19E Windwood Court, 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 19E 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 Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain JMD Environmental, Inc. at the following costs:

- Asbestos Inspection/Assessment	\$1,350
- Design Development/Prepare Asbestos Removal Documents (if necessary)	\$ 500
- Air Monitoring (if necessary) - Cost Per Day	\$ 329

to perform said asbestos survey and abatement work with respect to 19E Windwood Court, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains JMD Environmental, Inc., 1815 Love Road, Grand Island, New York 14072 to perform the necessary asbestos survey and abatement work (if necessary) for 19E Windwood Court at the costs listed above, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with JMD Environmental, Inc. for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember

SECONDER: Stanley Kaznowski, Councilmember

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



6. RESOLUTION 2009-78

Award of Bid - Police Cars

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of six (6) New and Unused 2009 Police Patrol Vehicles for the Police Department, which bids were duly received and opened at a public bid opening called for that purpose; and

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

RESOLVED, that the contract for the furnishing of six (6) new and unused 2009 Police Patrol Vehicles be awarded to Delacy Ford, 3061 Transit Road, Elma, New York 14059, for the purchase price of \$134,982.00, said bid being the lowest responsible bid meeting all specifications; and BE IT FURTHER

RESOLVED, that funds for the purchase of these vehicles shall be appropriated from line item number 100-3120-2303.

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



7. RESOLUTION 2009-79

Call for Public Hearing- Rezoning Request 3820 Union Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Samuel Carubba of Carubba & Sons, LLC has made application and requested the rezoning of 3820 Union Road from C-Retail Business to MS- Motor Services for the establishment of a collision repair business, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on March 16, 2009 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 16th day of March, 2009 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Carubba & Sons, LLC

for the rezoning of 3820 Union Road from C- Retail Business to MS- Motor Services for a the establishment of a collision repair business.

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. 17, Township 11, Range 7 of the Holland Land Company' Survey, bounded and described as follows:

COMMENCING, at a point in the west line of Union Road, as a 100 foot road, distant 1230.50 feet northerly, as measured thereon, from its intersection with the south line of said Lot No. 17; running thence westerly parallel with the south line of said Lot No. 17, a distance of 229.05 feet to the southwest corner of lands conveyed to First Priority Mortgage, Inc. by deed recorded in the Erie County Clerk's Office in Liber 10959 of Deeds at page 8599, said corner being the principal point of beginning; thence continuing westerly parallel with the south line of said Lot No. 17, a distance of 636.31 feet to the southeast line of lands now or formerly owned

by New York Central Railroad and West Shore Railroad; thence northeasterly along the southeast line of lands now or formerly owned by New York Central Railroad and West Shore Railroad, 504.67 feet to a point formed by the intersection of a line drawn parallel with the south line of said Lot No. 17 from the east of said Lot No. 17 and distant 250 feet northerly from the point of beginning; thence easterly parallel with the south line of said Lot No. 17 a distance of 210.80 feet to the northwest corner of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed recorded in said Clerk's Office in Liber 10959 of Deeds at page 8603; thence southerly parallel with the said west line of Union Road and along the west line of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed aforesaid; 175 feet to the southwest corner of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed aforesaid; thence westerly parallel with the south line of said Lot No. 17 a distance of 9.05 feet to the northwest corner of lands conveyed to First Priority Mortgage, Inc. by deed aforesaid; thence southerly parallel with the said west line of Union Road and along the west line of lands conveyed to First Priority Mortgage, Inc. by deed aforesaid 75 feet to the principal point of beginning.

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



8. RESOLUTION 2009-80

Call for Public Hearing -Rezoning Request- 4455 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Carl Paladino has made application and requested the rezoning of part of 4455 Genesee Street from M1- Light Manufacturing to MS-Motor Services for a parking area serving needs of the public , NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on March 16, 2009 at 6:30 P.M., at the Cheektowaga Town Hall, 3301 Broadway at the corner of Union Road.

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Cheektowaga, Erie County, New York at the Town Hall in the said Town of Cheektowaga, 3301 Broadway corner of Union Road on the 16th day of March, 2009 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Carl Paladino

the rezoning of part of 4455 Genesee Street from M1- Light Manufacturing to MS-Motor Services for a parking area serving needs of the public.

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, and being more particularly bounded and described as follows:

COMMENCING at a point in the center line of Genesee Street 866.00 feet southwesterly of the intersection of the said center line of Genesee Street with the east line of lot 5; running thence southerly at right angles 50 feet to a point, said point being in the south line of Genesee Street as laid out 100 feet wide; running thence southerly at right angles to the south line of Genesee Street 60 feet to a point; running thence southerly at an interior angle of 165-19-30 with the last described line 150.54 feet to a point; running thence southeasterly at an angle to the right of 135

with the last described line 103.14 feet to a point; running thence easterly at an angle to the right of 135 with the last described line 137.07 feet to a point; running thence southerly at right angles with the last described line 30 feet to the principal point of beginning; running thence easterly at right angles with the last described line 38.12 feet to an angle; running thence easterly at an exterior angle of 165-05-47 with the last described line 202.69 feet to a point; running thence southerly at an interior angle of 90-27-16 with the last described line 366.49 feet to a point in the northwest line of the West Shore Railroad; running thence southwesterly at an interior angle of 99-45-27 with the last described line and along the last mentioned northwest line, 361.85 feet to a point; running thence northerly along the west line of Liber 3252 page 379 and parallel to the east line of said Lot 5, 455.04 feet to the point or place of beginning.

AND 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 5, Township 11, Range 7 of the Holland Land Company's Survey, and being more particularly bounded and described as follows:

COMMENCING at a point in the center line of Genesee Street (100 feet wide). 620.11 feet southwest of the intersection of said center line of Genesee Street with the east line of Lot 5; thence southerly along a line parallel to the east line of said Lot 5 and making an angle of 75-19-30 in the southwest quadrant 51.69 feet to the point of beginning, said point being in the south right-of-way line of Genesee Street; thence continuing southerly along said line, 370.49 feet to a point; thence easterly along a line making an interior angle of 90-00-00 with the last mentioned line, 38.12 feet to a point; thence northeasterly along a line making an interior angle of 165-33-13 with the last mentioned line, 202.69 feet to a point; thence northeasterly along a line making an interior angle of 179-24-17 with the last mentioned line, 64.44 feet to a point; thence northwesterly along a line making an interior angle of 90-22-00 with the last mentioned line, 368.46 feet to a point in the south right-of-way line of said Genesee Street; thence southwesterly along said right-of-way line and making an interior angle of 90-00-00 with the last mentioned line, 210.15 feet to the point or place of beginning. Excepting the parcel described in Liber 5766 of Deeds, page 551, to the extent such parcel falls within the above description.

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



9. RESOLUTION 2009-81

Notice to Bidders Baseball/Softball Equipment

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS it is in order that bids be advertised for the purchase of baseball and softball equipment for the Town of Cheektowaga Department of Youth and Recreational Services, BE IT

RESOLVED that the Town Clerk be directed to publish a Notice to Bidders, to be published in the CHEEKTOWAGA BEE, 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 March 11, 2009 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 March 11, 2009 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

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



10. RESOLUTION 2009-82

Notice to Bidders - Mowing Detention Basins and Pfohl Landfill

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

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

RESOLVED, that this request be granted and that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill for a three (3) year contract covering 2009, 2010 and 2011, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 11th day of March, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers at the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 11, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of equipment and operators for mowing detention basins and the Pfohl Landfill in the Town of Cheektowaga for a three (3) year contract covering 2009, 2010 and 2011.

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

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

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

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

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

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

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

Alice Magierski
Town Clerk

DATED: February 23, 2009

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



11. RESOLUTION 2009-83

Authorize Supervisor to Execute Grant Application for 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 are 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.

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



12. RESOLUTION 2009-84

Home Rule Request to Extend Golf Course Lease

Sponsored By: Councilmember Zydell, Councilmember Rogowski

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 prior resolutions (Resolution Nos. 2007-387 and 2008-78), the Cheektowaga Town Board made Home Rule Requests to the State Senate and Assembly to enact Assembly and Senate Bills to authorize the extension of the lease, and

WHEREAS, said Home Rule Request bills died since the Bills had not yet been enacted, and

WHEREAS, bills have been re-introduced in the State Assembly (A.4126) and Senate (S.1411) 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.4126 and Senate Bill S.1411, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to execute the Home Rule Request forms for the aforementioned Assembly and Senate bills, and to forward same to the Home Rule Counsels for the Assembly and Senate, with copies to Assemblyman Dennis H. Gabryszak and Senator William T. Stachowski.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



13. RESOLUTION 2009-85

Approve Amended P.I.L.O.T. Agreement with WNY Student Housing for Collegiate Village

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

WHEREAS, by resolutions dated September 11, 2007 (Resolution 2007-519) and February 4, 2008 (Resolution 2008-73), the Cheektowaga Town Board approved a Payment in Lieu of Taxes ("P.I.L.O.T.") Agreement with WNY Student Housing for a project ("Collegiate Village") located at 105 Kenville Road (existing Kensington Village Apartments) to be developed by WNY Student Housing, LLC, and

WHEREAS, construction of this project was delayed and the developer has requested that the P.I.L.O.T. agreement be amended to postpone the start date of the P.I.L.O.T. agreement by one (1) year, and

WHEREAS, this Board is agreeable to so revising the P.I.L.O.T. agreement, NOW, THEREFORE, BE IT

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

RESOLVED, that this resolution replaces in its entirety the aforementioned resolutions dated September 11, 2007 (Resolution 2007-519) and February 4, 2008 (Resolution 2008-73).

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



14. RESOLUTION 2009-86

Approval of License Agreement with Benderson Development Company

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is the owner of 2.24± acres of vacant land located on the west side of Transit Road to the rear of 4872 Transit Road, and

WHEREAS, Benderson Development Company, LLC ("Benderson") has requested permission to enter this property to conduct site observations/inspections relating to wetlands in the area, and

WHEREAS, this Board is willing to grant Benderson and its wetlands consultant a temporary license for a period not to exceed 90 days to conduct the site observations/inspections provided the site is not disturbed in any manner, NOW, THEREFORE, BE IT

RESOLVED, that Benderson be and hereby is granted a temporary license to enter the aforementioned Town of Cheektowaga property for a period not exceeding 90 days to conduct site observations/inspections provided the site is not disturbed, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a temporary license agreement with Benderson for this limited purpose.

RESULT: WITHDRAWN



15. RESOLUTION 2009-87

Special Event - Infant of Prague Church 5K Race 09

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 18th, 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 18th, 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 Chief Ziembra.

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



16. RESOLUTION 2009-88

Amend Resolution 2009-46 Regarding Asbestos Survey - 1097 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution dated January 20, 2009, this Town Board adopted a resolution (resolution 2009-46) retaining Sienna Environmental Technologies, LLC, with regard to asbestos survey and abatement work for 1097 Walden Avenue; and

WHEREAS, the second "RESOLVED" paragraph of said resolution incorrectly stated the name of the company that will be providing said services for the Town; NOW, THEREFORE, BE IT

RESOLVED, that the second "RESOLVED" paragraph of Resolution 2009-46 be and hereby is amended to read as follows:

"RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Sienna Environmental Technologies, LLC, for said services",

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



17. RESOLUTION 2009-89

Minor Demolition / 108 Campbell 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 108 Campbell Road, Cheektowaga, New York SBL# 90.12-2-40 that is a danger to the safety of others, and records kept by the Assessors Office identify The Bank of New York, 1675 Palm Beach Lakes Blvd. West Palm Beach, FL 33401, as the owner AND

WHEREAS, an inspection of such premises was conducted at 108 Campbell Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



18. RESOLUTION 2009-90

Unsafe-Unsecured/56 Woodridge 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 56 Woodridge Avenue, Cheektowaga, New York SBL# 91.06-17-10 that is a danger to the safety of others, and records kept by the Assessors Office identify Stanislaus Nicpon & Patricia Stresing, 56 Woodridge Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 56 Woodridge Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



19. RESOLUTION 2009-91

Termination of 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:

POLICE DEPARTMENT
Camille Suszek effective 2/07/09

TOWN CLERK'S OFFICE
Sharon Drzyzga effective 2/05/09

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

**20. RESOLUTION 2009-92****Apptmt of Account Clerk (Youth and Recreation)
(Permanent/Promotional) (K. Miesowicz)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Kathryn A. Miesowicz currently holds the title of Senior Clerk Typist in the Youth and Recreation Department; AND

WHEREAS, the job duties currently being performed by Ms. Miesowicz would be more accurately represented by the title of Account Clerk; AND

WHEREAS, the title of Account Clerk falls under the competitive class of Erie County Civil Service; AND

WHEREAS, a current Erie County Civil Service Promotional list is in existence for the Account Clerk title; AND

WHEREAS, Ms. Miesowicz is on said promotional list and meets all the necessary qualifications for appointment; AND

WHEREAS, said change in title will not incur any additional cost to the Town; NOW, THEREFORE, BE IT

RESOLVED, Kathryn A. Miesowicz of Depew, New York, be and hereby is appointed to the position Account Clerk in 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 February 24, 2009.

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



21. RESOLUTION 2009-93

Travel Authorization (C. Giles) (“Pool Operator Seminar”)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a “Pool Operator Seminar” is being held March 2-3, 2009 in Penfield, New York;
AND

WHEREAS, Recreation Specialist Catherine Giles has requested authorization to attend said seminar; AND

WHEREAS, Executive Director Ellen 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 \$463; AND

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

RESOLVED, that Recreation Specialist Catherine Giles be and hereby is authorized to attend the “Pool Operator Seminar” being held in Penfield, New York from March 2-3, 2009.

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



22. RESOLUTION 2009-94

Travel Authorization (Police - Lt. Speyer)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, "Preparing for the Line of Duty Death Workshop" is to be held April 25-26, 2009 in Montour Falls, New York; AND

WHEREAS, Lieutenant James Speyer has requested authorization to attend said workshop; 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 \$652.21; AND

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

RESOLVED, that Lieutenant James Speyer be and hereby is authorized to attend "Preparing for the Line of Duty Death Workshop" being held April 25-26, 2009 in Montour Falls, New York.

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



23. RESOLUTION 2009-95

Travel Authorization (Police - Tactical Officers Association Expo and Conference 2009)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "New York Tactical Officers Association Expo and Conference 2009" is being held April 28-30, 2009 in Verona, New York; AND

WHEREAS, the following employees have requested authorization to attend said conference:

Sergeant Thomas Allen
 Detective Robert Mullen
 Detective Terence Griffin
 Detective Joseph Bauman
 Sergeant Patrick Chludzinski
 Police Officer Michael Smith; 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 \$2,554.94; 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 the "New York Tactical Officers Association Expo and Conference 2009" being held in Verona, New York from April 28-29, 2009.

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

IV. Suspension of Rules

Motion by Supervisor Holtz, second by Councilmember Rogowski to suspend the rules to include the following two (2) items and the motion carried.



1. RESOLUTION 2009-96

Notice of Hearing - Training for Planning Board and Zoning Board Members

Sponsored By: Markel, Rogowski, Kaznowski, Jaworowicz

WHEREAS, by Local Law No. 3 of the Year 2003, the Cheektowaga Town Board adopted A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals, and

WHEREAS, thereafter, by Chapter 662 of the Laws of 2006, the State Legislature amended Sections 267 and 271 of the Town Law of the State of New York to require each member of a Zoning Board of Appeals and Planning Board to complete, at a minimum, four hours of training each year, and

WHEREAS, the Town's Personnel Office records show that the following Zoning Board of Appeals and Planning Board members did not have the required four (4) hours of training in either 2007 or 2008:

<u>Member's Name</u>	<u>Calendar Year</u>	<u>Hours of Training Verified</u>
Zoning Board Member James J. Speyer	2008	3
Planning Board Chairman Anthony Sisti	2007	2
Planning Board Member Emil Lennert	2007	1
Planning Board Member Sigmund Kucewicz	2007	3
Planning Board Member Joan Meyers	2007	3

And,

WHEREAS, Local Law No. 3 of 2003 sets forth a procedure for the Town Board to remove such a member or to take other action against Zoning Board of Appeals and Planning Board members for failure to comply with the training requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby directs that the attached notice shall be forwarded to James J. Speyer, Anthony Sisti, Emil Lennert, Sigmund Kucewicz and Joan Meyers specifying the nature of their alleged failure to meet the training requirements, and BE IT FURTHER

RESOLVED, that a public hearing shall be held on the 10th day of March, 2009 at 6:00 P.M. at the Town Hall Council Conference Room, 3301 Broadway, Cheektowaga, New York 14227 to hear evidence as to whether any or all of the above named Zoning Board and Planning Board members has failed to comply with the minimum training requirements of Local Law No. 3 of the Year 2003 and Section 267 of the Town Law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward the attached Notice of Hearing to James J. Speyer, Anthony Sisti, Emil Lennert, Sigmund Kucewicz and Joan Meyers.

**NOTICE OF HEARING
ON ALLEGED FAILURE TO COMPLY WITH THE
MINIMUM TRAINING REQUIREMENTS OF
LOCAL LAW NO. 3 OF THE YEAR 2003
AND SECTION 267 OF THE TOWN LAW
OF THE STATE OF NEW YORK**

TO: JAMES J. SPEYER

PLEASE TAKE NOTICE, that, pursuant to the provisions of Local Law No. 3 of the year 2003 and Section 267 of the New York State Town Law, a Public Hearing will be held on the 10th day of March, 2009, at 6:00 P.M., in the Town Hall Council Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, to determine whether or not you should be removed for cause from service on the Cheektowaga Zoning Board of Appeals or whether any other action should be taken against you, for non-compliance with minimum requirements relating to training as established by this Town Board by local law.

According to records maintained by the Town of Cheektowaga Personnel Department, you only had three (3) hours of training in 2008 whereas you were required to have four (4) hours.

PLEASE TAKE FURTHER NOTICE, that said public hearing will be conducted before the Town Board at the time and place aforesaid, at which time you shall be given the opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made.

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

Dated: Cheektowaga, New York
23 February 2009

ALICE MAGIERSKI
Town Clerk

**NOTICE OF HEARING
ON ALLEGED FAILURE TO COMPLY WITH THE
MINIMUM TRAINING REQUIREMENTS OF
LOCAL LAW NO. 3 OF THE YEAR 2003
AND SECTION 267 OF THE TOWN LAW
OF THE STATE OF NEW YORK**

TO: ANTHONY SISTI

PLEASE TAKE NOTICE, that, pursuant to the provisions of Local Law No. 3 of the year 2003 and Section 267 of the New York State Town Law, a Public Hearing will be held on the 10th day of March, 2009, at 6:00 P.M., in the Town Hall Council Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, to determine whether or not you should be removed for cause from service on the Cheektowaga Planning Board or whether any other action should be taken against you, for non-compliance with minimum requirements relating to training as established by this Town Board by local law.

According to records maintained by the Town of Cheektowaga Personnel Department, you only had two (2) hours of training in 2007 whereas you were required to have four (4) hours.

PLEASE TAKE FURTHER NOTICE, that said public hearing will be conducted before the Town Board at the time and place aforesaid, at which time you shall be given the opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made.

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

Dated: Cheektowaga, New York
23 February 2009

ALICE MAGIERSKI
Town Clerk

**NOTICE OF HEARING
ON ALLEGED FAILURE TO COMPLY WITH THE
MINIMUM TRAINING REQUIREMENTS OF
LOCAL LAW NO. 3 OF THE YEAR 2003
AND SECTION 267 OF THE TOWN LAW
OF THE STATE OF NEW YORK**

TO: JOAN MEYERS

PLEASE TAKE NOTICE, that, pursuant to the provisions of Local Law No. 3 of the year 2003 and Section 267 of the New York State Town Law, a Public Hearing will be held on the 10th day of March, 2009, at 6:00 P.M., in the Town Hall Council Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, to determine whether or not you should be removed for cause from service on the Cheektowaga Planning Board or whether any other action should be taken against you, for non-compliance with minimum requirements relating to training as established by this Town Board by local law.

According to records maintained by the Town of Cheektowaga Personnel Department, you only had three (3) hours of training in 2007 whereas you were required to have four (4) hours.

PLEASE TAKE FURTHER NOTICE, that said public hearing will be conducted before the Town Board at the time and place aforesaid, at which time you shall be given the opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made.

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

Dated: Cheektowaga, New York
23 February 2009

**NOTICE OF HEARING
ON ALLEGED FAILURE TO COMPLY WITH THE
MINIMUM TRAINING REQUIREMENTS OF
LOCAL LAW NO. 3 OF THE YEAR 2003
AND SECTION 267 OF THE TOWN LAW
OF THE STATE OF NEW YORK**

TO: EMIL LENNERT

PLEASE TAKE NOTICE, that, pursuant to the provisions of Local Law No. 3 of the year 2003 and Section 267 of the New York State Town Law, a Public Hearing will be held on the 10th day of March, 2009, at 6:00 P.M., in the Town Hall Council Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, to determine whether or not you should be removed for cause from service on the Cheektowaga Planning Board or whether any other action should be taken against you, for non-compliance with minimum requirements relating to training as established by this Town Board by local law.

According to records maintained by the Town of Cheektowaga Personnel Department, you only had one (1) hour of training in 2007 whereas you were required to have four (4) hours.

PLEASE TAKE FURTHER NOTICE, that said public hearing will be conducted before the Town Board at the time and place aforesaid, at which time you shall be given the opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made.

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

Dated: Cheektowaga, New York
23 February 2009

**NOTICE OF HEARING
ON ALLEGED FAILURE TO COMPLY WITH THE
MINIMUM TRAINING REQUIREMENTS OF
LOCAL LAW NO. 3 OF THE YEAR 2003
AND SECTION 267 OF THE TOWN LAW
OF THE STATE OF NEW YORK**

TO: SIGMUND KUCEWICZ

PLEASE TAKE NOTICE, that, pursuant to the provisions of Local Law No. 3 of the year 2003 and Section 267 of the New York State Town Law, a Public Hearing will be held on the 10th day of March, 2009, at 6:00 P.M., in the Town Hall Council Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York, 14227, to determine whether or not you should be removed for cause from service on the Cheektowaga Planning Board or whether any other action should be taken against you, for non-compliance with minimum requirements relating to training as established by this Town Board by local law.

According to records maintained by the Town of Cheektowaga Personnel Department, you only had three (3) hours of training in 2007 whereas you were required to have four (4) hours.

PLEASE TAKE FURTHER NOTICE, that said public hearing will be conducted before the Town Board at the time and place aforesaid, at which time you shall be given the opportunity to present evidence and to call witnesses to refute the charges. A record of such hearing shall be made.

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

Dated: Cheektowaga, New York
23 February 2009

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



2. RESOLUTION 2009-97

Retain Court Reporting Services

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, Town Board rezoning and special permit public hearings are required to be stenographically recorded; and

WHEREAS, the Law Department solicited estimates from court reporting firms for such services on an as-needed basis, and after review by the Town Clerk, recommends the reporting services of Denall, Vitrano & Associates, Inc., based upon their fees and charges for such services; NOW THEREFORE, BE IT

RESOLVED, that Denall, Vitrano & Associates, Inc., with offices at Convention Tower, Buffalo, New York, 14202, be and hereby is retained to provide professional reporting services for Town Board and Zoning Board public hearings; and BE IT FURTHER

RESOLVED, that the fees paid to Denall, Vitrano & Associates, Inc., for the provision of their professional reporting services for Town Board and Zoning Board public hearings shall be as follows: \$6.75 per page and no appearance fee, or \$75.00 per hour, whichever is greater; and BE IT FURTHER

RESOLVED, that the moneys for such services shall be appropriated from budget line 100-1410-4593.

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

V. Communications

A. Departmental Communications

1. 2009 Annual Community Development Block Grant Plan
2. Minutes - Cheektowaga Conservation Advisory Council - February 5, 2009
3. Minutes - Town Environmental Advisory Committee - February 4, 2009
4. Minutes - Cheektowaga Public Library Board - January 21, 2009
5. Minutes - Cheektowaga Traffic Safety Commission - January 20, 2009

B. General Communications

1. Summons: Everhome Mortgage Company Vs. John A. Filipski, Town of Cheektowaga Etal

2. Notice of Claim: Florence A. Abbott Vs. Town of Cheektowaga
3. Notice of Claim: Brandy L. Crawley Vs. Town of Cheektowaga
4. Notice of Claim: Frank M. Petrella Vs. Town of Cheektowaga
5. Notice of Claim: Walter J. Sajdak Vs. Town of Cheektowaga
6. Notice of Claim: Nicholas Stecenko 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 Kaznowski 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, March 2, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on March 2, 2009 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 Hess, Assessor
Brian Krause, Director of Finance and Administration
John Marriott, Planning Board Representative
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-101

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Swiatek

2008

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

GENERAL FUND

FROM:	100.1640.1902	Overtime Payroll	\$	149.00
	100.1420.4501	Legal Attorney		46,699.00
	100.1910.4711	Contingency		131,281.00
	100.1910.4352	Erie County Chargebacks		19,091.00
	100.3510.4030	Dog Kennel Supplies		3.00
	100.9499.1901	Regular Payroll		9,295.00
TO:	100.1640.4001	Office Supplies	\$	149.00
	100.1430.4502	Legal Personnel		177,980.00
	100.1910.4322	HEAP		19,091.00
	100.3510.4001	Office Supplies		3.00
	100.9499.1902	Overtime Payroll		9,294.00
	100.9499.1931	Vacation Sellback		1.00

HUD CDBG FUND

FROM:	700.1008.0750	Housing Rehab Inspectors	\$	4,103.25
	700.1008.0704	Contingency		1,996.10
TO:	700.1008.0703	Administration	\$	4,103.25
	700.1008.0795	Sr Services Outreach		1,996.10

PART TOWN FUND

FROM:	800.3620.2770	Permits & inspections	\$	15,000.00
	800.3620.4561	Contracted Services		12,173.00
	800.3620.1901	Regular Payroll		7,287.00
TO:	800.3620.4411	Refunds of Permits	\$	15,000.00
	800.3620.4520	Demolition of Houses		12,173.00
	800.3620.2201	Equipment		7,287.00

HIGHWAY FUND

FROM:	300.5150.4162	Gasoline	\$	30,000.00
	300.9501.9131	Bond Principal		79,807.00
	300.5141.1901	Payroll Regular		54,438.00
	300.5141.1951	Seasonal		20,335.00
	300.9010.8143	Medical Ins. Retiree		20,930.00
	300.9010.8101	Retirement		27,603.00
	300.5141.1914	Shift Differential		859.00

TO:	300.5110.4162	Gasoline & Oil	\$ 109,807.00
	300.5141.1902	Overtime Payroll	115,003.00
	300.5141.1971	PT Regular	859.00
	300.9010.8121	Social Security	5,764.00
	300.9010.8141	Medical Ins Employees	2,539.00

CAPITAL FUND

FROM:	500.1910.4820.5705	Federal Aid	
		Rails to Trails	\$1,129,483.13
TO:	500.1440.9607.5705	Rails To Trails	\$1,129,483.13

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



2. RESOLUTION 2009-102

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to February 27, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 169,883.12
RISK RETENTION FUND	13,949.07
HUD HOUSING REHABILITATION FUND	9,668.00
SPECIAL DISTRICTS FUND	5,567.71
HIGHWAY FUND	25,299.88
CAPITAL FUND	33,653.16
TRUST & AGENCY	1,442.98
HUD CDBG FUND	313.86
PART TOWN FUND	14,451.50
NYS AFFORDABLE HOUSING	9,667.00
	<u>\$ 283,896.28</u>

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



3. RESOLUTION 2009-103

Notice to Bidders -Pool Maintenance Chemicals 2009

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga Facilities Department, Parks Division, annually requires Pool Maintenance Chemicals for 2009, 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 11th day of March, 2009 at 11:00 AM at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

=====

Sealed proposals will be received by the Town Clerk on March 11, 2009, at 11:00 AM at Town Hall, 3301 Broadway, for the furnishing of Pool Maintenance Chemicals 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.

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



4. RESOLUTION 2009-104

Notice to Bidders - Athletic White Stripe 2009

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga 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 Clerks Office in Cheektowaga Town Hall, AND BE IT FURTHER

RESOLVED, that sealed bids will be received on the 11th day of March, 2009 at 11:00 AM at a public bid opening to be held in the Council Chambers at Cheektowaga Town Hall.

=====

Sealed proposals will be received by the Town clerk on March 11, 2009, at 11:00 AM at the Town Hall, 3301 Broadway, for the supplying of Athletic White Stripe 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.

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



5. RESOLUTION 2009-105

Notice to Bidders - Rubber Tire Tractor Loader

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga Parks Division desires to purchase a Rubber Tire Tractor Loader, AND

WHEREAS, the Engineering Department has 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 2009 Rubber Tire Tractor Loader, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on March 18, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on March 18, 2009 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 Rubber Tire Tractor Loader for the Parks Division.

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

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

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

Alice Magierski
Town Clerk

DATED: March 2, 2009

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], James Rogowski, Stanley Kaznowski, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



6. RESOLUTION 2009-106

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 2009 for the Town of Cheektowaga, AND

WHEREAS, the Engineering Department has prepared specifications for same, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of work uniforms to the Town of Cheektowaga for the year of 2009, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 18th day of March, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on March 18, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the furnishing of Work Uniforms for the 2009 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: March 2, 2009

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Content (ADOPTED [UNANIMOUS], Stanley Kaznowski, Councilmember, Richard Zydel, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



7. RESOLUTION 2009-107

Notice to Bidders - Topsoil for Various Departments

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the Town Clerk be and hereby is directed to publish a Notice to Bidders for the purpose of furnishing TOPSOIL for use by the 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 18, 2009, at 11:00AM, in the Council Chambers of the Cheektowaga Town Hall.

NOTICE TO BIDDERS
TOWN OF CHEEKTOWAGA, NEW YORK

SEALED PROPOSALS will be received and considered by the Cheektowaga Town Clerk on March 18, 2009 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.

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

ALICE MAGIERSKI, TOWN CLERK

DATED: March 2, 2009

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Content (ADOPTED [UNANIMOUS], Jeff Swiatek, Councilmember, James Rogowski, Councilmember, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



8. RESOLUTION 2009-108

Authorize Sewer Maintenance Department to Purchase Skid Steer Loader from State Bid

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2009 New Holland L185 Skid Steer Loader with selected options as specified in the New York State OGS Contract 40604, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 2550-8125-2550, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the Sewer Maintenance Department to purchase one (1) 2009 New Holland L185 Skid Steer Loader, less trade-in of one (1) Ford 555D TLB, for the total purchase amount of \$19,556.00 from:

Niagara Frontier Equipment Sales, Inc.
4060 Lake Avenue
Lockport, New York 14094

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



9. RESOLUTION 2009-109

Commitment to Use American Goods and Services for Economic Stimulus Projects

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

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated local governments and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, any domestically-produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

WHEREAS, any economic recovery plan spending should, to every extent possible, include a commitment from the Town of Cheektowaga to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place, NOW, THEREFORE,

BE IT RESOLVED that, we, members of the Town Board of the Town of Cheektowaga, to the maximum extent permitted by law, will work to maximize the creation of American jobs and restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed, and

BE IT FURTHER RESOLVED THAT, this Town Board commits, to the maximum extent permitted by law, to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the Town of Cheektowaga by the American taxpayers, and

BE IT FURTHER RESOLVED THAT, as legislators of the Town of Cheektowaga, this Town Board, to the maximum extent permitted by law, commits to pursue these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

Motion by Councilmember Swiatek; Seconded by Councilmember Rogowski to amend the Resolution to add a new Last Paragraph. Motion Carried.

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment, and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services, and

WHEREAS, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated local governments and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components, and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities, and

WHEREAS, any domestically-produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy, and

WHEREAS, any economic recovery plan spending should, to every extent possible, include a commitment from the Town of Cheektowaga to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place, NOW, THEREFORE,

BE IT RESOLVED that, we, members of the Town Board of the Town of Cheektowaga, to the maximum extent permitted by law, will work to maximize the creation of American jobs and restore economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed, and

BE IT FURTHER RESOLVED THAT, this Town Board commits, to the maximum extent permitted by law, to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the Town of Cheektowaga by the American taxpayers, and

BE IT FURTHER RESOLVED THAT, as legislators of the Town of Cheektowaga, this Town Board, to the maximum extent permitted by law, commits to pursue these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program, and

BE IT FURTHER RESOLVED THAT, the President, Senate and Congress consider and adopt these type of expenditures that encourage and allow local government to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan and thereby establish this policy as part of the Economic Recovery Law.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Jeff Swiatek, Richard Zydel
SECONDER:	Holtz, Jaworowicz, Rogowski, Markel, Kaznowski
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2009-110

Recognizing March 12, 2009 as “World Kidney Day”

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, healthy kidneys are essential to regulate the 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 the 26 million Americans, about one in nine adults, suffer from chronic kidney disease and,

WHEREAS, 170,000 Western New Yorkers have Chronic Kidney Disease and another 170,000 are at risk and don't know it,

Whereas, 1,600 Western New Yorkers are on dialysis,

Whereas nearly 500 Western New Yorkers are awaiting a kidney transplant,

Whereas 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,

WHEREAS, the National Kidney Foundation of WNY has a free 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,

WHEREAS, early detection including regular reporting of the GFR calculation through a simple blood test, 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 the Town of Cheektowaga joins in recognizing March 12th as “World Kidney Day” 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 the world.

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



11. RESOLUTION 2009-111

Tobacco Point of Purchase Advertising

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS: Tobacco products are addictive and contribute to the premature illnesses and deaths of our citizens; and

WHEREAS: The Surgeon General has concluded that tobacco product marketing encourages people to use tobacco, especially youth; and

WHEREAS: In 2005, tobacco companies spent \$13 billion to market cigarettes in the United States, most of which was spent at point of sale; and

WHEREAS: The economic impact of tobacco use is a drain on our community keeping taxes high and making employers spend more money on health insurance which reduces jobs in our region; and

WHEREAS: The vast majority of tobacco users regret their decision to start smoking and find their ability to quit using tobacco constrained because of nicotine addiction; and

WHEREAS: We have a responsibility to protect the public's health, especially those who are young and most vulnerable.

WHEREAS: An estimated 1/3 of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities, NOW THEREFORE BE IT

RESOLVED that the Town of Cheektowaga hereby supports the efforts of Erie-Niagara Tobacco-Free Coalition and to protect the children of Erie and Niagara Counties and the Town of Cheektowaga by asking local retailers to reduce tobacco advertising by doing the following:

- § No price promotions or discounts.
- § Removing all tobacco brand advertising inside and outside of their store.
- § Keeping tobacco displays out of view of customers.
- § Agreeing to place material in their store advising smoking customers where they can get assistance to stop using tobacco products.

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



12. RESOLUTION 2009-112

Approve License Agreement with Benderson Development Company

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is the owner of 2.24± acres of vacant land located on the west side of Transit Road to the rear of 4872 Transit Road, and

WHEREAS, Benderson Development Company, LLC ("Benderson") has requested permission to enter this property to conduct site observations/inspections relating to wetlands in the area, and

WHEREAS, this Board is willing to grant Benderson and its wetlands consultant a temporary license for a period not to exceed 90 days to conduct the site observations/inspections provided the site is not disturbed in any manner, NOW, THEREFORE, BE IT

RESOLVED, that Benderson be and hereby is granted a temporary license to enter the aforementioned Town of Cheektowaga property for a period not exceeding 90 days to conduct site observations/inspections provided the site is not disturbed, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a temporary license agreement with Benderson for this limited purpose.

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



13. RESOLUTION 2009-113

Subrecipient Agreement with Town of Amherst for HOME Program

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 Investment Partnership Program 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 2009 program year.

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



14. RESOLUTION 2009-114

Youth Development Block Grant

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS Governor Paterson has submitted his budget recommending a "Youth Development Block Grant" and;

WHEREAS said Block Grant abandons New York State's long-time leadership and partnership in youth prevention, intervention and development services as articulated in the Executive Law 420 19A and;

WHEREAS the proposed Block Grant Program would pit County mandated programs against municipal Youth Bureau non-mandated programs and;

WHEREAS as a result of the aforementioned proposal the two main contract agencies in the Town of Cheektowaga, Catholic Charities and Child and Family Services, will have to cut services and staffing by at least one third and;

WHEREAS the Cheektowaga Town Board believes that providing services and programs for youth is an investment, not only in delinquency prevention but also in the development of our young people in all ways thus enriching our society and nation; BE IT

RESOLVED that the Cheektowaga Town Board hereby requests Governor Paterson and the New York State Legislature to maintain current funding streams and eliminate the concept of block grant funding and BE IT

RESOLVED that the Governor and Legislature uphold Executive Law 420 Article 19A to maintain the current youth bureau system which is in the best interest of the 2,000 youth served by youth development and prevention services in the Town of Cheektowaga and BE IT FURTHER

RESOLVED that the Town Clerk is directed to forward a copy of this resolution to our Governor and State Elected Officials to encourage their support.

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



15. RESOLUTION 2009-115

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:

Stephanie Gemmati	11/22/08	14215
Danielle Phillips	01/24/09	14225

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

IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Suspend the Rules to Include the Following Resolution. Motion Carried.
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1. RESOLUTION 2009-116

Authorize Supervisor to Execute Agreement with SJB Services, Inc.

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, by Town Board resolution dated October 6, 2008 the Town Board authorized SJB Services, Inc. to perform geotechnical investigations for Phase I of the Dingens Street storm sewer trunk line, AND

WHEREAS, an additional geotechnical investigation is required to identify the existence and extent of bedrock to facilitate project design for Phase II of the Dingens Street storm sewer trunk line, AND

WHEREAS, SJB Services, Inc. has submitted a proposal dated February 26, 2009 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.

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

V. Communications

A. Departmental Communications

1. Building Permits - February 2009

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.
Time 7:14 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, March, 10, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on March 10, 2009 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 Hess, Assessor
Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. Resolutions



1. RESOLUTION 2009-117

Settlement of Litigation - Cooper Industries, Inc.

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Cooper Industries, Inc., commenced Article 7 proceedings against the Town for Tax Years 2006-2007, 2007-2008, and 2008-2009, seeking a reduction in the assessment of properties owned by them located at 3101 Broadway in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

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



2. RESOLUTION 2009-118

Settlement of Litigation - Linda Lane Associates

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Linda Lane Associates, L.P. commenced Article 7 proceedings against the Town for Tax Years 2007-2008, and 2008-2009, seeking a reduction in the assessment of properties owned by them located at 7-71 Linda Drive in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

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



3. RESOLUTION 2009-119

Authorize Police SWAT Team to Utilize Town Properties

Sponsored By: Councilmember Jaworowicz, Councilmember Markel

WHEREAS, the Town of Cheektowaga acquired the following properties for purposes of rehabilitation or demolition:

- 40 Alpine Place
- 83 Pinehurst Avenue
- 54 Barbara Place
- 79E Windwood Court
- 20 Randolph Avenue

, and

WHEREAS, the SWAT Division of the Cheektowaga Police Department has requested permission to conduct its training maneuvers in these structures on or about March 19, 2009, and

WHEREAS, this would offer the SWAT team a unique opportunity to conduct its training in residential structures, NOW, THEREFORE, BE IT

RESOLVED, that the SWAT Division of the Cheektowaga Police Department be and hereby is granted permission to conduct its SWAT training at any or all of the above referenced Town -owned properties.

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



4. RESOLUTION 2009-120

Prefer Additional Charges Against Police Officer and Appoint Hearing Officer

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, Cheektowaga Chief of Police Christine M. Ziemba has recommended and preferred additional 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 the additional charges and report and recommend to the Cheektowaga Town Board proposed disciplinary action, upon the additional Charges preferred against the Officer; 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.

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



5. RESOLUTION 2009-121

Prefer Charges Against Police Officer and Appoint Hearing Officer

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Cheektowaga Chief of Police Christine M. Ziemba 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 Paul S. Piotrowski (the "Deputy Town Attorney") is hereby appointed to act as Hearing Officer to hear the 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 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	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, March, 16, 2009

6:45 PM

Council Chambers

I. Public Hearings at 6:30 pm

1. Rezoning Request 3820 Union Road

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

2. Rezoning Request- 4455 Genesee Street

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

II. Call to Order

6:45 PM Meeting called to order on March 16, 2009 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	Late	6:40 PM
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 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
 John Staniszewski, TCEA Union Representative

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-122

Transfer of Funds - 2009

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

2009

PART TOWN FUND

FROM: 800.1910.2799	Appropriated Fund Balance	\$ 9,270.00
TO: 800.3620.4321	Computer Expense	\$ 9,270.00

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



2. RESOLUTION 2009-123

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:	100.1430.4751	Employee Assistance	\$	1,207.00
	100.1430.1931	Vacation Sellback		530.00
	100.1430.1971	PT Regular		589.00

To:	100.1430.4502	Legal Personnel	\$	2,326.00
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HIGHWAY FUND

From:	300.5141.1731	Labor Allocation	\$	51,975.27
	300.5130.1701	Highway Machinery		35,768.27
	300.5141.1734	Labor Brush & Weed		117,695.37
	300.5142.1701	Snow Removal		28,846.22
	300.5141.1736	Labor Other Govt		4,270.38
	300.5150.1701	Hwy Improvements		78,908.75

To:	300.5110.1701	General Repairs	\$	51,975.27
	300.5141.1733	Labor Allocation		35,768.27
	300.5140.1379	Brush & Weed		1,040.94
	300.5140.1701	Brush & Weed		116,654.43
	300.5141.1735	Labor Snow		28,846.22
	300.5148.1701	Other Govts		4,270.38
	300.5141.1737	Labor Improvements		78,908.75

HUD-CDBG

From:	700.1007.0704	Contingency	\$	481.59
	700.1008.0704	Contingency		965.23
	70.1006.0704	Contingency		4.80

To:	700.1007.0676	Police Foot Patrols	\$	481.59
	700.1008.0676	Police Foot Patrols		965.23
	700.1006.0703	Admin		4.80

RISK RETENTION FUND

From:	101.1910.2401	Interest Earnings	\$	24,331.00
	101.1910.2798	Appropriated Fund Balance		252,829.00
	101.1936.4703	Contingency Reserve		150,000.00
	101.1710.4101	Insurance Premiums		34,403.00
	101.1710.4525	Claims Admin Workers Comp		42,110.00
	101.1931.4703	Unemployment Insurance		38,179.00

To:	101.1722.4519	Excess Workers Comp Ins	\$	154.00
	101.1930.4703	Workers Comp Insurance		62,897.00

101.1932.4703	General Liability	462,180.00
101.1937.4703	Dental & Vision Insurance	16,621.00

SPECIAL DISTRICTS FUND

From:	150.9010.8121	Social Security Employees	\$ 196,226.00
	255.9010-8121	Social Security Employees	170,835.00
To:	150.8160.8121	Social Security Employees	\$ 196,226.00
	255-8125-8121	Social Security Employees	107,781.00
	255-8135-8121	Social Security Employees	63,054.00

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



3. RESOLUTION 2009-124

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to March 13, 2009 are hereby approved and made a part hereof;

General Fund	\$ 946,109.28
Risk Retention Fund	20,974.90
Debt Service Fund	1,575.00
HUD Housing Rehabilitation Fund	5,328.00
Special Districts Fund	1,395,888.18
Highway Fund	161,792.75
Capital Fund	81,159.37
Trust & Agency Fund	10,210.10
HUD CDBG Fund	196,938.30
Part Town Fund	53,768.88
NYS Affordable Housing	<u>5,327.00</u>
	<u>\$2,879,071.76</u>

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mary Holtz, Supervisor

SECONDER: Jeff Swiatek, Councilmember

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



4. RESOLUTION 2009-125

Award of Bid - Athletic White Stripe 2009

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, bids for Athletic White Stripe were received on March 11, 2009 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 Corporation
3401 Genesee Street
Cheektowaga, New York 14225

Athletic White Stripe at \$.095

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



5. RESOLUTION 2009-126

Award of Bid - Renovations to the Central Garage/Sanitation Building

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, a Notice to Bidders was published for the receipt of bids for Renovations to the Central Garage and Sanitation Building located at 3175 Union Road, which bids were duly received and opened on February 25, 2009 at 11:00 a.m. by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer and F.J. Wailand Associates, Inc., Metal Building Consultant, for analysis, tabulation and report, which analysis, tabulation and report is contained in a letter from the Engineering Department dated March 12, 2009, AND

WHEREAS, said letter recommends that the contract for the Renovations to the Central Garage and Sanitation Building be awarded to The Peyton Barlow Company, Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Renovations to the Central Garage and Sanitation Building be and hereby is awarded to The Peyton Barlow Company, Inc., 360 Delaware Avenue, Suite 300, Buffalo, New York 14202 for the total bid price of \$331,700.00 which includes the base bid and Alternate No. 1 which provides for new exterior man doors and frames, said bid being the lowest bid meeting the requirements of the specifications and construction drawings, 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 The Peyton Barlow Company, Inc. for the aforesaid project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account #500-1640-2520-5835.

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



6. RESOLUTION 2009-127

Award of Bid - Pool Maintenance Chemicals 2009

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, sealed bids were received for Pool Maintenance Chemicals on March 11, 2009 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:

Amrex Chemical Company, Inc.
391 Exchange Street
Buffalo, New York 14204

Category I	-	Bromine	-	\$2.40 per lb.
Category II	-	Diatomaceous Earth	-	\$.34 per lb.
		Sodium Bicarbonate	-	\$.25 per lb.
		Soda Ash	-	\$.25 per lb.

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



7. RESOLUTION 2009-128

Award of Bid - Baseball and Softball Equipment

Sponsored By: Councilmember Zydell, Councilmember Rogowski

WHEREAS, sealed bids were duly received by the Town Board at a bid opening on March 11, 2009 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 2009:

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

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

--Riddell/ All American
669 Sugar Lane
Elyria, OH 19046

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



8. RESOLUTION 2009-129

Award of Bid - Mowing Galleria Detention Basins and Pfohl Brothers Landfill

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, as a result of advertisement, bids were received on March 11, 2009 for the furnishing of equipment and operators for mowing three (3) Galleria Detention Basins and the Pfohl Brothers Landfill Site in the Town of Cheektowaga for 2009, 2010 and 2011, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, which said analysis, tabulation and report are contained in a letter from Allan Blachowski, Junior Civil Engineer, to the Town Board dated March 12, 2009, NOW, THEREFORE, BE IT

RESOLVED, that Contract "A" for the furnishing of equipment and operators for mowing three (3) Galleria Detention Basins be awarded to Mowcon, Inc., 3786 Clinton Street, West Seneca, New York 14224 for submission of the lowest bid meeting the requirements of the specifications in the amount of \$5,900.00, AND, BE IT FURTHER

RESOLVED, that Contract "B" for the furnishing of equipment and operators for mowing the Pfohl Brothers Landfill Site be awarded to Niagara Grass, 2637 Niagara Falls Boulevard, Niagara Falls, New York 14304 for submission of the lowest bid meeting the requirements of the specifications in the amount of \$2,900.00, AND, BE IT FURTHER

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

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



9. RESOLUTION 2009-130

Call for Public Hearing - Amend Parks Ordinance

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga has previously adopted a Parks Ordinance (Chapter 174 of the Code of the Town of Cheektowaga) with amendments thereto, and Rules and Regulations governing Cheektowaga Town Parks which apply to all public parks and public park approaches owned by the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga recently purchased lands and constructed the Rails to Historic Trails bicycle path system, and

WHEREAS, this Town Board desires to enact regulations pertaining to the use of this recreation trail system, and thus needs to amend the Parks Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that, in accordance with the provisions of Section 130 of the Town Law of the State of New York, a public hearing will be held on the 6th day of April, 2009 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227, at which hearing all parties in interest and citizens shall have an opportunity to be heard and at which time and place it may be determined by the Town Board whether Chapter 174 of the Code of the Town of Cheektowaga ("Parks Ordinance") shall be amended as provided in the attached Notice of Hearing, and BE IT FURTHER

RESOLVED, that the Town Clerk shall publish the attached Notice of Hearing in the Cheektowaga Bee, the official Town newspaper, not less than ten (10) nor more than twenty (20) days prior to the public hearing

NOTICE OF HEARING
ON PROPOSAL TO AMEND
CHAPTER 174 OF THE CODE OF THE TOWN OF CHEEKTOWAGA
("PARKS ORDINANCE")

NOTICE IS HEREBY GIVEN THAT, in pursuance of a resolution of the Town Board of the Town of Cheektowaga, which was duly passed on the 16th day of March, 2009, and in accordance with the provisions of the Town Law of the State of New York, a Public Hearing will be held on the 6th day of April, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York; at such hearing, all parties in interest and citizens shall have an opportunity to be heard and, at which time and place, it may be determined by the Town Board whether Chapter 174 of the Code of the Town of Cheektowaga ("Parks Ordinance") should be amended and changed as follows:

A new ARTICLE II, entitled "Rules and Regulations for Bicycle Trail", shall be added to the Parks Ordinance to regulate the hours which portions of the Rails to Historic Trails bicycle path shall be open to the public, as well as the prohibition on motor vehicles and consumption of alcoholic beverages, allowance for dogs, speed limit, enforcement and

penalties.

A copy of the entire text of the proposed amendments to the Parks Ordinance are on file in the Town Clerk's Office where the same may be viewed during regular business hours.

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

Dated March 16, 2009

Alice Magierski
Town Clerk

ATTACHMENTS:

REGULATIONS PERTAINING TO BIKE TRAIL (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: James Rogowski, Councilmember

SECONDER: Richard Zydel, Councilmember

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



10. RESOLUTION 2009-131

Notice to Bidders - Replacement of Sidewalks

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, it is in order that bids be advertised for the Replacement of Sidewalks in various locations in the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Replacement of Sidewalks, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 1st day of April, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 1st day of April, 2009 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for the Installation and Replacement of Existing Sidewalks, including incidental piping, miscellaneous grading and seeding in various locations in the Town of Cheektowaga, in accordance with the Contract Documents, therefor, including Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

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

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and marked "Replacement of Sidewalks".

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

The work shall be completed within 180 calendar days in each given year, to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: March 16, 2009

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



11. RESOLUTION 2009-132

Negative SEQR Declaration - Town Hall Campus - Office /Garage Building

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 Cheektowaga Engineering Department for the construction of a 12,256 square foot office/garage building on the Cheektowaga Town Hall Campus located at 3301 Broadway, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 6, 2008 recommended a determination of non-significance as shown on the attached memorandum dated August 8, 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, AND BE IT

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer preparing an acceptable drainage plan.

ATTACHMENTS:

EAC- August 6, 2008 minutes (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Stanley Kaznowski, Councilmember

SECONDER: Charles Markel, Councilmember

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



12. RESOLUTION 2009-133

Negative SEQR Declaration-Dingens Street Storm Sewer

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 Cheektowaga Engineering Department for the construction of a sixty (60) inch storm sewer trunk line extension to improve storm water drainage within the Dingens Street neighborhood, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 6, 2008 recommended a determination of non-significance as shown on the attached memorandum dated August 8, 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- August 6, 2008 minutes (PDF)

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



13. RESOLUTION 2009-134

Bond Resolution for New Building

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 16, 2009, AUTHORIZING THE CONSTRUCTION OF A NEW TOWN BUILDING CONSISTING OF OFFICE SPACE AS WELL AS UTILITY SPACE FOR STORAGE OF TOWN VEHICLES AND EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,700,000 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 construct a new Town building consisting of office space as well as utility space for storage of Town vehicles and equipment. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,700,000 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 \$1,700,000 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 11(b) of the Law, is twenty-five (25) 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 BEE," 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 March 16, 2009, 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 March 16, 2009, authorizing the construction of a new Town building consisting of office space as well as utility space for storage of Town vehicles and equipment, stating the estimated maximum cost thereof is \$1,700,000, appropriating said amount therefor, and authorizing the issuance of \$1,700,000 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 construct a new Town building consisting of office space as well as utility space for storage of Town vehicles and equipment; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$1,700,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$1,700,000 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 \$1,700,000 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 serial bonds are authorized to be issued is twenty-five (25) 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 \$1,700,000 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: March 16, 2009

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 duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holtz, Councilmembers Jaworowicz, Swiatek,
Rogowski, Zydel, Markel and Kaznowski

NOES: 0

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 March 16, 2009, 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 16th day of March, 2009.

(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 March 18, 2009, 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 March 16, 2009, 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 March, 2009.

Notary Public, State of New York

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



14. RESOLUTION 2009-135

Bond Resolution for Drainage Work on Town Highways

Sponsored By: Supervisor Holtz, Councilmember Rogowski

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED MARCH 16, 2009, AUTHORIZING THE CONSTRUCTION OF VARIOUS DRAINAGE IMPROVEMENTS ON TOWN HIGHWAYS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,000,000 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 construct various drainage improvements on Town highways. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,000,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,000,000 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 \$2,000,000 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. 4 of the Law, is forty (40) 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 BEE," 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 March 16, 2009, 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 March 16, 2009, authorizing the construction of various drainage improvements on Town highways, stating the estimated maximum cost thereof is \$2,000,000, appropriating said amount therefor, and authorizing the issuance of \$2,000,000 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 construct various drainage improvements on Town highways; STATING the estimated maximum cost thereof, including preliminary costs, and costs incidental thereto and the financing thereof, is \$2,000,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$2,000,000 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 \$2,000,000 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 serial bonds are authorized to be issued is forty (40) 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 \$2,000,000 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: March 16, 2009

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 duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor Holtz, Councilmembers Jaworowicz, Swiatek,
Rogowski, Zydel, Markel and Kaznowski

NOES: 0

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 March 16, 2009, 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 16th day of March, 2009.

(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 March 18, 2009, 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 March 16, 2009, 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 March, 2009.

Notary Public, State of New York

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



15. RESOLUTION 2009-136

Special Event - War of 1812 Cemetery Parade and Commemoration 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, 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 14, 2009 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, Parks Department and Highway Department 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 14, 2009, and BE IT FURTHER

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

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



16. RESOLUTION 2009-137

Special Events - Paul and Elaine Rosa Foundation and Kids Escaping Drugs

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 7th, 2009, 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, Parks Department and Highway 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 Paul and Elaine Rosa Foundation for the said Run for the Rosa's 5K Race on Sunday, June 7th, 2009 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.

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



17. RESOLUTION 2009-138

Application for NYS Affordable Housing Corporation Funding

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 \$750,000 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 William Stachowski.

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



18. RESOLUTION 2009-139

Authorize Supervisor to Execute Agreement with the Pepsi Bottling Group

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 various other buildings in the Town, and

WHEREAS, the Directors of the Facilities Department and Youth and Recreational Services Department have solicited proposals from soft drink businesses for exclusive rights for the use of their beverages within Town facilities, and

WHEREAS, Bottling Group, LLC, d/b/a The Pepsi Bottling Group, has submitted a proposal to the Town whereby it will give the Town of Cheektowaga \$3,000.00 per year for three (3) years, to obtain these exclusive rights, and

WHEREAS, Pepsi products are already being sold at the Recreation Center and in vending machines in Town buildings, and

WHEREAS, Bottling Group, LLC has submitted to the Town for signature a "Fountain and Bottle and Can Sales Agreement", and

WHEREAS, said agreement has been reviewed by the Town Attorney and the Directors of the Facilities Department and Youth and Recreational Services Department, and has been found acceptable, NOW, THEREFORE, BE IT

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

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



19. RESOLUTION 2009-140

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 on lands owned and/or controlled by the Town of Cheektowaga, and on private lands with landowner permission for 2009, 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 2009, **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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember

SECONDER: Stanley Kaznowski, Councilmember

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



20. RESOLUTION 2009-141

Authorize Supervisor to Execute Settlement Agreement with Benson's Site Services

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Town and Benson's Site Services, Inc., ("Benson's") entered into an agreement dated February 6, 2006 whereby Benson's performs clean-up and repair work on properties, as directed by the Office of Building Inspections, Housing & Neighborhood Preservation Division; and

WHEREAS, in August 2008, through inadvertence and oversight, Benson's submitted an invoice for the total clean-up of 60 Old Stone Road in the amount of \$1,122.09, which clean-up work had been done by the owner and her neighbors of the property just prior to the date Benson's was scheduled to clean-up said property; and

WHEREAS, the Town and Benson's have agreed that the value of the partial work performed by Benson's is \$246.10, and Benson's has agreed to reimburse the amount overpaid by the Town in the amount of \$875.99; and

WHEREAS, the Town Attorney has prepared an Agreement relating to reimbursement by Benson's for said overpayment; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned Agreement with Benson's.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**21. RESOLUTION 2009-142**

**Authorize Supervisor to Execute Contracts and Agreements
For Polish American Arts Festival**

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, vendors, caterers, and other service providers for the 31st Annual Polish American Arts Festival, to be held on July 17th, 18th, and 19th, 2009.

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



22. RESOLUTION 2009-143

Street Lighting Conversion Program

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, numerous town highways are illuminated with street lighting facilities owned and operated by National Grid, AND

WHEREAS, an opportunity exists to replace a number of luminaries which have reached the end of their service life, and to also replace metal light standards which exhibit signs of deterioration without termination fees being incurred by the Town which also results in annual savings to the General Lighting District, NOW, THEREFORE, BE IT

RESOLVED, that National Grid be and hereby is authorized to implement a Street Lighting Conversion Program to replace (33) 100 watt architectural, (333) 175 watt architectural and (3) 175 watt cobra head mercury vapor luminaries with more energy efficient 100 watt high pressure sodium luminaries, together with the replacement of associated metal standards with new fiberglass poles on a total of 46 town streets within its service area as detailed in the proposal dated March 2, 2009 resulting in a total annual decrease to the General Lighting District of \$19,520.17, AND, BE IT FURTHER

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

Mr. Ronald Lelonek
Account Executive
National Grid
144 Kensington Avenue
Buffalo, New York 14214-2799

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



23. RESOLUTION 2009-144

Approve 2009 Cultural Group Agreements - Chorus, Orchestra & Historical Association

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2009 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 2008 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 Historical Association	\$1,350.00
Cheektowaga Community Symphony Orchestra	\$15,000.00
Cheektowaga Community Chorus, Inc.	\$12,000.00

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 2009 Town budget, subject to audit and approval of a properly signed Town voucher.

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



24. RESOLUTION 2009-145

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:

JUSTICE COURT Court Officer \$15.59/hour effective 3/23/09
Kimberly Kent-Chojnicki, Cheektowaga, NY

POLICE DEPARTMENT Student Assistant \$7.15/hour effective 3/17/09
Timothy C. Meyers, Cheektowaga, NY

POLICE DEPARTMENT Clerk \$7.15/hour effective 3/17/09
Sheila M. Doerr, Cheektowaga, NY

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

JUSTICE COURT
John Stronka
Effective 3/20/09

BUILDING AND GROUNDS DIVISION
Karen Pfalzer
Effective 2/27/09

POLICE DEPARTMENT
Frank P. Piacente
Effective 2/28/09

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



25. RESOLUTION 2009-146

Appointments to the Plumbing Board (Kandefer, Blaser and Detzler)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Chapter 70 of the Code of the Town of Cheektowaga ("Building Construction Codes Administration") was adopted by Local Law No. 5 of the Year 2004 for the purpose of administering the Building Codes of the State of New York; AND

WHEREAS, Section 70-17 of said Code establishes the Board of Plumbing and Drainage Examiners to oversee the licensing of plumbers in the Town of Cheektowaga; AND

WHEREAS, the Board of Plumbing and Drainage Examiners consists of the Town Engineer, the Town Supervising Code Enforcement Officer and three (3) persons who have engaged in the plumbing business for at least ten (10) years; AND

WHEREAS, presently, there are vacancies in the positions of three (3) plumbers on this Board; AND

WHEREAS, the Supervising Code Enforcement Officer has recommended the names of three plumbers to be appointed to the Town's Board of Plumbing and Drainage Examiners; NOW, THEREFORE, BE IT

RESOLVED, that the following plumbers be and hereby are appointed to the Board of Plumbing and Drainage Examiners, effective immediately and terminating on March 16, 2011:

Matthew Kandefer, Depew, New York
 Gary Blaser, Cheektowaga, New York
 John Detzler, Depew, New York.

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



26. RESOLUTION 2009-147

Appointment of Real Property Appraisal Technician (Provisional) (Schlegel)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Timothy P. Schlegel was appointed by this Town Board to the temporary position of Real Property Appraisal Technician in the Assessor's Office on January 7, 2008; AND

WHEREAS, Derrick Grube, also an employee of the Assessor's Office, was appointed to the permanent title of Real Property Appraiser effective January 21, 2009; AND

WHEREAS, Mr. Grube has been promoted to the position and therefore the nature of his position has changed; AND

WHEREAS, Mr. Schlegel's appointment to the position of Real Property Appraisal Technician in the Assessor's Office needs to be revised from temporary to provisional; NOW, THEREFORE, BE IT

RESOLVED, that Timothy P. Schlegel of Cheektowaga, New York, be and hereby is appointed provisionally to the position of Real Property Appraisal Technician in the Assessor's Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective January 21, 2009.

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

**27. RESOLUTION 2009-148****Amend Appointment of Account Clerk (Miesowicz) to
Account Clerk Typist (Youth and Recreation)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board appointed Kathryn A. Miesowicz to the title of Account Clerk effective February 24, 2009; AND

WHEREAS, Ms. Miesowicz was appointed to this title in error; AND

WHEREAS, the correct title for the appointment should be Account Clerk Typist; AND

WHEREAS, said appointment shall result in no additional cost to the Town; AND

WHEREAS, Ms. Miesowicz appears on the Account Clerk Typist promotional list and is eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Ms. Miesowicz's appointment to the position of Account Clerk be and hereby is rescinded effective February 24, 2009; AND, BE IT FURTHER

RESOLVED, that Kathryn A. Miesowicz of Depew, New York be and hereby is appointed to the position of Account Clerk Typist in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective February 27, 2009 at no additional cost to the Town.

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

**28. RESOLUTION 2009-149****Appointment of Court Clerk (Competitive/Permanent) (Terri L. Smith)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Court Clerk in the Justice Court;
AND

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

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

WHEREAS, said job title is in the competitive class of civil service; AND

WHEREAS, a valid civil service list is in existence for said title; AND

WHEREAS, Terri L. Smith, has been canvassed for said vacancy and meets all the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Terri L. Smith of Cheektowaga, New York be and hereby is appointed to the position of Court Clerk in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective March 23, 2009.

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



29. RESOLUTION 2009-150

Travel Authorization (Police Department)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a seminar entitled, "Conducting Officer Involved Shooting Investigations" is being held May 7-8, 2009 in Poughkeepsie, New York; AND

WHEREAS, Captain David Zack, Lieutenant Michael Isbrandt and Lieutenant Michael Sliwinski 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 \$2,853.05; AND

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

RESOLVED, that Police Captain David Zack, Lieutenant Michael Isbrandt and Lieutenant Michael Sliwinski be and hereby are authorized to attend the seminar entitled, "Conducting Officer Involved Shooting Investigations" being held May 7-8, 2009 in Poughkeepsie, New York.

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



30. RESOLUTION 2009-151

Travel Authorization (Police Department)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a "New York State Police Sex Offense Seminar" is being held May 18-22, 2009 in Albany, New York; AND

WHEREAS, Detectives Joseph Bauman and Timothy Szymanski 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 \$985.04; AND

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

RESOLVED, that Detectives Joseph Bauman and Timothy Szymanski be and hereby are authorized to attend the "New York State Police Sex Offense Seminar" being held May 18-22, 2009 in Albany, New York.

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

V. Suspension of Rules

Motion by Councilmember Jaworowicz, second by Supervisor Holtz to suspend the rules to include the following item and the motion carried.



1. RESOLUTION 2009-152

Retain Drug Consultant for Justice Court

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, this Town Board, by resolution adopted August 13, 2007, engaged the services of Irene Kmiotek to perform said services until December 31, 2007; and

WHEREAS, during said period of time Irene Kmiotek performed the required Drug Court Case Coordinator duties; and

WHEREAS, in 2008, the Town was again awarded a Division of Justice Services Byrne Grant ("DCJS Byrne Grant") a portion of which enabled the Town to engage the services of a Consultant to perform services as a Drug Court Case Coordinator covering the period October 1, 2008 to February 28, 2009; NOW THEREFORE BE IT

RESOLVED, that this Town retains the services of Irene Kmiotek of Depew, New York, as Consultant to perform the duties of Drug Court Case Coordinator from October 1, 2008 through February 28, 2009; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute an Agreement with Irene Kmiotek for the above services under the Byrne Grant, subject to approval of same by the Town Attorney's Office

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

VI. Communications

A. Departmental Communications

1. Minutes - Cheektowaga Planning Board - February 12, 2009
2. Minutes: Cheektowaga Conservation Advisory Council - February 21, 2009
3. Minutes: Cheektowaga Conservation Advisory Council - March 5, 2009
4. Minutes: Town Environmental Advisory Committee - February 25, 2009

B. General Communications

1. Notice of Claim: David & Angel Agnello Vs. Town of Cheektowaga
2. Notice of Claim: Joseph Ippolito Vs. Town of Cheektowaga
3. Notice of Claim: Nancy A. Lauricella Vs. Town of Cheektowaga
4. Notice of Claim: Donald Smith Vs. Town of Cheektowaga

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, March, 31, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on March 31, 2009 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

II. Resolutions



1. RESOLUTION 2009-153

Settlement of Contract Dispute

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, Johnson Controls, Inc. ("JCI") and the Town of Cheektowaga (hereinafter the "Town") entered into a performance contract (the "Performance Contract") on September 26, 2003; and

WHEREAS, JCI and the Town thereafter executed an amendment to the Performance Contract on July 30, 2004 ("Amendment A") adding additional work to the Scope of Work found in Schedule 1 of the Performance Contract identified as the Town Wide TW-FIM-3 Wireless Wide Area Network (the "WAN Installation"); and

WHEREAS, due to certain circumstances JCI and the Town have reconsidered their respective obligations with regards to the WAN Installation under Amendment A, the parties have mutually agreed to cease the WAN Installation aspect of Amendment A for their mutual convenience, and resolve their differences, NOW, THEREFORE, BE IT

RESOLVED that, in consideration of the mutual covenants contained herein and in the mutual interests of and benefits to both parties, the Supervisor be and hereby is authorized and directed to execute a Settlement Agreement with Johnson Controls, Inc. in connection with this matter.

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



2. RESOLUTION 2009-154

Notice to Bidders - Asbestos Survey, Etc. for 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga recently became the owner of vacant dilapidated residential buildings located at 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place in the Town of Cheektowaga, and

WHEREAS, the Town purchased these properties at the Erie County auction in order to expedite demolition of these eyesores, and

WHEREAS, prior to demolition of these properties, the Town needs to have asbestos surveys done to determine whether there is asbestos in these structures, and

WHEREAS, the Managing Housing Inspector of the Housing and Neighborhood Preservation Office has prepared Bid Specifications for this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the Notice to Bidders for the asbestos survey, etc. for 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place, 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 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place shall be due no later than April 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 April 15, 2009 at 11:00 a.m.

.....

**NOTICE TO BIDDERS
FOR
ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES
FOR PROPERTY LOCATED AT 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine
Place, CHEEKTOWAGA, NEW YORK**

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga is seeking proposals from qualified contractors to prepare asbestos surveys for properties located at 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place, 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 these dwellings.

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 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: March 31, 2009

ALICE MAGIERSKI
Town Clerk

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

III. Motion To: Adjournment

COMMENTS - Current Meeting:

Motion to adjourn the meeting at 8:10 PM
--

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	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, April, 6, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 6, 2009 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
John Jaroszewski, General Crew Chief, Parks Division
Brian Krause, Director of Finance and Administration
John Marriott, Planning Board Representative
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
John Staniszewski, TCEA Union Representative
Christine Ziemba, Chief of Police

II. Presentation

A Special Presentation was made by The Supervisor's Youth Council. Representing the youth council were Jullian Golembiewski; Jessica Steckenfinger and Kayla Deth, they presented a check to Sally Vincent from Ronald McDonald House.

III. Public Comment Period

IV. Public Hearing at 6:45 PM

1. Amend Parks 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: James Rogowski, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Resolutions



1. RESOLUTION 2009-155

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:	100.7140.4024	Arts & Crafts	\$	197.04
	100.9499.1901	Regular Payroll		13,036.05
TO:	100.7140.4999	Credit Card Expense	\$	197.04
	100.9010.5992	Allocated Fica		1,159.09
	100.9010.5995	Allocated Fringes		11,876.96

HIGHWAY FUND

FROM:	300.9010.8151	Insurance	\$	1,358.00
TO:	300.9010.8121	Social Security	\$	1,358.00

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



2. RESOLUTION 2009-156

Transfer of Funds 2009

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

2009

HUD CDBG FUND

FROM: 700.1007.0704	Contingency	\$ 6,177.41
TO: 700.1007.0703	Administration	\$ 6,177.41

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



3. RESOLUTION 2009-157

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 3, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 6,674,919.44
RISK RETENTION FUND	219,626.14
DEBT SERVICE FUND	114,484.50
HUD HOUSING REHABILITATION FUND	34,984.53
SPECIAL DISTRICTS FUND	1,639,139.25
HIGHWAY FUND	2,639,214.45
CAPITAL FUND	201,424.89
TRUST & AGENCY FUND	47,227.18
HUD CDBG FUND	3,234.45
PART TOWN FUND	128,711.97
NYS AFFORDABLE HOUSING	30,223.00
	<u>\$ 11,733,189.80</u>

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



4. RESOLUTION 2009-158

Amend Resolution for Mowing Galleria Detention Basins

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, by resolution dated March 16, 2009 (Resolution 2009-129) Contract "A" for the furnishing of equipment and operators for mowing three (3) Galleria Detention Basins was awarded to Mowcon, Inc. for submission of the lowest bid meeting the requirements of the specifications in the amount of \$5,900.00 AND

WHEREAS, the bid was officially submitted by Mowcon Enterprise LLC, 1650 Union Road, West Seneca, New York 14224, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution dated March 16, 2009 be and hereby is amended to provide that Contract "A" for the furnishing of equipment and operators for mowing three (3) Galleria Detention Basins be awarded to Mowcon Enterprise LLC, 1650 Union Road, West Seneca, New York 14224 for submission of the lowest bid meeting the requirements of the specifications in the amount of \$5,900.00, AND, BE IT FURTHER

RESOLVED, that funds have been budgeted for maintenance of the Galleria Detention Basin in Account Numbers 06-0834-0000, 06-0831-0000 and 06-0833-0000.

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



5. RESOLUTION 2009-159

Amendment to Maintenance Agreement for Copy Machines

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, by resolutions dated January 22, 2008 (Resolution 2008-46), amended February 4, 2008 (Resolution 2008-93) and further amended April 7, 2008 (Resolution 2008-197), 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 \$180,382; and

WHEREAS, at the time of the purchase of said copiers for Town-wide use, Justice Court was utilizing a Toshiba eStudio 452 copier system on loan from Eagle Systems, Inc., which copier was not included in the purchase price; and

WHEREAS, Eagle Systems, Inc., has offered to make said loaner available to Justice Court at no cost but for a one-time \$150.00 freight charge; and

WHEREAS, Eagle Systems, Inc., has further offered to add said copy machine to the existing master maintenance contract presently in force for maintenance costs 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

WHEREAS, at the expiration of the existing maintenance agreement on March 24, 2011, Eagle Systems, Inc., has agreed to remove the copy machine from the Justice Court, and further agrees to hold the Town harmless from any liability arising out of the removal of the copier by Eagle Systems, Inc., NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute an agreement with Eagle Systems, Inc., for the loan of a Toshiba eStudio 452 copy machine under the terms and conditions above specified; and BE IT FURTHER

RESOLVED, that the freight charge in the sum of \$150.00 shall be appropriated from account number 0100-1110-4431.

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



6. RESOLUTION 2009-160

Award of Bid - Topsoil

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, bids were duly received and opened by the Town Clerk at a public bid opening held on March 18, 2009 for TOPSOIL for use by the Town of Cheektowaga 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 TOPSOIL be awarded to Bengert GreenHouses, 230 French Road, West Seneca, NY 14224, for regular, screened, or shredded as per bid specifications and to be delivered to the Town of Cheektowaga, AND

BE IT FURTHER RESOLVED, that payment of topsoil for Highway Department is charged to the line item #300-5110-4186.

TABULATION FOR TOPSOIL 2009

Table with 3 columns: Vendor Name/Address, Price per unit, and Unit type. Includes vendors like Bengert Greenhouses, Leo Brenon Topsoil, Visone Construction, and Custom Topsoil Inc.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2009-161

Award of Bid - Work Uniforms

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, bids were received and publicly opened on March 18, 2009 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)	\$14.50
Item 1B	Work Pants (sizes 46-50)	\$15.85
Item 1C	Work Pants (sizes 52-60)	\$15.85
Item 2A	Shirts (long sleeve, sizes up to 2XL)	\$12.75
Item 2B	Shirts (long sleeve, sizes 3XL, 4XL, talls)	\$13.95
Item 3A	Chambray Shirts (long sleeve, sizes up to 2XL)	\$11.95
Item 3B	Chambray Shirts (long sleeve, sizes 3XL, 4XL, talls)	\$12.95
Item 4A	Shirts (short sleeve, sizes up to 2XL)	\$11.95
Item 4B	Shirts (short sleeve, sizes 3XL - 5XL, tall)	\$12.95
Item 5A	Chambray Shirts (short sleeve, sizes up to 2XL)	\$10.50
Item 5B	Chambray Shirts (short sleeve, sizes 3XL, 4XL)	\$11.50
Item 6A	Coveralls (long sleeve, sizes 36-46, short - X long)	\$22.95
Item 6B	Coveralls (long sleeve, sizes 48-50, short - X long)	\$22.95
Item 6C	Coveralls (long sleeve, sizes 52-60, regular - tall)	\$26.25
Item 7A	Denim Jeans (sizes 28-44)	\$10.75

Item7B	Denim Jeans (sizes 46-50)	\$11.95
Item 7C	Denim Jeans (sizes 52-56)	\$12.95
Item 8A	Bib Overalls (sizes to 44)	\$18.50
Item 8B	Bib Overalls (sizes 46-50)	\$19.95
Item 8C	Bib Overalls (52-60)	\$21.75
Item 9A	Women's Work Pants (sizes 4-20)	\$11.50
Item 9B	Women's Work Pants (sizes 22-28)	\$12.95

Quality Equipment Distributors, Inc.
70 Benbro Drive
Cheektowaga, New York 14225

BID ITEM II

Item 1A	High Visibility Jacket (sizes S-XL)	\$48.48
Item 1B	High Visibility Jacket (size 2XL)	\$48.48
Item 1C	High Visibility Jacket (size 3XL)	\$48.48
Item 1D	High Visibility Jacket (size 4XL) tall	\$79.64

The Liberty Store
5 East Genesee Street
Auburn, New York 13021

BID ITEM III

Item 1A	Hooded Pullover Sweatshirt (sizes S-XL)	\$10.86
Item 1B	Hooded Pullover Sweatshirt (size XXL)	\$12.24
Item 1C	Hooded Pullover Sweatshirt (size XXXL)	\$12.24
Item 1D	Hooded Pullover Sweatshirt (size XXXXL)	\$12.75
Item 2A	Hooded Zipper Sweatshirt (sizes S-XL)	\$13.75

Item 2B	Hooded Zipper Sweatshirt (size XXL)	\$15.20
Item 2C	Hooded Zipper Sweatshirt (size XXXL)	\$15.20
Item 3A	Heavy Duty Sweatshirt (sizes S-XL)	\$ 6.80
Item 3B	Heavy Duty Sweatshirt (size 2XL)	\$ 8.20
Item 3C	Heavy Duty Sweatshirt (size 3XL)	\$ 8.20
Item 3D	Heavy Duty Sweatshirt (size 4XL)	\$ 8.37
Item 6A	Tee Shirt (sizes M-XL)	\$ 3.20
	Pocket Tee Shirt (size M-XL)	\$ 4.24
Item 6B	Tee Shirt (size 2XL)	\$ 4.17
	Pocket Tee Shirt (size 2XL)	\$ 4.99
Item 6C	Tee Shirt (size 3XL)	\$ 4.17
	Pocket Tee Shirt (size 3XL)	\$ 4.99

BID ITEM IV

Carhartt Bib Overall (sizes 34-48)	\$64.60
Carhartt Bib Overall (size 50)	\$64.60

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



8. RESOLUTION 2009-162

Call for Public Hearing - Amend Site Plan Provisions of Zoning Law

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, by Local Law No. 12 of the Year 2008, this Town Board enacted revisions to the Zoning Law relating to site plan approval, and

WHEREAS, various sections of the Zoning Law require site plan approval for additions of various sizes, and

WHEREAS, there is a need to standardize the minimum size of additions which require site plan approval, and

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

RESOLVED, that a public hearing be held on the 20th day of April, 2009 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 Approvals for Additions", 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 20th day of April, 2009 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. 2009-1 of the Year 2009, entitled "A Local Law to Amend the Zoning Law Relating

to Site Plan Approvals for Additions". Following is a synopsis of the proposed Local Law Intro No. 2009-1:

Local Law Intro No. 2009-1

A Local Law to Amend the Zoning Law Relating to Site Plan Approvals for Additions

Amend the following sections of the Zoning Law of the Town of Cheektowaga:

1. Section 260-22.B (presently reads "**All developments [in Residence Districts] shall be required to submit a site plan for approval pursuant to §260-88**)- this subsection should be deleted.
2. Section 260-29 - amend subsection to provide that, in Business Districts, a site plan shall be submitted for review by the Planning Board for all developments and for additions in excess of 1,500 (**presently 350**) square feet or change in use;
3. Section 260-35.B. - amend subsection to provide that, in Manufacturing Districts, a site plan shall be submitted for review by the Planning Board for all developments and for additions in excess of 1,500 (**presently 500**) square feet or change in use;
4. Section 260-47.1.B.2.b. - amend subsection to provide that site plan approval shall not be required for exterior alterations or additions to existing commercial structures which are less than 1,500 (**presently 500**) square feet in area;

Dated: April 6, 2009

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

ALICE MAGIERSKI
Town Clerk

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



9. RESOLUTION 2009-163

Call for Public Hearing - Amend Planning Board and Zoning Board Law

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, by resolution dated August 18, 2003, Local Law No. 3 of the Year 2003 of the Town of Cheektowaga, entitled "A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals" (a/k/a Chapter 27 of the Code of the Town of Cheektowaga) was adopted, and

WHEREAS, Chapter 662 of the Laws of 2006 of the State of New York revised Sections 267 and 271 of the Town Law to impose stricter requirements for the minimum training required for the Planning Board and Zoning Board of Appeals, and

WHEREAS, there is a need to revise Chapter 27 of the Code of the Town of Cheektowaga, and

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

RESOLVED, that a public hearing be held on the 20th day of April, 2009 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 Local Law No. 3 of the Year 2003 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, 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 20th day of April, 2009 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. 2009-2 of the Year 2009, entitled "A Local Law to Amend Local Law No. 3 of the Year 2003 of the Town of Cheektowaga" ("Planning Board and Zoning Board of Appeals Law"). Following is a synopsis of the proposed Local Law Intro No. 2009-2:

Local Law Intro No. 2009-2

A Local Law to Amend Local Law No. 3 of the Year 2003 of the Town of Cheektowaga

The following sections of the Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Planning Board and Zoning Board of Appeals shall be amended and changed as follows:

1. Section 27-5 of such law shall be amended to provide that all Planning Board and Zoning Board of Appeals members shall complete at least four hours of training each year.
2. Section 27-6 of such law shall be amended to list what agencies and other organizations are approved to provide the required training;
3. Section 27-8 of such law shall be amended to require the chairpersons of the Planning Board and Zoning Board of Appeals to notify the Town Board on or before October 1 of each year of any member who fails to meet the minimum requirements for meeting attendance and training;
4. Section 27-8.E. of such law shall be amended to mandate the removal of members of the Planning Board and Zoning Board of Appeals who do not meet the minimum requirements for meeting attendance and training;
5. Enact a new Section 27-8.A to such law to require the Coordinator of Employee Relations to forward a copy of this local law to newly appointed members of the Planning Board and Zoning Board of Appeals.

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

Dated: April 6, 2009

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

ALICE MAGIERSKI
Town Clerk

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



10. RESOLUTION 2009-164

Negative SEQR Declaration - 30 Innsbruck 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 Costanzo's Bakery, Inc. for the construction of a 68,374 square foot to an existing food processing facility located at 30 Innsbruck Drive, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on January 7, 2009 recommended a determination of non-significance as shown on the attached memorandum dated January 8, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of January 8, 2009, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Committee has reviewed the subject project and is recommending that the Town Board seek monies from the applicant in lieu compensatory trees trees pursuant to the Town Code, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that the site plan be approved subject to the applicant obtaining the necessary access easement for use of the neighboring driveway along the east property line of the premises, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, the Conservation Advisory Committee 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 grading/drainage plan.
2. The applicant providing evidence of a vehicular access easement with his

neighbor to the east.

3. The applicant finalizing any agreement with the Town Board for compensatory trees and/or monies in lieu of such compensatory trees pursuant to section 229-5B of the Cheektowaga Town Code.

ATTACHMENTS:

EAC-January 7, 2009 minutes (PDF)

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



11. RESOLUTION 2009-165

Preparation of 5-Year Consolidated Plan

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

Whereas, consortia formed under the HOME Investment Partnership Act are required to prepare a new Consolidated Plan that analyzes housing and community development needs and establishes a plan for utilizing federal Community Development Block Grant and HOME funds to meet those needs during federal fiscal years 2010-2014, and

Whereas, Community Development Departments from the three Towns have jointly requested proposals for the preparation of a new revised Consolidated Plan, Now Therefore Be It

Resolved, that the Supervisor is hereby authorized to execute a joint contract among the three Towns with H. Sicherman & Company, Inc., 5852 Forest Creek Drive, East Amherst, NY 14051 for the preparation of a consortium Consolidated Plan for an amount not to exceed \$29,850, the cost to be shared equally by the Towns of Amherst, Cheektowaga and Tonawanda, and Be It Further

Resolved, that the cost of said contract be paid from Community Development Block Grant funds.

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



12. RESOLUTION 2009-166

Unsafe-Unsecured / 145 Hedwig 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 145 Hedwig Avenue, Cheektowaga, New York SBL# 102.45-3-42 that is a danger to the safety of others, and records kept by the Assessors Office identify August & Michelle Reberholt, 526 Lombard Street, North Babylon, New York 11703, as the owner AND

WHEREAS, an inspection of such premises was conducted at 145 Hedwig Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



13. RESOLUTION 2009-167

Unsafe-Unsecured / 23 Hoerner 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 23 Hoerner Avenue, Cheektowaga, New York SBL# 101.60-5-28 that is a danger to the safety of others, and records kept by the Assessors Office identify Michael S. Ceaser, 8 Copperfield, Freehold, NJ 07728, as the owner AND

WHEREAS, an inspection of such premises was conducted at 23 Hoerner Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



14. RESOLUTION 2009-168

Unsafe-Unsecured / 95 Pinehurst 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 95 Pinehurst Avenue, Cheektowaga, New York SBL# 91.19-3-43 that is a danger to the safety of others, and records kept by the Assessors Office identify Thomas & William Mauerman, 95 Pinehurst Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Pinehurst Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



15. RESOLUTION 2009-169

Debris Clean-Up / 2437 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 2437 Harlem Road, Cheektowaga, New York SBL# 102.46-5-29.1 that is a danger to the safety of others, and records kept by the Assessors Office identify Frederick Ciamaga, 2437 Harlem Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2437 Harlem Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



16. RESOLUTION 2009-170

Clean-Up Graffiti / 56 Meaford 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 56 Meaford Road, Cheektowaga, New York SBL# 79.20-9-17 that is a danger to the safety of others, and records kept by the Assessors Office identify Denine L. Reese, 56 Meaford Road, Buffalo, New York 14215, as the owner AND

WHEREAS, an inspection of such premises was conducted on 56 Meaford Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



17. RESOLUTION 2009-171

Open Burning / 139 Mansion Street

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 Doyle Fire District to conduct a control burn on May 9, 2009, rain date of May 16, 2009, May 23, 2009 and May 30, 2009 on the property located at 139 Mansion Avenue, Cheektowaga, New York AND

WHEREAS, the applicant intends to burn small fires within this structure for training purposes. The owner of the property, Bernard DiPizio, has provided a letter of permission and has obtained a building permit to remove the structure following the training evolutions., AND

WHEREAS, the Fire Inspector has received this application and finds 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 Doyle Fire District and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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



18. RESOLUTION 2009-172

Authorize Supervisor to Execute Grant Application for Justice Assistance Grant (JAG)

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Justice Assistance Grant is sponsored through the Bureau of Justice Assistance Department, and provides formula grants to select municipal police departments to assist in quality of life issues such as noise complaints, drinking by youths and neighborhood issues; and

WHEREAS, the grant application must be in consortium with the City of Buffalo Police, Erie County and ten other pre-selected police departments; and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of \$126,855.00 in funding under this program to increase patrols in and around various town parks, to address issues such as bike thefts, strong armed robberies, bullying and various behavioral issues; and

WHEREAS, the City of Buffalo will serve as the lead agency for the purpose of securing and administering these grant funds; NOW, THEREFORE, BE IT

RESOLVED, that the Police Department and/or Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant; and BE IT FURTHER

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

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



19. RESOLUTION 2009-173

Authorize Supervisor to Execute Grant Application for Save Our Schools (SOS) Funding

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Save Our School programs, sponsored through the United States Department of Justice COPS Office, provides grants to municipal police departments to assist schools and police officers in monitoring activity within schools to deter inappropriate and criminal behavior; and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of funding under this program to enhance the safety of school children in the community; NOW, THEREFORE BE IT

RESOLVED, that the Police Department and/or Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application forms, etc. to be submitted for the purpose of securing this grant; and BE IT FURTHER

RESOLVED, that 50% of the required matching funds shall be available from participating school districts and the remaining 50% of required matching funds shall be appropriated from drug forfeiture funds (Account No. 0100-0600-0881); and BE IT FURTHER

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

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



20. RESOLUTION 2009-174

Authorize Supervisor to Sign Agreement with Cheektowaga Economic Development Corporation

Sponsored By: Councilmember Swiatek, Supervisor Holtz

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

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

WHEREAS, use of Community Development Block Grant funds may be used for economic development activities, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a subrecipient agreement with the Cheektowaga Economic Development Corporation authorizing the use and expenditure of Community Development Block Grant funds for the 2008-2009 and 2009-2010 Program Years.

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



21. RESOLUTION 2009-175

Accept Proposal for Emergency Generator Maintenance

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 2009 and 2010 calendar years for all Town owned emergency generator systems located at various Town owned facilities including the Town Hall, Police Department, Senior Citizens Center, Highway Department, Central Garage and at numerous sewer district facilities, 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 of \$3,847.98 for 2009 and \$3,924.93 for 2010, being the lowest proposal submitted, AND, BE IT FURTHER

RESOLVED, that \$1,610.66 (2009) and \$1642.87 (2010) shall be chargeable to the Sewer Maintenance Department Account #2550-8125-4431 and \$1,731.74 (2009) and \$1,766.37 (2010) shall be chargeable to the Facilities Department Account #100-1625-4432 and \$505.58 (2009) and \$515.69 (2010) shall be chargeable to the Highway Department Account #100-5132-4432.

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



22. RESOLUTION 2009-176

Accept Proposal of Trautman Associates for Professional Services for the Anna Reinstein Memorial Library

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Construction Grant Program" which provides for various improvements to be made to the Anna Reinstein Memorial Library located at 2580 Harlem Road, AND

WHEREAS, improvements to the existing library facility are related to mechanical and electrical improvements and window replacements, AND

WHEREAS, the firm of Trautman Associates has submitted a proposal to provide architectural and engineering services, including bidding and construction administration related to the removal and replacement of various mechanical and electrical components and existing windows and frames, for a fee not to exceed \$27,500.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 for professional services related to design and construction documents, including bidding and construction administration for three separate contracts for mechanical, electrical and general construction work for the Anna Reinstein Memorial Library is hereby approved and accepted, AND, BE IT FURTHER

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

RESOLVED, that funding for said professional services in the amount not to exceed \$27,500.00 shall be chargeable to Account #500-1440-2520-5838.

RESULT:	WITHDRAWN
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23. RESOLUTION 2009-177

Accept Proposal of Stohl Environmental LLC for Inspection Survey at the Anna Reinstein Library

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has been awarded State funding through the "New York State Construction Grant Program" which provides for various improvements to the Anna Reinstein Memorial Library located at 2580 Harlem Road, AND

WHEREAS, proposed improvements to the existing library facility include mechanical system and electrical lighting improvements and window replacements, AND

WHEREAS, an asbestos, lead paint and PCB caulk inspection is necessary to be performed to determine the presence of said materials at this facility prior to advancing this grant funded project, AND

WHEREAS, the firm of Stohl Environmental LLC has submitted a proposal to the Town Engineer to perform a pre-renovation asbestos, lead paint and PCB caulk inspection for the existing Anna Reinstein Memorial Library in the amount not to exceed \$2,030.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Stohl Environmental LLC, 4169 Allendale Parkway, Suite 100, Blasdell, New York 14219 for professional services associated with an asbestos, lead paint and PCB caulk inspection survey for the existing Anna Reinstein Memorial Library is hereby approved and accepted, AND, BE IT FURTHER

RESOLVED, that funding for said professional services in the amount not to exceed \$2,030.00 shall be chargeable to Account #500-1440-2520-5838.

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



24. RESOLUTION 2009-178

Approve Cultural Group Funding for Garden Club and Arts Society

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2009 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 2008 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	\$1,200.00
Cheektowaga Garden Club	\$ 625.00

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 2009 Town budget, subject to audit and approval of a properly signed Town voucher.

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



25. RESOLUTION 2009-179

Approve Auction of Various Town Property

Sponsored By: Supervisor Holtz, Councilmember Markel

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; NOW THEREFORE, BE IT

RESOLVED, that the Town hereby retains Auctions International, Inc., 808 Borden Road, Cheektowaga, New York, as per the 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:

2009 AUCTION LIST-001 (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: Charles Markel, Councilmember

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



26. RESOLUTION 2009-180

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:

RECORDS CENTER Clerk \$8/hour effective 5/01/09
Ian D. Trapper, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) \$8.25/hour effective 4/14/09
Daniel P. Wagner, Cheektowaga, New York

SANITATION DEPARTMENT \$8/hour effective 4/20/09
Christopher Ahrens, Cheektowaga, New York
Walter Szafraniec, Cheektowaga, New York
Jesse Herr, Depew, New York
David Vinci, Depew, New York
Paul Herr, Depew, New York
Andrew Wastchak, Cheektowaga, New York
Bryan Kazmierczak, Cheektowaga, New York
Keith Piatek, Cheektowaga, New York

POLICE DEPARTMENT (Sign Maintenance Division) \$7.75/hour effective 4/07/09
Sean M. Trapper, Cheektowaga, New York

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

POLICE DEPARTMENT - School Crossing Guard Supervisor
Amend from Frank P. Piacente to Frank J. Piacente
Effective 2/28/09

SENIOR SERVICES - Van Driver
Joseph Miller
Effective 4/07/09

JUSTICE COURT
Brittini Lee Whiting
Effective 2/14/09

Motion by Councilmember Jaworowicz; Seconded by Supervisor Holtz to waive the reading of names for the following two resolutions 2009-180 + 2009-181. Motion Carried.

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



27. RESOLUTION 2009-181

Hire - Youth & Recreation

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 - 7140.1614 - \$7.25

Regular Part time

Haley Wiertel 14227

Kendal Wiertel 14227

Recreation Attendant - 7310.1804 - \$8.00

Regular Part time

Elaine Hawrysiak 14225

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



28. RESOLUTION 2009-182

Appointment of Assistant Town Engineer (Engineering Department) (Competitive/Permanent) (Patrick T. Bowen)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Patrick T. Bowen was appointed provisionally by this Town Board to the position of Assistant Town Engineer in the Engineering Department effective June 9, 2008; AND

WHEREAS, a list has been established by Erie County Civil Service for said title; AND

WHEREAS, Mr. Bowen is eligible for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, that Patrick T. Bowen of Cheektowaga, New York, be and hereby is appointed to the permanent position of Assistant Town Engineer in the Engineering Department effective April 7, 2009.

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

**29. RESOLUTION 2009-183****Appointment of MEO-B (Sanitation Department) (Mark A. Kmiotek)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator - B in the Sanitation Department; AND

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

WHEREAS, Mark A. Kmiotek, currently employed as a Motor Equipment Operator - A in the Highway Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Mark A. Kmiotek of Cheektowaga, New York , be and hereby is appointed to the position of Motor Equipment Operator - B in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective April 7, 2009.

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



30. RESOLUTION 2009-184

Travel Authorization (Building and Plumbing)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the New York State Fire Marshals and Inspectors Association Training is being held May 27, 2009 in Amherst, New York; AND

WHEREAS, the following have requested authorization to attend said training:

- Gerald Sprada, Assistant Code Enforcement Officer
- Matthew Kawczynski, Fire Inspector
- Donald Bielefeld, Jr., Assistant Code Enforcement Officer; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$225; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are authorized to attend the New York State Fire Marshals and Inspectors Association Training being held May 27, 2009 in Amherst, New York.

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



31. RESOLUTION 2009-185

Travel Authorization (Police Department) (Patrol Rifle Instructor Course)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Patrol Rifle Instructor Course is being held May 18-21, 2009 in Cheektowaga, New York; AND

WHEREAS, the following employees have requested authorization to attend said course:

- Sergeant Lawrence Bauer
- Sergeant Brian Coons
- Police Officer Jonathan Ober
- Police Officer Kurt Spieler; 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 \$1,293.94; 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 the Patrol Rifle Instructor Course being held May 18-21, 2009 in Cheektowaga, New York.

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

**32. RESOLUTION 2009-186****Travel Authorization (Police Department) (New York Tactical Officers Association)**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the New York Tactical Officers Association Shotgun Breaching Instructor Course is being held June 22-24, 2009 in Ithaca, New York; AND

WHEREAS, Police Officers Eric Broska and Michael Smith have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,641.04; AND

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

RESOLVED, that Police Officers Eric Broska and Michael Smith be and hereby are authorized to attend the New York Tactical Officers Association Shotgun Breaching Instructor Course being held June 22-24, 2009 in Ithaca, New York.

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

VI. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Six (6) Resolutions. Motion Carried.
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1. RESOLUTION 2009-187

Notice to Bidders -One (1) New and Unused, 2009 Model Hydraulic Excavator Machine Mounted on Crawler Tracks

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 purchase of One (1), New and Unused, 2009 Model Hydraulic Excavator Machine Mounted on Crawler Tracks by Cheektowaga Highway Department.

Information for bidders specifications may be obtained from the office of the Town Clerk, Cheektowaga Town Hall, Broadway and Union Roads, Cheektowaga, New York, between the hour 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 Wednesday, April 22, 2009, 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 2009 MODEL HYDRAULIC EXCAVATOR MACHINE MOUNTED ON CRAWLER TRACKS for use by the Highway Department in the Town of Cheektowaga at a public bid opening to be held in the Council chambers at the Cheektowaga Town Hall on April 22, 2009 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 2009 MODEL HYDRAULIC EXCAVATOR MACHINE MOUNTED ON CRAWLER TRAKCS."

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

ALICE MAGIERSKI, TOWN CLERK

DATE: April 6, 2009

PUBLISHED: April 9, 2009

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-188

Notice to Bidders - Replacement of Permanent Generator at Main Pumping Station

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, this Town Board authorized the preparation of plans and specifications for the replacement of the permanent standby emergency generator and fuel system components at the Consolidated Sanitary Sewer District Main Pump Station Facility, AND

WHEREAS, the Town Engineer has advised that plans and specifications prepared by Nussbaumer & Clarke, Inc., Consulting Engineers, 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 Replacement of the Permanent Generator at the Cheektowaga Plant No. 5 Main Pumping Station, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 22nd day of April 2009 at 11:00 a.m., local time, at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Board of the Town of Cheektowaga until 11:00 a.m., local time, on the 22nd day of April, 2009. All bids will be publicly opened and read at 11:00 a.m. in the Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for furnishing all tools, equipment, materials, and labor for the Replacement of the Permanent Generator at the Cheektowaga Plant #5 Main Pumping Station, and all related work, complete in place, tested, and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers.

All proposals shall be submitted on the forms furnished herein and the entire volume, including any addenda, shall be submitted in a sealed envelope and addressed to the Town Clerk of the Town of Cheektowaga, 3301 Broadway, Cheektowaga, New York 14227. The contractor's name, title of the proposal, and date and time of the opening shall be clearly marked on the outside of the envelope.

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

The successful bidder will be required to furnish a Performance Bond and a Labor and Materials Payment Bond, each in the amount equal to the contract award. A Maintenance Bond for 100% of the contract price (including change orders) will be required

during the maintenance period.

Copies of the Drawings and Specifications and Contract Documents may be examined at the Town Clerk's Office, Town Hall, 3301 Broadway, Cheektowaga, New York 14227. Copies may be purchased from the Town Clerk's Office and can be obtained upon payment of \$50.00 in the form of a check made payable to the Town of Cheektowaga, New York for each copy requested.

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

The bidders' 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 210 consecutive calendar days to begin five (5) days after the "Notice to Proceed" has been issued.

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

A pre-bid meeting will be held at 9:00 a.m., local time, on Tuesday, April 14, 2009 at the Town of Cheektowaga Main Pumping Station #5, 171 Central Boulevard, Cheektowaga, NY. Attendance at the pre-bid meeting is recommended, but is not mandatory.

By Order Of: The Town Board of
The Town of Cheektowaga

DATED: April 6, 2009

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



3. RESOLUTION 2009-189

Award Property Insurance

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, the Town's Property Insurance Coverage expired on March 30, 2009, and

WHEREAS, Holfoth Risk Management, the Town's insurance consultant, solicited proposals for the renewal of the Town's property insurance coverage, and

WHEREAS, after review of the proposals received, Holfoth Risk Management recommended that the Town of Cheektowaga accept the proposal from One Beacon Insurance Company for \$40,738 for the following listed options:

Buildings & Contents & Boiler & Machinery (including \$500,000 Blanket Extra Expense; \$1,000,000 Flood & \$1,000,000 Earthquake) (\$25,000 Deductible)	\$46,739,675 Limit
Vehicles Parked on Town Lots (\$100,000 Deductible)	\$3,000,000 Limit
Contractor's Equipment (\$2,500 Deductible)	\$4,362,307 Limit
Computer Equipment & Software (\$2,500 Deductible)	\$1,600,000 Limit

, and

WHEREAS, this Town Board wishes to award the Town's property insurance to One Beacon Insurance Company, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the Town's property insurance as outlined above to One Beacon Insurance Company for the period from March 30, 2009 to March 30, 2010 for a premium of \$40,738, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents to effectuate this property insurance coverage.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2009-190

Negative SEQR Declaration- 1289 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 Jones Development Co., Inc. for the construction of a 20,000 square foot building addition to an existing distribution facility at 1289 Walden Avenue, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on March 25, 2009 recommended a determination of non-significance as shown on the attached memorandum dated March 27, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of December 11, 2008, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council has reviewed the subject project and is recommending that the Town Board seek monies from the applicant in lieu compensatory trees trees pursuant to the Town Code, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the Conservation Advisory Council 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

1. The Town Engineer reviewing and approving the grading/drainage plan.
2. The applicant finalizing any agreement with the Town Board for compensatory trees and/or monies in lieu of such compensatory trees pursuant to section 229-5B of the Cheektowaga Town Code.

ATTACHMENTS:

EAC-March 25, 2009 minutes (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Stanley Kaznowski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2009-191

Authorize Supervisor to Execute Memo of Understanding Relating to CERT Program

Sponsored By: Councilmember Zydel, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga, in cooperation with the towns of Amherst and Lancaster, obtained a grant in an amount of \$31,935.22 to supplement the costs associated with the training of a Community Emergency Response Team ("CERT") to assist the police departments of the respective towns during times of emergency, and

WHEREAS, the Town of Cheektowaga has offered to act as the manager of this grant and the respective towns have stated that they will work jointly and cooperatively to accomplish the goals stated in this grant, and

WHEREAS, the Town Attorney has prepared a Memorandum of Agreement between all respective towns to spell out the duties and responsibilities of each other under this grant,
NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is directed to execute this agreement on behalf of the Town of Cheektowaga.

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



6. RESOLUTION 2009-192

Adopt Amendments to Parks Ordinance

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has previously adopted a Parks Ordinance (Chapter 174 of the Code of the Town of Cheektowaga) with amendments thereto, and Rules and Regulations governing Cheektowaga Town Parks which apply to all public parks and public park approaches owned by the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga recently completed the construction of the Rails to Historic Trails bicycle path system, and

WHEREAS, this Town Board desires to enact regulations pertaining to the use of this recreation trail system, and thus needs to amend the Parks Ordinance, and

WHEREAS, in accordance with the provisions of Section 130 of the Town Law of the State of New York, a public hearing was held on the 6th day of April, 2009 at 6:45 P.M. at a meeting of the Town Board at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227, at which hearing all parties in interest and citizens had an opportunity to be heard as to whether Chapter 174 of the Code of the Town of Cheektowaga ("Parks Ordinance") should be amended, and

WHEREAS, it is in the public interest to adopt the aforesaid proposed amendments to the Parks Ordinance, NOW, THEREFORE, BE IT

RESOLVED, that the Parks Ordinance (Chapter 174 of the Code of the Town of Cheektowaga) be and hereby is amended and changed as follows:

A new Article, ARTICLE III, entitled "Rules and Regulations for Bicycle Trail", be and hereby is enacted as follows:

ARTICLE III Rules and Regulations for Bicycle Trail

§174-24. Definitions.

"BICYCLE TRAIL" - shall mean the following portions of the Rails to Historic Trails system constructed by the Town of Cheektowaga:

- portion of trail which begins on the east side of Union Road in front of 3035 Union Road and terminates at the northerly terminus of Strawn Avenue in the Village of Sloan
- portion of the trail which begins on the south side of William Street and terminates at the westerly terminus of Hurd Street at Medina Street

§174-25. Hours Open to the Public.

The Bicycle Trail shall be closed between the hours of sunset and sunrise the following morning, and no person shall remain on the Bicycle Trail during the hours when so closed.

The Bicycle Trail will not be maintained (i.e. snow and ice removal) during the winter months (generally from December 1st to March 31st in any given year).

§174-26. No Motorized Vehicles Allowed.

All motorized vehicles, except wheelchairs, emergency vehicles and Town-owned vehicles, shall be prohibited on the Bicycle Trail

§174-27. Speed Limit.

Every person operating a bicycle, skateboard, rollerblades and all other means of travel/conveyance shall not operate same at a speed in excess of fifteen (15) miles per hour on the Bicycle Trail

§174-28. Dogs Allowed.

Dogs shall be permitted on the Bicycle Trail provided they are restrained/hand-controlled by leash (no longer than six feet in length).

No person walking or in charge of any dog on the Bicycle Trail shall cause, suffer or allow such dog to soil, defecate on or commit any nuisance on the Bicycle Trail unless said person picks up and properly disposes of the feces in an appropriate container.

§174.29. No Alcoholic Beverages or Glass Containers.

The consumption of alcoholic beverages and the carrying of glass containers on the Bicycle Trail shall be prohibited

§174.30. Enforcement.

The provisions of this article shall be enforced by the members of the Cheektowaga Police Department

174.31. Penalties for offenses.

Any violation of the provisions of this article shall be deemed to be an offense, and any person found guilty of such violation shall be liable for a fine of not less than \$50 nor more than \$500, and/or by imprisonment for not more than fifteen (15) days.

, and BE IT FURTHER

RESOLVED, that a copy of this resolution be entered in the minutes of the meeting of the Town Board of the Town of Cheektowaga held on the 6th day of April, 2009; and that a certified copy hereof be published in the CHEEKTOWAGA BEE, the official Town newspaper, and BE IT FURTHER

RESOLVED, that the aforementioned amendment to the Parks Ordinance shall take effect ten (10) days after such publication, but such amendment shall take effect from the date of its service as against a person served personally with a copy thereof certified by the Town Clerk under the corporate seal of the Town and showing the date of its passage and entry into the minutes.

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

VII. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - January 2009
2. Building Permits - March 2009
3. Closing of Town Highway - Zurbrick Road: Closing a Portion of Town Highway from House #63 to #71.
4. Minutes: Cheektowaga Planning Board - March 12, 2009
5. Minutes - Town Environmental Advisory Committee - March 25, 2009
6. Minutes - Cheektowaga Public Library - Board of Trustees - February 18, 2009
7. Minutes - Cheektowaga Traffic Safety Commission - February 17, 2009
8. Minutes - Cheektowaga Conservation Advisory Council - March 21, 2009

B. General Communications

1. Summons & Complaint - Jody L. Samuel Vs. Town of Cheektowaga
2. Notice of Claim: Constance Brunn Vs. Town of Cheektowaga
3. Notice of Claim: Domenica Cappella Vs. Town of Cheektowaga
4. Notice of Claim: Sandra Klos Vs. Town of Cheektowaga
5. Notice of Claim: A. John Peters Vs. Town of Cheektowaga
6. Notice of Claim: Doug Sanscainte Vs. Town of Cheektowaga
7. Notice of Claim: Patricia L. Sprurck 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 7:25 PM.

Alice Magierski

Town Clerk

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: January 8, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on January 7, 2009 in the Town Hall Council Office Conference Room. Absent: Conservation Advisory Council representative.

ITEM I 30 Innsbruck - Proposed 68,374 Manufacturing Addition

Applicant: Costanzo's Bakery Inc.

The applicant is proposing to construct this addition which would include new loading docks for shipping and receiving. As part of the overall site plan access to an easterly building would be provided by connecting to a one-way road owned by the McGuire Group that services the Garden Gate nursing home. A representative of the McGuire Group was present and indicated that they are willing to sit down and discussed the possibility of a connection. As part of this connection with the parking lot for Costanzo's employees, the driveway to Innsbruck would be widened to accommodate two-way traffic up to the point where they would turn into the Costanzo's employee parking lot. This would not affect the McGuire Groups parking along this roadway and would serve to allow trucks servicing the Garden Gate nursing home to exit onto Innsbruck instead of backing up through the Garden Gate parking lot. This connection would also allow for the elimination of a drive. The applicant was asked to review the possibility of eliminating a driveway that services the delivery vehicles and after further review indicated that this cannot be eliminated because of the parking of semi-trucks that arrive in the wee hours of the morning that would block the exits for delivery vehicles in the morning.

The CCAC has yet to recommend on tree compensation and the Town Engineer must review the drainage plan when available for the site. Traffic Safety will be providing their final recommendations at a later date.

The committee would recommend that the Town Board issue a Negative Declaration for this project provided that adequate tree compensation can be arrived at and the Town Engineer approves the drainage.

Attachment: EAC-January 7, 2009 minutes (RES-2009-164 : Negative SEQR Declaration - 30 Innsbruck Drive)

AUCTION 2009

Garbage Totes 90 GALLON with wheels and hinge lids Approx 100 ea (new)

1	POLICE 10	2004	FORD CRN VIC	2FAHP71W04X157616	105,706 MILES	KEYS TITLE
2	POLICE 25	1996	DODGE MINI VAN	2B4GP4435TR691846	115,959 MILES	KEYS TITLE
3	POLICE 51	1994	MERC COUGAR	1MELM6243RH640060	83,822 MILES	KEYS TITLE
4	POLICE 61	1998	MERC SABLE	1MEFM50UXWA605501	59,000 MILES	KEY TITLE
5	POLICE 80	1999	DODGE DURANGO	1B4HS28Y4XF674675	142,052 MILES	KEYS TITLE
6	SAN 35	1989	PETERBILT	1XPZL50X4KD703961	302,800 MILES	KEYS TITLE
7	SAN 38	1989	PETERBILT CHASSIS	1XPZL50X5KD703967	297,107 MILES	KEYS TITLE
8	SAN 42	1988	WHITE PACKER	1WXDCHSD4JN126725	103,202 MILES	KEYS TITLE
9	POOL 70	2004	FORD CRN VIC	2FAHP71W24X157617	148,251 MILES	KEYS TITLE
10	POOL 71	2000	PLYMOUTH NEON	1P3ES46C9YD742720	53,000 MILES	KEYS TITLE
11	POOL 89	1998	CHEV DOG BOX	1GBGC24RXWE119829	MILES	KEYS TITLE
12	POOL 100	2001	FORD CRN/VIC	2FAFP71W51X192946	171,560 MILES	KEYS TITLE
13	POOL 551	1993	CHEV PICK-UP	1GCCG24Z5PE227675	MILES	KEYS TITLE
14	POOL 553	1993	CHEV PICK-UP	1GCCG24Z4PE229031	MILES	KEYS TITLE
15	POOL 554	2003	FORD CRN VIC	2FAFP17W83X189809	151,328 MILES	KEYS TITLE
16	POOL 562	1993	CHEV PICK-UP	1GCCG24Z6PE144840	MILES	KEYS TITLE

AUCTION 2009 (PAGE 2)

17	POOL 563	1997	FORD EXPEDITION	1FMEU18W0VLB50104	172,349 MILES	KEYS TITLE
18	POOL 565	2000	FORD EXPEDITION	1FMPU16L1YLB52644	MILES	KEYS TITLE
19	PARKS 116	1985	CHEV DUMP	1GBE6D1B5FV215336	21,176 MILES	KEYS TITLE
20	PARKS 139	1998	CHEV PICK-UP	1GTGK34K7JE528743	79,961 MILES	KEYS TITLE
21	PARKS 404	1994	FORD PICK-UP	2FTHF26H8RCA46398	34,168 MILES	KEYS TITLE *
22	POLICE 62	1995	OLDS CUTLASS	1G3AJ55M8S6303649	90,940 MILES	KEYS TITLE
23	POOL 561	1985	CHEV VAN	2GCCG155H8F4169370	67,159 MILES	KEYS TITLE
24	POLICE 83	1987	CHEV PICK-UP	1GCHD34J6HF312683	14,286 MILES	KEYS TITLE

The Town of Cheektowaga



MEMORANDUM

- 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

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: March 27, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on March 25, 2009 in the Town Hall Council Office Conference Room. (All members present)

ITEM I 3820 Union Road - Proposed Rezoning from C to MS for a Collision Shop

Applicant: Carruba & Sons LLC

Mr. Carruba and his attorney were present at the meeting and it was indicated to them that they would have to install the 6 foot solid fence at the rear as proposed to enclose the future parking / storage area for the collision. They will be required to remove the old chain link fence that is located on the north side of the property. This fence is in poor shape and actually detracts from the looks of the property. Along the south property line 18 Colorado spruce would be planted to further screen the property from the homes on Fath Drive.

One of the tenants in the building presently is SPS. This company obtains used anti-freeze from dealers and other repair facilities and then processes the anti-freeze for recycling and resale. The process results in the discharge of the green dye-colored waters plus other materials into the sewer system. The Town engineer is presently looking at the discharge to see if it is actually permissible. This business was established without knowledge of the Town and appears to be in violation of the Zoning Law. The Zoning Law was changed in January of 1992 which prohibited recycling operations within the Town of Cheektowaga to be established. This tenant supposedly moved in in June of 1992; therefore, it would be in violation of the Zoning Law. The Building Inspections Office will meet with the owner of the building and his attorney to discuss the removal of this tenant as part of the rezoning process.

The owner must update his plan to show the parking spaces that exist on the property but are not shown on the plan.

This item will remained tabled for submission of the revised plan and discussions on the anti-freeze recycling operation.

EAC – March 25, 2009

March 27, 2009

Page: 2

**ITEM II 4455 Genesee Street - Proposed Rezoning from M1 to MS for a
Park and Fly Lot**

Applicant: 1234 Group LLC / Carl Paladino

The applicant was present at the meeting and a discussion was held regarding the comments made at the public hearing and some concerns of the Town Engineer along the southern property line of the proposed parking lot is the U-Crest ditch. The Town Engineer needs access to maintain this ditch and is requesting the owner look at providing a wider green area to allow for equipment to move in to maintain the ditch. This green area would have to be wide enough to accommodate the equipment as well as trees that would be planted to help reduce noise generation from the parking lot. A six foot solid fence that was suggested will provide screening for headlights for the homes on Surfside but will not dampen any noise that maybe produced. It was suggested that the two-way traffic within the site be reduced to one-way traffic on some of the roadways to provide for an additional ten or more feet to be used for landscaping at the south property line.

Mr. Paladino indicated that he had reviewed documentation for the old rail line and there maybe additional easements that the Town is unaware of that they have on the RJ Corman property which is the old railroad right-of-way. He will forward that documentation to the Town Engineer for his review and for review by the Town Attorney. He also indicated that he and his team will go back to the drawing board to see what they can do to provide a larger landscaped area along that south property line.

This item will be tabled for further review and submission of the revised plan. In addition the Town Attorney will be contacted to determine if a new public hearing must be conducted as the site plan has changed from the time it was presented at the public hearing. The parking now has gone from approximately 380 cars to 500 vehicles. The applicant is proposing to use the site that would be used for the hotel as additional parking.

**ITEM III 1289 Walden Avenue - Proposed 20,000 Sq. Ft. Warehouse Addition
to Fed Ex**

Applicant: Jones Development Co., LLC

The applicant's engineer was present with a new plan which showed the parking moved to the east to provide an additional 45 parking spaces. Originally the parking was shown to be to the north and encroaching upon the landscaped berm that shields the facility from the properties on Walden Avenue. As part of this plan 108 trees would be removed that are four inches or greater in caliper. Twenty four would be replaced on site and the applicant is willing to pay \$35.00 for each remaining tree that was removed. It was suggested that the engineer go back to the applicant to see if additional trees could be planted and submit the revised plan to the Planning Board for their review.

The committee would recommend that a Negative Declaration be issued for this project provided the Planning Board and CCAC come to a resolution on the trees being removed and replaced as well as final sign-off by the Town Engineer and Traffic Safety Commission.



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, April, 20, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on April 20, 2009 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
 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
 Anthony Sisti, Planning Board Chairman
 Christine Ziemba, Chief of Police

II. Public Hearings

1. Local Law Intro 2009-1 - Amend Site Plan Provisions of Zoning Law

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. Local Law Intro 2009-2 - Amend Planning Board and Zoning Board Law

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-193

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

NYS AFFORDABLE HOUSING FUND

FROM: 900.8600.4910 NYS AHC REVENUES \$ 100,000.00

TO: 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 2009-194

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to April 17, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$	496,683.13
RISK RETENTION FUND		50,200.92
HUD HOUSING REHABILITATION FUND		30,565.00
SPECIAL DISTRICTS FUND		849,931.07
HIGHWAY FUND		331,634.84
CAPITAL FUND		170,568.28
TRUST & AGENCY FUND		6,135.89
HUD CDBG FUND		910.34
NYS AFFORDABLE HOUSING		18,648.00
		<u>18,648.00</u>
	\$	1,955,277.47

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



3. RESOLUTION 2009-195

Award of Bid - Imaging & Microfilming Maps and Plans

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the Imaging of Maps and Plans. Bids were duly received and opened at a public bid opening held on January 7, 2009, 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 Amtek Data Corp. 4 Adler Dr., E. Syracuse New York at a bid cost of \$.10/image size A, \$.15/image size B, \$.35/image size C, \$.55/image size D, \$.75/image size E including microfilming of these images, 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.

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



4. RESOLUTION 2009-196

Award of Bid - Sidewalks

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, as a result of advertisement, bids were received on April 1, 2009 for the replacement of sidewalks at various locations within the Town of Cheektowaga for the 2009 and 2010 calendar years, AND

WHEREAS, said bids were referred to the Engineering Department and the Highway Superintendent for analysis, tabulation and report, which analysis, tabulation and report is contained in a memo from the Engineering Department dated April 16, 2009, AND

WHEREAS, said memo recommends that the contract for the replacement of sidewalks be awarded to Valeri Concrete Construction, Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the replacement of sidewalks be and hereby is awarded to:

Valeri Concrete Construction, Inc.
6655 Errick Road
North Tonawanda, New York 14120

for the total bid price of \$181,500.00 per year for the years 2009 and 2010.

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



5. RESOLUTION 2009-197

Notice to Bidders - Water Line Components

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the existing Town Hall Campus has insufficient means of fire suppression in the case of a fire at existing facilities within the campus, AND

WHEREAS, a new water main extension, complete with fire hydrants to assist in fire suppression, and potable water for future construction on the campus is proposed, AND

WHEREAS, the Engineering Department has prepared specifications to purchase various water line components relative to the proposed water line extension, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the furnishing of Various Water Line Components, said notice to be published in the CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 29th day of April, 2009 at 11:00 a.m. at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on April 29, 2009 at 11:00 a.m., at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the furnishing of various water line components including a hot box, RPZ, hydrants and piping for the Town Hall Campus.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Furnishing Various Water Line Components" 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 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: April 20, 2009

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



6. RESOLUTION 2009-198

Special Events - Cleveland Hill Baseball 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, Clevehill Baseball, Inc. has made application to hold a parade on May 9, 2009, beginning at 10:00 A.M. as follows:

Parade will assemble at the Cleveland Hill School parking lot, exit onto Gilmore Road to Maplevue Road; and proceed to Gilmore, Maplevue Circle, Merrymont, S. Huxley and Commodore and end at the Clevehill track;

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 9, 2009, and BE IT FURTHER

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

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



7. RESOLUTION 2009-199

Special Events - South Cheektowaga Baseball Associ

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 1, 2009, commencing at 9:00 A.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by 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 1, 2009.

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



8. RESOLUTION 2009-200

Clean-Up Graffiti / 95 Huth 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 95 Huth Road, Cheektowaga, New York SBL# 91.06-18-1 that is a danger to the safety of others, and records kept by the Assessors Office identify Marjorie E. Rickert, 95 Huth Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 95 Huth Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



9. RESOLUTION 2009-201

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, 140 Hutchens Drive, Cheektowaga, New York 14227, 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

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



10. RESOLUTION 2009-202

Youth & Rec Gymnastics Sleepover

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, members of the Department of Youth & Recreational Services' Gymnastic's Staff have requested permission to conduct a sleep-over at the Alexander Community Center, in May of 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' Gymnastic's Staff to utilize the Alexander Community Center for a sleep-over in May of 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.

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



11. RESOLUTION 2009-203

Authorize Supervisor to Execute Grant Application for Acquisition of Various Equipment and Park Renovations

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS; through the efforts of Assemblyman Dennis Gabryszak, \$360,000 in grant monies may be available from the Dormitory Authority for the State of New York through the Community Capital Assistance Program for the acquisition of vehicles and equipment and renovations to Stiglmeier Park including:

- Two (2) Senior Citizen Vans including one handicapped accessible van for use by the Senior Center that will be used to transport senior citizens aged 60+ to locations throughout the community;
- One (1) Digital Finger Print Machine for use by the Police Department that will enable the Department to electronically scan, process, and transfer finger prints;
- One (1) Crime Scene Unit for use by the Police Department to respond to crime scenes and house various special equipment;
- One (1) Mobile Unit Command Center Trailer and Towing Vehicle for use by the Police Department. The unit will house personnel and equipment needed to oversee emergency response operations. Also purchased will be a vehicle capable of towing the command center to various locations;
- Rebuilding/Resurfacing of Tennis Courts at Stiglmeier Park thereby dramatically improving the court conditions for tennis players;
- Purchase and installation of new playground equipment for Stiglmeier Park providing improved recreational opportunities for children; and
- Purchase and installation of a fountain for the pond at Stiglmeier Park to enhance the park's aesthetic appeal and help to control the geese population immediately adjacent to the pond; 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 the purpose of securing this grant, and BE IT FURTHER

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

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2009-204

Agreement with Cheektowaga Public Library System

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of a joint program with the Cheektowaga Public Library System at Cheektowaga's two branch libraries, to provides special activities that encourage children to read and become more familiar with the library, and

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor be and hereby is authorized to execute an agreement between the Town of Cheektowaga and the Cheektowaga Public Library System to continue said program for a twelve (12) month period, January 1, 2009 through December 31, 2009 with a total cost not to exceed \$2,200.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4675

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



13. RESOLUTION 2009-205

Agreement with Catholic Charities (SIS)

Sponsored By: Councilmember Zydell, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of a joint program with Catholic Charities of Buffalo Metropolitan Services Department, 525 Washington Street, Buffalo, New York, 14203, whereby high risk youth within the Town will receive individual and family counseling through the School Intervention Service, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities Metropolitan Services Department, to continue said program for a twelve month period, January 1, 2009 through December 31, 2009 with a total cost not to exceed the sum of \$188,004.40 and BE IT FURTHER

RESOLVED that Catholic Charities Metropolitan Services will reimburse the Town \$43,476.00 of the total budget for said program and the New York State Office of Children and Family services will reimburse the Town \$24,512.40 leaving the actual cost to the Town at \$120,016.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4677

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



14. RESOLUTION 2009-206

Agreement with Catholic Charities (YES)

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of the Youth Engaged in Service (Y.E.S.) program with Catholic Charities of Buffalo Metropolitan Services Department, 525 Washington Street, Buffalo, New York, AND

WHEREAS, said program, which prepares and provides teenagers with opportunities to assist their community in various projects that have a need for volunteers and is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Catholic Charities of Buffalo Metropolitan Services Department to continue said program for a twelve month period, January 1, 2009 through December 31, 2009 with a total payment to Catholic Charities not to exceed the sum of \$76,572.00.

CONTRACT # (BUDGET LINE ITEM) 01-7310-4685

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



15. RESOLUTION 2009-207

Agreement with Child & Family Services

Sponsored By: Councilmember Zydell, Councilmember Rogowski

WHEREAS, the Cheektowaga Department of Youth and Recreational Services is desirous of continuing the operation of a joint program with Child and Family Services of Erie County, 330 Delaware Avenue, Buffalo, New York, 14202, for the purpose of providing group, individual and family counseling to police and court referred juveniles, youthful offenders, and runaway and homeless youth, AND

WHEREAS, said program is open to all Cheektowaga youth regardless of race, color, or creed, NOW, THEREFORE, BE IT

RESOLVED that the Supervisor of the Town of Cheektowaga be and hereby is directed to execute an agreement between the Town of Cheektowaga and Child and Family Services to continue said program for a twelve month period, January 1, 2009 through December 31, 2009 with a total cost not to exceed \$151,113.30 and BE IT FURTHER

RESOLVED that Child and Family Services will reimburse the Town for up to \$13,000.00 of the total budget for said program and the New York State Office of Children and Family Services will reimburse the Town for up to \$18,996.30 leaving the actual cost to the Town at \$119,134.00

CONTRACT # (BUDGET LINE ITEM) 01-7310-4687

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



16. RESOLUTION 2009-208

Approve Cultural Funding for Patriotic Commission

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2009 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 2008 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 Patriotic Commission	\$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 2009 Town budget, subject to audit and approval of a properly signed Town voucher.

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



17. RESOLUTION 2009-209

Youth & Recreation Termination

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Matt Rakowski 8/22/08 14211

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to waive the reading of names on Resolution 2009-209 and 2009-210. Motion Carried.

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



18. RESOLUTION 2009-210

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 \$8.25/hour effective 4/21/09
Nicholas Schanne, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.00/hour effective 5/11/09
David Cunningham, Cheektowaga, New York

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour effective 5/12/09
Matthew Rakowski, 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 4/21/09
Nicholas Herkey, Cheektowaga, New York

RECORDS MANAGEMENT OFFICE Clerk (Temporary) \$8/hour effective 4/21/09
Lisa Sprada, Cheektowaga, New York

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

POLICE DEPARTMENT Sign Maintenance Division
Sean Trapper
Effective 8/07/08

TOWN CLERKS Records Center
Ian Trapper
Effective 8/16/08

FACILITIES DEPARTMENT (Parks Division)
Ronald Pocobello
Effective 2/22/09

Michael Lorkowski

Effective 2/19/09

Matthew Welch
Effective 10/19/08

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



19. RESOLUTION 2009-211

Appointment of EMS Board Members

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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 2009 for a term of one year:

REPRESENTING	DESIGNATE	ALTERNATE
Bellevue	Dell Reitz	Jamie Casucci
Cleveland Hill	Robert Trautman	Mark Collett
Doyle	Richard Ralecki	None
Forks	Vincent Piasecki	EMS Officers
Hy-View	Robert Schmitt	Roman Gawronski
Pine Hill	Jeff Speaker	Brian Kirst
Walden	Michael Divens	James Gajewski/Tim Tryjankowski
Sloan	Debbie Striewing	Jannine Hughes
South Line	Ed Fialkowski	Kyle Tobolski/Jay Tolsma
U-Crest	Ronald Wanat	Michael Graczyk
St. Joe's Hospital Chief of Police	Dr. Frank Lee	
Dispatch	Captain John Glascott	
Town Board	Paul Hockwater Jr. Supervisor Holtz	
EX-OFFICIO MEMBERS (non-voting)		
Rural/Metro	Richard Bartel	
County EMS	John Adolph	

and, BE IT FURTHER

RESOLVED, that Robert Schmitt be appointed to serve as Chairman of the EMS Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor

SECONDER: Patricia Jaworowicz, Councilmember

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



20. RESOLUTION 2009-212

Appointment of Laborer (Highway Department) (Permanent) (John G. Strong)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

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

WHEREAS, said position is part of the Town of Cheektowaga Employees Association;
AND

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

WHEREAS, John G. Strong, currently employed as a Laborer in the Sanitation Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that John G. Strong of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Highway Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective April 21, 2009.

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



21. RESOLUTION 2009-213

Travel Authorization (Police) (K-9 Seminar)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 2009 Annual K-9 Seminar is being held in Penn Yan, New York from May 3-7, 2009; AND

WHEREAS, Police Officer John Doskocz 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 \$700; AND

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

RESOLVED, that Police Officer John Doskocz be and hereby is authorized to attend the 2009 Annual K-9 Seminar being held in Penn Yan, New York from May 3-7, 2009.

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

**22. RESOLUTION 2009-214****Travel Authorization (Police) (Canadian Centre for the Prevention of In-Custody Death, Inc. Excited Delirium Conference)**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Canadian Centre for the Prevention of In-Custody Death is holding a conference in Niagara Falls, Ontario from May 25-26, 2009; AND

WHEREAS, Sergeant Lawrence Bauer, Sergeant Thomas Allen and Police Officer Jonathan Ober 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 \$1,175; 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 the Canadian Centre for the Prevention of In-Custody Death Conference being held in Niagara Falls, Ontario from May 25-26, 2009.

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



23. RESOLUTION 2009-215

Travel Authorization (Police) (Commercial Vehicle Enforcement Academy)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a Commercial Vehicle Enforcement Awareness Course is being held in Canandaigua, New York from May 12-14, 2009; AND

WHEREAS, Police Officers Michael McDonough and James Rottger have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$364; 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 Commercial Vehicle Enforcement Awareness Course being held in Canandaigua, New York from May 12-14, 2009.

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

V. Suspension of Rules

Motioned by Councilmember Jaworowicz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Resolutions. Motion Carried.
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1. RESOLUTION 2009-216

Award of Bid - Asbestos Survey for 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga recently became the owner of vacant dilapidated dwellings located at 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place in the Town of Cheektowaga, and

WHEREAS, the Town purchased these properties from the Erie County auction in order to expedite demolition of these eyesores, and

WHEREAS, prior to demolition of these properties, the Town needs to have asbestos surveys done to determine whether there is asbestos in the structures, and

WHEREAS, by resolution dated March 31, 2009, this Town Board issued a Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain JMD Environmental, Inc. at the following costs:

- Asbestos Inspection/Assessment	\$2,900
- Design Development/Prepare Asbestos Removal Documents (if necessary)	\$ 500
- Air Monitoring (if necessary)	
Project Air Samples - Cost Per Day	\$ 275
PCM Samples - Cost Per Day	\$ 50

to perform said asbestos survey and abatement work at all three (3) properties located at 54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place (Bid Item VII), NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains JMD Environmental, Inc., 1815 Love Road, Grand Island, New York 14072 to perform the necessary asbestos survey and abatement work (if necessary) for Item VII (54 Barbara Place, 83 Pinehurst Avenue and 40 Alpine Place) at the costs listed above, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with JMD Environmental, Inc. for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

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



2. RESOLUTION 2009-217

Authorize Community Development Director to Attend May, 2009 County Auction

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, on May 6, 2009, 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 May 6, 2009, 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 \$15,000.00 is available in the 2009 Town budget and \$60,000.00 in the 2009 Town Community Development budget to enable the Town to acquire these properties, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby allocates the sum of \$15,000.00 from the Town budget (line item number 800-3620-4514) and \$60,000.00 from the Community Development budget for the purchase of properties in the Town of Cheektowaga which are on the 2009 Erie Tax Certificate Corporation May 6, 2009 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 \$75,000.00 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.

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

VI. Communications

A. Departmental Communications

1. Quarterly Report Town of Cheektowaga Emergency Services for January to March 2009
2. Minutes: Town Environmental Advisory Committee - March 25, 2009 Amended Minutes
3. Minutes: Cheektowaga Conservation Advisory Council - April 2, 2009
4. Minutes: Cheektowaga Traffic Safety Commission - March 17, 2009
5. Minutes: Cheektowaga Public Library - Board of Trustees - March 18, 2009

B. General Communications

1. Summons: Wells Fargo Bank, NA Vs. Richard J. Moran, Town of Cheektowaga Etal
2. Notice of Claim: Allstate Insurance as Subrogee of Gary Refermat Vs. Town of Cheektowaga
3. Notice of Claim: Jason G. Chebat Vs. Town of Cheektowaga
4. Notice of Claim: Dale Galley Vs. Town of Cheektowaga
5. Notice of Claim: Jayson Nugent Vs. Town of Cheektowaga
6. Notice of Claim: Ralph Schweers Vs. Town of Cheektowaga
7. Notice of Claim: Caremine E. Seemueller as Parent and Natural Guardian of Robert Seemueller Vs. Town of Cheektowaga
8. Notice of Claim: Ronald Zelonis 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 Swiatek to Adjourn the meeting and move into Executive Session. Motion Carried.

ALICE MAGIERSKI

Town Clerk

IX. Executive Session



1. RESOLUTION 2009-218

Prefer Charges Against Police Officer and Appoint Hearing Officer

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, Cheektowaga Chief of Police Christine M. Ziemba 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 Whiting (the "Deputy Town Attorney") is hereby appointed to act as Hearing Officer to hear the 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 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, and BE IT FURTHER

RESOLVED, that, upon service of the 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 Section 75(3).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	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, May 4, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 4, 2009 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
Robert Ciesielski, General Crew Chief, Central Garage
Ellen Fischer, Executive Director - Youth Board
Jerry Gabryszak, Director of Community Development
Brian Hess, Assessor
John Jaroszewski, General Crew Chief, Parks Division
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
John Staniszewski, TCEA Union Representative
Kerry Switalski, Senior Services Director
Christine Ziembra, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-219

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 1, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$2,926,399.80
RISK RETENTION FUND	97,546.57
NYS HOME PROGRAM	6,873.00
DEBT SERVICE FUND	179,766.28
HUD HOUSING REHABILITATION FUND	54,556.00
SPECIAL DISTRICTS FUND	535,917.57
HIGHWAY FUND	395,959.99
CAPITAL FUND	146,078.96
TRUST & AGENCY FUND	1,405.11
HUD CDBG FUND	17,591.91
PART TOWN FUND	108,243.14
NYS AFFORDABLE HOUSING	49,596.00
	<u>\$4,519,934.33</u>

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



2. RESOLUTION 2009-220

Adopt Local Law No. 1 of the Year 2009 - a Local Law to Amend Local Law No. 3 of the Year 2003

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, by resolution dated August 18, 2003, Local Law No. 3 of the Year 2003 of the Town of Cheektowaga, entitled "A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Cheektowaga Planning Board and Zoning Board of Appeals" (a/k/a Chapter 27 of the Code of the Town of Cheektowaga") was adopted, and

WHEREAS, Chapter 662 of the Laws of 2006 of the State of New York revised Sections 267 and 271 of the Town Law to impose stricter requirements for the minimum training required for the Planning Board and Zoning Board of Appeals, and

WHEREAS, there is a need to revise Chapter 27 of the Code of the Town of Cheektowaga, and

WHEREAS, a draft of such amendment has been prepared by the Town Attorney, and

WHEREAS, a public hearing was held on the 20th day of April, 2009 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 Local Law No. 3 of the Year 2003 of the Town of Cheektowaga", and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2009, entitled "A Local Law to Amend Local Law No. 3 of the Year 2003 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.

**LOCAL LAW NO. 1 OF THE YEAR 2009
A Local Law to Amend Local Law No. 3 of the Year 2003 of the Town of Cheektowaga**

The following sections of the Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Planning Board and Zoning Board of Appeals shall be amended and changed as follows:

1. Subsection A of Section 27-5 (Minimum training requirements) shall be amended to read as follows:

- A. Each member of the Zoning Board of Appeals and Planning Board shall complete, at a minimum, four hours of training each year designed to enable such members to

more effectively carry out their duties. Training received by a member in excess of four hours in any one year maybe carried over by the member into succeeding years. Any new member appointed to fill the last five (5) months of a given year shall complete, at a minimum of two hours of training in such year; afterwards, he/she shall complete, at a minimum, four hours of training in subsequent years.

2. Section 27-6 ("Approved training courses") shall be amended to read as follows:

The following list of agencies, commissions, associations, universities and other organizations are approved to provide training to meet the state requirements when the training they provide pertains to municipal planning, zoning, community design, environmental issues, economic development and local government functions and practices:

1. the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation and Historic Preservation; Hudson River Valley Greenway; and
2. The New York State Association of Towns; the New York Conference of Mayors; the New York State Association of Counties; the New York Planning Federation; the American Planning Association; the Upstate New York Chapter of the American Planning Association and its sections; and the Metro New York Chapter of the American Planning Association and its sections; and
3. the Capital District Regional Planning Commission; Central New York Regional Planning and Development and Development Board; Herkimer-Oneida Counties Comprehensive Planning and Development Board; Lake Champlain-Lake George Regional Planning Board; Long Island Regional Planning Board; Southern Tier Central Regional Planning and Development Board; Southern Tier East Regional Planning Development Board; Southern Tier West Regional Planning and Development Board; Genesee-Finger Lakes Regional Planning Council; Hudson Valley Regional Council; Tug Hill Commission; and Adirondack Park Agency; and
4. the New York State Planning Federation and subsections thereof, Erie County Department of Environment and Planning; and Erie County Soil and Water Conservations districts; and
5. the Albany Law School Government Law Centre and Institute for Legal Studies; Pace Law School; Cornell University and its cooperative extension; State University of New York at Buffalo, School of Architecture and Planning; and
6. on-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal; Pace University and Land Use Law Center; and the Lincoln Institute of Land Use Policy.

The Town Board may, from time to time, by resolution, approve additional or specific training which is deemed acceptable training under this law.

Other training activities may be approved on a case-by-case basis by the Town Board upon the request of a planning board or zoning board of appeals member.

It shall be the responsibility of each Zoning Board of Appeals and Planning Board member to verify and prove that the training he/she attends is acceptable training under this law and New York State.

Each Zoning Board of Appeals and Planning Board member shall, within a reasonable time after attending the prescribed training, file a Certificate of Attendance and other proof of attendance verifying such training with the Coordinator of Employee Relations and the Chairperson of his/her board.

3. The first/introductory paragraph of Section 27-8 ("Procedure for removal of members") shall be amended to read as follows:

The Chairperson of the Zoning Board of Appeals and the Chairperson the Planning Board shall notify the Town Board and the involved Zoning Board of Appeals or Planning Board member, in writing, on or before October 1 in each year of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year. In the event a member of the Zoning Board of Appeals or Planning Board fails to complete the minimum attendance and/or training requirements set forth in this law, then the Town Board may remove such member for cause as herein provided.

4. Subsection E of Section 27-8 ("Procedure for removal of members") shall be amended to read as follows:

E. Action by the Town Board. Following the hearing and upon a finding that a member has not met the minimum meeting attendance and/or training established by this law, the Town Board shall remove such member from the Zoning Board of Appeals or Planning Board (by a majority vote of the entire board).

5. A new subsection 27-8.A., entitled "Notice to New Zoning Board of Appeals and Planning Board Members", to read as follows, shall be enacted:

Section 27-8.A. Notice to New Zoning Board of Appeals and Planning Board Members

The Personnel Office/Office of Coordinator of Employee Relations of the Town of Cheektowaga shall forward a copy of this local law to any and all newly appointed members of the Zoning Board of Appeals and Planning Board within a reasonable period after his/her/their appointment.

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



3. RESOLUTION 2009-221

Negative SEQR Declaration- 3820 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 Carubba & Sons, LLC for the rezoning of 3820 Union Road from C - Retail Business to MS - Motor Services for the establishment of an automobile collision repair facility in the existing building , AND

WHEREAS, the existing building at 3820 Union Road currently permits a beauty salon, a lawful non conforming auto glass installation business, a lawful non conforming warehouse use and an administrative office for estimating , AND

WHEREAS, a rezoning to MS - Motor Services will permit the current auto glass installation services, the existing administrative office and the proposed automobile collision repair facility, AND

WHEREAS, the existing beauty salon and the existing warehouse use will become lawful non-conforming uses, which may continue subject to the restrictions of Article VII (non conforming use regulations) of the Zoning Law of the Town of Cheektowaga, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 29, 2009 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 meeting of February 12, 2009, 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 conveyance of an amended easement to the Town of Cheektowaga for the Town's existing storm and sanitary infrastructure which crosses the applicant's westerly lands.
3. The removal of the existing deteriorated chain link fence along the northerly property line.

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



4. RESOLUTION 2009-222

Approve Rezoning - 3820 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Carubba & Sons, LLC petitioned for a rezoning from C-Retail Business District to MS-Motor Services District for property owned by it and located at 3820 Union Road, Cheektowaga, New York, which property is described in the attached legal description, to allow the property to be used as a collision repair shop for motor vehicles, including repair areas and a spray booth for painting motor vehicles, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 16th day of March, 2009 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, the applicant has agreed to grant the Town of Cheektowaga an easement over the area where the storm sewer line exists, 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 Carubba & Sons, LLC for the rezoning from C-Retail Business District to MS-Motor Services District of the property described in the attached legal description be and the same is hereby approved, subject to:

- 1. the requirement under Section 260-84.A. of the Zoning Law that any future additions/changes to the development/site plan must be resubmitted to this Town Board for approval, and
2. subject to the provisions of Section 260-84.B. of the Zoning Law.

, 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. 17, Township 11, Range 7 of the Holland Land Company' Survey, bounded and described as follows:

COMMENCING, at a point in the west line of Union Road, as a 100 foot road, distant

1230.50 feet northerly, as measured thereon, from its intersection with the south line of said Lot No. 17; running thence westerly parallel with the south line of said Lot No. 17, a distance of 229.05 feet to the southwest corner of lands conveyed to First Priority Mortgage, Inc. by deed recorded in the Erie County Clerk's Office in Liber 10959 of Deeds at page 8599, said corner being the principal point of beginning; thence continuing westerly parallel with the south line of said Lot No. 17, a distance of 636.31 feet to the southeast line of lands now or formerly owned by New York Central Railroad and West Shore Railroad; thence northeasterly along the southeast line of lands now or formerly owned by New York Central Railroad and West Shore Railroad, 504.67 feet to a point formed by the intersection of a line drawn parallel with the south line of said Lot No. 17 from the east of said Lot No. 17 and distant 250 feet northerly from the point of beginning; thence easterly parallel with the south line of said Lot No. 17 a distance of 210.80 feet to the northwest corner of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed recorded in said Clerk's Office in Liber 10959 of Deeds at page 8603; thence southerly parallel with the said west line of Union Road and along the west line of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed aforesaid; 175 feet to the southwest corner of lands conveyed to Thomas J. Doran and Merle L. Whitehead by deed aforesaid; thence westerly parallel with the south line of said Lot No. 17 a distance of 9.05 feet to the northwest corner of lands conveyed to First Priority Mortgage, Inc. by deed aforesaid; thence southerly parallel with the said west line of Union Road and along the west line of lands conveyed to First Priority Mortgage, Inc. by deed aforesaid 75 feet to the principal point of beginning.

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



5. RESOLUTION 2009-223

Award of Bid - 2009 Model Hydraulic Excavator Machine Mounted on Crawler Tracks

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, bids were received and opened by the Town Clerk at a public bid opening held on April 22, 2009, for One (1) New and Unused, 2009 Model Hydraulic Excavator Machine Mounted on Crawler Tracks for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bid was referred to the Superintendent of Highway for analysis, tabulation and reports, AND

WHEREAS, bid was analyzed and completed, NOW THEREFORE BE IT

RESOLVED, the responsible bidder meeting bid specs for One (1) New and Unused, 2009 Model Hydraulic Excavator machine Mounted on Crawler Tracks be awarded to Vantage Equipment LLC., 4554 W. Saile Drive, Batavia, NY 14020 at a total bid price of \$175,650.00 said bidder meeting specifications of bid. AND, BE IT FURTHER

RESOLVED, that monies be charged to line items 400-8140-4543 (\$44,986.00), 300-5130-2407 (130,000.00) and 500-5130-2407-5420 (\$664.00).

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



6. RESOLUTION 2009-224

Award of Bid - Permanent Generator @ Main Pump Station

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was published for the receipt of bids for the Replacement of the Permanent Generator at the Main Pump Station, which bids were received and opened by the Town Clerk on April 22, 2009 at 11:00 AM, AND

WHEREAS, three (3) bids were received which were referred to the Town Engineer for analysis, tabulation and report, which analysis, tabulation and report is contained in a letter from the Town Engineer dated April 27, 2009, AND

WHEREAS, said report recommends that the contract for furnishing all labor, equipment and materials for the Replacement of the Permanent Generator at the Main Pump Station be awarded to Ferguson Electric Construction Co. Inc. for their submission of the lowest bid meeting the requirements of the specifications, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Replacement of the Permanent Generator at the Main Pump Station be and hereby is awarded to

Ferguson Electric Construction Co. Inc.
333 Ellicott Street
Buffalo, New York 14203

for the bid price of \$426,000.00 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 sign the agreement with Ferguson Electric Construction Co. Inc. , AND, BE IT FURTHER

RESOLVED, that funding for said project shall be chargeable to Account No: 500-1440-2523-5836.

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



7. RESOLUTION 2009-225

Call for Public Hearing 2916 Union Road- Rezoning Request

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Bernard Rusiniak has made application and requested the rezoning of a portion of 2916 Union Road from C- Retail Business to MS- Motor Services for the construction of a 2,500 square foot storage building, accessory to an existing motor vehicle repair facility, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on June 1, 2009 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 1st day of June, 2009 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Bernard Rusiniak

for the rezoning of a portion of 2916 Union Road from C- Retail Business to MS- Motor Services for the construction of a 2,500 square foot storage building, accessory to an existing motor vehicle repair facility.

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 15, township 11, range 7 of the Holland Land Company's Survey described as follows:

Beginning at a point at the north west corner of Bink Street and Union Road, thence in a northerly direction and along the western boundary of Union Road 216.38 ' to a point, thence in a westerly direction 149.0' +/- and along the Southerly line of Map Cover 527 to the point of beginning, thence, continuing in a westerly direction 145.0 ' to a point, thence in a southerly direction 75' to a point, thence in an easterly direction 145.0' to a point, thence in a northerly direction 75.0 ' to the point of beginning. Said area containing 10,875 square feet or 0.249 acres+/- .

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



8. RESOLUTION 2009-226

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, 2009, 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.

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



9. RESOLUTION 2009-227

Approve 2009 Cultural Agreement - Friends of the Woods, Ltd.

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2009 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 2008 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>
Friends of the Woods, Ltd.	\$ 800.00

and BE IT FURTHER

RESOLVED, that the aforementioned moneys shall be paid to the respective cultural/not-for-profit organization(s) out of the respective cultural group budget line item(s) in the 2009 Town budget, subject to audit and approval of a properly signed Town voucher.

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



10. RESOLUTION 2009-228

Authorize Supervisor to Execute Contracts for Crabapple Festival

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, vendors, caterers, and other service providers for the Crabapple Festival, to be held on June 12th, 13th and 14th, 2009.

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



11. RESOLUTION 2009-229

Authorize Supervisor to Execute Contract for Door Replacement at Maryvale Pool Bld

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town desires to replace nine doors at the Maryvale Pool Building on Maryvale Drive, and

WHEREAS, funding for such improvements has been included in the Town's 2007 Community Development Block Grant budget, and

WHEREAS, proposals for said work were solicited from qualified contractors for said work, and

WHEREAS, Door Specialties Inc. submitted the lowest responsible proposal for said work in the amount of \$ 6,486.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a contract with Door Specialties, Inc., 530 Fillmore Avenue, Tonawanda, New York 14150 for the installation of nine new doors at the Maryvale Pool Building site for the price of \$6,486.00, and BE IT

FURTHER RESOLVED, that the cost of said work be charged to the Community Development Block Grant program.

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



12. RESOLUTION 2009-230

Accept Proposal of Trautman Associates for Professional Services For the Anna Reinstein Memorial Library

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Construction Grant Program" which provides for various improvements to be made to the Anna Reinstein Memorial Library located at 2580 Harlem Road, AND

WHEREAS, improvements to the existing library facility are related to mechanical and electrical improvements and window replacements, AND

WHEREAS, the firm of Trautman Associates has submitted a proposal to provide architectural and engineering services, including bidding and construction administration related to the removal and replacement of various mechanical and electrical components and existing windows and frames, for a fee not to exceed \$27,500.00, NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 for professional services related to design and construction documents, including bidding and construction administration for three separate contracts for mechanical, electrical and general construction work for the Anna Reinstein Memorial Library is hereby approved and accepted, AND, BE IT FURTHER

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

RESOLVED, that funding for said professional services in the amount not to exceed \$27,500 shall be chargeable to Account #500-1440-2520-5838.

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



13. RESOLUTION 2009-231

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 November 17, 2008, this Town Board engaged the firm of Trautman Associates to perform architectural and engineering services associated with the development of a schematic design and preparation of budgetary figures for construction costs associated with the addition(s) and renovations to the Town Police & Court Facility, AND

WHEREAS, the initial schematic design study has been completed and budgetary construction costs have been established, and this Town Board wishes to further its efforts to enhance Police & Court operations and facilities, AND

WHEREAS, the next progressive phase of architectural and engineering services known as Design Development Services is required for further evaluation of design alternatives, size and character of the project, including architectural, structural, mechanical and electrical systems, in depth code review, construction sequencing and scheduling, economic analysis of construction and operations and energy conservation, NOW, THEREFORE, BE IT

RESOLVED, that the architectural firm of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 be retained for the additional service of Design Development, the next progressive step toward construction documents and specifications, for the lump sum not to exceed \$156,000, 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 Design Development Services in an amount not to exceed \$156,000, which shall be chargeable to Account No. 500-3120-2520-5835.

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



14. RESOLUTION 2009-232

Special Event - Annual Crabapple Festival

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

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, Supervisor Mary Holtz has made application to hold the Crabapple Festival - Celebration of the Town of Cheektowaga June 12-14, 2009; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the aforementioned application of Supervisor Mary Holtz for the aforementioned Crabapple Festival - Celebration of the Town of Cheektowaga to be held on June 12-14, 2009.

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



15. RESOLUTION 2009-233

Special Event - HSBC Co-Ed Softball Tournament

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 15, 2009 from 8:00 a.m. to 5:00 p.m., and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department 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 15, 2009.

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



16. RESOLUTION 2009-234

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 September 5 & 6, 2009; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Parks Department, and Youth and Recreational 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 September 5 & 6, 2009.

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



17. RESOLUTION 2009-235

Special Event - National Center for Missing and Exploited Children Bike Run

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 "Ride for Missing Children" through the Town of Cheektowaga on Friday, May 8th, 2009, Ride to include the following streets: Union Road, William Street, Cayuga Creek Road, Harlem Road (exact times are not available) for approximately 30 minutes.

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, 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. 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 8th, 2009; BE IT FURTHER

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

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



18. RESOLUTION 2009-236

Special Event - South Line 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 South Line Little League has made application to hold its annual Parade on Monday, May 25, 2009, commencing at 9:30 A.M.; said parade route to start at the Garden Village Plaza, then down French Road to Towers Boulevard, then to North Seine Drive, and ending at the Southline Little League baseball diamonds; and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of South Line Little League for the aforementioned Parade, to be held on Monday, May 25, 2009; and BE IT FURTHER

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

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



19. RESOLUTION 2009-237

Special Event - Buick Club of America Car Show

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 Buick Club of America has made application to hold its Car Show on Sunday, July 26, 2009, from 9:00 a.m to 5:00 p.m. in Cheektowaga Town Park; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Town Board on behalf of the Police Department, Highway 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 the Buick Club of America to hold its Car Show on Sunday, July 26, 2009,

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



20. RESOLUTION 2009-238

Motorcycle Safety & Awareness Month

Sponsored By: Holtz, Zydell, Markel

WHEREAS, with warmer weather, more motorcycles are back out on the road;
and

WHEREAS, with the price of fuel, more people are turning to motorcycles for transportation; 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, many new new riders do not have the skills to ride safely and many seasoned riders have forgotten them; and

WHEREAS, the Buffalo/Erie Chapter of American Bikers Aimed Toward Education (ABATE of New York) seeks to remind the drivers of passenger vehicles to be more aware of motorcycles and bike riders to take a motorcycle safety course to improve necessary skills in order to ride safely; 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, 2009 as "Motorcycle Safety & Awareness Month."

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Richard Zydell, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



21. RESOLUTION 2009-239

Recognition of West Seneca Kiwanis

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, members of the Lancaster/Depew Kiwanis Club encouraged businessmen in West Seneca to organize a Kiwanis Club in the autumn of 1958; and

WHEREAS, the West Seneca Kiwanis Club held its Charter Night Program January 24, 1959 with 32 Charter Members; and

WHEREAS, Kiwanis is a global organization of volunteers dedicated to changing the world, one child and one community at a time; and

WHEREAS, the motto of West Seneca Kiwanis is *"It is the Children! That is what we do best. Serving the Children of our Community and the World"* and the organization has an impressive list of activities inspired by the motto; and

WHEREAS, West Seneca Kiwanis programs include activities for both able and challenged youth, the presentation of scholastic and athletic leadership awards and school scholarships to benefit students of the West Seneca School District which also serves residents of Cheektowaga's French Road neighborhoods; and

WHEREAS, West Seneca Kiwanis, whose current president is Councilmember Charlie Markel, a West Seneca business owner, will commemorate its 50th Birthday with a celebration on May 16, 2009; NOW, THEREFORE, BE IT

RESOLVED, that the Cheektowaga Town Board recognizes and salutes West Seneca Kiwanis for 50 years of good works in our neighboring town and for the students of the West Seneca Central School District.

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



22. RESOLUTION 2009-240

Youth & Recreation Termination

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:

Joseph Ciesielski	4/24/08	14225
Leeann Coddington	11/12/08	14225
Debra Garrison	8/14/08	14227
Thomas Kowalski	8/15/08	14206
Amanda Markel	8/15/08	14227
Diane Panasiewicz	9/11/08	14227
Nicole Stolarski	8/22/08	14225

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to waive the Reading of Names for the following Three (3) Resolutions. Motion Carried.

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



23. RESOLUTION 2009-241

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 - 7140.1636 & 7140.1640 \$7.25

Part - time

Adam Barrett	14225
Alexander Vulaj	14225
Aaron Wanat	14043

Recreation Attendant - 7140.1636 & 7140.1640- \$7.25

Regular Part-time

Calvin Waley	14225
Daniel Wasielewski	14225

Recreation Attendant - 7140.1645 - \$7.25

Richard Burton	14225
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Recreation Attendant - 7140.1645 - \$8.40

Hilary Peacock	14225
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Recreation Attendant - 7140.1633 - \$7.25

David Miesowicz	14043
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Recreation Attendant - 7140.1633 - \$8.00

Brian Pane	14227
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BE IT RESOLVED that the following individual be and hereby is transferred as indicated in the Department of Youth & Recreational Services, effective immediately:

Recreation Attendant - 7140.1636 - \$8.15 - Regular Part-time

Melisa Petre	14211
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



24. RESOLUTION 2009-242

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 \$7.75/hour
Matthew Welch, Cheektowaga, NY
Effective 5/04/09

Jonathan Heisler, Cheektowaga, NY
Effective 5/04/09

William Haderer, Cheektowaga, NY
Effective 5/05/09

Justin Lackie, Cheektowaga, NY
Effective 5/04/09

Brendan Hammer, Cheektowaga, NY
Effective 5/04/09

Steven Cvetkovski, Cheektowaga, NY
Effective 5/11/09

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.00/hour
Ryan Galuszka, Cheektowaga, NY
Effective 5/04/09

Michael Lawicki, Cheektowaga, NY
Effective 5/05/09

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.25/hour effective 6/01/09
Kyle Lackie, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$9.00/hour
Joe Boccio, Depew 14043
Effective 5/04/09

Edward Pozdyn, Cheektowaga, NY
Effective 5/10/09

POLICE DEPARTMENT Student Assistant \$7.40/hour effective 5/08/09
Jacob R. Heisler, Cheektowaga, NY

BE IT RESOLVED, that the following individuals be and hereby are hired as **PART-TIME EMPLOYEES** in the departments listed, not to exceed 19 hours on a weekly basis, in compliance with Civil Service Laws and Rules as well as the provisions of the Town's collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association:

FACILITIES DEPARTMENT (Parks Division) Laborer \$7.75/hour, effective 5/04/09
Aaron Hausburger, Cheektowaga, NY

FACILITIES DEPARTMENT (Parks Division) Laborer \$8.75/hour, effective 5/04/09
Donald Larkman, Cheektowaga, NY

SENIOR SERVICES Recreation Attendant (Van Driver) \$8.50/hour effective 5/04/09
Richard F. Thurnherr, Cheektowaga, NY

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

POLICE DEPARTMENT
Julie Strychalski
Effective 10/09/08

Katherine Edenhofer
Effective 8/16/08

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



25. RESOLUTION 2009-243

Appointment of Directors to Cheektowaga Economic Development Corporation

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Cheektowaga Town Board 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:

- Richard Cielinski
- Joseph Funk
- Timothy Popielski
- John Redman III

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

**26. RESOLUTION 2009-244****Appointment of Automotive Mechanic (Non-Competitive/Permanent) (Sewer Maintenance) Timothy J. Czaplicki, Sr.**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

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

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

WHEREAS, Timothy J. Czaplicki, Sr., currently employed as Automotive Mechanic in the Central Garage, has applied for said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Timothy J. Czaplicki, Sr. of East Aurora, New York, be and hereby is appointed to the position of Automotive Mechanic in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 4, 2009.

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

**27. RESOLUTION 2009-245****Appointment of Automotive Mechanic Crew Chief (Non-Competitive/Permanent) (Central Garage) Kevin Gozdziaak**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Automotive Mechanic Crew Chief in the Central Garage; AND

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

WHEREAS, Kevin Gozdziaak, currently employed as an Automotive Mechanic in the Central Garage, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Kevin Gozdziaak of Cheektowaga, New York, be and hereby is appointed to the position of Automotive Mechanic Crew Chief in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit effective May 5, 2009.

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

**28. RESOLUTION 2009-246**

**Appointment of Working Crew Chief (Non-Competitive/Permanent) (Buildings and Grounds Division)
Raymond D. Bienik, Jr.**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Working Crew Chief in the Buildings and Grounds Division; AND

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

WHEREAS, Raymond D. Bienik, Jr., currently employed as a Maintenance Worker in the Facilities Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Raymond D. Bienik, Jr. of Sloan, New York, be and hereby is appointed to the position of Working Crew Chief in the Buildings 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 Supervisory Unit effective May 4, 2009.

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



29. RESOLUTION 2009-247

Travel Authorization (Police) (Lt. T. Wentland)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the New York State Office of Homeland Security is presenting a course entitled, "Interview and Interrogation" June 9-11, 2009 in Oriskany, New York; AND

WHEREAS, Police Lieutenant Thomas Wentland has requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$144; AND

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

RESOLVED, that Police Lieutenant Thomas Wentland be and hereby is authorized to attend the course entitled, "Interview and Interrogation" June 9-11, 2009 in Oriskany, New York.

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



30. RESOLUTION 2009-248

Travel Authorization (Justice Court)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the 2009 Continuing Judicial and Court Clerk Education Training Sessions will be held May 2, 2009 in Batavia, New York; AND

WHEREAS, the following employees have requested authorization to attend said training sessions:

- Stephanie Lewandowski, Clerk to the Justice Court
- Kathleen Maciejewski, Senior Court Clerk
- Susan Klein, Senior Court Clerk
- Terri Smith, Court Clerk
- Carol Kilijanski, Court Clerk
- Judith Smith, Clerk to the Town Justice; AND

WHEREAS, Town Justice Thomas Kolbert has submitted a request for travel authorization; AND

WHEREAS, the total cost to the Town shall not exceed \$946.32; AND

WHEREAS, these expenses have been budgeted by the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned Justice Court employees be and hereby are authorized to attend the 2009 Continuing Judicial and Court Clerk Education Training Sessions being held May 2, 2009 in Batavia, New York.

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

IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Suspend the Rules to Include the Following Four (4) Resolutions. Motion Carried.
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1. RESOLUTION 2009-249

Adoption of Hazard Communication Policy (Right to Know Law)

Sponsored By: Councilmember Rogowski, Councilmember Swiatek

BE IT RESOLVED, that the attached Hazard Communication Policy be and hereby is adopted by this Town Board effective May 4, 2009.

ATTACHMENTS:

HazComPolicy4.09 (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: James Rogowski, Councilmember

SECONDER: Jeff Swiatek, Councilmember

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



2. RESOLUTION 2009-250

Award of Bid - Water Line Components

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the furnishing of various water line components for the Town Hall Campus, which bids were duly received and opened at the April 29, 2009 public bid opening, 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 various water line components for the Town Hall Campus is hereby awarded to the following suppliers meeting the requirements of the specifications:

Lock City Supply, Inc.
650 West Avenue, P.O. Box 481
Lockport, New York 14095

- | | | |
|-----|--|---------------|
| 1) | 8 X 18.13' TY DI Pipe CL52 C/L | \$ 12.57/ft. |
| 1A) | 8 X 20.0' DR18 PVC Watermain | \$ 3.99/ft. |
| 2A) | Mueller Centurian A 423/250 HS Fire Hydrant with Integral Check Valve (or equal) | \$2,045.00/ea |
| 5) | 8 1708Y DI Joint Restraint FCC Bolts & Nuts | \$.63/ea |
| 7) | 8 957 OSY RPZ Backflow Preventer with OSY Gate Valve | \$3,559.00/ea |
| 8) | 8 FLG OSY OL Gate Valve R-2360-06 | \$ 579.00/ea |

Vellano Brothers, Inc.
10 Lancaster Parkway
Lancaster, New York 14086

- | | | |
|-----|--|---------------|
| 2) | Mueller Fire Hydrant 5.0 ECWA with FCC L/GLD A-423 1-3/8 SQ OL 6MJ 2 - 2-1/2 & 1 - 4-1/2 Nozzle (or equal) | \$1,554.00/ea |
| 3) | 6 MJ OL Gate Valve with FCC L/GLD A-2360-20 | \$ 474.00/ea |
| 4) | 8 MJ OL Gate Valve with FCC L/GLD A-2360-20 | \$ 744.00/ea |
| 5A) | 8 1608Y PVC Joint Restraint FCC Bolts & Nuts | \$ 58.00/ea |

- 6) Hot Box 223" L X 47" W & 75.5" H with 2 each \$9,800.00/ea
1000 W X 2 each 1500 W 120 V 1 PH Heaters
4 each. Access Panels included on the front of
the unit.

AND, BE IT FURTHER RESOLVED, that funding for the above mentioned water line components shall be chargeable to Account #500-1440-2060-5835.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

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



3. RESOLUTION 2009-251

Amend Resolution 2009-196 Regarding Award of Bid for Sidewalks

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, by resolution dated April 20, 2009, this Town Board adopted a resolution (resolution 2009-196) retaining Valeri Concrete Construction, Inc. for the replacement of sidewalks at various locations within the Town of Cheektowaga, AND

WHEREAS, said resolution failed to state that the total bid price as awarded was only for Bid Items 1 thru 4, and did not include the award of Bid Items No. 5 and No. 6, NOW, THEREFORE, BE IT

RESOLVED, that the "RESOLVED" paragraph of Resolution 2009-196 be and hereby is amended to read as follows:

"RESOLVED, that the bid for the replacement of sidewalks be and hereby is awarded to:

Valeri Concrete Construction, Inc.
6655 Errick Road
North Townawanda, New York 14120

for the total bid price for Bid Items 1 thru 4 of \$181,500.00 per year for the years 2009 and 2010.

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



4. RESOLUTION 2009-252

Execute Contract with WNY Developmental Services

Sponsored By: Councilmember Zydell, Councilmember Rogowski

BE IT RESOLVED that the Supervisor be and hereby is authorized to execute a five year contract beginning in 2009 in the amount of \$28,580.00, on behalf of the Department of Youth & Recreational Services and the Western New York Developmental Disability Services for funding of the Town of Cheektowaga Adapted Recreation Program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski

V. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - February 2009
2. Annual Financial Report for the Town of Cheektowaga for the Fiscal Year Ended 12/31/2008
3. Building Permits - April 2009
4. Minutes - Cheektowaga Planning Board - April 9, 2009

B. General Communications

1. Notice of Claim - Frances A. Kowal Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

A moment of silence for Raymond Dusza, former Erie County Legislator; Jack Kemp, former Buffalo Bills Quarterback and Congressman, Larry Alessi, longtime resident active in NCAA Baseball, also Donald LeBarron, former Commander of Francis J. Donovan

Post/Veterans Affairs Committee, Motion by Supervisor Holtz; Seconded by Councilmember Jaworowicz to adjourn the meeting in their memory at 7:18 PM

ALICE MAGIERSKI

Town Clerk

**TOWN OF CHEEKTOWAGA
HAZARD COMMUNICATION POLICY
("Right to Know Law")
Established 5/4/09)**

SECTION 1: Purpose

The Town of Cheektowaga has developed the following Hazard Communication Program in compliance with the OSHA & PESH standards.

This Policy exists to promote worker safety and to ensure hazardous substances that are used within and by the departments of the Town have been properly identified and information relative to safe handling of these substances is communicated to all affected employees. In order to accomplish its objectives, this policy specifies requirements for:

- A) Evaluation of hazardous substances;
- B) Information and training for employees working with hazardous substances;
- C) Appropriate labeling and warning systems; and
- D) Establishment and maintenance of Material Safety Data Sheets (MSDS) files.

SECTION 2: Responsibilities

A. DEPARTMENT HEAD - Each respective Department Head shall:

1. Maintain MSDS and hazardous substance labels in appropriate areas such that employees are informed of chemical and physical hazards, safe work practices, emergency procedures and proper protective equipment to be used;
2. Provide an inventory of all hazardous substances used in their facilities;
3. Request MSDS from suppliers for all hazardous substances being considered for use or to be purchased;
4. Forward all MSDS to the Joint Labor/Management Safety Committee;
5. Provide notification to contractors and their employees working on Town property regarding any hazardous substances that may be located in the area they are working;
6. Obtain information from contractors or their employees on any hazardous substances they intend to bring on town property to which town employees may be exposed;
7. Provide for the safety of employees performing non-routine functions such as maintenance activities; and
8. Work with the Joint Labor/Management Safety Committee as necessary to ensure the review of all chemical purchases.

B. DEPARTMENT HEAD or DESIGNATED DEPARTMENTAL SAFETY OFFICER

1. Ensure that each employee is trained on procedures for handling hazardous substances at their time of assignment, annually and whenever a new hazard is introduced into the work area. Assist in training, as necessary;
2. Maintain all training records, including the name of the employee, date of training, name of trainer, and a signed acknowledgement that training was conducted;
3. Review all chemical purchases, evaluate potential hazards, and approve or reject usage;
4. Provide information to all employees and supervision on chemical and physical hazards, means of protection, and availability of this information; and
5. Maintain compliance with both Federal and applicable State “right to know” requirements.

C. TOWN PERSONNEL DEPARTMENT

The Personnel Department shall provide information to all new employees on the Town Hazard Communication Policy and employee rights.

D. EMPLOYEES

Employees are free to exercise their right to information and training in accordance with this Hazard Communication Policy. Request for information or training will not adversely affect a worker’s employment with the Town.

SECTION 3: Requirements

A) The following requirements apply to hazardous materials in the work place:

1. Information necessary for contractors, sub-contractors, or other non-Town employees will be provided using MSDS when possible, or other available resources;
2. Contractors, sub-contractors, and non Town employees, prior to the initiation of work, shall provide documents stating the type of hazardous substances that will be brought on-site to Town property;
3. This policy will be reviewed at least annually and will be revised when necessary;
4. This policy details the evaluation of hazardous substances, use of labels and warning systems, MSDS, employee training requirements and methods as follows:

a) Hazard Evaluation:

1. Information obtained from the manufacturer or importer of the hazardous substance (as found on the MSDS or other document) should provide sufficient detail to determine exposure risk to employees. If the information is lacking, the Department Head or designated Departmental Safety Officer shall take appropriate steps to obtain further information from the manufacturer or distributor.
2. New hazardous substances to be purchased should have an MSDS requested.
3. Each Department Head or designated Safety Officer has the Responsibility to approve, reject, and specify controls on all hazardous substances used in their respective department.

b) Labeling:

1. Labeling on all hazardous substances received from the outside suppliers shall conform to the following requirements:
 - a. Display the identity of the hazardous substance(s).
 - b. Display appropriate hazard warning(s).
 - c. Display how the employee should protect him or herself.
2. Hazardous substance labels and warnings may be written in other languages, provided containers remain labeled in English as well.
3. Portable containers of hazardous substances, intended for immediate use by a person need not be labeled when the substance is transferred from labeled containers; if it is used within eight (8) hours and under control of one person.
4. Hazardous substances transferred from labeled containers to unlabeled containers, and not intended for immediate use, shall be labeled in accordance with "Labeling" section 1 a. and b.
5. Each Department Head or designated Departmental Safety Officer shall ensure that labels are used within their respective department.
6. Labels on any container shall be displayed prominently and legibly and shall not be removed or defaced.

6. Other forms of warning (such as warning signs, placards or standard operating procedures) can be substituted for container labels within a work area so long as they have the same information as the as the label and are visible and readily available to employees in the in the work area.

c) Material Safety Data Sheets (MSDS):

1. Copies of MSDS for hazardous substances shall be readily available in each department in the appropriate work areas.
2. Each department Head or designated Safety Officer shall notify employees of hazardous substances used in their work area for which MSDS are available and where MSDS file is located.
3. Contractors shall be notified of appropriate MSDS availability, as well as be asked to provide MSDS for hazardous substances they intend to bring on town property.
4. Changes in Health Hazard Evaluation Data and content of MSDS are to be communicated to employees working with material or product as soon as possible.

d) Employee Training Requirements:

1. Employees shall be provided with information and training on procedures for hazardous substances in their work area under the following situations.
 - a. At time of assignment.
 - b. Whenever a new hazard or hazardous substance is introduced into their work area, and
 - c. Prior to completion of non-routine tasks.
2. Training shall include, at a minimum, the following:
 - a. Understanding MSDS and where they are located;
 - b. Labels / warning signs – purpose and content
 - c. Chemical and physical hazards associated with substance or mixture;
 - d. Methods of protection;

- e. Emergency procedures;
 - f. Explanation that an employee has the right to request and receive information on hazardous substances to which he/she is exposed (including a copy of this policy), as well as to have the information forwarded to their physician;
 - g. An explanation of the signs, label, and color coding required for biohazard materials, and information on the proper storage and disposal of biohazard materials;
 - h. Identifying operations where biohazard substances are present;
 - i. Methods and observations that may be used to detect the presence or release of hazardous substances in the work area;
 - j. Methods and procedures the department has taken to protect employees from recognized chemical and physical hazards in the workplace.
3. Employee training documentation shall include:
- a. Printed and signed name of employee being trained;
 - b. Written statement of the training completed;
 - c. Name of instructor;
 - d. Date of training, written exercise / test, if applicable.

SECTION 4: AMENDMENTS

This policy may be amended from time to time by the Town of Cheektowaga Town Council.

Reviewed by the Town of Cheektowaga Town Council on 5/4/09.

Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, May 18, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on May 18, 2009 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
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
Anthony Sisti, Planning Board Chairman
John Staniszewski, TCEA Union Representative
Lt. Jankowski, Police Department

II. Resolutions



1. RESOLUTION 2009-253

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

GENERAL FUND

FROM:	100.7550.2040	Crabapple Festival Revenues	\$ 8,000.00
	100.1110.2770	Justice Other Unclassified Revenues	6,570.80
TO:	100.7550.4375	Crabapple Festival	\$ 8,000.00
	100.1110.4001	Office Supplies	830.00
	100.1110.4321	Data Processing	5,740.80

SPECIAL DISTRICTS FUND

FROM:	150.8160.1951	Seasonal Regular	\$ 41,345.00
TO:	150.8160.1971	PT Regular	\$ 41,345.00

PART TOWN FUND

FROM:	800.1910.2799	Appropriated Fund Balance	\$ 39,784.00
TO:	800.3620.2303	Over the Road Vehicles	\$ 39,784.00

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



2. RESOLUTION 2009-254

Warrant

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 15, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$3,063,448.29
RISK RETENTION FUND	297,754.20
NYS HOME PROGRAM	2,350.00
HUD HOUSING REHABILITATION	10,870.00
SPECIAL DISTRICTS FUND	1,020,515.81
HIGHWAY FUND	542,420.88
CAPITAL FUND	780,805.42
TRUST & AGENCY FUND	67,443.16
HUD CDBG FUND	54,664.00
PART TOWN FUND	157,593.39
NYS AFFORDABLE HOUSING	25,602.00
	<u>\$6,023,467.15</u>

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



3. RESOLUTION 2009-255

Amend Resolution - Award of Bid for Water Line Components

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, by resolution dated May 4, 2009 this Town Board adopted a resolution (Resolution No. 2009-250) authorizing the purchase of various water line components for the Town Hall Campus to Lock City Supply, Inc. and Vellano Brothers, Inc., AND

WHEREAS, there was an error in said resolution in the dollar amount under Bid Item No. 5, which was awarded to Lock City Supply, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to read as follows:

5) 8 1708Y DI Joint Restraint FCC Bolts & Nuts \$63.00 each

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



4. RESOLUTION 2009-256

Amend Appointment Date of Working Crew Chief (R. Bienik, Jr.)

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, this Town Board appointed Raymond D. Bienik, Jr., to the position of Working Crew Chief in the Buildings and Grounds Division effective May 4, 2009; AND

WHEREAS, the effective date of appointment must be amended to May 5, 2009; NOW, THEREFORE, BE IT

RESOLVED, that Raymond D. Bienik, Jr. of Sloan, New York, be and hereby is appointed to the position of Working Crew Chief in the Buildings 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 Supervisory Unit effective May 5, 2009.

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



5. RESOLUTION 2009-257

Call for Public Hearing on a Local Law to Adopt a Tax Exemption for Veterans of the Cold War

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

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga presently permits certain veterans to obtain partial exemptions from real property taxes on properties they own in the Town of Cheektowaga, and

WHEREAS, the New York State Legislature recently enacted Section 458-b of the Real Property Tax Law to authorize real property tax exemptions for veterans who served during the Cold War (September 2, 1945 to December 26, 1991), and

WHEREAS, this Board feels that veterans of the Cold War deserve to have such exemptions on their Town taxes, and

WHEREAS, the Town Attorney's Office has drafted a local law to permit such an exemption from Town taxes, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 1st day of June, 2009 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Adopt a Tax Exemption for Veterans of the Cold War", 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 1st day of June, 2009 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. 2009-3 of the Year 2009, entitled "A Local Law to Adopt a Tax Exemption for Veterans of the Cold War". Following is a synopsis of the proposed Local Law Intro No. 2009-3:

Local Law Intro No. 2009-3

A Local Law to Adopt a Tax Exemption for Veterans of the Cold War



This law would allow the following property tax exemptions for properties owned by qualifying Town veterans who served our country during the Cold War (September 2, 1945 to December 26, 1991):

- an exemption of 15% of the assessed value of the veteran's property (not to exceed \$12,000 multiplied by the latest State equalization rate);
- if the veteran received a compensation rating from the U.S. Veterans Affairs or the U.S. Department of Defense because of a service related disability, the property shall be exempt of the product of the assessed value of the property multiplied by 50% (not to exceed \$40,000)

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

Dated: May 18, 2009

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

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Richard Zydell, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



6. RESOLUTION 2009-258

Notice to Bidders - Demolition of 40 Alpine Place, 79E Windwood Ct. & 1097/1105 Walden Ave.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

- 1. a two-family dwelling located at 40 Alpine Place;
2. a one-family dwelling located at 79E Windwood Court;
3. a commercial structure located at 1097 Walden Avenue, 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 40 Alpine Place, 79E Windwood Court and 1097 Walden Avenue, 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 May 28, 2009 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 28, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of the following structures on the following respective properties in the Town of Cheektowaga:

- 1. a two-family dwelling located at 40 Alpine Place;
2. a one-family dwelling located at 79E Windwood Court;
3. a commercial structure located at 1097 Walden Avenue

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: May 18, 2009

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT: Jeff Swiatek



7. RESOLUTION 2009-259

Notice to Bidders - Demolition of 19E Windwood Ct

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of a single family dwelling located at 19E Windwood Court in the Town of Cheektowaga, 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 19E Windwood Court, 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 May 28, 2009 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 28, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of a single family dwelling located at 19E Windwood Court 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: May 18, 2009

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES, ABSENT) and Value (ADOPTED [UNANIMOUS], Charles Markel, Stanley Kaznowski, Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski, Jeff Swiatek)



8. RESOLUTION 2009-260

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 \$13,728.00 to improve enforcement of seat belt use; and

WHEREAS, grant monies will be used to support overtime police patrols targeting motorists who fail to use seat belts; NOW, THEREFORE BE IT

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



9. RESOLUTION 2009-261

Authorize Supervisor to Execute Grant Application For "STEP 2009/2010" Program

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 2009-2010 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 \$13,728.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



10. RESOLUTION 2009-262

Authorize Supervisor to Execute Scope Change Authorization to Agreement with Wendel Duchscherer

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, by resolution dated April 16, 2007 the Town engaged the firm of Wendel Duchscherer Architects and Engineers to provide professional services associated with a Geographic Information System (GIS) implementation plan update, GIS/GPS training and support services and the development of an Internet mapping system for a portion of the Town's storm and sanitary sewer infrastructure, AND

WHEREAS, there is a need to amend the scope of work under the original agreement in accordance with the Scope Change Authorization Proposal No. 1 to effectively complete this project, at no change in fee, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute Scope Change Authorization No. 1 to the agreement with Wendel Duchscherer Architects and Engineers which provides for the following:

- 1) Update Town Web Mapping Application to current software version 9.3
- 2) Annual site hosting fee for FY 2009
- 3) Scan and digitize an additional twelve (12) storm and sanitary sewer plates
- 4) Provide hand-held GPS data collection training to Town staff
- 5) Delete GIS Implementation Plan Update task

all of which scope changes shall result in no change to the original contract amount.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



11. RESOLUTION 2009-263

Authorize Supervisor to Execute Water Service Application Agreement with the ECWA

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, plans are underway to provide a new water service for the Town Hall Campus which will enhance fire protection for the existing buildings and provide domestic water to the future facilities building, AND

WHEREAS, a new tap is required for said service at an existing water main located on Union Road operated by the Erie County Water Authority (ECWA), AND

WHEREAS, a water service application and a permit fee is required by the Erie County Water Authority to install said service, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute the necessary water service application agreement with the ECWA, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$21,300.00 shall be chargeable to Account No. 500-1440-2060-5835.

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



12. RESOLUTION 2009-264

Authorize Supervisor to Execute Proposal with Trautman Associates for Energy Study

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga was recently notified that it will receive Federal stimulus moneys for green energy project(s), and

WHEREAS, the Town may be interested in utilizing these moneys to install a geothermal system in for the Town campus at Broadway and Union Road, and

WHEREAS, Trautman Associates, a local engineering firm recently was instrumental in installing a geothermal unit at the Villa Maria Campus in Cheektowaga, and

WHEREAS, Trautman Associates has submitted a proposal to conduct an energy study which will create an energy strategy for the Town Hall, Senior Center and Police & Court buildings, and

WHEREAS, this Board is interested in investigating this energy alternative which could save hundreds of thousands of dollars in energy costs, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Trautman Associates as per its proposal dated May 11, 2009 to perform the aforementioned study at a cost not to exceed \$7,950.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to accept the aforesaid proposal from Trautman Associates and to execute any and all documents in connection with same.

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



13. RESOLUTION 2009-265

Authorize Use of Credit Cards and Munitrax in Town Clerks Office for Payment of Fees and Taxes

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Section 5 of the General Municipal Law of the State of New York authorizes local governments to enter into agreements with credit card issuers to provide for the acceptance by the local government of credit cards as a means of payment of fines, civil penalties, fees charges, etc. owed to the local government, and

WHEREAS, the Town Clerk's Office has indicated a desire to utilize credit cards for the payment of various fees collected by such office, and

WHEREAS, the Town Clerk's Office also utilizes Munitrax for the payment of property taxes, and

WHEREAS, this Board is in agreement with the Town Clerk that the use of credit cards to pay fees and utilization of Munitrax will be more user-friendly to the public and will help the town to maximize revenues, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves an agreement with JP Morgan Chase Bank, and the Supervisor be and hereby is authorized and directed to execute an agreement with JP Morgan Chase Bank for the use of Visa, Master Card and Discover cards to pay fees for the office of the Town Clerk, as well as any other documents necessary to effectuate such agreement, and BE IT FURTHER

RESOLVED, that this Town Board hereby approves an agreement with Munitrax for the payment of real property taxes, and authorizes the Supervisor to execute any agreements with Munitrax.

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



14. RESOLUTION 2009-266

NYSDEC Year 6 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 New York State Department of Environmental Conservation (NYSDEC), which permit requires the Town to conduct a Stormwater Management Program designed to reduce the discharge of pollutants from storm sewer systems, AND

WHEREAS, the Year 6 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, 2009, 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 27, 2009 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 6 Annual Report.

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



15. RESOLUTION 2009-267

Order Replacement of Sidewalks

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) sets forth the specifications for the construction of sidewalks in the Town of Cheektowaga, and

WHEREAS, Section 200-a of the Town Law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by Local Law No. 4 of the Year 1991 and Local Law No. 5 of the Year 2008, adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before June 19, 2009 in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before June 19, 2009, the Town will cause such sidewalks to be repaired/replaced; will pay \$40.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before September 1, 2009, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.



NOTICE OF ADOPTION OF ORDER
OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on May 18, 2009,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **June 19, 2009**.

In the event you neglect or choose not to perform this work before the specified date, be advised that the Town of Cheektowaga shall cause such work to be done. The Town will audit and pay \$40 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at the rate of 6.00%) against your property in five (5) annual installments; this amount will be added to your town tax bills for the next five (5) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before September 1, 2009. You will be notified of the amount you owe for sidewalk repairs.

If the Town performs the work, it is estimated that your cost for sidewalk repair will be approximately \$60 - \$70 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work **(the Town will not pay anything towards your cost).**

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

DATED: May 18, 2009

ALICE MAGIERSKI
Town Clerk



Sidewalk Markings for Central Blvd on 5-13- 2009

<u>#</u>	<u>Address</u>
2695	Harlem Road(corner of Central)
15	Central Blvd
38	Central Blvd
39	Central Blvd
46	Central Blvd
47	Central Blvd
66	Central Blvd
67	Central Blvd
73	Central Blvd
85	Central Blvd
86	Central Blvd
87	Central Blvd
89	Central Blvd
108	Central Blvd
112	Central Blvd
127	Central Blvd
130	Central Blvd
131	Central Blvd
135	Central Blvd
140	Central Blvd
148	Central Blvd
180	Central Blvd
200	Central Blvd
230	Central Blvd
232	Central Blvd
147	Central Blvd

Sidewalk Markings for Huth Road on 5-12-2009

<u>#</u>	<u>Address</u>
191	Lochland (Corner of Huth)
101	Elaine (Corner of Huth) 300 Erie Blvd West
122	Heather (Corner of Huth)
4	Hillsboro (Corner of Huth)
4	Birkdale (Corner of Huth)
5	Delray (Corner of Huth)
4	Delray (Corner of Huth)
111	Oehman Blvd (Corner of Huth)
110	Oehman Blvd (Corner of Huth)
111	Woodridge (Corner of Huth)
110	Woodridge (Corner of Huth)
38	Mapleview (Corner of Huth)
28	Mapleview (Corner of Huth)
90	Woodland (Corner of Huth)
100	Woodridge (Corner of Huth)
111	S. Huxley Street (Corner of



- Huth)
- 104 Oehman Blvd (Corner of Huth)
- 193 Gardenvale Drive(Corner of Huth)
- 274 Huth Road
- 250 Huth Road(Ambassador Apts.)
- 110 Huth Road
- 56 Huth Road
- 48 Huth Road
- 44 Huth Road
- 36 Huth Road
- 39 Huth Road
- 55 Huth Road
- 61 Huth Road
- 93 Huth Road
- 165 Huth Road

No such number

Sidewalk Markings for Gary Lane on 5-11-2009

- | # | <u>Address</u> |
|----------|-----------------------|
| 550 | Borden Rd |
| 179 | Gary Lane |
| 143 | Gary Lane |
| 139 | Gary Lane |
| 135 | Gary Lane |
| 131 | Gary Lane |
| 127 | Gary Lane |
| 119 | Gary Lane |
| 111 | Gary Lane |
| 103 | Gary Lane |
| 99 | Gary Lane |
| 95 | Gary Lane |
| 79 | Gary Lane |
| 71 | Gary Lane |
| 31 | Gary Lane |
| 27 | Gary Lane |
| 15 | Gary Lane |
| 130 | Gary Lane |
| 166 | Gary Lane |
| 170 | Gary Lane |
| 174 | Gary Lane |
| 178 | Gary Lane |
| 190 | Gary Lane |
| 194 | Gary Lane |
| 198 | Gary Lane |
| 202 | Gary Lane |
| 26 | Gary Lane |
| 30 | Gary Lane |
| 44 | Gary Lane |
| 50 | Gary Lane |
| 74 | Gary Lane |
| 82 | Gary Lane |
| 90 | Gary Lane |
| 94 | Gary Lane |
| 98 | Gary Lane |
| 110 | Gary Lane |



12 Gary Lane
16 Gary Lane
20 Gary Lane
24 Gary Lane
191 Gary Lane
187 Gary Lane
183 Gary Lane

ATTACHMENTS:

SIDEWALK REPLACEMENT letter (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mary Holtz, Supervisor

SECONDER: Patricia Jaworowicz, Councilmember

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

ABSENT: Jeff Swiatek



16. RESOLUTION 2009-268

Approval of Addition to Veterans Monument

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, a Veterans Memorial Monument was previously erected in Cheektowaga Town Park in honor of those soldiers who served our country in World War I, World War II, the Korean War and the Vietnam War, and

WHEREAS, this Town Board also wishes to honor our soldiers who served this country in Afghanistan, Iraq and the Gulf War, and

WHEREAS, the Veterans Committee has recommended that this Town Board approve an addition to the existing Veterans Monument to honor those who served in Afghanistan, Iraq and the Gulf War, and

WHEREAS, donations have been received from various veterans organizations and individuals for this monument, and

WHEREAS, a smaller monument/addition to the Veterans Monument has been designed, and

WHEREAS, this Board is in agreement that such an addition to the Veterans Monument is appropriate and well deserved, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the erection of an addition to the Veterans Monument in Cheektowaga Town Park in honor of those who served in Afghanistan, Iraq and the Gulf War, and BE IT FURTHER

RESOLVED, that payment for such monument addition shall be appropriated from budget line item number 600.0600.0898.0200.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



17. RESOLUTION 2009-269

Authorize Purchase of Pick-Up Truck

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2009 Chevrolet 1500 4X4 pick-up truck as specified in the New York State OGS Contract No. PC62881, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account Nos. 2550-8125-2550 and 2550-8125-2500, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2009 Chevrolet 1500 4X4 pick-up truck in the amount of \$21,276.94 for the Sewer Maintenance Department from:

Action Chevrolet, Inc.
795 Hoosick Road
Troy, New York 12180

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



18. RESOLUTION 2009-270

Debris Clean-Up / 398 McNaughton 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 398 McNaughton Avenue, Cheektowaga, New York SBL# 102.06-2-46 that is a danger to the safety of others, and records kept by the Assessors Office identify Nancy J. Bernhard, 398 McNaughton Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 398 McNaughton Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



19. RESOLUTION 2009-271

Youth and Recreation Program Policy Statements

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga Department of Youth & Recreational Services operates recreation programs for the Town, and

WHEREAS, it is necessary for said department, from time to time, to suggest changes to program policy relative to the operation of said programs, NOW, THEREFORE, BE IT

RESOLVED that the Town Board has reviewed the Resident Policy statement and adopts it for use by the Department of Youth & Recreational Services, effective immediately.

ATTACHMENTS:

Resident Policy (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Richard Zydel, Councilmember

SECONDER: James Rogowski, Councilmember

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

ABSENT: Jeff Swiatek



20. RESOLUTION 2009-272

Youth & Recreation Transfers

Sponsored By: Councilmember Zydell, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be and hereby are transferred, 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 Attendant - \$7.25

Emily Castiglia

Recreation Attendant - \$7.40

Meggan Empric

Recreation Attendant - \$7.55

Jessica Szyka

Recreation Instructor - \$8.50

DeYonca Porter

Lauren Sydlowski

Recreation Attendant - \$8.15

Mark Hannon

Recreation Specialist - \$13.90

Amy McMahon

Camp Flamingo - 7310.1810 - Recreation Aide - \$7.25

Part-time

Martin Acevedo

Camp Crabapple - 7310.1802

Regular Part-time

Recreation Attendant - \$7.40

Nicole Habermehl

Recreation Attendant - \$7.50

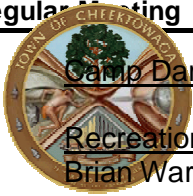
Carly Rehac

Recreation Instructor - \$9.00

Alex Ladowski

Recreation Specialist - \$13.90

Barbara Walters



Camp Dartwood - 7140.1632

Recreation Attendant - \$7.25
Brian Wartinger

Recreation Attendant - \$7.50
Kristy Rzesutek

Recreation Instructor - \$9.25
Melissa Rogers

Camp JI-IK-DO-WAH-GAH - 7310.1801

Recreation Instructor- \$8.25
Kristen Stadelmeyer

Recreation Instructor - \$9.15
Maribeth Stadelmeyer

Teen Camp - 7310.1814

Recreation Instructor - \$9.00
Laura Munson

Recreation Instructor - 7140.1639 - \$10.65
Matt Bean

Recreation Attendant - 7140.1640 - \$10.25
Eric Godzich

Recreation Aide to Recreation Attendant - 7140.1642 - \$8.25 - effective 6/27/09

Regular Part-time
Courtney Smith

Recreation Aide to Recreation Attendant - 7140.1614,7140.1645 & 7140.1648 - \$7.40 - effective 6/27/09 - Regular Part-time

Olivia Gmerek

Motioned by Supervisor Holtz; Seconded by Councilmember Kaznowski to waive the reading of names for the following resolutions 2009-272 - 2009-276. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydell, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT: Jeff Swiatek



21. RESOLUTION 2009-273

Youth & Recreation Hire

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Recreation Instructor - 7310.1801 Camp JI-IK-DO-WAH-GAH - \$8.00

Regular Part-time

Mary Zelasko 14227

Recreation Attendant - 7310.1801 - \$7.25

Seasonal

Jamael Hunte 14225

Theresa Tripi 14227

Recreation Attendant - 7310.1801 - \$7.40

Jessica Wales 14225

Recreation Attendant - 7310.1801 - \$7.50

Kylie Mars 14211

Recreation Attendant - 7310.1801 - \$7.60

Joel Jarnot 14225

Recreation Aide - 7310.1802 - Camp Crabapple - \$7.25

Part-time

Stephen Kelly 14211

Recreation Attendant - 7310.1802 - \$7.65

Seasonal

Dana Kryszczak 14227

Recreation Attendant - 7310.1802 - \$7.90

Daniel Badzinski 14227

Recreation Instructor - 7310.1802 - \$8.00

Nicole Petruniak 14227

Recreation Aide - 7310.1810 - Camp Flamingo - \$7.25

Part-time

Carolyn Reczek 14227

Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.25

Seasonal

Jillian Adamczak 14211

Alexis Blachowski 14225

Lauren Boehm 14225



Casey Hawley	14227
John Hinshaw	14225
Jennifer Jankowski	14212
Kara Jeziorski	14227
Shannon Kelly	14227
Julie Laffrado	14225

Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.25

Lauren Habermehl	14225
Brock McDougald	14211
Robyn Stanley	14225

Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.30

Jennifer Laffrado	14225
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Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.40

Merissa Ciesielski	14225
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Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.50

Lauren Fial	14227
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Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.90

Meghan Eckle	14225
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Recreation Attendant - 7140.1632 - Camp Dartwood - \$7.30

Seasonal

Amanda Ciesielski	14043
Tabitha Slachiak	14212

Recreation Attendant - 7140.1632 - \$7.40

Frank Zawadzinski	14043
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Recreation Attendant - 7140.1632 - \$7.65

Lori Majewski	14227
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Soccer - 7140.1636

Recreation Attendant - \$8.65 (Retroactive to 5/4/09)

Melisa Petre

Recreation Attendant - 7140.1614 - \$7.25

Regular Part-time

Leanne Cardella	14225
Benjamin Dunning	14225

Recreation Aide - 7140.1614 - \$7.25 - Part-time

Andrew Stobnicki	14227
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Recreation Attendant - 7140.1636 & 7140.1640 - \$7.25

Regular Part-time

Douglas Martin	14225
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Tennis - 7140.1642

Seasonal



Recreation Attendant - \$7.40

Julia Harvey 14225

Recreation Attendant - \$7.25

Anthony Filipski 14227

Jennifer Grzebinski 14227

Melanie Grzebinski 14227

Megan Lewis 14225

Gary Steltermann 14225

Recreation Attendant - \$8.25

Brian Mayle 14215

Gymnastics - 7140.1630

Part-time

Recreation Aide - \$7.25

Jessica Arana 14215

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



22. RESOLUTION 2009-274

Youth & Recreation Pool Hires

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Recreation Instructor - 7180.1902 - Aquatics Director - \$11.94

Seasonal

Aaron Grupka 14206

Recreation Instructor - 7180.1902 - Special Events - \$11.41

Seasonal

Mark Przybysz 14206

Recreation Instructor - 7180.1902 - Pool Supervisor - Town Park 2nd Shift - \$10.39

Seasonal

Jonathan Miller 14227

Recreation Instructor - Level III - 7180.1902 - Town Park Pool Supervisor 1st Shift - \$10.39 -

Regular-Part Time

Sean Kunkel 14225

Lifeguard - Level I - 7180.1903 - \$8.10

Regular - Part -time

Drew Bielanin 14215

Kaitlynd Brozostowicz 14225

Kenneth Carlucci III 14227

Ashley Joya 14043

Elaine Montgomery 14225

Alison Pieroni 14225

Joshua Scheller 14225

Nicole Scherrer 14225

Elizabeth Schueler 14225

Lauren Tomaschko 14225

Andrew Tatta 14225

Morgan Taylor 14225

Chelsea Waringer 14043

Lifeguard - Level II - 7180.1903 - \$8.26

Seasonal

Ashley Bajer 14225

Jackie Campbell 14043

Nicholas Coronado 14225

Melissa Farruggio 14227

Jonathan Gworek 14227

Sarah Montgomery 14225

Austin Snyder 14225



Michael Vito	14215
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Lifeguard - Level III - 7180.1903 - \$8.43

Seasonal

Joshua Atzrott	14215
Danielle Malicki	14227
Megan Maloney	14227
Jonah Messina	14225
Amanda Moran	14206
Katie Tomaschko	14225

Lifeguard - Level IV - 7180.1903 - \$8.60

Seasonal

Corey Beszczyński	14212
Jennifer Brock	14225
Andrew Chruscicki	14225
Adam Fuest	14225
Naomi Snyder	14225
Caitlin Rieck	14225

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



23. RESOLUTION 2009-275

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, effective immediately:

Cheektowaga Conservation Corps (CCC)

Seasonal

Laborers (Participants) - 7310.1816

Level I - \$7.25

Patrick Albanesi	14043
Peter Dudek	14227
Matthew Eckle	14225
Joshua Galante	14206
Tim Kish	14206
Jonathan Klein	14227
Ryan Kowal	14212
Erik Malayny	14227
Adam Miller	14043
Matthew Nusstein	14227
Scott Patrzyk	14211
Jeffrey Persutti	14227
Kyle Polanski	14043
Edward Pyszczynski	14227
Andrew Samer	14227
Tyler Tangelder	14227
Kyle Uzar	14227

Level II - \$7.40

Christopher Balash	14215
Brandon Chittenden	14043
Rachel Kandefer	14225
Alissa Kowalski	14206
Alissa Kozakiewicz	14227
Tyler Miesowicz	14043

Level III - \$7.65

Anthony Lattuca	14043
Tara Przybyl	14227

Supervisor Trainee - 7310.1816

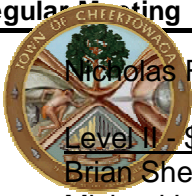
Level I - \$9.05

Justin DelBello	14227
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Youth Leaders - 7310.1811

Level I - \$9.05

Stephen Pfalzer	14043
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Nicholas Russell	14206
<u>Level II - \$9.65</u>	
Brian Sheldon	14227
Michael Lewandowski	14043

Crew Supervisor - 7310.1811

Level I - \$11.80

Jason Wichowsky	14043
Brad Agen	14227

Level II - \$12.40

Jacob Bauer	14227
Andrew Swiat	14227

Level I - Participants - \$7.25 (Alternates)

Bradley Vargo	14225
Sean Book	14227
Timothy Carter	14227
Chris Suchan	14227
Joseph Echevarria	14215
Corey Patrzyk	14211
Nicole Suwalski	14206
Andrew Miller	14227
Ryan Schamber	14206
Erin Rozewicz	14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



24. RESOLUTION 2009-276

Hire/Termination Part-Time/Seasonal Employees

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

BUILDING MAINTENANCE DIVISION Laborer \$7.75/hour effective 5/19/09

Michael Komosinski
Cheektowaga, New York

Jonathan Gorski
Depew, New York

PARKS DIVISION Laborer \$7.75/hour effective 5/19/09

Joshua Malkowski
Cheektowaga, New York

Mike Boccio
Depew, New York

John Wolkowiecki
Cheektowaga, New York

TOWN CLERK'S OFFICE Clerk \$8.00/hour effective 5/18/09

Danielle J. Vario
Cheektowaga, New York

SEWER MAINTENANCE Laborer \$7.75/hour

Adam Bobeck, Cheektowaga, New York
Effective 6/1/09

William Olewniczak, Cheektowaga, New York
Effective 6/1/09

John Lockhart, Cheektowaga, New York
Effective 6/1/09

Justin Nowak, Depew, New York
Effective 6/1/09

David Loshiavo, Cheektowaga, New York
Effective 6/1/09

Shane Latshaw, Cheektowaga, New York
Effective 6/1/09



Jacob Nowak, Depew, New York
Effective 6/1/09

Timothy Kopp, Cheektowaga, New York
Effective 6/1/09

Sean Ross, Cheektowaga, New York
Effective 6/29/09

Austin Bobeck, Cheektowaga, New York
Effective 6/29/09

SANITATION DEPARTMENT Laborer \$8.00/hour effective 5/12/09
Anthony DiRienzo
Cheektowaga, New York

Mark Rohloff
Cheektowaga, New York

Keith Pheasant
Depew, New York

Nicholas Alessi
Cheektowaga, New York

Jeffrey Cwiklinski
Depew, New York

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

PARKS DIVISION
Nicholas Schanne effective 5/18/09

SENIOR SERVICES
Wendi Pelkey effective 5/11/09

SANITATION DEPARTMENT
Jacob Kelly effective 5/13/09

BE IT RESOLVED, that the following be amended as follows:

SENIOR SERVICES Van Driver \$8.50/hour effective 5/04/09
Richard F. Thurnherr to Richard E. Thurnherr, Cheektowaga, New York

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



25. RESOLUTION 2009-277

Approve Interns for Police Department

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, Jeffrey Mongold, a student at Hilbert College; Sarah Collins, a student at Hilbert College; and Heather Dziwulski, student at Hilbert College, have requested to participate in the student internship program at the Cheektowaga Police Department, and

WHEREAS, these individuals have been interviewed by the Police Department and the Department is willing to afford them the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Jeffrey Mongold of North Tonawanda, New York, Sandra Collins of Hamburg, New York, and Heather Dziwulski of Hamburg, New York, be and hereby are authorized to participate as unpaid interns in the Cheektowaga Police Department, subject to their execution of a Waiver of Liability and Agreement of Confidentiality; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate these student internships in the Police Department.

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



26. RESOLUTION 2009-278

Appointment of Planning Board Member and Appointments to Comprehensive Plan Steering Committee

Sponsored By: Councilmember Jaworowicz, Councilmember Zydel

WHEREAS, there currently exists a vacancy on the Cheektowaga Planning Board due to the resignation of Claire Ferrucci, and

WHEREAS, the Town of Cheektowaga is currently undertaking a review and overhaul of its Comprehensive Master Plan, and the placement of a fully functioning Planning Board assisting in the execution of that project is essential to its success, and

WHEREAS, Diane M. Benczkowski has applied for appointment to the vacancy and meets the requirements for such position, NOW, THEREFORE, BE IT

RESOLVED, that Diane M. Benczkowski of Cheektowaga, New York be and hereby is appointed to the unexpired term as a member of the Cheektowaga Planning Board, effective immediately and terminating on December 31, 2009, and BE IT FURTHER

RESOLVED, that Diane M. Benczkowski and John Marriott be and hereby are appointed to the Comprehensive Plan Steering Committee as Planning Board liaisons, with full authority to represent their Board in all matters relating to development and execution of the new Comprehensive Master Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



27. RESOLUTION 2009-279

Appointment of Laborer (Labor/Permanent) (Sanitation Dept.) (Ronald Fenske)

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

WHEREAS, said position is part of the Town of Cheektowaga Employees Association;
AND

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

WHEREAS, Ronald J. Fenske, currently employed as a Motor Equipment Operator - B in the Sanitation Department, bid on said vacancy and meets the necessary qualifications;
NOW, THEREFORE, BE IT

RESOLVED, that Ronald J. Fenske of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective May 19, 2009.

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



28. RESOLUTION 2009-280

Appointment of Maintenance Worker (Non-Competitive/Temporary) (Police Dept.) Frank P. Piacente

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Maintenance Worker in the 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, Frank P. Piacente, currently employed as a Laborer in the Highway Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Frank P. Piacente of Cheektowaga, New York, be and hereby is appointed to the temporary position of Maintenance Worker in the Police Department (Sign Maintenance Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 19, 2009.

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

III. Suspension of Rules

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to Suspend the Rules to Include the Following (4)Four Resolutions. Motion Carried.



1. RESOLUTION 2009-281

Notice to Bidders - Demolition of 54 Barbara Place & 83 Pinehurst Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

- 1. a two-family dwelling located at 54 Barbara Place;
2. a one-family dwelling located at 83 Pinehurst Avenue, 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 54 Barbara Place and 83 Pinehurst Avenue, 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 May 28, 2009 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 28, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of the following structures on the following respective properties in the Town of Cheektowaga:

- 1. a two-family dwelling located at 54 Barbara Place;
2. a one-family dwelling located at 83 Pinehurst Avenue

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

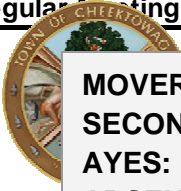
The Town Board reserves the right to consider informal any bid not prepared and submitted in accordance with the provisions of the specification and contract documents, and may waive any informalities, make an award to other than the low bidder, or reject any or all bids should it be in the best interest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

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

Alice Magierski
Town Clerk

Dated: May 18, 2009

RESULT: ADOPTED [UNANIMOUS]



MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT: Jeff Swiatek



2. RESOLUTION 2009-282

Approval of Proposal to Install Monitoring Wells on Rowan Road Right-Of-Way

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, Leica Inc. has been directed by the New York State Department of Environmental Conservation (NYSDEC) to install four (4) additional groundwater monitoring wells on Rowan Road, south of the former Leica site located at 203 Eggert Road, to monitor groundwater quality associated with the on-going site remedial activities being undertaken under a NYSDEC issued Consent Order, AND

WHEREAS, the Town Engineer and Superintendent of Highways have reviewed the proposed location of the two (2) flush mounted well sets to be installed within the lawn area on the south side of the Rowan Road right-of-way near the Preston Road intersection and find that said proposal will not interfere with the public use or maintenance of this Town highway right-of-way, AND

WHEREAS, this Town Board is supportive of NYSDEC efforts to conclude proper site remediation and monitoring activities at the former Leica site, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the aforementioned proposal to install monitoring wells within the Rowan Road highway right-of-way following the submission of proper insurance certifications acceptable to the Town Attorney from Leica Inc. and its project contractor, AND, BE IT FURTHER

RESOLVED, that the Town Engineer and Town Highway Superintendent be and hereby are directed to cooperate with the NYSDEC and environmental consultants engaged by Leica Inc. associated with remedial project monitoring.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



3. RESOLUTION 2009-283

Change Order No. 1 - Renovations to the Central Garage/Sanitation Building

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a contract to provide for renovations to the exterior siding and roofing at the Central Garage and Sanitation Building has been awarded to The Peyton Barlow Company, Inc., which contract is currently underway, AND

WHEREAS, upon further inspection of the existing mechanical systems throughout the facility it has been determined that repair and replacement of heating system ductwork in the Sanitation Garage and improvements to the heating system and exhaust ductwork in the Central Garage is necessary in order to eliminate an existing condensation problem and it has been further recommended by F.J. Wailand Associates, Inc. and the Town Engineering Department that it is necessary at this time to replace the existing heating and cooling systems within the Sanitation Department Office that are currently inefficient and in need of replacement, AND

WHEREAS, F.J. Wailand and Associates and the Town Engineer have recommended approval of Change Order No. 1 which provides for:

- 1) Central Garage - provide credit for power ventilator, eliminate thirteen (13) existing non-venting radiant heating panels and add four (4) gas ducted unit heaters.
- 2) Sanitation Garage - remove six (6) existing side wall ducts in gas unit heaters. Provide new unit ducting, venting through the roof.
- 3) Sanitation Office - remove existing non-operational heating and cooling system. Install new furnace on the existing mezzanine and install a new roof mounted AC unit.

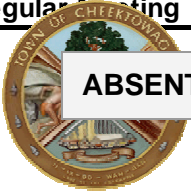
NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the aforementioned project in the amount of \$42,207.00 as an addition to the contract of The Peyton Barlow Company, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute Change Order No. 1 with The Peyton Barlow Company, Inc., 360 Delaware Avenue, Suite 300, Buffalo, New York 14202, AND, BE IT FURTHER

RESOLVED, that funds for said Change Order shall be chargeable to Account No. 500-1640-2520-5835.

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



ABSENT: Jeff Swiatek



4. RESOLUTION 2009-284

Special Event - Cheektowaga Southside Athletic Association

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, May 30, 2009, beginning at 11:00 a.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, May 30, 2009 at 11:00 a.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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



IV. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - March 2009
2. Minutes - Cheektowaga Traffic Safety Commission - April 21, 2009

B. General Communications

1. Notice of Claim: Joseph Schieder Vs. Town of Cheektowaga
2. Formal Complaint by Resident

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting at 7:55 PM.

Alice Magierski, Town Clerk



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Jaworowicz

RESOLUTION 2009-253

Transfer of Funds

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

GENERAL FUND

FROM:	100.7550.2040	Crabapple Festival Revenues	\$	8,000.00
	100.1110.2770	Justice Other Unclassified Revenues		6,570.80
TO:	100.7550.4375	Crabapple Festival	\$	8,000.00
	100.1110.4001	Office Supplies		830.00
	100.1110.4321	Data Processing		5,740.80

SPECIAL DISTRICTS FUND

FROM:	150.8160.1951	Seasonal Regular	\$	41,345.00
TO:	150.8160.1971	PT Regular	\$	41,345.00

PART TOWN FUND

FROM:	800.1910.2799	Appropriated Fund Balance	\$	39,784.00
TO:	800.3620.2303	Over the Road Vehicles	\$	39,784.00

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

ss: This is to certify that I, Alice Magierski, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga

in said County of Erie, on Monday, May, 18, 2009, and that the same is a correct and true transcript of such original resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Wednesday, June, 17, 2009.

(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Jaworowicz

RESOLUTION 2009-254

Warrant

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 15, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$3,063,448.29
RISK RETENTION FUND	297,754.20
NYS HOME PROGRAM	2,350.00
HUD HOUSING REHABILITATION	10,870.00
SPECIAL DISTRICTS FUND	1,020,515.81
HIGHWAY FUND	542,420.88
CAPITAL FUND	780,805.42
TRUST & AGENCY FUND	67,443.16
HUD CDBG FUND	54,664.00
PART TOWN FUND	157,593.39
NYS AFFORDABLE HOUSING	25,602.00
	<u>\$6,023,467.15</u>

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

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Kaznowski

RESOLUTION 2009-255

Amend Resolution - Award of Bid for Water Line Components

WHEREAS, by resolution dated May 4, 2009 this Town Board adopted a resolution (Resolution No. 2009-250) authorizing the purchase of various water line components for the Town Hall Campus to Lock City Supply, Inc. and Vellano Brothers, Inc., AND

WHEREAS, there was an error in said resolution in the dollar amount under Bid Item No. 5, which was awarded to Lock City Supply, Inc., NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned resolution be and hereby is amended to read as follows:

- 5) 8 1708Y DI Joint Restraint FCC Bolts & Nuts \$63.00 each

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

(Seal)

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Rogowski

RESOLUTION 2009-256

Amend Appointment Date of Working Crew Chief (R. Bienik, Jr.)

WHEREAS, this Town Board appointed Raymond D. Bienik, Jr., to the position of Working Crew Chief in the Buildings and Grounds Division effective May 4, 2009; AND

WHEREAS, the effective date of appointment must be amended to May 5, 2009; NOW, THEREFORE, BE IT

RESOLVED, that Raymond D. Bienik, Jr. of Sloan, New York, be and hereby is appointed to the position of Working Crew Chief in the Buildings 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 Supervisory Unit effective May 5, 2009.

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Jaworowicz, Zydel, Holtz, Rogowski, Markel, Kaznowski

RESOLUTION 2009-257

Call for Public Hearing on a Local Law to Adopt a Tax Exemption for Veterans of the Cold War

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga presently permits certain veterans to obtain partial exemptions from real property taxes on properties they own in the Town of Cheektowaga, and

WHEREAS, the New York State Legislature recently enacted Section 458-b of the Real Property Tax Law to authorize real property tax exemptions for veterans who served during the Cold War (September 2, 1945 to December 26, 1991), and

WHEREAS, this Board feels that veterans of the Cold War deserve to have such exemptions on their Town taxes, and

WHEREAS, the Town Attorney’s Office has drafted a local law to permit such an exemption from Town taxes, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 1st day of June, 2009 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting “A Local Law to Adopt a Tax Exemption for Veterans of the Cold War”, 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 1st day of June, 2009 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. 2009-3 of the Year 2009, entitled “A Local Law to Adopt a Tax Exemption for Veterans of the Cold War”. Following is a synopsis of the proposed Local Law Intro No. 2009-3:

Local Law Intro No. 2009-3

A Local Law to Adopt a Tax Exemption for Veterans of the Cold War

This law would allow the following property tax exemptions for properties owned by qualifying Town veterans who served our country during the Cold War (September 2, 1945 to December 26, 1991):

- an exemption of 15% of the assessed value of the veteran's property (not to exceed \$12,000 multiplied by the latest State equalization rate);
- if the veteran received a compensation rating from the U.S. Veterans Affairs or the U.S. Department of Defense because of a service related disability, the property shall be exempt of the product of the assessed value of the property multiplied by 50% (not to exceed \$40,000)

A copy of the entire text of this proposed local law is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

Dated: May 18, 2009

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

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

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in said County of Erie, on Monday, May, 18, 2009,
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Town on Wednesday, June, 17, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Markel, Councilmember Kaznowski

RESOLUTION 2009-258

Notice to Bidders - Demolition of 40 Alpine Place, 79E Windwood Ct. & 1097/1105 Walden Ave.

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

1. a two-family dwelling located at 40 Alpine Place;
2. a one-family dwelling located at 79E Windwood Court;
3. a commercial structure located at 1097 Walden Avenue, 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 40 Alpine Place, 79E Windwood Court and 1097 Walden Avenue, 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 May 28, 2009 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 28, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of the following structures on the following respective properties in the Town of Cheektowaga:

1. a two-family dwelling located at 40 Alpine Place;
2. a one-family dwelling located at 79E Windwood Court;
3. a commercial structure located at 1097 Walden Avenue

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: May 18, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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(Seal)

 CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Markel, Councilmember Kaznowski

RESOLUTION 2009-259

Notice to Bidders - Demolition of 19E Windwood Ct

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of a single family dwelling located at 19E Windwood Court in the Town of Cheektowaga, 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 19E Windwood Court, 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 May 28, 2009 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 28, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of a single family dwelling located at 19E Windwood Court 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: May 18, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Jaworowicz, Councilmember Rogowski

RESOLUTION 2009-260

Authorize Supervisor to Execute Grant Application for Buckle-Up New York Program

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 \$13,728.00 to improve enforcement of seat belt use; and

WHEREAS, grant monies will be used to support overtime police patrols targeting motorists who fail to use seat belts; NOW, THEREFORE BE IT

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Jaworowicz, Councilmember Rogowski

RESOLUTION 2009-261

**Authorize Supervisor to Execute Grant Application For
"STEP 2009/2010" Program**

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 2009-2010 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 \$13,728.00 to conduct this program in the Town of Cheektowaga; NOW THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Cheektowaga Police Department to complete the necessary application form and other documentation necessary for the Town to obtain these funds; and BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Kaznowski, Councilmember Rogowski

RESOLUTION 2009-262

**Authorize Supervisor to Execute Scope Change
Authorization to Agreement with Wendel Duchscherer**

WHEREAS, by resolution dated April 16, 2007 the Town engaged the firm of Wendel Duchscherer Architects and Engineers to provide professional services associated with a Geographic Information System (GIS) implementation plan update, GIS/GPS training and support services and the development of an Internet mapping system for a portion of the Town's storm and sanitary sewer infrastructure, AND

WHEREAS, there is a need to amend the scope of work under the original agreement in accordance with the Scope Change Authorization Proposal No. 1 to effectively complete this project, at no change in fee, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute Scope Change Authorization No. 1 to the agreement with Wendel Duchscherer Architects and Engineers which provides for the following:

- 1) Update Town Web Mapping Application to current software version 9.3
- 2) Annual site hosting fee for FY 2009
- 3) Scan and digitize an additional twelve (12) storm and sanitary sewer plates
- 4) Provide hand-held GPS data collection training to Town staff
- 5) Delete GIS Implementation Plan Update task

all of which scope changes shall result in no change to the original contract amount.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Kaznowski

RESOLUTION 2009-263

Authorize Supervisor to Execute Water Service Application Agreement with the ECWA

WHEREAS, plans are underway to provide a new water service for the Town Hall Campus which will enhance fire protection for the existing buildings and provide domestic water to the future facilities building, AND

WHEREAS, a new tap is required for said service at an existing water main located on Union Road operated by the Erie County Water Authority (ECWA), AND

WHEREAS, a water service application and a permit fee is required by the Erie County Water Authority to install said service, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute the necessary water service application agreement with the ECWA, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$21,300.00 shall be chargeable to Account No. 500-1440-2060-5835.

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

State Of New York
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in said County of Erie, on Monday, May, 18, 2009,
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In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Wednesday, June, 17, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Markel

RESOLUTION 2009-264

Authorize Supervisor to Execute Proposal with Trautman Associates for Energy Study

WHEREAS, the Town of Cheektowaga was recently notified that it will receive Federal stimulus moneys for green energy project(s), and

WHEREAS, the Town may be interested in utilizing these moneys to install a geothermal system in for the Town campus at Broadway and Union Road, and

WHEREAS, Trautman Associates, a local engineering firm recently was instrumental in installing a geothermal unit at the Villa Maria Campus in Cheektowaga, and

WHEREAS, Trautman Associates has submitted a proposal to conduct an energy study which will create an energy strategy for the Town Hall, Senior Center and Police & Court buildings, and

WHEREAS, this Board is interested in investigating this energy alternative which could save hundreds of thousands of dollars in energy costs, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Trautman Associates as per its proposal dated May 11, 2009 to perform the aforementioned study at a cost not to exceed \$7,950.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to accept the aforesaid proposal from Trautman Associates and to execute any and all documents in connection with same.

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

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Jaworowicz, Supervisor Holtz

RESOLUTION 2009-265

Authorize Use of Credit Cards and Munitrax in Town Clerks Office for Payment of Fees and Taxes

WHEREAS, Section 5 of the General Municipal Law of the State of New York authorizes local governments to enter into agreements with credit card issuers to provide for the acceptance by the local government of credit cards as a means of payment of fines, civil penalties, fees charges, etc. owed to the local government, and

WHEREAS, the Town Clerk's Office has indicated a desire to utilize credit cards for the payment of various fees collected by such office, and

WHEREAS, the Town Clerk's Office also utilizes Munitrax for the payment of property taxes, and

WHEREAS, this Board is in agreement with the Town Clerk that the use of credit cards to pay fees and utilization of Munitrax will be more user-friendly to the public and will help the town to maximize revenues, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves an agreement with JP Morgan Chase Bank, and the Supervisor be and hereby is authorized and directed to execute an agreement with JP Morgan Chase Bank for the use of Visa, Master Card and Discover cards to pay fees for the office of the Town Clerk, as well as any other documents necessary to effectuate such agreement, and BE IT FURTHER

RESOLVED, that this Town Board hereby approves an agreement with Munitrax for the payment of real property taxes, and authorizes the Supervisor to execute any agreements with Munitrax.

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

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Kaznowski, Supervisor Holtz

RESOLUTION 2009-266

NYSDEC Year 6 Annual Report

WHEREAS, a SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4's) was issued to the Town by the New York State Department of Environmental Conservation (NYSDEC), which permit requires the Town to conduct a Stormwater Management Program designed to reduce the discharge of pollutants from storm sewer systems, AND

WHEREAS, the Year 6 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, 2009, 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 27, 2009 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 6 Annual Report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

(Seal)

ss:

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Jaworowicz

RESOLUTION 2009-267

Order Replacement of Sidewalks

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) sets forth the specifications for the construction of sidewalks in the Town of Cheektowaga, and

WHEREAS, Section 200-a of the Town Law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by Local Law No. 4 of the Year 1991 and Local Law No. 5 of the Year 2008, adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before June 19, 2009 in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before June 19, 2009, the Town will cause such sidewalks to be repaired/replaced; will pay \$40.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before September 1, 2009, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.

NOTICE OF ADOPTION OF ORDER
OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on May 18, 2009,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **June 19, 2009**

In the event you neglect or choose not to perform this work before the specified date, be advised that the Town of Cheektowaga shall cause such work to be done. The Town will audit and pay \$40 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at the rate of 6.00%) against your property in five (5) annual installments; this amount will be added to your town tax bills for the next five (5) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before September 1, 2009. You will be notified of the amount you owe for sidewalk repairs.

If the Town performs the work, it is estimated that your cost for sidewalk repair will be approximately \$60 - \$70 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work **(the Town will not pay anything towards your cost).**

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

DATED: May 18, 2009

ALICE MAGIERSKI
Town Clerk

**Sidewalk Markings for
Central Blvd on 5-13-
2009**

#	<u>Address</u>
2695	Harlem Road(corner of Central)
15	Central Blvd
38	Central Blvd
39	Central Blvd
46	Central Blvd
47	Central Blvd
66	Central Blvd
67	Central Blvd
73	Central Blvd
85	Central Blvd
86	Central Blvd
87	Central Blvd
89	Central Blvd
108	Central Blvd
112	Central Blvd
127	Central Blvd
130	Central Blvd
131	Central Blvd
135	Central Blvd
140	Central Blvd
148	Central Blvd
180	Central Blvd
200	Central Blvd
230	Central Blvd
232	Central Blvd
147	Central Blvd

**Sidewalk Markings for
Huth Road on 5-12-2009**

#	<u>Address</u>
191	Lochland (Corner of Huth)
101	Elaine (Corner of Huth) 300 Erie Blvd West

122	Heather (Corner of Huth)	
4	Hillsboro (Corner of Huth)	
4	Birkdale (Corner of Huth)	
5	Delray (Corner of Huth)	
4	Delray (Corner of Huth)	
111	Oehman Blvd (Corner of Huth)	
110	Oehman Blvd (Corner of Huth)	
111	Woodridge (Corner of Huth)	
110	Woodridge (Corner of Huth)	
38	Mapleview (Corner of Huth)	
28	Mapleview (Corner of Huth)	
90	Woodland (Corner of Huth)	
100	Woodridge (Corner of Huth)	
111	S. Huxley Street (Corner of Huth)	
104	Oehman Blvd (Corner of Huth)	
193	Gardenvale Drive(Corner of Huth)	
274	Huth Road	
250	Huth Road(Ambassador Apts.)	
110	Huth Road	No such number
56	Huth Road	
48	Huth Road	
44	Huth Road	
36	Huth Road	
39	Huth Road	
55	Huth Road	
61	Huth Road	
93	Huth Road	
165	Huth Road	

Sidewalk Markings for Gary Lane on 5-11-2009

<u>#</u>	<u>Address</u>
550	Borden Rd
179	Gary Lane
143	Gary Lane
139	Gary Lane
135	Gary Lane
131	Gary Lane
127	Gary Lane
119	Gary Lane
111	Gary Lane
103	Gary Lane
99	Gary Lane
95	Gary Lane
79	Gary Lane
71	Gary Lane
31	Gary Lane

27 Gary Lane
15 Gary Lane
130 Gary Lane
166 Gary Lane
170 Gary Lane
174 Gary Lane
178 Gary Lane
190 Gary Lane
194 Gary Lane
198 Gary Lane
202 Gary Lane
26 Gary Lane
30 Gary Lane
44 Gary Lane
50 Gary Lane
74 Gary Lane
82 Gary Lane
90 Gary Lane
94 Gary Lane
98 Gary Lane
110 Gary Lane
12 Gary Lane
16 Gary Lane
20 Gary Lane
24 Gary Lane
191 Gary Lane
187 Gary Lane
183 Gary Lane

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

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

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In Witness Whereof, I have hereunto set my hand and affixed the seal of said Town on Wednesday, June, 17, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY

Dear Property Owner:

If you have any QUESTIONS concerning the following information regarding repair/replacement of your sidewalk, please direct them to the Town Highway Department at 686-3450.

Please be advised that the Town Highway Superintendent has determined that the sidewalk in front of property owned by you is in need of repair/replacement. Based on his determination and in accordance with State Law, the Cheektowaga Town Board adopted a resolution/order on May 18, 2009, directing the repair/replacement of your sidewalk and further directing this office to send you this letter and the attached Notice.

With respect to the repair/replacement of your sidewalk, you have the following two (2) options.

1. You can choose to repair/replace your sidewalk at 100% cost to you (As per State law, the Town cannot and will not reimburse you for any part of the expense if you do the work yourself). If you choose this option, you must notify the Town Highway Department by checking the appropriate box on the enclosed postcard by June 1, 2009 and complete the work on or before **June 19, 2009**;

OR

2. You can allow the Town (or its contractor) to perform the work. If the Town performs the work, the Town will pay \$40 per 5-foot linear block; **YOU WILL BE RESPONSIBLE FOR THE REMAINDER OF THE COST.** Based on the latest construction bid costs, you will be charged approximately \$60 - \$70 per 5-foot linear block of sidewalk to be repaired/replaced. The Town Highway Department will schedule the work to be done and will estimate the work required by placing markings on your sidewalk. After the work is completed, the Town Highway Department will notify you of the actual charge to you for the work and give you the following two payment options:
 - a. Pay 100% to the Town on or before September 1, 2009; **OR**
 - b. Have the charges placed on your 2010-2014 County/Town tax bills (will also include a 6.00% annual interest charge).

Be advised that, pursuant to Section 302.3 of the Codes of the State of New York and Section 210-14 of the Town Code, the owner of property adjoining any street where a sidewalk has been laid is responsible for keeping said sidewalk in good repair and is liable in the event someone is injured on such sidewalk.

I hope the above information is of some assistance to you.

ANY QUESTIONS, PLEASE CALL THE HIGHWAY DEPARTMENT AT 686-3450.

Very truly yours,

ALICE MAGIERSKI, Town Clerk

Attachment: SIDEWALK REPLACEMENT letter (RES-2009-267 : Order Replacement of Sidewalks)



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Zydel, Councilmember Rogowski

RESOLUTION 2009-268

Approval of Addition to Veterans Monument

WHEREAS, a Veterans Memorial Monument was previously erected in Cheektowaga Town Park in honor of those soldiers who served our country in World War I, World War II, the Korean War and the Vietnam War, and

WHEREAS, this Town Board also wishes to honor our soldiers who served this country in Afghanistan, Iraq and the Gulf War, and

WHEREAS, the Veterans Committee has recommended that this Town Board approve an addition to the existing Veterans Monument to honor those who served in Afghanistan, Iraq and the Gulf War, and

WHEREAS, donations have been received from various veterans organizations and individuals for this monument, and

WHEREAS, a smaller monument/addition to the Veterans Monument has been designed, and

WHEREAS, this Board is in agreement that such an addition to the Veterans Monument is appropriate and well deserved, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the erection of an addition to the Veterans Monument in Cheektowaga Town Park in honor of those who served in Afghanistan, Iraq and the Gulf War, and BE IT FURTHER

RESOLVED, that payment for such monument addition shall be appropriated from budget line item number 600.0600.0898.0200.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Kaznowski, Councilmember Zydel

RESOLUTION 2009-269

Authorize Purchase of Pick-Up Truck

WHEREAS, the Sewer Maintenance Department has requested authorization to purchase one (1) 2009 Chevrolet 1500 4X4 pick-up truck as specified in the New York State OGS Contract No. PC62881, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account Nos. 2550-8125-2550 and 2550-8125-2500, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of one (1) 2009 Chevrolet 1500 4X4 pick-up truck in the amount of \$21,276.94 for the Sewer Maintenance Department from:

Action Chevrolet, Inc.
795 Hoosick Road
Troy, New York 12180

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Markel, Councilmember Kaznowski

RESOLUTION 2009-270

Debris Clean-Up / 398 McNaughton Avenue

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 398 McNaughton Avenue, Cheektowaga, New York SBL# 102.06-2-46 that is a danger to the safety of others, and records kept by the Assessors Office identify Nancy J. Bernhard, 398 McNaughton Avenue, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 398 McNaughton Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Zydel, Councilmember Rogowski

RESOLUTION 2009-271

Youth and Recreation Program Policy Statements

WHEREAS, the Town of Cheektowaga Department of Youth & Recreational Services operates recreation programs for the Town, and

WHEREAS, it is necessary for said department, from time to time, to suggest changes to program policy relative to the operation of said programs, NOW, THEREFORE, BE IT

RESOLVED that the Town Board has reviewed the Resident Policy statement and adopts it for use by the Department of Youth & Recreational Services, effective immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY

POLICY MEMORANDUM RESIDENTS

It is the policy of the Town of Cheektowaga Department of Youth & Recreational Services to issue Resident Discount ID Cards to bonafide residents of the Town of Cheektowaga. The purpose of these cards is to permit residents to use the Town Pools and Ice Rink at a substantial discount, and to provide discounts to residents when registering for other recreational programs.

The fees for said cards are \$7 for adults (16 years to 59 years age); \$5 for children (7 – 15 years of age); FREE to seniors (60 years of age and older – cards are issued on behalf of the Department of Senior Services for their program use).

Cards are valid for two (2) years from the date of issue.

An expired Resident Discount Card cannot be used as a current proof of residency, nor can it be used to issue a new card.

To obtain a Resident Discount Card adults must have two (2) forms of identification, which include the following:

1. You must have a photo ID: a valid driver's license or a valid non-driver ID.
2. You must have one additional form of ID which contains your name and residence address such as: a current utility bill, current bank statement, most recent property tax bill, valid automobile registration or voter registration card. For children, a parent must be present with their valid photo ID, and the child's birth certificate containing the parent's name, most recent report card and/or school ID. Home schooled children must show documentation from their assigned district. Special circumstances will be addressed accordingly.

No ID cards will be issued to individuals claiming a P.O. Box for a mailing address.

In the event a resident does not produce a Resident Discount ID Card, he/she may obtain admission to the Town Pools or Ice Rink by showing acceptable proof of residency (example: drivers license) and paying the admission fees(\$7-pools; 4-rink) as established by Town Board resolution.

Anyone found abusing and/or attempting to defraud the Town of Cheektowaga will be prosecuted to the fullest extent of the law.

Rev. DYRS: 5/18/09

Approved by TB: 5/18/09



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Zydel, Councilmember Rogowski

RESOLUTION 2009-272

Youth & Recreation Transfers

BE IT RESOLVED that the individuals listed below be and hereby are transferred, 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 Attendant - \$7.25

Emily Castiglia

Recreation Attendant - \$7.40

Meggan Empric

Recreation Attendant - \$7.55

Jessica Szyka

Recreation Instructor - \$8.50

DeYonca Porter

Lauren Sydlowski

Recreation Attendant - \$8.15

Mark Hannon

Recreation Specialist - \$13.90

Amy McMahon

Camp Flamingo - 7310.1810 - Recreation Aide - \$7.25

Part-time

Martin Acevedo

Camp Crabapple - 7310.1802

Regular Part-time

Recreation Attendant - \$7.40

Nicole Habermehl

Recreation Attendant - \$7.50

Carly Rehac

Recreation Instructor - \$9.00

Alex Ladowski

Recreation Specialist - \$13.90

Barbara Walters

Camp Dartwood - 7140.1632Recreation Attendant - \$7.25

Brian Wartinger

Recreation Attendant - \$7.50

Kristy Rzesutek

Recreation Instructor - \$9.25

Melissa Rogers

Camp JI-IK-DO-WAH-GAH - 7310.1801Recreation Instructor- \$8.25

Kristen Stadelmeyer

Recreation Instructor - \$9.15

Maribeth Stadelmeyer

Teen Camp - 7310.1814Recreation Instructor - \$9.00

Laura Munson

Recreation Instructor - 7140.1639 - \$10.65

Matt Bean

Recreation Attendant - 7140.1640 - \$10.25

Eric Godzich

Recreation Aide to Recreation Attendant - 7140.1642 - \$8.25 - effective 6/27/09Regular Part-time

Courtney Smith

Recreation Aide to Recreation Attendant - 7140.1614,7140.1645 & 7140.1648 - \$7.40 - effective 6/27/09 - Regular Part-time

Olivia Gmerek

COMMENTS - Current Meeting:

Motioned by Supervisor Holtz; Seconded by Councilmember Kaznowski to waive the reading of names for the following resolutions 2009-272 - 2009-276. Motion Carried.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

ss:

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and that the same is a correct and true transcript of such original
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In Witness Whereof, I have hereunto set my hand and affixed the seal of said
Town on Wednesday, June, 17, 2009.

(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Zydel, Councilmember Rogowski

RESOLUTION 2009-273

Youth & Recreation Hire

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

Recreation Instructor - 7310.1801 Camp JI-IK-DO-WAH-GAH - \$8.00

Regular Part-time

Mary Zelasko 14227

Recreation Attendant - 7310.1801 - \$7.25

Seasonal

Jamael Hunte 14225

Theresa Tripi 14227

Recreation Attendant - 7310.1801 - \$7.40

Jessica Wales 14225

Recreation Attendant - 7310.1801 - \$7.50

Kylie Mars 14211

Recreation Attendant - 7310.1801 - \$7.60

Joel Jarnot 14225

Recreation Aide - 7310.1802 - Camp Crabapple - \$7.25

Part-time

Stephen Kelly 14211

Recreation Attendant - 7310.1802 - \$7.65

Seasonal

Dana Kryszczak 14227

Recreation Attendant - 7310.1802 - \$7.90

Daniel Badzinski 14227

Recreation Instructor - 7310.1802 - \$8.00

Nicole Petruniak 14227

Recreation Aide - 7310.1810 - Camp Flamingo - \$7.25

Part-time

Carolyn Reczek 14227

Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.25

Seasonal

Jillian Adamczak 14211

Alexis Blachowski 14225

Lauren Boehm	14225
Casey Hawley	14227
John Hinshaw	14225
Jennifer Jankowski	14212
Kara Jeziorski	14227
Shannon Kelly	14227
Julie Laffrado	14225

Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.25

Lauren Habermehl	14225
Brock McDougald	14211
Robyn Stanley	14225

Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.30

Jennifer Laffrado	14225
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Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.40

Merissa Ciesielski	14225
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Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.50

Lauren Fial	14227
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Recreation Attendant - 7310.1810 - Camp Flamingo - \$7.90

Meghan Eckle	14225
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Recreation Attendant - 7140.1632 - Camp Dartwood - \$7.30

Seasonal

Amanda Ciesielski	14043
Tabitha Slachiak	14212

Recreation Attendant - 7140.1632 - \$7.40

Frank Zawadzinski	14043
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Recreation Attendant - 7140.1632 - \$7.65

Lori Majewski	14227
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Soccer - 7140.1636

Recreation Attendant - \$8.65 (Retroactive to 5/4/09)

Melisa Petre

Recreation Attendant - 7140.1614 - \$7.25

Regular Part-time

Leanne Cardella	14225
Benjamin Dunning	14225

Recreation Aide - 7140.1614 - \$7.25 - Part-time

Andrew Stobnicki	14227
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Recreation Attendant - 7140.1636 & 7140.1640 - \$7.25Regular Part-time

Douglas Martin 14225

Tennis - 7140.1642SeasonalRecreation Attendant - \$7.40

Julia Harvey 14225

Recreation Attendant - \$7.25

Anthony Filipski 14227

Jennifer Grzebinski 14227

Melanie Grzebinski 14227

Megan Lewis 14225

Gary Steltermann 14225

Recreation Attendant - \$8.25

Brian Mayle 14215

Gymnastics - 7140.1630Part-timeRecreation Aide - \$7.25

Jessica Arana 14215

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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(Seal)

 CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Zydel, Councilmember Rogowski

RESOLUTION 2009-274

Youth & Recreation Pool Hires

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

Recreation Instructor - 7180.1902 - Aquatics Director - \$11.94

Seasonal

Aaron Grupka 14206

Recreation Instructor - 7180.1902 - Special Events - \$11.41

Seasonal

Mark Przybysz 14206

Recreation Instructor - 7180.1902 - Pool Supervisor - Town Park 2nd Shift - \$10.39

Seasonal

Jonathan Miller 14227

Recreation Instructor - Level III - 7180.1902 - Town Park Pool Supervisor 1st Shift - \$10.39 -

Regular-Part Time

Sean Kunkel 14225

Lifeguard - Level I - 7180.1903 - \$8.10

Regular - Part -time

Drew Bielanin 14215

Kaitlynd Brozostowicz 14225

Kenneth Carlucci III 14227

Ashley Joya 14043

Elaine Montgomery 14225

Alison Pieroni 14225

Joshua Scheller 14225

Nicole Scherrer 14225

Elizabeth Schueler 14225

Lauren Tomaschko 14225

Andrew Tatta 14225

Morgan Taylor 14225

Chelsea Wartinger 14043

Lifeguard - Level II - 7180.1903 - \$8.26

Seasonal

Ashley Bajer 14225

Jackie Campbell 14043

Nicholas Coronado 14225

Melissa Farruggio 14227

Jonathan Gworek 14227

Sarah Montgomery 14225

Austin Snyder 14225
Michael Vito 14215

Lifeguard - Level III - 7180.1903 - \$8.43

Seasonal

Joshua Atzrott 14215
Danielle Malicki 14227
Megan Maloney 14227
Jonah Messina 14225
Amanda Moran 14206
Katie Tomaschko 14225

Lifeguard - Level IV - 7180.1903 - \$8.60

Seasonal

Corey Beszczyński 14212
Jennifer Brock 14225
Andrew Chruscicki 14225
Adam Fuest 14225
Naomi Snyder 14225
Caitlin Rieck 14225

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT: Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Zydel, Councilmember Rogowski

RESOLUTION 2009-275

Youth & Recreation Summer Hire

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 - \$7.25

Patrick Albanesi	14043	
Peter Dudek	14227	
Matthew Eckle	14225	
Joshua Galante	14206	
Tim Kish	14206	
Jonathan Klein		14227
Ryan Kowal	14212	
Erik Malayny	14227	
Adam Miller	14043	
Matthew Nusstein	14227	
Scott Patrzyk	14211	
Jeffrey Persutti	14227	
Kyle Polanski	14043	
Edward Pyszczynski	14227	
Andrew Samer	14227	
Tyler Tangelder	14227	
Kyle Uzar	14227	

Level II - \$7.40

Christopher Balash	14215
Brandon Chittenden	14043
Rachel Kandefer	14225
Alissa Kowalski	14206
Alissa Kozakiewicz	14227
Tyler Miesowicz	14043

Level III - \$7.65

Anthony Lattuca	14043
Tara Przybyl	14227

Supervisor Trainee - 7310.1816

Level I - \$9.05

Justin DeBello	14227
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Youth Leaders - 7310.1811

Level I - \$9.05

Stephen Pfalzer 14043
 Nicholas Russell 14206

Level II - \$9.65

Brian Sheldon 14227
 Michael Lewandowski 14043

Crew Supervisor - 7310.1811

Level I - \$11.80

Jason Wichowsky 14043
 Brad Agen 14227

Level II - \$12.40

Jacob Bauer 14227
 Andrew Swiat 14227

Level I - Participants - \$7.25 (Alternates)

Bradley Vargo 14225
 Sean Book 14227
 Timothy Carter 14227
 Chris Suchan 14227
 Joseph Echevarria 14215
 Corey Patrzyk 14211
 Nicole Suwalski 14206
 Andrew Miller 14227
 Ryan Schamber 14206
 Erin Rozewicz 14227

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydell, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT: Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Jaworowicz

RESOLUTION 2009-276

Hire/Termination Part-Time/Seasonal Employees

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:

BUILDING MAINTENANCE DIVISION Laborer \$7.75/hour effective 5/19/09

Michael Komosinski
Cheektowaga, New York

Jonathan Gorski
Depew, New York

PARKS DIVISION Laborer \$7.75/hour effective 5/19/09

Joshua Malkowski
Cheektowaga, New York

Mike Boccio
Depew, New York

John Wolkowiecki
Cheektowaga, New York

TOWN CLERK'S OFFICE Clerk \$8.00/hour effective 5/18/09

Danielle J. Vario
Cheektowaga, New York

SEWER MAINTENANCE Laborer \$7.75/hour

Adam Bobeck, Cheektowaga, New York
Effective 6/1/09

William Olewniczak, Cheektowaga, New York
Effective 6/1/09

John Lockhart, Cheektowaga, New York
Effective 6/1/09

Justin Nowak, Depew, New York
Effective 6/1/09

David Loshiavo, Cheektowaga, New York
Effective 6/1/09

Shane Latshaw, Cheektowaga, New York

Effective 6/1/09

Jacob Nowak, Depew, New York
Effective 6/1/09

Timothy Kopp, Cheektowaga, New York
Effective 6/1/09

Sean Ross, Cheektowaga, New York
Effective 6/29/09

Austin Bobeck, Cheektowaga, New York
Effective 6/29/09

SANITATION DEPARTMENT Laborer \$8.00/hour effective 5/12/09
Anthony DiRienzo
Cheektowaga, New York

Mark Rohloff
Cheektowaga, New York

Keith Pheasant
Depew, New York

Nicholas Alessi
Cheektowaga, New York

Jeffrey Cwiklinski
Depew, New York

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

PARKS DIVISION
Nicholas Schanne effective 5/18/09

SENIOR SERVICES
Wendi Pelkey effective 5/11/09

SANITATION DEPARTMENT
Jacob Kelly effective 5/13/09

BE IT RESOLVED, that the following be amended as follows:

SENIOR SERVICES Van Driver \$8.50/hour effective 5/04/09
Richard F. Thurnherr to Richard E. Thurnherr, Cheektowaga, New York

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Jaworowicz, Supervisor Holtz

RESOLUTION 2009-277

Approve Interns for Police Department

WHEREAS, Jeffrey Mongold, a student at Hilbert College; Sarah Collins, a student at Hilbert College; and Heather Dziwulski, student at Hilbert College, have requested to participate in the student internship program at the Cheektowaga Police Department, and

WHEREAS, these individuals have been interviewed by the Police Department and the Department is willing to afford them the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Jeffrey Mongold of North Tonawanda, New York, Sandra Collins of Hamburg, New York, and Heather Dziwulski of Hamburg, New York, be and hereby are authorized to participate as unpaid interns in the Cheektowaga Police Department , subject to their execution of a Waiver of Liability and Agreement of Confidentiality; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate these student internships in the Police Department.

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Jaworowicz, Councilmember Zydel

RESOLUTION 2009-278

Appointment of Planning Board Member and Appointments to Comprehensive Plan Steering Committee

WHEREAS, there currently exists a vacancy on the Cheektowaga Planning Board due to the resignation of Claire Ferrucci, and

WHEREAS, the Town of Cheektowaga is currently undertaking a review and overhaul of its Comprehensive Master Plan, and the placement of a fully functioning Planning Board assisting in the execution of that project is essential to its success, and

WHEREAS, Diane M. Benczkowski has applied for appointment to the vacancy and meets the requirements for such position, NOW, THEREFORE, BE IT

RESOLVED, that Diane M. Benczkowski of Cheektowaga, New York be and hereby is appointed to the unexpired term as a member of the Cheektowaga Planning Board, effective immediately and terminating on December 31, 2009, and BE IT FURTHER

RESOLVED, that Diane M. Benczkowski and John Marriott be and hereby are appointed to the Comprehensive Plan Steering Committee as Planning Board liaisons, with full authority to represent their Board in all matters relating to development and execution of the new Comprehensive Master Plan.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

(Seal)

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Jaworowicz

RESOLUTION 2009-279

**Appointment of Laborer (Labor/Permanent) (Sanitation Dept.)
(Ronald Fenske)**

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

WHEREAS, said position is part of the Town of Cheektowaga Employees Association;
AND

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

WHEREAS, Ronald J. Fenske, currently employed as a Motor Equipment Operator - B in the Sanitation Department, bid on said vacancy and meets the necessary qualifications;
NOW, THEREFORE, BE IT

RESOLVED, that Ronald J. Fenske of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association, effective May 19, 2009.

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

State Of New York
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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Jaworowicz, Supervisor Holtz

RESOLUTION 2009-280

Appointment of Maintenance Worker (Non-Competitive/Temporary) (Police Dept.) Frank P. Piacente

WHEREAS, a temporary vacancy exists in the title of Maintenance Worker in the 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, Frank P. Piacente, currently employed as a Laborer in the Highway Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Frank P. Piacente of Cheektowaga, New York, be and hereby is appointed to the temporary position of Maintenance Worker in the Police Department (Sign Maintenance Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective May 19, 2009.

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

(Seal)

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CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Markel, Councilmember Kaznowski

RESOLUTION 2009-281

Notice to Bidders - Demolition of 54 Barbara Place & 83 Pinehurst Avenue

WHEREAS, it is in order that bids be advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

- 1. a two-family dwelling located at 54 Barbara Place;
- 2. a one-family dwelling located at 83 Pinehurst Avenue, 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 54 Barbara Place and 83 Pinehurst Avenue, 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 May 28, 2009 at 11:00 A.M.

NOTICE TO BIDDERS

Sealed proposals will be received by the Town of Cheektowaga on May 28, 2009 at 11:00 A.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York, for the demolition of the following structures on the following respective properties in the Town of Cheektowaga:

- 1. a two-family dwelling located at 54 Barbara Place;
- 2. a one-family dwelling located at 83 Pinehurst Avenue

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: May 18, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

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(Seal)

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Kaznowski, Councilmember Markel

RESOLUTION 2009-282

Approval of Proposal to Install Monitoring Wells on Rowan Road Right-Of-Way

WHEREAS, Leica Inc. has been directed by the New York State Department of Environmental Conservation (NYSDEC) to install four (4) additional groundwater monitoring wells on Rowan Road, south of the former Leica site located at 203 Eggert Road, to monitor groundwater quality associated with the on-going site remedial activities being undertaken under a NYSDEC issued Consent Order, AND

WHEREAS, the Town Engineer and Superintendent of Highways have reviewed the proposed location of the two (2) flush mounted well sets to be installed within the lawn area on the south side of the Rowan Road right-of-way near the Preston Road intersection and find that said proposal will not interfere with the public use or maintenance of this Town highway right-of-way, AND

WHEREAS, this Town Board is supportive of NYSDEC efforts to conclude proper site remediation and monitoring activities at the former Leica site, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves of the aforementioned proposal to install monitoring wells within the Rowan Road highway right-of-way following the submission of proper insurance certifications acceptable to the Town Attorney from Leica Inc. and its project contractor, AND, BE IT FURTHER

RESOLVED, that the Town Engineer and Town Highway Superintendent be and hereby are directed to cooperate with the NYSDEC and environmental consultants engaged by Leica Inc. associated with remedial project monitoring.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

This is to certify that I, Alice Magierski, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga

in said County of Erie, on Monday, May, 18, 2009,
and that the same is a correct and true transcript of such original
resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said
Town on Wednesday, June, 17, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Supervisor Holtz, Councilmember Jaworowicz

RESOLUTION 2009-283

Change Order No. 1 - Renovations to the Central Garage/Sanitation Building

WHEREAS, a contract to provide for renovations to the exterior siding and roofing at the Central Garage and Sanitation Building has been awarded to The Peyton Barlow Company, Inc., which contract is currently underway, AND

WHEREAS, upon further inspection of the existing mechanical systems throughout the facility it has been determined that repair and replacement of heating system ductwork in the Sanitation Garage and improvements to the heating system and exhaust ductwork in the Central Garage is necessary in order to eliminate an existing condensation problem and it has been further recommended by F.J. Wailand Associates, Inc. and the Town Engineering Department that it is necessary at this time to replace the existing heating and cooling systems within the Sanitation Department Office that are currently inefficient and in need of replacement, AND

WHEREAS, F.J. Wailand and Associates and the Town Engineer have recommended approval of Change Order No. 1 which provides for:

- 1) Central Garage - provide credit for power ventilator, eliminate thirteen (13) existing non-venting radiant heating panels and add four (4) gas ducted unit heaters.
- 2) Sanitation Garage - remove six (6) existing side wall ducts in gas unit heaters. Provide new unit ducting, venting through the roof.
- 3) Sanitation Office - remove existing non-operational heating and cooling system. Install new furnace on the existing mezzanine and install a new roof mounted AC unit.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the aforementioned project in the amount of \$42,207.00 as an addition to the contract of The Peyton Barlow Company, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute Change Order No. 1 with The Peyton Barlow Company, Inc., 360 Delaware Avenue, Suite 300, Buffalo, New York 14202, AND, BE IT FURTHER

RESOLVED, that funds for said Change Order shall be chargeable to Account No. 500-1640-2520-5835.

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

State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga

ss:

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in said County of Erie, on Monday, May, 18, 2009,
and that the same is a correct and true transcript of such original
resolution and the whole thereof.

(Seal)

In Witness Whereof, I have hereunto set my hand and affixed the seal of said
Town on Wednesday, June, 17, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

3301 Broadway
Cheektowaga, NY 14227

Meeting: 05/18/09 06:45 PM

ADOPTED

Sponsors: Councilmember Rogowski, Councilmember Zydell

RESOLUTION 2009-284

Special Event - Cheektowaga Southside Athletic Association

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, May 30, 2009, beginning at 11:00 a.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, May 30, 2009 at 11:00 a.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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydell, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

**State Of New York
Erie County
Office Of The Clerk Of The
Town of Cheektowaga**

(Seal)

ss:

This is to certify that I, Alice Magierski, Clerk of the Town of Cheektowaga, in the said County of Erie, have compared the foregoing copy of resolution with the original resolution now on file at this office, and which was passed by the Town Board of the Town of Cheektowaga

in said County of Erie, on Monday, May, 18, 2009,
and that the same is a correct and true transcript of such original
resolution and the whole thereof.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said
Town on Wednesday, June, 17, 2009.

CLERK OF THE TOWN BOARD, TOWN OF CHEEKTOWAGA, NY



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, June, 1, 2009

6:45 PM

Council Chambers

I. Public Hearing at 6:30 PM

1. Rezoning of Part of 2916 Union Road from C-Retail Business to MS-Motor Services

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Mary Holtz

II. Call to Order

6:45 PM Meeting called to order on June 1, 2009 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	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
 William Pugh, Town Engineer
 Kevin Schenk, Town Attorney
 Christine Ziemba, Chief of Police

III. Public Hearing

1. Local Law Intro 2009-3 to Adopt a Tax Exemption for Veterans of the Cold War

This being the time and place advertised for a Public Hearing, the Deputy 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 Deputy Supervisor announced that the Town Board would hear all persons interested in the subject of the hearing. Comments were heard, after which the Deputy Supervisor declared the hearing closed, decision was reserved.

RESULT: CLOSED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: Richard Zydel, Councilmember
AYES: Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT: Mary Holtz

IV. Public Comment Period

V. Resolutions



1. RESOLUTION 2009-285

Transfer of Funds

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

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

GENERAL FUND

FROM:	100.1410.1971	Part-Time Clerical	\$ 1,000.00
	100.7140.4601	Aid-To-Youth Programs	8,500.00
	100.1910.2799	Appropriated Fund Balance	126,032.00
TO:	100.1410.1902	Overtime Payroll	\$ 1,000.00
	100.7180.4191	Misc. Expenses	8,500.00
	100.1625.2303	Over the Road Vehicles	4,000.00
	100.1680.2204	Computer Hardware	38,650.00
	100.3120.2204	Computer Equipment Police	83,382.00

HUD-NYS AHC HOUSING

FROM:	900.8600.4910	NYS AHC Revenues	\$100,000.00
TO:	900.8668.4006	Loans from Program	\$100,000.00

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



2. RESOLUTION 2009-286

Warrant

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to May 29, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,450,749.11
RISK RETENTION FUND	84,440.37
NYS HOME PROGRAM	10,350.00
DEBT SERVICE FUND	263,875.00
SPECIAL DISTRICTS FUND	760,707.39
HIGHWAY FUND	603,151.06
CAPITAL FUND	341,933.43
TRUST & AGENCY FUND	30,264.48
HUD CDBG FUND	16,114.40
PART TOWN FUND	98,021.32
NYS AFFORDABLE HOUSING	40,995.00
	<u>\$ 4,700,601.56</u>

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



3. RESOLUTION 2009-287

Adopt Local Law No. 2 of 2009 - a Local Law to Adopt a Tax Exemption for Veterans of the Cold War

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

WHEREAS, Chapter 220 of the Code of the Town of Cheektowaga presently permits certain veterans to obtain partial exemptions from real property taxes on properties they own in the Town of Cheektowaga, and

WHEREAS, the New York State Legislature recently enacted Section 458-b of the Real Property Tax Law to authorize real property tax exemptions for veterans who served during the Cold War (September 2, 1945 to December 26, 1991), and

WHEREAS, this Board feels that veterans of the Cold War deserve to have such exemptions on their Town taxes, and

WHEREAS, the Town Attorney's Office has drafted a local law to permit such an exemption from Town taxes, and

WHEREAS, a public hearing was held on the 1st day of June, 2009 at 6:45 P.M. at the Town Hall, 3301 Broadway, Cheektowaga, New York to consider the advisability of adopting "A Local Law to Adopt a Tax Exemption for Veterans of the Cold War", and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 2 of the Year 2009, entitled "A Local Law to Adopt a Tax Exemption for Veterans of the Cold War", 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. 2 OF THE YEAR 2009
A Local Law to Adopt a Tax Exemption for Veterans of the Cold War**

COLD WAR VETERANS EXEMPTION

1. Purpose.

The purpose of this local law is to allow for a property tax exemption for properties owned by qualifying Town of Cheektowaga veterans who served our country during the Cold War period as defined in Section 458-b of the Real Property Tax Law of the State of New York (September 2, 1945 to December 26, 1991).

Section 2. Definitions.

- A. "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from 9-2-1945 to 12-26-1991, and was discharged or released therefrom under honorable conditions.
- B. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard.
- C. "Active duty" means full-time duty in the United States armed forces, other than active duty for training.
- D. "Service connected" means, with respect to a disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.
- E. "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
- F. "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this local law. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.
- G. "Latest state equalization rate" means the latest final equalization rate established by the State Board of Real Property Services pursuant to Article 12 of the Real Property Tax Law.

Section 3. Scope of exemption

- A. Qualified residential real property owned by a Cold War veteran or qualified owner shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided, however, that such exemption shall not exceed twelve thousand dollars (\$12,000.00) multiplied by the latest state equalization rate for the Town of Cheektowaga.
- B. In addition to the exemption provided by subsection 3.A. of this law, where the Cold War veteran received a compensation rating from the United State veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of the property, multiplied by fifty percent (50%) of the Cold War veteran disability rating; provided, however that such exemption shall not exceed forty thousand dollars (\$40,000.00), or the product of forty thousand dollars (\$40,000.00) multiplied by the latest state equalization rate for the Town of Cheektowaga.
- C. If the Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this local law.
- D. The exemption from taxation provided by this local law shall not be applicable to real property taxes levied or relieved for school purposes.

E. The exemption granted under this law shall be granted for a maximum period of ten (10) years in accordance with section 458-b of the Real Property Tax Law of the State of New York.

Section 4. Application date.

Application for exemption under this law shall be made by the owner, or all of the owners, of the property on a form prescribed by the State Board of Real Property Services. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such date.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Richard Zydell, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Mary Holtz



4. RESOLUTION 2009-288

Award Summer Camp Busing 2009

Sponsored By: Councilmember Rogowski, Councilmember Zydel

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 2009 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 \$9,147.00 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

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



5. RESOLUTION 2009-289

Call for Public Hearing - Amendment to Vehicles and Traffic Law

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 June 15, 2009 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 4th day of June, 2009, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on June 15, 2009 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 235-40, 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:

Cleveland Drive at Highview Road and Highview Court

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

Dated: June 1, 2009

ALICE MAGIERSKI
Town Clerk

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES, ABSENT) and Value (ADOPTED [UNANIMOUS], Richard Zydel, Charles Markel, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski, Mary Holtz)



6. RESOLUTION 2009-290

Negative SEQR Declaration-2447 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 the Cheektowaga Congregation of Jehovah's Witnesses, Buffalo, N.Y. for the construction of a 4,100 square foot place of worship and a 1,500 square foot rectory at 2447 Union Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on May 27, 2009 recommended a determination of non-significance as shown on the attached memorandum dated May 27, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of May 14, 2009, AND

WHEREAS, the applicant has agreed to provide the Town of Cheektowaga a drainage easement for access and maintenance purposes along Slate Bottom Creek which borders the southerly property, AND

WHEREAS, the applicant has further agreed to place deed restrictions on those portions of its property that are within the 100 flood plane, as well as that portion of its property that was identified as having cultural resources of significance to the community as shown on the attached commitment letter received by the Office of Building Inspections dated May 27, 2009, AND

WHEREAS, the applicant has further agreed to pay an annual fire district charge for the maintenance of a proposed public fire hydrant along Union Road, which, the Bellevue Fire District has agreed to, and which will be installed at the Town's request, 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 a drainage/grading plan.
2. The Town Attorney receiving evidence of a drainage easement and deed restriction.

ATTACHMENTS:

EAC-May 27, 2009 minutes (PDF)

jehovahs commitment (PDF)

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



7. RESOLUTION 2009-291

New/Renewal Ambulance Drivers/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>
Adamczak, Daniel J	53 Ashleaf, Cheektowaga, N.Y. 14227	12/31/2011
Addy, Derek J	445 Callodine Ave, Amherst, N.Y. 14226	2/29/2012
Baker, Kevin L	6180 East Ave, Newfane, N.Y. 14108	9/30/2010
Barber, Matthew C	85 Norwood Ave, Buffalo, N.Y. 14222	12/31/2011
Bellavia, Frank P	636 Main St., Niagara Falls, N.Y. 14301	9/30/2011
Bielinski, Joseph S	4891 Clinton St, West Seneca, N.Y. 14224	12/31/2011
Buckley, Courtney E	236 Rodney Ave, Buffalo, N.Y. 14214	12/31/2011
Buczowski, Craig J	441 Commercial St, Farnham, N.Y. 14061	7/31/2011
Burke, Peter J	211 South Union Rd. Apt. 9, Williamsville, N.Y.	7/31/2011
Caldwell, Derek J	73 South Bristol Ave, Lockport, N.Y. 14094	7/31/2011
Chatmon, Cherie A	78 Bryson, Buffalo, N.Y. 14212	2/29/2012
Chowaniec, Matthew T	22 Yeager Dr, Cheektowaga, N.Y. 14225	2/28/2011
Cuillo, Denise M	4014 Harwood Ave, Hamburg, N.Y. 14219	11/30/2011
Dash, Kevin M	19 Shenandoah, Buffalo, N.Y. 14220	3/31/2012
Fenik, Brian M	5 Broadmoor Court, Lancaster, N.Y. 14086	3/31/2012
Frazer, Eric S	369 Oakdale Dr, N Tonawanda, N.Y. 14120	4/30/2012
Gills, Natasha S	1836B Kenmore Ave., Buffalo, N.Y. 14216	12/31/2011
Hamilton, Eric S	6571 Basswood Dr, Lakeview, N.Y. 14085	5/31/2012

Hardy, Charles P	20 Hemstreet Rd, East Aurora, N.Y. 14052	3/31/2012
Hoch, Norine M	78 Maldiner Ave, Tonawanda, N.Y. 14150	1/31/2012
Hunter, Rebecca A	28 Windcrest Dr., Cheektowaga, N.Y. 14225	12/31/2011
Janiga, Justin J	35 Krakow St, Lackawanna, N.Y. 14218	1/31/2012
Jewett, Kevin M	4308 Elmwood Ave, Blasdell, N.Y. 14219	1/31/2012
Kaefer, Matthew C	7638 Wohlhueter Rd, Colden, N.Y. 14033	1/31/2012
Kaminski, Robert T	83 Allendale Rd., West Seneca, N.Y. 14224	12/31/2011
Kapulka, Jacob P.	322 Barnard St, Buffalo, N.Y. 14206	12/31/2011
Kilbridge, Matthew L	1195 Elmwood Ave, Buffalo, N.Y. 14222	12/31/2011
Kunch, Joshua A	2324 Derby Rd, Eden, N.Y. 14057	6/30/2011
Lavango, Joseph L	2243 1st St, Grand Island, N.Y. 14072	2/29/2012
Lee, Shannon K	31 Lynn St, Lackawanna, N.Y. 14218	2/29/2012
Lenahan, Caitlin	147 N Ellicott St, Williamsville, N.Y. 14221	12/31/2011
Liguori, Frank L	4523 Clark Rd., Hamburg, N.Y. 14075	2/29/2012
Mamon, Joel M	2069 Two Rod Rd, Marilla, N.Y. 14102	12/31/2011
Martinez, David	3705 Genesee St, Cheektowaga, N.Y. 14225	12/31/2011
Mondo, Jeffrey C	75 Grant Blvd, Lackawanna, N.Y. 14218	6/30/2011
Morano, Michael P	164 Chamberlin Dr, West Seneca, N.Y. 14224	1/31/2012
Murphy, Anthony L	8392 Ridge Rd Rear, Gasport, N.Y. 14067	2/28/2011
Oh, Sangrok	1870 Niagara Falls Blvd Apt. 413, Tonawanda, N.Y.	12/31/2011
Oliver, Christopher F	30 Harwood Dr, Amherst, N.Y. 14226	7/31/2011
Perrott, Michael P	50 High St, Angola, N.Y. 14006	4/30/2012
Peters, Brandon J	118 Margerate Rd, Amherst, N.Y. 14226	1/31/2012
Peterson, Jacqueline R	711 Abbott Rd, Buffalo, N.Y. 14220	10/31/2011
Pierce, Edward R	2041 Brookhaven Dr #3, Niagara Falls, N.Y. 14304	2/29/2012
Pollard, Steven J	5010 Glenwood Dr, Williamsville, N.Y. 14221	1/31/2012
Rak, Andrew C	4726 Boncrest West, Williamsville, N.Y. 14221	7/31/2011
Roeser, Geoffrey M	4316 Union Rd #4, Cheektowaga, N.Y. 14225	3/30/2012
Rosenlund, Katharine E	35 South Lane, Angola, N.Y. 14006	1/31/2012
Salvatore, Nicole M	15 Parkdale Dr, Lancaster, N.Y. 14086	1/31/2012
Schieber, Kevin N	5493 Seneca St, West Seneca, N.Y. 14224	3/31/2012
Schweickert, Alisha M	30 Regan St, Delevan, N.Y. 14042	12/31/2010
Shepherd, Benjamin W	149 Russell Ave, Buffalo, N.Y. 14214	12/31/2011
Smallback, Ian C	1449 Davis Rd, West Falls, N.Y. 14170	2/29/2012
Snios, Stephanie A	54 Southpoint Dr, Lancaster, N.Y. 14086	9/30/2011
Snyder, Patrick W	3473 South Park Ave C-7, Blasdell, N.Y. 14219	2/28/2011
Sorg, Wesley A	7363 Townline Rd., N. Tonawanda, N.Y. 14120	12/31/2011

Strauss, Carl W	6056 Strauss Rd, Lockport, N.Y. 14094	12/31/2011
Sullivan, Michael J	479 Woodside Ave, Buffalo, N.Y. 14220	12/31/2011
Szewc, William O	171 Emporium Ave, West Seneca, N.Y. 14224	2/29/2012
Watson, Douglas R	33 Manlon Terrace, Cheektowaga, N.Y. 14225	12/31/2011
Wilcox, Brian C	123 Jamestown St, Jamestown, N.Y. 14701	7/31/2011
Wissel, John H	PO Box 980, Buffalo, N.Y. 14231	1/31/2010
Wright, Christopher D	319 Crowley Ave, Buffalo, N.Y. 14207	11/30/2010

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



8. RESOLUTION 2009-292

Authorize Supervisor to Execute License Agreement with Nichols Long & Moore Construction Corporation

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga has an agreement with Nichols Long & Moore Construction Corporation to install and repair sanitary sewers at various locations in the Town, AND

WHEREAS, as part of such project, Nichols Long & Moore Construction Corporation has requested permission from the Town to utilize a portion of the Sewer Maintenance Department's property on Southern Parkway for the purpose of staging equipment, AND

WHEREAS, there is room at the Sewer Maintenance Department for such purpose, AND

WHEREAS, the Town Attorney has prepared a License Agreement for a six (6) month period for same, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned License Agreement with Nichols Long & Moore Construction Corporation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Mary Holtz



9. RESOLUTION 2009-293

Authorize Supervisor to Execute Agreement for Renovations And Rehabilitation to Anna M. Reinstein Library

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, the Town is the owner of the Anna M. Reinstein Public Library building located at 2580 Harlem Road, which library operates in cooperation with the Buffalo & Erie County Public Library; and

WHEREAS, funding is available from New York State through the Public Library Construction Grant Program ("State Grant") for construction/renovation/rehabilitation work at public libraries in New York State; said funding is available provided the applicant ("The Library Board") supplies local matching funds in the amount of fifty-percent of the cost of the project and the Town approves the project; and

WHEREAS, the Buffalo & Erie County Public Library has established Systems Grants to Supplement Library Construction Grants ("County Grant") to cover sixty-percent of the local match for library construction/renovation/rehabilitation costs; and

WHEREAS, pursuant to the guidelines for the State Grant and County Grant, the Library Board must be the applicant for the grants; and

WHEREAS, under the terms of the proposed Agreement, the Town, as owner, must provide a match for the grants and must approve the project; and

WHEREAS, the Library Board has applied for and received a State Grant award in the amount of \$179,029.00 for construction/renovation/rehabilitation work at the Anna M. Reinstein Library; and

WHEREAS, the Library Board has made application for the County Grant in the amount of \$107,417.40 to cover sixty-percent of the local match for the State Grant, and is awaiting said grant award notification; and

WHEREAS, the Town must supply funds in an amount not to exceed \$71,611.60 for the local match; and

WHEREAS, the Library Board has executed an Agreement, a copy of which is annexed hereto, setting forth terms with regard to the application by the Library Board to apply for grant funds from the State and County for the renovation/rehabilitation of the Anna M. Reinstein Library, as well as setting forth terms, conditions, and obligations on the part of the Town, all of which is conditioned on State Grant and County Grant funds being provided for the aforementioned Library renovation/reconstruction work; NOW THEREFORE, BE IT

RESOLVED, the Supervisor or Deputy Town Supervisor is hereby authorized to execute the Agreement between the Town and the Cheektowaga Public Library for the renovation/rehabilitation of the Anna M. Reinstein Library, together with all other documents that may be required, subject, however, to approval by the Town Attorney.

ATTACHMENTS:

TOWN & LIBRARY AGREEMENT (PDF)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Jeff Swiatek, Councilmember

SECONDER: James Rogowski, Councilmember

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

ABSENT: Mary Holtz



10. RESOLUTION 2009-294

Establish Accounts for Consolidated Local Streets and Highway Improvement Program (CHIPS)

Sponsored By: Swiatek, Jaworowicz, Rogowski

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 for 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 - \$549,495.00

CHIPS State Aid (Revenue) #5714-5132-3089 - \$549,495.00

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



11. RESOLUTION 2009-295

Authorize Use of Highway Fund Balance for Reconstruction of Benbro Drive

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, the Highway Superintendent, with the assistance of our Town engineers, has identified an immediate need to install new storm sewers and reconstruct the roadway on Benbro Drive within the Town of Cheektowaga; and

WHEREAS, the cost of this project is estimated at \$650,000 and the Highway Superintendent has identified \$250,000 of the Town's allotted NYS Consolidated Local Streets and Highway Improvement Program (CHIPS) funding for this project ; and

WHEREAS, the Town Director of Administration and Finance has analyzed the current cash available in the Highway fund and has determined that the remaining \$400,000 could be obtained from our current Highway fund balance; NOW THEREFORE, BE IT,

RESOLVED, that the Town Board does hereby authorize the use of \$250,000 of the Town's CHIPS funds and \$400,000 of the Highway fund balance for the installation of new storm sewers and reconstruction of Benbro Drive.

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



12. RESOLUTION 2009-296

Order Replacement of Sidewalks

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) sets forth the specifications for the construction of sidewalks in the Town of Cheektowaga, and

WHEREAS, Section 200-a of the Town Law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by Local Law No. 4 of the Year 1991 and Local Law No. 5 of the Year 2008, adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before July 1, 2009 in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before July 1, 2009, the Town will cause such sidewalks to be repaired/replaced; will pay \$40.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before September 1, 2009, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.

NOTICE OF ADOPTION OF ORDER
OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on June 1, 2009,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **July 1, 2009**

In the event you neglect or choose not to perform this work before the specified date, be advised that the Town of Cheektowaga shall cause such work to be done. The Town will audit and pay \$40 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at the rate of 6.00%) against your property in five (5) annual installments; this amount will be added to your town tax bills for the next five (5) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before September 1, 2009. You will be notified of the amount you owe for sidewalk repairs.

If the Town performs the work, it is estimated that your cost for sidewalk repair will be approximately \$60 - \$70 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work (**the Town will not pay anything towards your cost**).

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

DATED: June 1, 2009

ALICE MAGIERSKI
Town Clerk

ATTACHMENTS:

List of Sidewalks 6-1-09 (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: Patricia Jaworowicz, Councilmember
AYES: Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
ABSENT: Mary Holtz



13. RESOLUTION 2009-297

Special Event - July 3Rd & 4Th Parade 2009

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 and 4th, 2009 at Town Park beginning at 12:00 noon, and Parade on July 4th, 2009 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, and 4th, 2009; and BE IT FURTHER

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

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



14. RESOLUTION 2009-298

Approve Overnight Campout for Cub Scout Pack 618 in Stiglmeier Park

Sponsored By: Councilmember Zydel, Councilmember Rogowski

WHEREAS, Cub Scout Pack 618 has requested permission to conduct an overnight campout on Saturday, June 13, 2009 to Sunday, June 14, 2009 in John C. Stiglmeier Park, and

WHEREAS, Section 174-14 of the Code of the Town Of Cheektowaga states that "all parks shall be closed between the hours of sunset and sunrise the following morning and no person shall remain inside any parks during the hours when so closed...", NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby permits a waiver of Section 174-14 of the Code of the Town Of Cheektowaga and that said waiver shall be extended to Cub Scout Pack 618 for the use of John C. Stiglmeier Park on June 13 - 14, 2009, 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.

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



15. RESOLUTION 2009-299

Request for Lead Agency Status - Erie County DEP, Division of Sewerage Management

Sponsored By: Councilmember Kaznowski, Councilmember Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, a request for State Environmental Quality Review (SEQR) Lead Agency Designation was received from the Erie County Department of Environment and Planning, Division of Sewerage Management for the construction of a sanitary sewer trunk line through a portion of the south eastern section of the Town of Cheektowaga, AND

WHEREAS, the Environmental Advisory Committee at its meeting held on May 27, 2009 reviewed the information provided by the Erie County DEP, and believes that proposed sanitary sewer project may have potential impacts on natural resources within the Town of Cheektowaga, AND

WHEREAS, the information provided is insufficient and/or lacking enough detailed information to support the County's preliminary finding "that the project will not have a significant effect on the environment " as stated in its lead agency solicitation request, AND

WHEREAS, the Environmental Advisory Committee believes that the Erie County Department of Environment and Planning, Division of Sewerage Management should act as lead agency for this project, however the Town of Cheektowaga Town Board should continue to be an involved agency and be provided with additional information to assess potential impacts to its natural resources, AND

WHEREAS, such additional information that should be provided to the Town of Cheektowaga for review shall include, but not be limited to, a complete wetland delineation for the proposed sanitary sewer route within the limits of the Town of Cheektowaga, and a forest community study/tree survey to confirm impacts to lost vegetation, AND

WHEREAS, this Town Board concurs with this recommendation of its Environmental Advisory Committee , AND

WHEREAS, This Town Board concurs with the Erie County Department of Environment and Planning, Division of Sewerage Management's request for SEQR Lead Agency, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board has no objection to the Erie County Department of Environment and Planning, Division of Sewerage Management acting as SEQR Lead Agency for its proposed Aurora North Pump Station Elimination Project, AND BE IT

FURTHER RESOLVED, that the Town of Cheektowaga desires to be an involved agency and requests additional project information before a SEQR Determination on Environmental Significance is made.

ATTACHMENTS:

EAC-May 27, 2009 minutes (PDF)

Lead Agency Request Erie County Sewerage Management (PDF)

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



16. RESOLUTION 2009-300

Youth & Recreation Transfers

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Recreation Instructor - Pool Supervisor - Maryvale Pool - Level I - \$9.70

Regular Part-time

Jeffery Kunkel

Recreation Instructor - Pool Supervisor - Dingens Pool - Level I - \$9.70

Regular Part-time

Hannah Welch

Recreation Instructor - Head Lifeguard - Town Park Pool 1st shift - Level III - \$9.56

Regular Part-time

Kevin Fischer

From Lifeguard 7180.1903 to 7180.1902

Recreation Instructor - Head Lifeguard - Level I - \$8.90

Seasonal

Andrew Chruscicki

From 7310.1816 CCC to 7180.1901 Bathhouse

Bathhouse Attendant - \$7.25 - Seasonal

Nicole Suwalski

Lifeguard - Level IV - 7180.1903 - \$8.60

Regular Part-time

Matthew Maciejewski

Erica Orlowski

Lifeguard - Level III - 7180.1903 - \$8.43

Regular Part-time

Torrie Wydysh

Lifeguard - Level II - 7180.1903 - \$8.26

Regular Part-time

Raena Koeppel

Lifeguard - Level III - 7180.1903 - \$8.43

Part-time

Christopher Hannel

Motion by Councilmember Markel; Seconded by Councilmember Kaznowski to waive the reading of names for the following resolutions 2009-300 - 2009-301 - 2009-302. Motion Carried

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



17. RESOLUTION 2009-301

Youth & Recreation Hiring

Sponsored By: Councilmember Zydell, Councilmember Rogowski

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

Bath House Attendants (Laborer) \$7.25 - 7180.1901

Seasonal

Gared Brock	14225
Tyler Casillo	14227
Catherine Chojnacki	14225
Jillian Golembiewski	14206
Kelsey Full	14227
Brian Grabiec	14225
Valerie Herman	14225
Matthew Hockwater	14227
Jeffery Kapanek	14206
Emily Kopp	14225
Sean Langan	14225
Brandon Maes	14225
Nicholas Maes	14225
Kiersten Moore	14225
Allison Musial	14225
Michael Musialowski	14212
Kari Orłowski	14225
Briana Parker	14225
Matthew Pazderski	14227
Keileigh Pecyne	14227
Derek Pugh	14043
Joseph Reynolds	14225
Jeremy Ross	14227
Alyssa Slinkosky	14225
Stanley Smith	14215

Bath House Attendants (Laborer) \$7.25 - 7180.1901 (Alternates)

Seasonal

Tyia Acoff	14215
Corey Allen	14225
Kayla Burr	14043
Ryan Carr	14225
Angelina Cswaykus	14225
Anniella Cswaykus	14225
Erika Dolan	14225
Erin Haynes	14225
George Hardy	14225
Morgan Hicks	14215
Austin Hughes	14225

Miranda Hyla	14225
Sarah Kapanek	14206
Christopher Kelley	14215
Christian Melendez	14215
Daisy Melendez	14215
Silvio Nardecchia	14225
Rachel Nowaczewski	14227
Kari Slisz	14206
Javante Vasquez	14215
Paris Watson	14215
Brandon Wall	14225
Kherysten Webb	14206
Rebecca Weibel	14225

Lifeguard - Level I - 7180.1903 - \$8.10Seasonal

Patrick Eck	14225
Stacey Ehrig	14225

Lifeguard - Level II - 7180.1903 - \$8.26Seasonal

Andrew Charvat	14227
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Lifeguard - Level III - 7180.1903 - \$8.43Seasonal

Michael Kiripolsky	14215
Jared Messina	14225
Clayton Reeb	14227

Lifeguard - Level IV - 7180.1903 - \$8.60Seasonal

Becky Gworek	14227
Shawn Kaznica	14206
Nicole Maciejewski	14227
Caitlyn Rutski	14043
Jacob Sauer	14227

Lifeguard - Level I - 7180.1903 - \$8.10Regular Part-time

Margaret Drzewiecki	14225
Kimberly Forrest	14225
Anastasia Zarbo	14227

Lifeguard - Level II - 7180.1903 - \$8.26Regular Part-time

Julia Hora	14211
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Recreation Instructor - Head Lifeguard Dingens Pool -7180.1902 - Level I - \$8.90Seasonal

Lauren Fuest

Recreation Instructor - Town Park Pool - 2nd Shift -7180.1902- Level I - \$9.20Seasonal

Samantha Long	14225
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Lifeguard (Alternate) - Level I - \$8.10 - 7180.1903Regular Part-time

Madalyn Lewis 14225

Lifeguard (Alternate) - Level II - \$8.26 - 7180.1903Regular Part-time

Thomas Michalewski 14225

Sport CampsRecreation Attendant - 7140.1646 - \$7.25Seasonal

Jacob Gasiorek 14206

Steven Gasiorek 14206

Daniel Kruszynski 14225

Recreation Attendant - 7310.1804 - \$7.40Seasonal

Amy Bowen 14225

Alison Bowen 14225

Recreation Attendant - Arts & Crafts Rotation - 7140.1648 - \$8.50Seasonal

Lauren Malicki 14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Mary Holtz



18. RESOLUTION 2009-302

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Councilmember Swiatek, Councilmember Markel

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 6/01/09
Katherine L. Edenhofer, Depew, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 6/02/09
Kenneth Piatek, Cheektowaga, New York
Michael Fullington, 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:

POLICE DEPARTMENT Supervising School Crossing Guard (Provisional) \$10.25/hour effective 6/01/09
Roberta C. Paul, Cheektowaga, New York

JUSTICE COURT Clerk \$8/hour effective 6/01/09
Jill M. Baszczyński, Cheektowaga, New York

SENIOR SERVICES Recreation Attendant (Nutrition Site Manager) \$8.50/hour effective 5/18/09
Penny J. Crabtree, Cheektowaga, New York

BE IT RESOLVED, that the following seasonal employee's effective date of appointment be and hereby is amended as follows:

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.75/hour effective 5/12/09
Sean Trapper, Cheektowaga, New York

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Mary Holtz



19. RESOLUTION 2009-303

Appointment of Motor Equipment Operator -B (Sanitation Dept.) (David Saskowski)

Sponsored By: Councilmember Swiatek, Councilmember Markel

WHEREAS, a vacancy exists in the title of Motor Equipment Operator - B in the Sanitation Department; AND

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

WHEREAS, David Saskowski, currently employed as a Park Maintenance Worker I in the Facilities Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David Saskowski of Cheektowaga, New York , be and hereby is appointed to the position of Motor Equipment Operator - B in the Sanitation Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective June 8, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Mary Holtz



20. RESOLUTION 2009-304

Appointment of Park Maintenance Worker I (Labor/Permanent) (Parks) (Michael V. Full)

Sponsored By: Councilmember Swiatek, Councilmember Markel

WHEREAS, a vacancy exists in the title of Park Maintenance Worker I in the Facilities Department (Parks Division); AND

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

WHEREAS, Michael V. Full, currently employed as a General Mechanic in the Facilities Department, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Michael V. Full of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I 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 June 8, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Mary Holtz

VI. Suspension of Rules

Motion by Deputy Supervisor Swiatek; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Resolutions: 2009-305 to 2009-310. Motion Carried.



1. RESOLUTION 2009-305

Award Bid - Demolition of 19E Windwood Court

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, bids were advertised for the furnishing of equipment, operators and laborers for the demolition of a one-family dwelling located at 19E Windwood Court, and

WHEREAS, bid proposals were received and opened on May 28, 2009 for said demolition, and

WHEREAS, the proposals were reviewed by the Managing Housing Inspector, Supervising Code Enforcement Officer and the Town Attorney and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board award the bid for the demolition of 19E Windwood Court to S & A Debris Removal at the following cost:

\$9,265.00

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition of 19E Windwood Court to:

S & A Debris Removal
5017 William Street
Lancaster, New York 14086

for the bid price of \$9,265.00, being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with S & A Debris Removal for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Mary Holtz



2. RESOLUTION 2009-306

Award Bid - Demolition of 40 Alpine Place, 79E Windwood Court and 1097/1105 Walden Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, bids were advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

1. a two-family dwelling located at 40 Alpine Place;
2. a one-family dwelling located at 79E Windwood Court
3. a commercial structure located at 1097/1105 Walden Avenue

, and

WHEREAS, bid proposals were received and opened on May 28, 2009 for said demolitions, and

WHEREAS, the proposals were reviewed by the Managing Housing Inspector, Supervising Code Enforcement Officer and the Town Attorney and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board award the bid for the demolition of properties located at 40 Alpine Place, 79E Windwood Court and 1097/1105 Walden Avenue to the following respective contractors at the following costs:

<u>Property</u>	<u>Contractor</u>	<u>Cost</u>
40 Alpine Place	Pirritano Excavating, Inc.	\$12,200.00
1097/1105 Walden Avenue	Metro Contracting and Environmental, Inc.	\$15,900.00
79E Windwood Court	Empire Building Diagnostics, Inc.	\$13,000.00

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition of 40 Alpine Place to:

Pirritano Excavating, Inc.
28 Ransier Drive
West Seneca, New York 14224

for the bid price of \$12,200.00 (Bid Item I), being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that this Town Board hereby awards the bid for the demolition of 1097/1105 Walden Avenue to:

Metro Contracting and Environmental, Inc.
2939 Lockport Road
Niagara Falls, New York 14305

for the bid price of \$15,900.00 (Bid Item III), being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that this Town Board hereby awards the bid for the demolition of 79E Windwood Court to:

Empire Building Diagnostics, Inc.
2 Main Street
P.O. Box 412
Depew, New York 14043

for the bid price of \$13,000.00 (Bid Item II), being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute agreements with Pirritano Excavating, Inc., Metro Contracting and Environmental, Inc., and Empire Building Diagnostics, Inc. for the aforesaid services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Mary Holtz



3. RESOLUTION 2009-307

Award Bid - Demolition of 54 Barbara Place and 83 Pinehurst Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, bids were advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

1. a two-family dwelling located at 54 Barbara Place;
2. a one-family dwelling located at 83 Pinehurst Avenue, and

WHEREAS, bid proposals were received and opened on May 28, 2009 for said demolitions, and

WHEREAS, the proposals were reviewed by the Managing Housing Inspector, Supervising Code Enforcement Officer and the Town Attorney and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board award the bid for the demolition of properties located at 54 Barbara Place and 83 Pinehurst Avenue to Metro Contracting and Environmental, Inc. at the following cost:

\$18,200.00

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition of 54 Barbara Place and 83 Pinehurst Avenue to:

Metro Contracting and Environmental, Inc.
2939 Lockport Road
Niagara Falls, New York 14305

for the bid price of \$18,200.00, being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Metro Contracting and Environmental, Inc. for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Mary Holtz



4. RESOLUTION 2009-308

Additional Geotechnical Engineering Services for the Police and Court Building

Sponsored By: Councilmember Kaznowski, Councilmember Jaworowicz

WHEREAS, the next phase of Design Development for the Police and Court Building addition and renovations has established the need for additional soil testing and observation in order to further define an accurate budget for said facility, NOW, THEREFORE, BE IT

RESOLVED, that additional geotechnical services as related to the Police and Court Building expansion be added to the original contract of Empire GEO Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 in the amount of \$4,785.00, AND, BE IT FURTHER

RESOLVED, that funds for said additional geotechnical engineering services shall be chargeable to Account #500-1625-2520-5835.

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



5. RESOLUTION 2009-309

Open Burning / 3325 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 June 5th, with a rain date of June 12, 2009 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, AND

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

WHEREAS, this Town Board has reviewed the application submitted by the New Creation Fellowship and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Mary Holtz



6. RESOLUTION 2009-310

Amend 2008 Annual CDBG Plan for Use of Recovery Funds

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga has been advised by the Department of Housing and Urban Development (HUD) that it is eligible to receive \$273,744 in Community Development Block Grant-Recovery (CDBG-R) funds under the American Recovery and Reinvestment Act of 2009 (ARRA), and

WHEREAS, the Town is required to amend its 2008 Annual Plan / Final Statements on the Use of Community Development Block Grant Funds in order to utilize CDBG Recovery funds, and

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

Whereas, the Director of Community Development recommends approval of the proposed amendment for the use of CDBG-R funds as outlined on the attached Community Development Block Grant Final Statement Amendment, Now Therefore Be It

Resolved, that the Town Board hereby amends the Town of Cheektowaga's 2008 Annual Plan / Final Statement on the Use of Community Development Block Grant Funds pursuant to the attached Community Development Block Grant Final Statement Amendment Report, and Be It

Further Resolved, that the Supervisor be authorized and directed to execute and submit to HUD the required application, certifications, project spreadsheet and any additional related documents and forms for the receipt and use of said CDBG-R funds.

ATTACHMENTS:

2008 CDBG-R Amendment #1-Final Notice (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
ABSENT: Mary Holtz

VII. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - April 2009
2. Building Permits - May 2009
3. Minutes - Cheektowaga Conservation Advisory Council - May 7, 2009
4. Minutes - Town Environmental Advisory Committee - April 29, 2009
5. Minutes - Town Environmental Advisory Committee - May 27, 2009

B. General Communications

1. Summons - CitiMortgage Inc./ABN AMRO Mortgage Group Inc. Vs. Arthur R. Poblocki & ETAL
2. Summons & Complaint: Lisa Cummings Vs. Town of Cheektowaga
3. Summons & Complaint - Nancy Vasquez Vs. Town of Cheektowaga
4. Notice of Claim: Allstate Indemnity Company as Subrogee for Gary Refermat Vs. Town of Cheektowaga
5. Notice of Claim: Veronica Jadoch Vs. Town of Cheektowaga

VIII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

IX. Adjournment

Motion by Deputy Supervisor Swiatek; Seconded by Councilmember Rogowski to adjourn the meeting. Time of adjournment was 7:15 PM

Alice Magierski
Town Clerk

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 27, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 27, 2009 in the Town Hall Council Office Conference Room. (Absent: Highway representative)

**ITEM I 2447 Union Road - Proposed 4,100 Sq. Ft. Place of Worship
And 1,500 Sq. Ft. Rectory**
Applicant: Jehovah's Witnesses

The plan had been reviewed previously by all the reviewing groups and recommendations made to the architect for the facility. He has indicated that trees will be replaced on a one-for-one basis with possibly a few extra thrown in and that the congregation is willing to provide a 50 foot from top of bank easement to the Town to provide access to the creek for maintenance as well as to protect trees that exist along the creek bank. They will also provide a written commitment on picking up the cost of fire hydrant rental on Union Road.

The committee would recommend that a Negative Declaration be issued for this project provided a final drainage plan is submitted to the Town Engineer.

Attachment: EAC-May 27, 2009 minutes (RES-2009-290 : Negative SEQR Declaration-2447 Union Road)

EAC – May 27, 2009
 May 27, 2009
 Page: 2

ITEM II Erie County DEP - Lead Agency Solicitation

The Town has received an informational packet from the Erie County Department of Environment and Planning regarding an Erie County Sewer District #4 trunk line. This trunk line would be constructed beginning in Lancaster and crossing Transit Road into Cheektowaga just north of the Wegman's store. The trunk line will proceed west through, what are essentially the backyards of the homes on the south side of Strasmer Road, and dead end at Borden connecting to an existing trunk line. The county agency has submitted a number of maps showing the location and features in the area of the proposed 33 foot wide easement and it would appear that a significant number of trees would be lost. Also the trunk line would be constructed through or contiguous with two wetlands that exist on the properties to the northwest of the Wegman's Plaza.

The committee would agree with the County DEP being the lead agency in this project; however, they would recommend that the existing right-of-ways be used for the construction of this trunk line either going down Losson Road or Strasmer.

**THE NEXT MEETING OF THE
 ENVIRONMENTAL ADVISORY
 COMMITTEE MEETING WILL BE
 HELD WEDNESDAY,
 JUNE 17, 2009
 AT 10:00 A.M.
 IN THE COUNCIL OFFICE
 CONFERENCE ROOM**

Attachment: EAC-May 27, 2009 minutes (RES-2009-290 : Negative SEQR Declaration-2447 Union Road)

CHEEKTOWAGA CONGREGATION OF JEHOVAH'S WITNESSES

Mr. Daniel J. Ulatowski
 Zoning Inspector
 Town of Cheektowaga, Office of Building Inspections
 3301 Broadway
 Cheektowaga, New York 14227

TOWN OF CHEEKTOWAGA



Re: 2447 Union Road, Cheektowaga, New York

Dear Mr. Ulatowski:

As you know, the Cheektowaga Congregation of Jehovah's Witnesses (the "Congregation") owns the referenced property (the "Property") and has submitted plans for the building of a new Kingdom Hall at the site. This letter is in support of a negative declaration as a result of the environmental review of the project pursuant to SEQRA and, constitutes the Congregation's commitment to take the following actions on or before completion of the project:

1. Grant the Town of Cheektowaga a 50-foot easement on the Property that will commence at the top of the bank of Slate Bottom Creek, meet the requirements of Town Code Section 99-7F and allow maintenance and access. Our attorney, Anne Evans, has spoken with Town attorney Kevin Schenk about the form of this easement and will work with him to finalize it and put it in place.
2. Place deed restrictions on the Property for the benefit of the Town of Cheektowaga that prohibit building on any portion of the Property within the 100-year flood zone or within the archaeological easement area that is shown on the drawing attached to this letter. Ms. Evans will draft the restrictions for Mr. Schenk's review and approval.
3. Undertake to pay the annual hydrant charge to Bellevue Fire District for the installation of a public hydrant by the Town of Cheektowaga/ECWA.

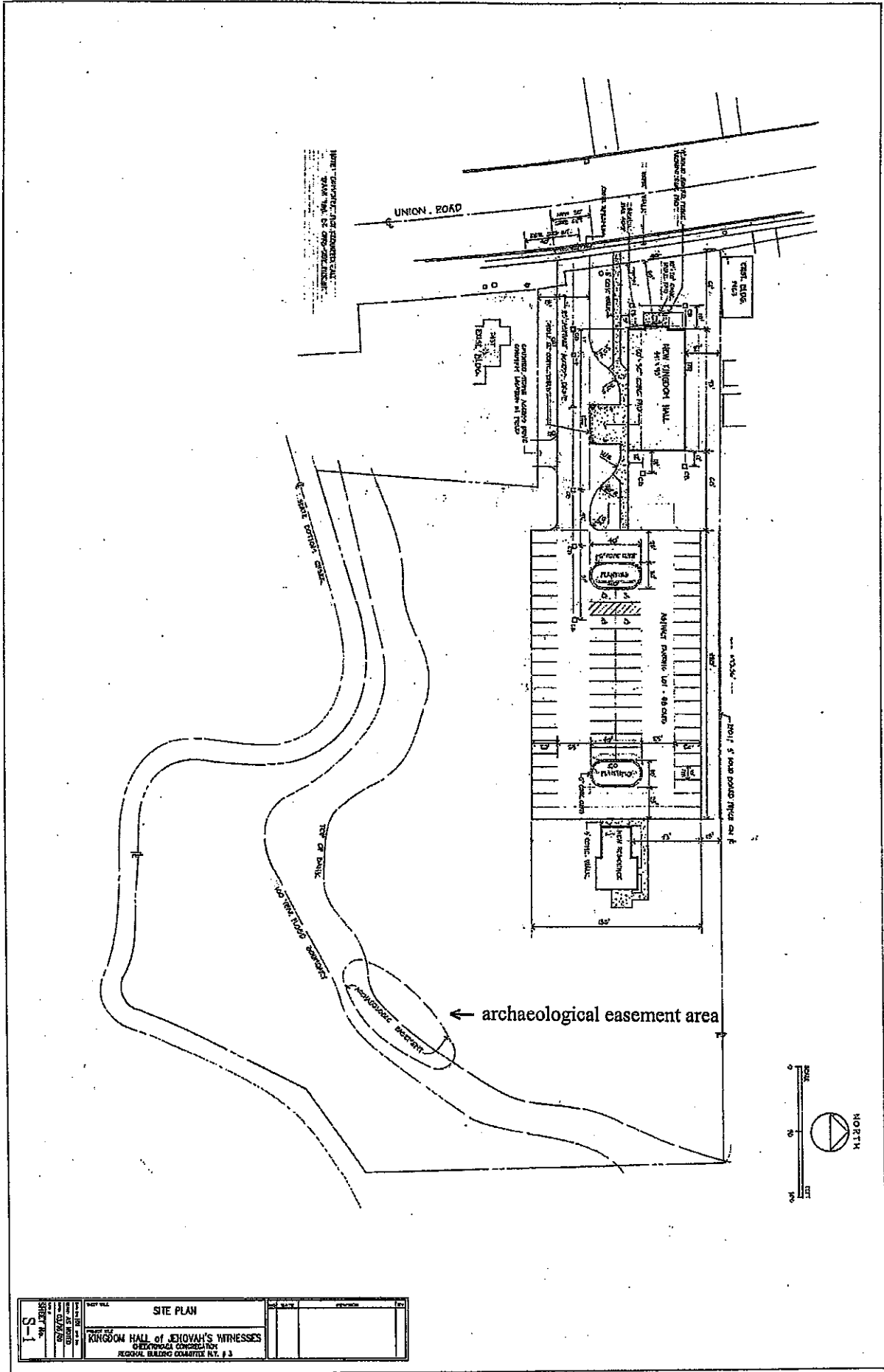
In addition, the Congregation promises to observe the requirements of the Chapter 229 of the Town Code, which is the tree preservation law.

Very truly yours,

Cheektowaga Congregation of Jehovah's Witnesses

By: _____

Attachment: jehovahs commitment (RES-2009-290 : Negative SEQRA Declaration-2447 Union Road)



Attachment: Jehovah's commitment (RES-2009-290 : Negative SEQR Declaration-2447 Union Road)

AGREEMENT

THIS AGREEMENT dated the 20th day of May, 2009 by and between the TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK, a municipal corporation, with offices at Broadway and Union Road, Cheektowaga, New York 14227, and the CHEEKTOWAGA PUBLIC LIBRARY, with offices at 1030 Losson Road, Cheektowaga, New York 14227.

WITNESSETH:

WHEREAS, the Town of Cheektowaga (hereinafter referred to as "Town") is the owner of the Anna M. Reinstein Public Library building located at 2580 Harlem Road, Cheektowaga, New York (hereinafter referred to as the "Library"), and

WHEREAS, the Cheektowaga Public Library (hereinafter referred to as "Library Board"), in cooperation with the Buffalo & Erie County Public Library, operates a public library at the Library, and

WHEREAS, funding is available from the State of New York through the Public Library Construction Grant Program ("State Grant") for construction/renovation/rehabilitation work at public libraries in New York State; said funding is available provided the applicant supplies local matching funds in the amount of 50% of the cost of the project, and

WHEREAS, the Buffalo & Erie County Public Library has also established Systems Grants to Supplement Library Construction Grants ("County Grant") to cover 60% of the local match for library construction/renovation/rehabilitation costs, and

WHEREAS, pursuant to the guidelines for the State Grant and County Grant, the Library Board must be the applicant for the grants, and

WHEREAS, the Town, as the owner of the Anna M. Reinstein Library building, must provide the local match for the grants and must approve the project, and

WHEREAS, the Library Board has applied for and received a State Grant award in the amount of \$179,029 for construction/renovation/rehabilitation work at the Library, and

WHEREAS, the Library Board has made application for the County Grant in the amount of \$107,417.40 to cover 60% of the local match for the State Grant, and is awaiting said grant award notification;

NOW, THEREFORE, it is mutually understood and agreed as follows:

1. The Library Board will apply the State Grant funds in the amount of \$179,029; and will apply for a County Grant in the amount of \$107,417.40 to have the following construction work completed at the Library:

- Replacement of the HVAC System with a new Modulating Boiler
 - Replacement of 18 Exterior Windows with 60-rated Thermally-Broken Aluminum Windows
 - Replacement/relighting of Interior Lights
2. The Town will supply matching funds in an amount not to exceed \$71,611.60 for the local match for the grants for the aforementioned renovation/rehabilitation work.
 3. The Town agrees and covenants that the Library shall be legally available for use as a public library for at least ten (10) years from the anticipated date of the completion of the aforementioned renovation/rehabilitation project.
 4. The Town hereby approves of the above referenced renovation/rehabilitation project for the Library; and hereby grants permission to the Library Board to undertake such work at the Library.
 5. The Town agrees to retain the necessary consultants to prepare the plans and specifications and to take all steps to formally bid the aforementioned Library renovation/rehabilitation work, to award the bid, and to, after the bid award, monitor the successful bidder during the course of the renovation/rehabilitation work to ensure compliance with the terms of the contract and the completion of the aforementioned renovation/rehabilitation of the Library.
 6. The Library Board agrees to complete the necessary paperwork for the State Grant and County Grant and to utilize and promptly authorize the payment of said grant moneys to the contractor who is awarded the bid for the Library renovation/rehabilitation work.
 7. The Library Board agrees to carry out the terms of this Agreement in compliance with all laws of the State of New York, including, but not limited to, State competitive bidding laws; and will comply with all of the terms and conditions of the grant awards.
 8. The Town will retain ownership of any and all equipment and materials purchased by the Library Board.
 9. The terms of this agreement are conditioned on State Grant and County Grant funds being provided for the aforementioned Library renovation/reconstruction project.
 10. This Agreement shall constitute the full and complete obligation of the parties hereto;

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

TOWN OF CHEEKTOWAGA,
ERIE COUNTY, NEW YORK

By _____
MARY F. HOLTZ, SUPERVISOR

CHEEKTOWAGA PUBLIC LIBRARY

By Judith M. Mietlicki
Judith M. Mietlicki, CHAIRMAN

Attachment: TOWN & LIBRARY AGREEMENT (RES-2009-293 : Authorize SV Execute Agree Reinstein Library)

Sidewalk Markings for Holland Avenue on 5-27-2009

#	<u>Address</u>
23	Beach Road
30	Cunnard (Cor. Of Holland)

Sidewalk Markings for Delray Drive on 5-27-2009

#	<u>Address</u>
4	Delray Drive
8	Delray Drive
16	Delray Drive
20	Delray Drive
38	Delray Drive
44	Delray Drive
56	Delray Drive
60	Delray Drive
21	Delray Drive (Cor. Of Hillside)
29	Delray Drive (Cor. Of Hillside)
73	Delray Drive
69	Delray Drive
61	Delray Drive
57	Delray Drive
49	Delray Drive
45	Delray Drive
37	Delray Drive
33	Delray Drive
5	Delray Drive

Sidewalk Markings for St. Lucian Ct. on 5-15-2009

#	<u>Address</u>
2	St. Lucian Court
6	St. Lucian Court
22	St. Lucian Court
36	St. Lucian Court
42	St. Lucian Court
46	St. Lucian Court
52	St. Lucian Court
56	St. Lucian Court
62	St. Lucian Court

Attachment: List of Sidewalks 6-1-09 (RES-2009-296 : Order Replacement of Sidewalks)

- 45 St. Lucian Court
- 35 St. Lucian Court
- 31 St. Lucian Court
- 25 St. Lucian Court

Sidewalk Markings for Robert Ct. on 5-15-2009

- | # | <u>Address</u> |
|----------|--------------------------------|
| 41 | Robert Court |
| 35 | Robert Court |
| 31 | Robert Court |
| 25 | Robert Court |
| 21 | Robert Court |
| 15 | Robert Court |
| 11 | Robert Court |
| 5 | Robert Court |
| 32 | Robert Court (Cor. Of Carolyn) |
| 40 | Robert Court |
| 48 | Robert Court |
| 20 | Robert Court (Cor. Of Carolyn) |

Sidewalk Markings for Carolyn Ct on 5-15-2009

- | # | <u>Address</u> |
|----------|-----------------------|
| 18 | Carolyn Court |
| 34 | Carolyn Court |
| 38 | Carolyn Court |
| 44 | Carolyn Court |
| 33 | Carolyn Court |
| 29 | Carolyn Court |
| 19 | Carolyn Court |
| 13 | Carolyn Court |

Sidewalk Markings for St. Paul Court on 5-15-2009

- | # | <u>Address</u> |
|----------|-----------------------|
| 8 | St. Paul Court |
| 12 | St. Paul Court |
| 18 | St. Paul Court |
| 28 | St. Paul Court |
| 38 | St. Paul Court |

Attachment: List of Sidewalks 6-1-09 (RES-2009-296 : Order Replacement of Sidewalks)

- 42 St. Paul Court
- 48 St. Paul Court
- 52 St. Paul Court
- 58 St. Paul Court
- 53 St. Paul Court
- 39 St. Paul Court (Cor. Of Carolyn)
- 27 St. Paul Court (Cor. Of Carolyn)
- 19 St. Paul Court
- 9 St. Paul Court (Cor. Of Lucille)

Sidewalk Markings for St. Paul Court on 5-15-2009

#	<u>Address</u>
600	Beach (Cor. Of Lucille)
79	Lucille Drive
63	Lucille Drive
59	Lucille Drive
39	Lucille Drive
29	Lucille Drive
13	Lucille Drive
9	Lucille Drive
30	Lucille Drive
40	Lucille Drive
44	Lucille Drive
50	Lucille Drive
54	Lucille Drive
60	Lucille Drive (Cor. Of Robert)

Attachment: List of Sidewalks 6-1-09 (RES-2009-296 : Order Replacement of Sidewalks)

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 27, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on May 27, 2009 in the Town Hall Council Office Conference Room. (Absent: Highway representative)

**ITEM I 2447 Union Road - Proposed 4,100 Sq. Ft. Place of Worship
And 1,500 Sq. Ft. Rectory**

Applicant: Jehovah's Witnesses

The plan had been reviewed previously by all the reviewing groups and recommendations made to the architect for the facility. He has indicated that trees will be replaced on a one-for-one basis with possibly a few extra thrown in and that the congregation is willing to provide a 50 foot from top of bank easement to the Town to provide access to the creek for maintenance as well as to protect trees that exist along the creek bank. They will also provide a written commitment on picking up the cost of fire hydrant rental on Union Road.

The committee would recommend that a Negative Declaration be issued for this project provided a final drainage plan is submitted to the Town Engineer.

EAC – May 27, 2009
May 27, 2009
Page: 2

ITEM II Erie County DEP - Lead Agency Solicitation

The Town has received an informational packet from the Erie County Department of Environment and Planning regarding an Erie County Sewer District #4 trunk line. This trunk line would be constructed beginning in Lancaster and crossing Transit Road into Cheektowaga just north of the Wegman's store. The trunk line will proceed west through, what are essentially the backyards of the homes on the south side of Strasmer Road, and dead end at Borden connecting to an existing trunk line. The county agency has submitted a number of maps showing the location and features in the area of the proposed 33 foot wide easement and it would appear that a significant number of trees would be lost. Also the trunk line would be constructed through or contiguous with two wetlands that exist on the properties to the northwest of the Wegman's Plaza.

The committee would agree with the County DEP being the lead agency in this project; however, they would recommend that the existing right-of-ways be used for the construction of this trunk line either going down Losson Road or Strasmer.

**THE NEXT MEETING OF THE
ENVIRONMENTAL ADVISORY
COMMITTEE MEETING WILL BE
HELD WEDNESDAY,
JUNE 17, 2009
AT 10:00 A.M.
IN THE COUNCIL OFFICE
CONFERENCE ROOM**

The
Town of
Cheektowaga



ENGINEERING DEPARTMENT
275 ALEXANDER AVENUE
CHEEKTOWAGA, NEW YORK 14211
(716) 897-7288
FAX: (716) 897-7299

WILLIAM R. PUGH, P.E.
TOWN ENGINEER

M e m o

To: Dan Ulatowski, A.I.C.P.
Zoning Inspector

From: Bill Pugh, P.E.
Town Engineer

Date: May 7, 2009

Re: Solicitation for Lead Agency
Erie County Department of Environment & Planning (ECDEP)
Proposed Aurora North Pump Station Elimination Project

As recently discussed, I am forwarding herewith 12 copies of a SEQR solicitation for Lead Agency status submitted to this office by the Erie County Department of Environment & Planning for a 2.75 mile sanitary sewer trunkline project within the Towns of Cheektowaga and Lancaster which project is intended to enable the elimination of the Aurora North Pump Station in ECSD No. 4 in the Town of Lancaster.

The downstream portion of this proposed gravity sanitary sewer will consist of a 24"-30" pipeline crossing Transit Road just north of the Wegmans Plaza site (north of Losson Road) continuing westerly to a connection point at Borden Road, crossing numerous privately owned properties located on the south side of Strasmer Road and north of Joel Drive.

As the scale of the exhibit mapping which accompanied the Full Environmental Assessment Form being 1"=1500' does not, in my opinion, enable a thorough evaluation of potential impacts, I would suggest that our Town's EAC Committee formulate a response which may concur with Erie County being Lead Agency for this project, however, I do not feel sufficient detail has been provided to assess impacts associated with pipeline installation in a heavily wooded area containing wetlands, streams and abundant wildlife, and I would recommend that our Town's response to the Lead Agency solicitation state our concerns to be fully evaluated as part of the environmental review process for this project.

Please contact this office should you have any questions.

WRP/mj

cc: Councilmember J. Rogowski

enc.



LETTER OF TRANSMITTAL

Date: May 4, 2009

TO: Town of Cheektowaga
275 Alexander Avenue
Cheektowaga, N.Y. 14211

FROM: URS Corporation
77 Goodell Street
Buffalo, N.Y. 14203

Attention: William Pugh, P.E.

JOB No.: 11175885.00000

RE:

The following items are being sent:

Attached
 Under separate cover by
 Shop Drawings
 Prints
 Plans
 Samples
 Specifications
 Copy of Letter
 Other

Item	Copies	Date	Description
1	1	May 4, 2009	(1) unbound copy of the Aurora North Pump Station Elimination Project EAF
2			
3			
4			
5			

Transmittals for reasons checked:

- | | | |
|--|---|--|
| <input type="checkbox"/> For Your Approval | <input type="checkbox"/> No Exceptions Taken | <input type="checkbox"/> Resubmit copies for approval |
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> Make Corrections Noted | <input type="checkbox"/> Submit copies for distribution |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Amend and Resubmit | <input type="checkbox"/> Return corrected prints |
| <input type="checkbox"/> For Review and Comment | | <input type="checkbox"/> |

Remarks: On behalf of the Erie County DEP Division of Sewerage Management, please find enclosed an unbound copy of the Aurora North Pump Station Elimination Project EAF.

Thanks,
Tom

Copies:

If enclosures are not as noted, kindly notify us at once.

Name: Thomas Butler

URS Corporation

RECEIVED

MAY 5 - 2009

ENGINEERING
DEPT

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

**STATE ENVIRONMENTAL QUALITY REVIEW
SOLICITATION FOR LEAD AGENCY STATUS
TYPE I ACTION**

Pursuant to Part 617 of the implementing regulations pertaining to Article 8, (State Environmental Quality Review Act) of the Environmental Conservation Law.

Date: May 4, 2009

TO: NYS Department of Environmental Conservation, Region 9
NYS Environmental Facilities Corporation
NYS Office of Parks, Recreation & Historic Preservation
NYS Department of Transportation, Region 5
Erie County DEP – Sewerage Management
Erie County Executive
Erie County Legislature
Erie County DEP - Planning
Erie County Sewer District No. 1 Board of Managers
Erie County Sewer District No. 4 Board of Managers
Erie County of Public Works
Town of Cheektowaga – Engineering
Town of Lancaster – Supervisor
Village of Lancaster - Mayor

NAME OF ACTION: Aurora North Pump Station Elimination Project

LOCATIONS: Towns of Cheektowaga and Lancaster, Erie County (See attached map.)

PROJECT NO.: C617-09-295

SRF PROJECT NO.: 6699-09

Erie County has identified this project as a Type I action for the purpose of SEQR. Erie County requests lead agency status for this project, pursuant to Part 617.6 (b).

The reasons for this request are as follows:

The anticipated impact of the action being proposed is primarily of regional significance.

This agency has the broadest governmental powers for investigation into the impacts of the proposed action.

This agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

Page 2

Any involved or interested agency may submit objections in writing, within thirty (30) days of the date of this notification. If no objections are expressed, Erie County will assume lead agency status for this action and will make a determination of its significance. A preliminary finding that the project will not have a significant effect on the environment has been made by Erie County. The County anticipates issuing a negative declaration. The EAF is attached for your review.

Written comments may be submitted to:

John Mallory, Assistant Sanitary Engineer
Erie County Department of Environment and Planning
Division of Sewerage Management, Room 1034
Rath Building, 95 Franklin Street
Buffalo, New York 14202

Before: June 3, 2009

JM:sm

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions
Aurora North Pump Station Elimination Project

Name of Action
Erie County Department of Environment and Planning

Name of Lead Agency

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)

Date

website

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

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 Aurora North Pump Station Elimination Project

Location of Action (include Street Address, Municipality and County)
Aurora Street, William Street, Transit and Borden Roads in the Towns of Lancaster and Cheektowaga, Erie County

Name of Applicant/Sponsor Erie Co. Sewer District No. #4 - Dept. of Env. & Planning

Address 10th Floor, Rath Building, 95 Franklin Street

City / PO Buffalo State NY Zip Code 14202

Business Telephone (716) 858-6153

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:
See Part D

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

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 Sucessional shrubland and old field

2. Total acreage of project area: 13.3 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>1.5</u> acres	<u>1.5</u> acres
Forested	<u>2.3</u> acres	<u>0.0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>1.8</u> acres	<u>1.8</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0.8</u> acres	<u>0.8</u> acres
Water Surface Area	<u>0.0</u> acres	<u>0.0</u> acres
Unvegetated (Rock, earth or fill) <u>stone yard</u>	<u>0.1</u> acres	<u>0.1</u> acres
Roads, buildings and other paved surfaces	<u>6.8</u> acres	<u>6.8</u> acres
Other (Indicate type) _____	<u>0.0</u> acres	<u>0.0</u> acres

3. What is predominant soil type(s) on project site? See Exhibit B and Part D

- a. Soil drainage: Well drained _____% of site Moderately well drained 4% of site.
 Poorly drained 96% of site

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? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock >5 (in feet) (See Part D)

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 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? 0 to 2 (in foot) See Part D

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

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

USFWS and NYSDEC database research and field survey. See Part D

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, 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:

See Part D

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:

North Branch of Slate Bottom Creek and tributary (See Exhibit E and Part D)

a. Name of Stream and name of River to which it is tributary

Cayuga Creek to Buffalo River to Lake Erie

16. Lakes, ponds, wetland areas within or contiguous to project area:

Federal Wetlands

b. Size (in acres):

0.8 (See Exhibit F and Part D)

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
18. Is the site located in an agricultural district certified pursuant to Agriculture 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 6177? 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: 13.3 acres.
- b. Project acreage to be developed: 13.3 acres initially; 0 acres ultimately.
- c. Project acreage to remain undeveloped: 13.3 acres.
- d. Length of project, in miles: 2.75 (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing N/A; proposed N/A
- g. Maximum vehicular trips generated per hour: N/A (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>N/A</u>	<u> </u>	<u> </u>	<u> </u>
Ultimately	<u> </u>	<u> </u>	<u> </u>	<u> </u>

- i. Dimensions (in feet) of largest proposed structure: N/A height; width; length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 6,500 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? 6.4 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: 18 months, (including demolition)

7. If multi-phased: N/A

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

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 10; after project is complete 0

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 _____

b. Name of water body into which effluent will be discharged N/A

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

If yes, 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? _____ tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name _____; location _____

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

[Empty rectangular box for explanation]

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

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)

Operation of heavy equipment during construction activities

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

New York State Environmental Facilities Corporation; State Revolving Funds

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Floodplain Dev. Permit	
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Erie County Health Dept.	
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Erie Co. Hwy. work permits	
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	NYSDEC	
Federal Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	USACOE	

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
- New/revision of master plan
- Subdivision
- Site plan
- Special use permit
- Resource management plan
- Other

2. What is the zoning classification(s) of the site?

N/A

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

No change

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

No change

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?

Residential, commercial and agricultural

8. Is the proposed action compatible with adjoining/surrounding land uses with 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? _____

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

[Empty rectangular box for response to question 10]

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

[Empty rectangular box for response to question 11a]

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

[Empty rectangular box for response to question 12a]

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.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Sewer District No. 14 - Department of Environment and Planning Date 4/30/09

Signature [Handwritten Signature]

Title Deputy Commissioner

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

EAF PART 1 - D. INFORMATIONAL DETAILS

GENERAL

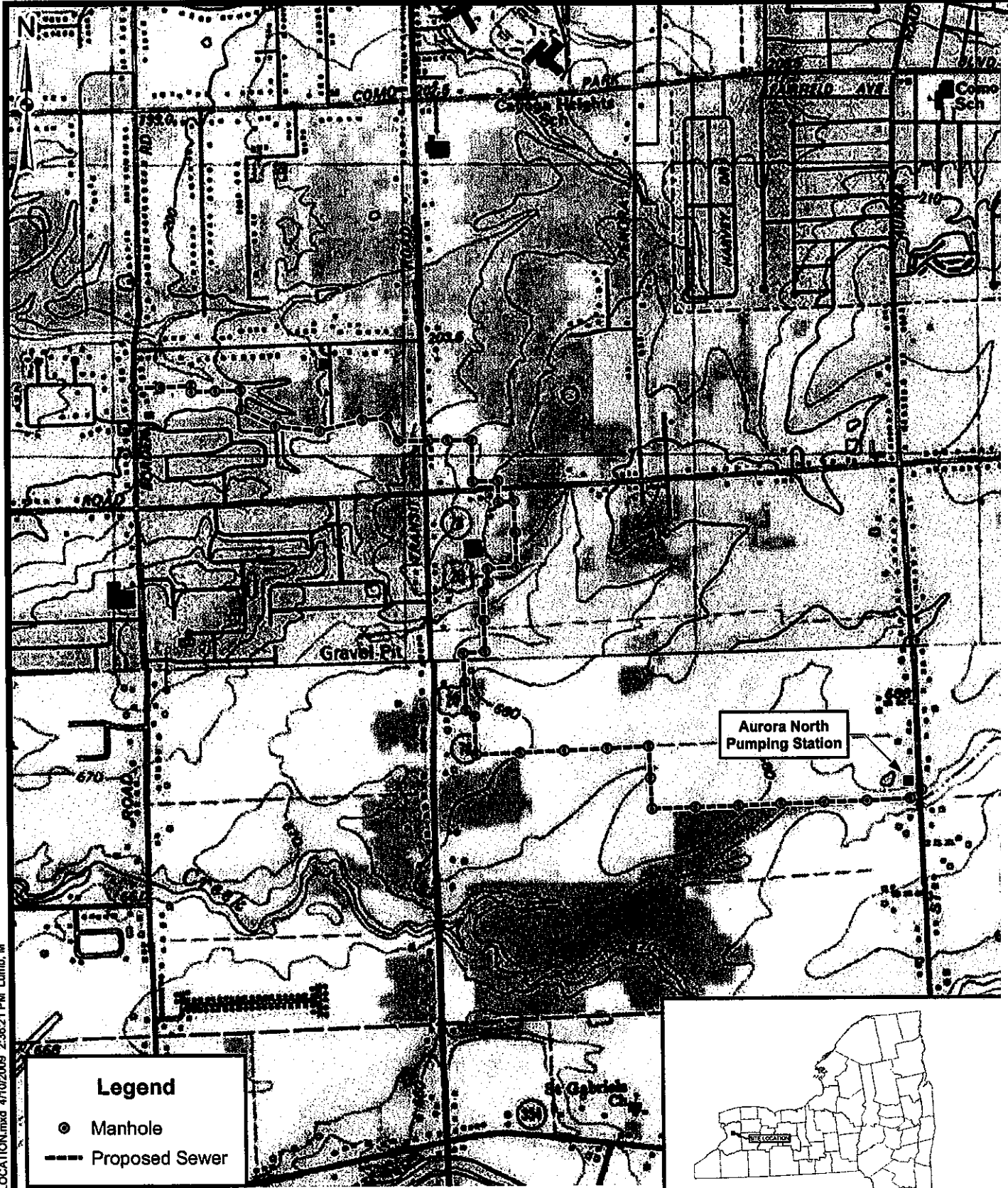
The Erie County Department of Environment and Planning's Division of Sewerage Management proposes to decommission the Aurora North Pumping Station and construct approximately 2.75 miles of new gravity sanitary sewer that will terminate at existing Manhole No. BAA5B of the 48" Erie County Sewer District (ECSD) No. 4 trunk. Ongoing rates of high wastewater flow and reliance on multiple pumping stations has been considered a potential problem due to higher than anticipated growth rates in the tributary area of the pumping station. The lower reaches of the proposed sewer between Transit Road and Borden Road will consist of 24" to 30" pipe while the upper reaches between Aurora Road and Transit Road will consist of 21" pipe. The existing forcemain would be capped and left in place to provide potential sewer capacity for future sewer projects.

The 30-year old Aurora North Pumping Station is nearing the end of its design life and the current rate of residential growth will exceed the system's design capacity by 2011. Recently, there has been an increase in wet-well alarms at the pumping station that signal an exceedance of in-flow capacity or pumping inefficiency. The proposed project will provide capacity for the existing population and the anticipated growth of approximately 475 people in the service area. The proposed sewer will also eliminate one connection to the Depew Pumping Station which will save in pumping costs and efficiency.

A. SITE DESCRIPTION

1. **Present Land Use.** Land uses in the project area include commercial, residential, agricultural and undeveloped land including woodlands, shrublands and fields.
2. **Project Acreage.** The 11.1-acre project area was calculated by multiplying the length of the project (14,700 ft.) times the average width of disturbance (33 ft.).
3. **Soil Types.** The predominant soil types (Exhibit B) in the project area are as follows:

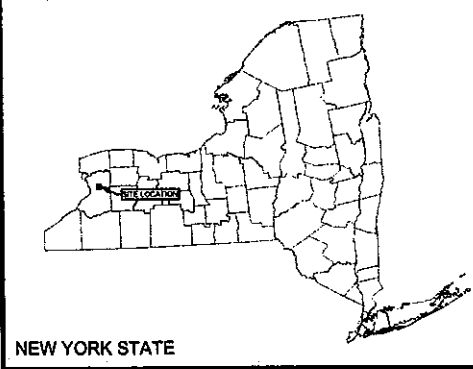
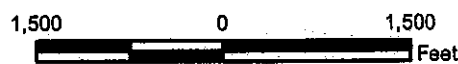
Name	Symbol	Acreage	Percent of Site	Drainage
Canadice silt loam	Ca	0.3	3%	Poorly drained
Canandaigua silt loam	Cc	2.4	21%	Poorly drained
Danley silt loam, 3-8% slopes	DaB	0.4	4%	Moderately well drained
Darien silt loam, 0-3% slopes	DbA	1.4	13%	Somewhat poorly drained
Darien silt loam, 3-8% slopes	DbB	0.4	4%	Somewhat poorly drained
Niagara silt loam, till substratum	Nh	0.4	4%	Somewhat poorly drained
Rhinebeck silt loam, 0-3% slopes	RgA	4.5	40%	Somewhat poorly drained
Rhinebeck silt loam, 3-8% slopes	RgB	0.2	2%	Somewhat poorly drained
Wayland silt loam	Wd	1.1	9%	Very poorly drained
TOTAL		11.1	100	



Legend

- Manhole
- Proposed Sewer

SOURCE:
 USGS Topographic 7.5 Minute Quadrangle
 Lancaster, NY - 1988
 Orchard Park, NY - 1988



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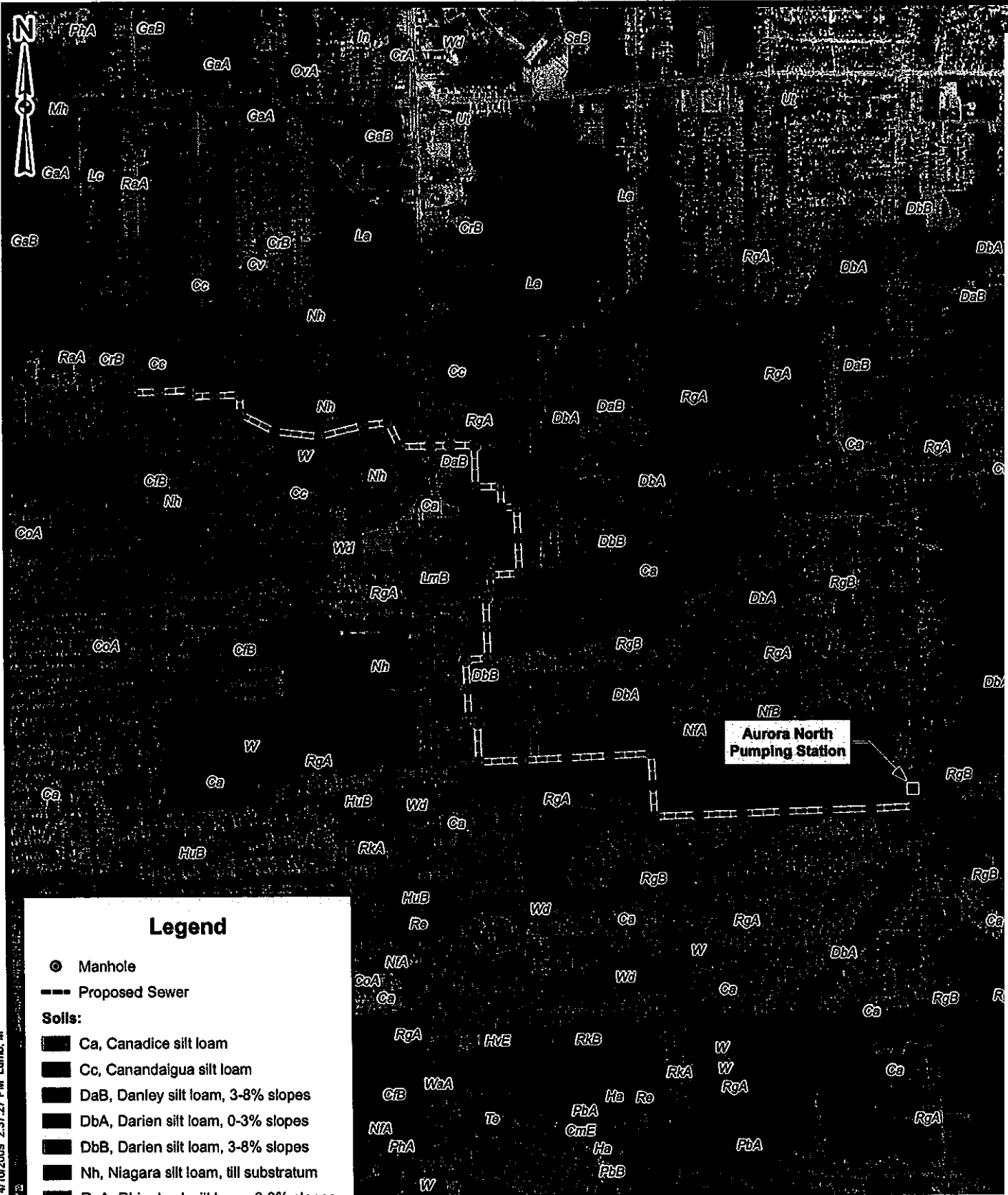
Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



PROJECT LOCATION MAP

AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT A



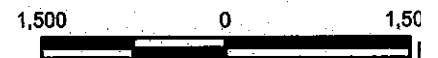
Legend

- Manhole
- Proposed Sewer

Soils:

- Ca, Canadice silt loam
- Cc, Canandaigua silt loam
- DaB, Darien silt loam, 3-8% slopes
- DbA, Darien silt loam, 0-3% slopes
- DbB, Darien silt loam, 3-8% slopes
- Nh, Niagara silt loam, till substratum
- RgA, Rhinebeck silt loam, 0-3% slopes
- RgB, Rhinebeck silt loam, 3-8% slopes
- Wd, Wayland silt loam

SOURCE:
Soil Survey of Erie County, 2008



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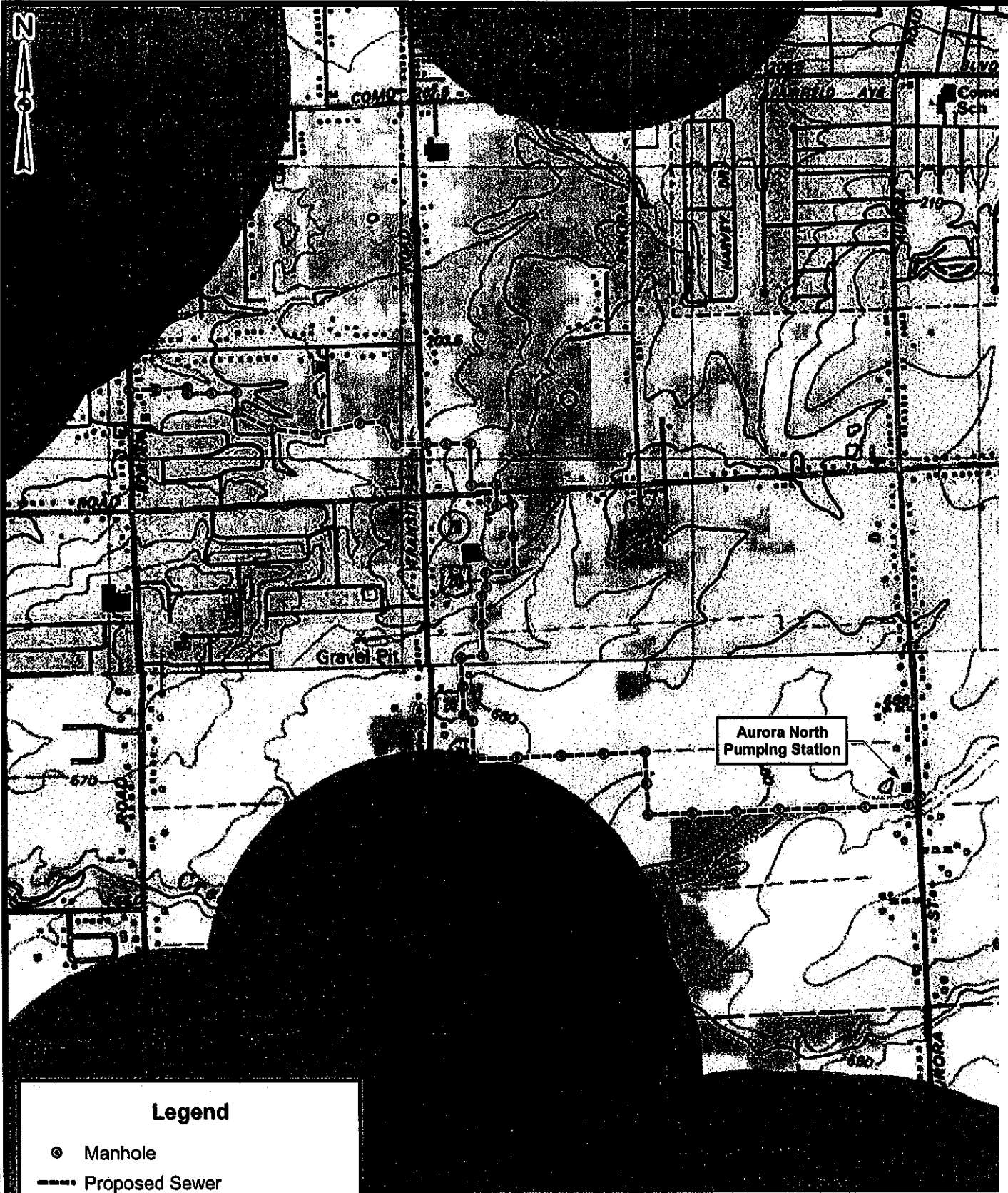
SOIL SURVEY OF ERIE COUNTY MAP

AURORA NORTH
PUMP STATION ELIMINATION PROJECT
ERIE COUNTY, NY

EXHIBIT B

Packet Pg. 70

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



Legend

- ⊙ Manhole
- Proposed Sewer
- National Register Listed Sites
- Archeologically Sensitive Areas

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle; Lancaster, NY - 1988, Orchard Park, NY - 1988
 - NYS Historic Preservation Office, 2009

1,500 0 1,50 F

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Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

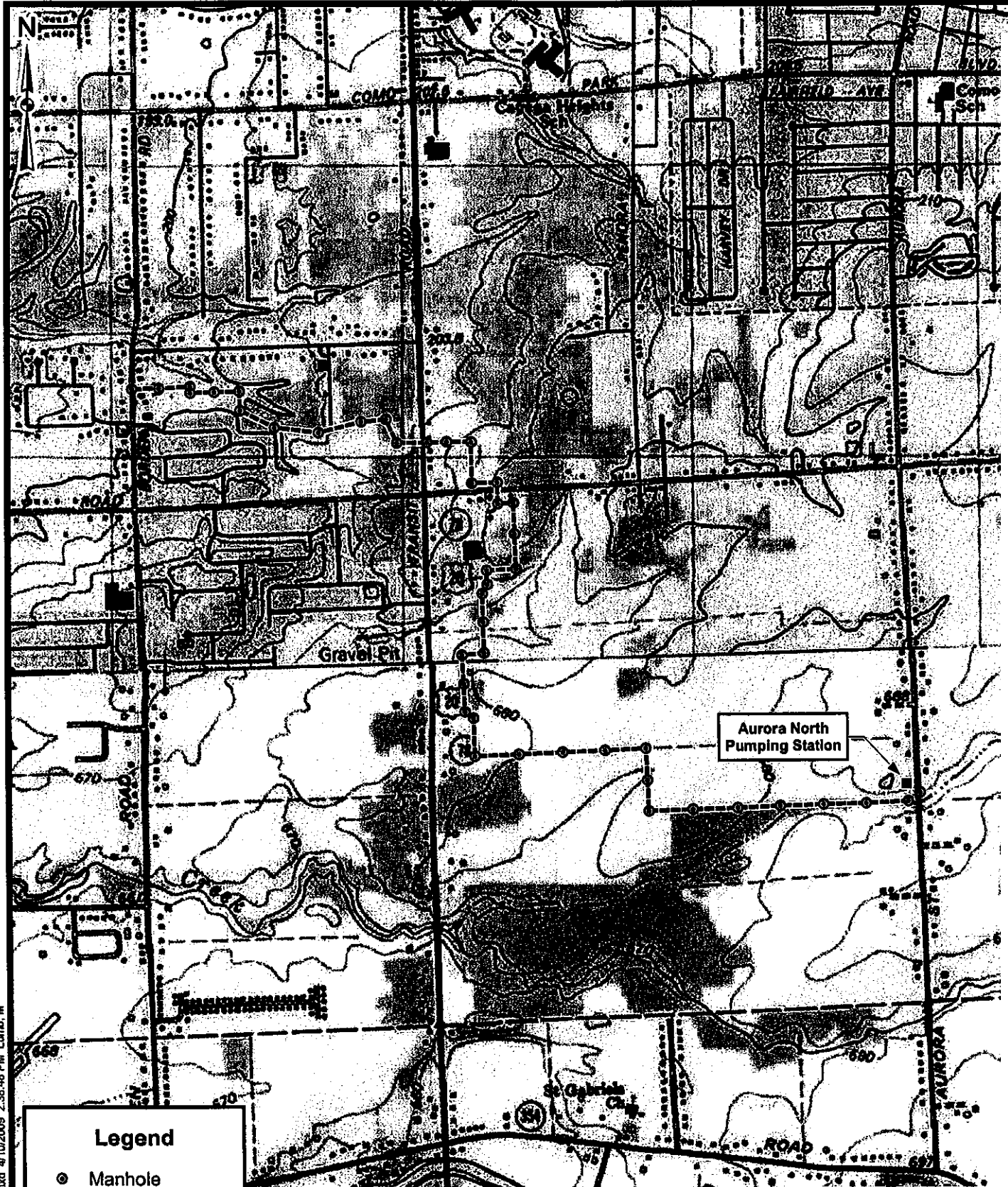


CULTURAL RESOURCES MAP

AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT C

Packet Pg. 71



Legend

- ⊙ Manhole
- Proposed Sewer
- ▨ NYS Aquifer

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle;
 Lancaster, NY - 1988, Orchard Park, NY - 1988
 - USGS/ NYSDEC Unconsolidated Aquifers, 2008



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Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)

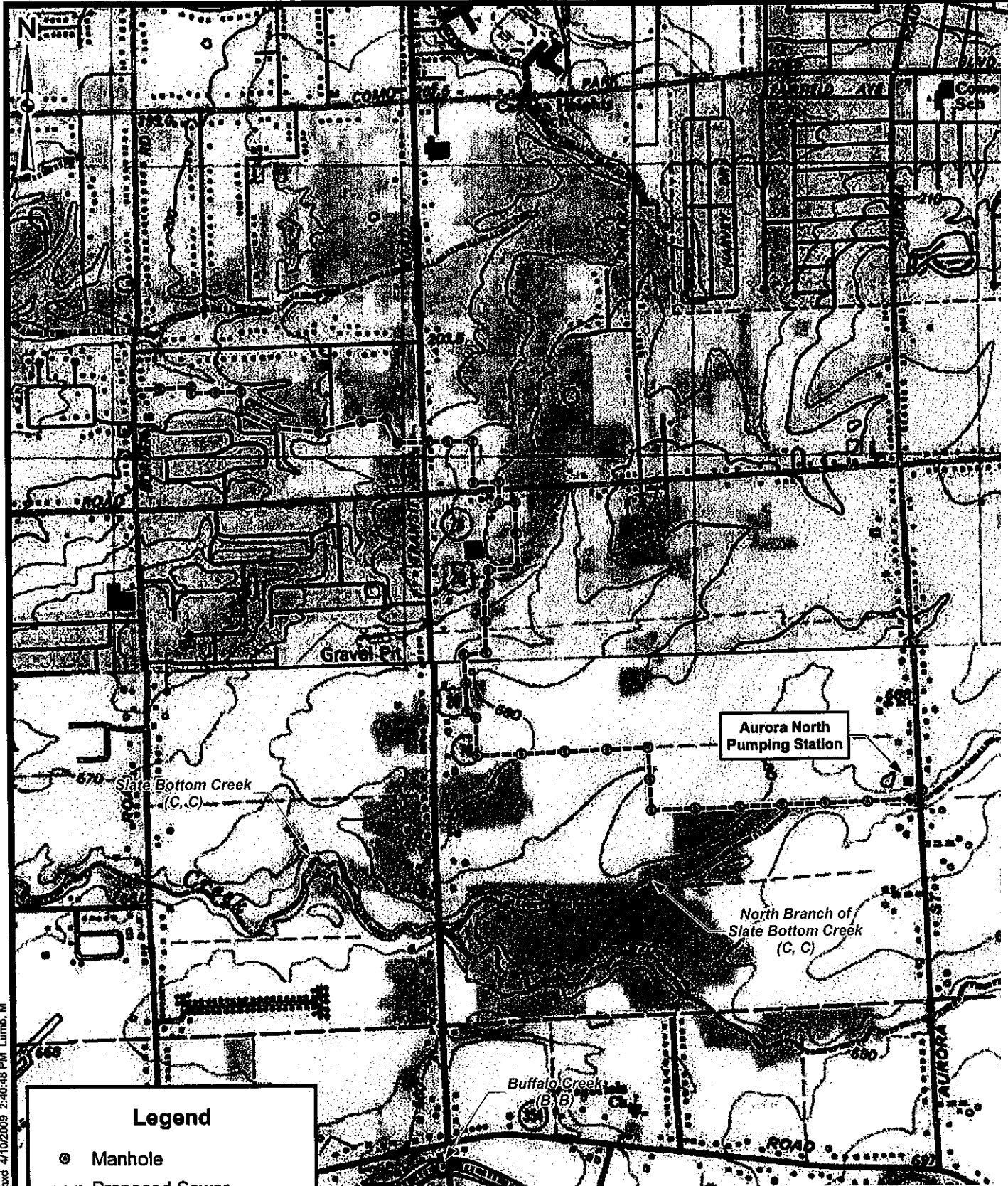


NYS AQUIFER MAP

AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT D

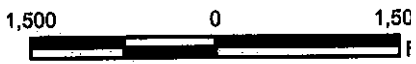
Packet Pg. 72



Legend

- Manhole
- Proposed Sewer
- Streams (Classification, Standard)

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle; Lancaster, NY - 1988, Orchard Park, NY - 1988
 - NYSDEC Water Quality Classifications (6NYCRR), 2007



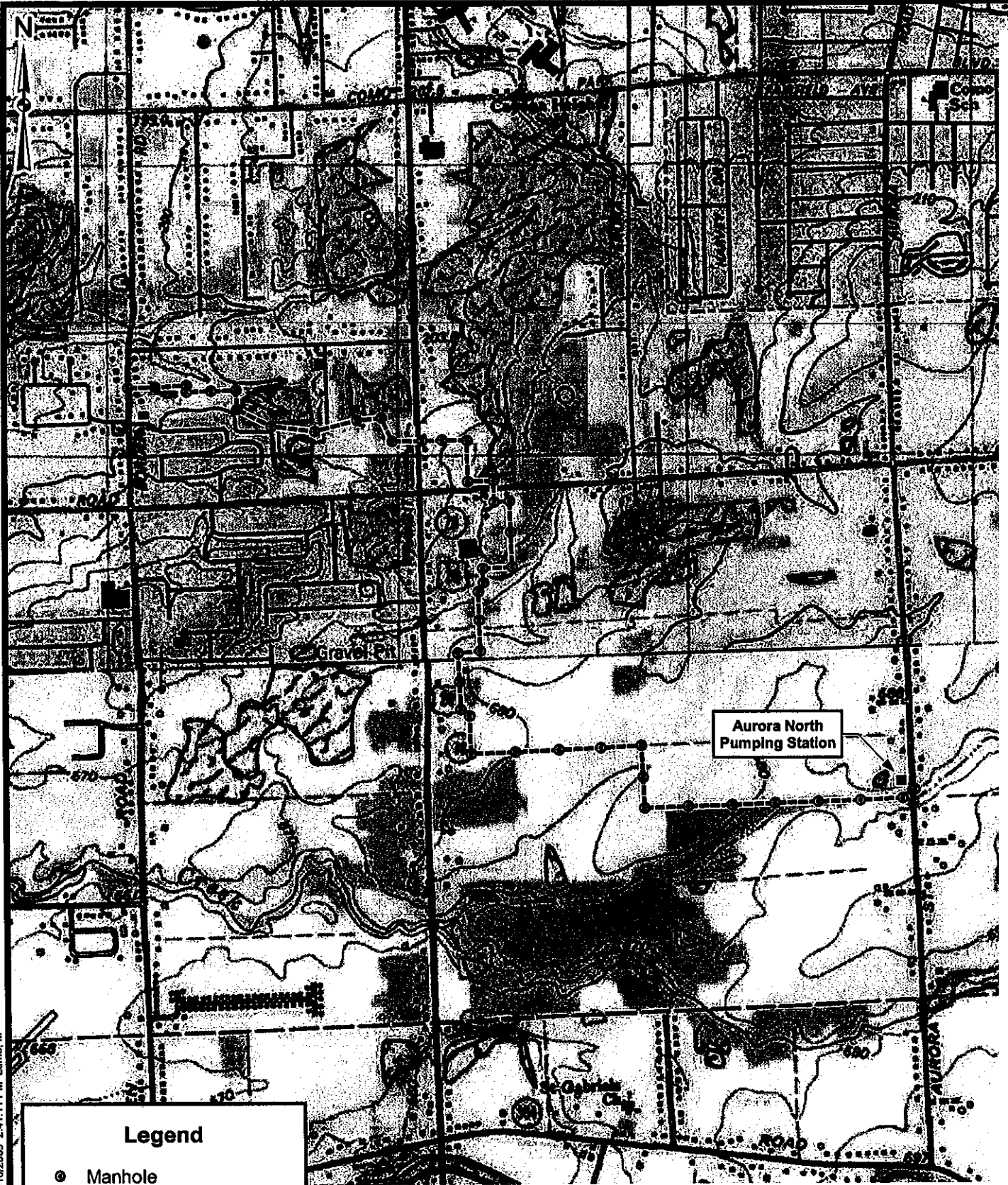
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NYS STREAM CLASSIFICATION MAP
 AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT E
 Packet Pg. 73

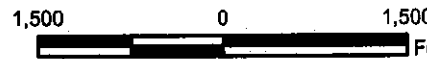
Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



Legend

- Manhole
- Proposed Sewer
-  USF&WS NWI Wetlands

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle;
 Lancaster, NY - 1988, Orchard Park, NY - 1988
 - USF&WS National Wetlands Inventory, 2008



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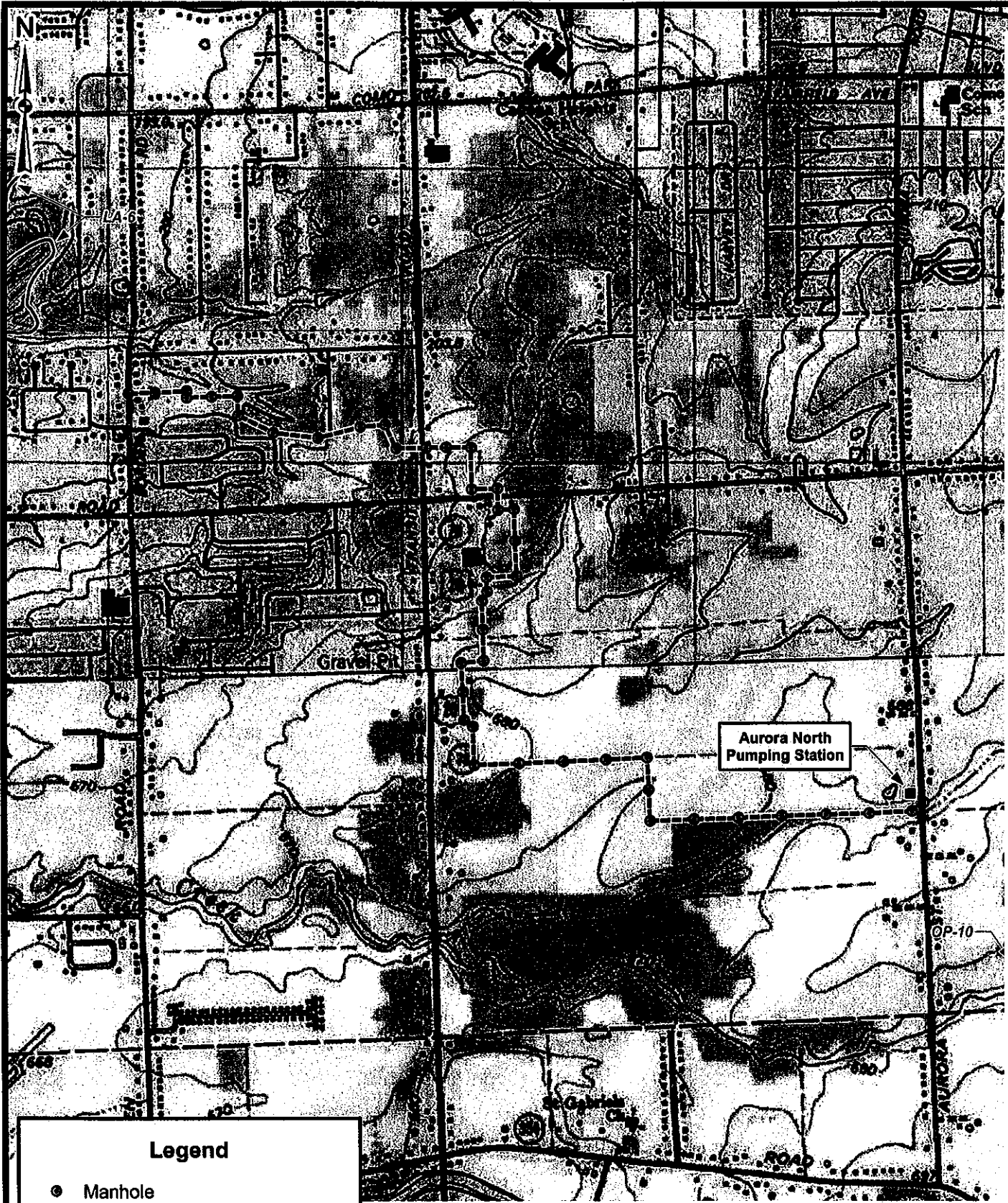
**U.S. FISH & WILDLIFE SERVICE
 NATIONAL WETLANDS INVENTORY MAP**

**AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY**

EXHIBIT F

Packet Pg. 74

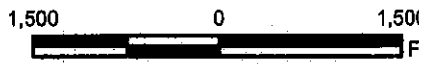
Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



Legend

- Manhole
- Proposed Sewer
- ▨ NYSDEC Freshwater Wetlands

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle; Lancaster, NY - 1988, Orchard Park, NY - 1988
 - NYSDEC Freshwater Wetlands, 2008



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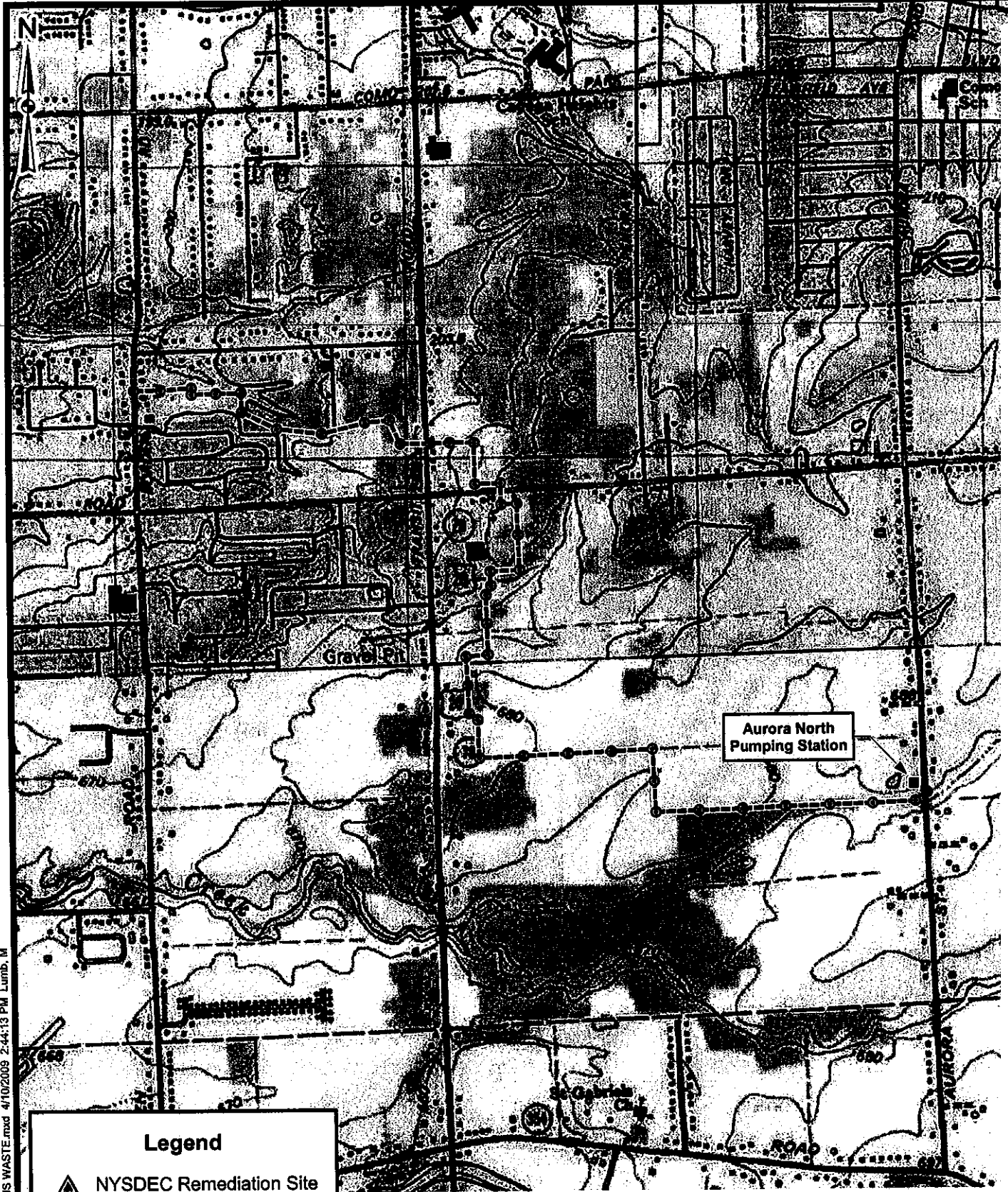
NYSDEC STATE WETLANDS MAP

**AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY**

EXHIBIT G

Packet Pg. 75

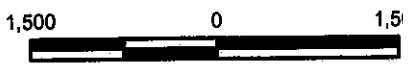
Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



Legend

- NYSDEC Remediation Site
- Manhole
- Proposed Sewer

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle;
 Lancaster, NY - 1988, Orchard Park, NY - 1988
 - NYSDEC Environmental Remediation Sites Database, 2008



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NYSDEC INACTIVE HAZARDOUS WASTE SITES REGISTRY MAP

AURORA NORTH
 PUMP STATION ELIMINATION PROJECT
 ERIE COUNTY, NY

EXHIBIT H

Packet Pg. 76

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



Aurora North
Pumping Station

900 0 900 Feet

SOURCE:
 - USGS Topographic 7.5 Minute Quadrangle; Lancaster, NY - 1988, Orchard Park, NY - 1988
 - Federal Emergency Management Agency (FEMA), Q3 Flood Data, 1996

Legend

- Manhole
- Proposed Sewer
- ▨ Floodway Areas
- ▒ 100-Year Floodplain
- 500-Year Floodplain

FEMA FLOOD HAZARD MAP

AURORA NORTH PUMP STATION FLOOD MITIGATION PROJECT

EXHIBIT 1

Attachment: Lead Agency Request Erie County Sewerage Management (RES-2009-299 : Request for Lead Agency Status - Erie County DEP)



Approved June 1, 2009

The Town of Cheektowaga amends its 2008 Annual Community Development Block Grant Plan for the use of Community Development Block Grant Recovery funds as follows:

- (1) Drainage and road improvements in the Cedargrove Heights neighborhood on one or more of the following streets - Windcrest and Idlebrook, including activity delivery costs associated with preparation of plans and specifications and project site inspections. Funding for this activity - \$240,344;
- (2) Installation of sidewalks and curbs in the Village of Sloan based on a priority need basis. Funding for this activity - \$8,700, and;
- (3) Replacement of defective, hazardous sidewalks in the following low-moderate income Neighborhoods of the Village of Depew: the Terrace Boulevard area in the Village of Depew bounded by Broadway to the south, Chateau Court to the west, Transit Road to the east and Gould Avenue to the north and a low-moderate income neighborhood in the Village of Depew including the following streets - Lewan, Green, Norman, Claude, Alagraw, and portions of Susan, Cheryl, Michelle, Carol, Alys Drive, Beverly, Airview, Howard, Lee and Frederick. Funding for this activity - \$24,700.



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, June, 9, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on June 9, 2009 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
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2009-311

Authorize Supervisor to Execute License Agreement with True Vine Christian Center Church

Sponsored By: Holtz, Rogowski, Markel

WHEREAS, the Town of Cheektowaga is the owner of a vacant lot at 2289 Genesee Street (corner of Genesee Street and Avery Place) in the Town of Cheektowaga; and

WHEREAS, True Vine Christian Center Church has requested use of said vacant lot, which is across the street from the church, on Sunday, June 14, 2009 from one o'clock p.m. to five o'clock p.m. for their Children's Day Festivities; and

WHEREAS, True Vine Christian Center Church has offered to mow the grass on the vacant lot in order to accommodate the church festivities on June 14, 2009; and

WHEREAS, the Town Attorney's Office has prepared a License Agreement with True Vine Christian Center Church, setting forth the terms and conditions under which the church may use said Town property; NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a License Agreement on behalf of the Town of Cheektowaga.

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



2. RESOLUTION 2009-312

Rescind Award of Bid for Demolition of 19E Windwood Court and Award to a Different Contractor

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution dated June 1, 2009 (Resolution 2009-305), this Town Board awarded the bid for the demolition of 19E Windwood Court to S & A Debris Removal at a cost of \$9,265.00, and

WHEREAS, S & A Debris Removal has notified the Town of Cheektowaga in writing that it is unable to perform the necessary demolition due to the fact that it is a "controlled demolition", and

WHEREAS, D & J Contracting of WNY, Inc. also bid on this demolition and it is able to handle a controlled demolition, and

WHEREAS, D & J Contracting of WNY, Inc. was originally the low bidder, but, due to the fact that it did not submit a non-collusion certificate, it was not considered for the project, and

WHEREAS, D & J Contracting of WNY, Inc. has now signed and submitted a non-collusion form, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby rescinds the aforementioned bid award to S & A Debris Removal, and BE IT FURTHER

RESOLVED, that the bid for the controlled demolition of 19E Windwood Court be and hereby is awarded to D & J Contracting, Inc., 571 Seneca Creek Road, West Seneca, New York 14224 at a bid price of \$9,125.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement with D & J Contracting of WNY, Inc. on this matter.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek

III. Adjournment

Time of adjournment was 6:18 PM

Kim Burst
Deputy Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, June, 15, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on June 15, 2009 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	Absent	

II. Public Hearing at 6:45 PM

1. Amendment to Vehicles and Traffic Law - Cleveland Drive at Highview Road and Highview Court

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
ABSENT: Stanley Kaznowski

III. Resolutions



1. RESOLUTION 2009-313

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

PART TOWN FUND

FROM: 800.1910.2799	Appropriated Fund Balance	\$118,227.50
TO: 800.3620.4520	Demolition of Houses	\$118,227.50

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



2. RESOLUTION 2009-314

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to June 12, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 857,307.20
RISK RETENTION FUND	23,815.13
NYS HOME PROGRAM	2,715.00
SPECIAL DISTRICT FUND	2,727,946.38
HIGHWAY FUND	148,461.68
CAPITAL FUND	338,382.46
TRUST & AGENCY	6,578.83
CDBG HUD FUND	33,695.25
PART TOWN FUND	26,883.70
NYS AFFORDABLE HOUSING	16,675.00
	<u>\$ 4,182,460.63</u>

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



3. RESOLUTION 2009-315

Adopt Amendment to Vehicle and Traffic Ordinance - Cleveland Drive at Highview Road and Highview Court

Sponsored By: Councilmember Zydel, Councilmember Markel

WHEREAS, this Town Board held a public hearing on June 15, 2009 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 235-40, 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:

Cleveland Drive at Highview Road and Highview Court

Section 2. Time to Take Effect

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

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

Section 3. Territorial Application

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

Section 4. Publication

That these amendments to Chapter 235 (formerly Chapter 76) of the Code of the Town of Cheektowaga shall be entered into the minutes of the Town Board and shall be published in the CHEEKTOWAGA 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.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Richard Zydel, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski



4. RESOLUTION 2009-316

Adoption of Confined Space Policy

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the attached Confined Space Policy be and hereby is adopted by this Town Board effective June 16, 2009.

ATTACHMENTS:

confined space policy amr june 2009 (DOC)

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



5. RESOLUTION 2009-317

Adoption of Safety Vest Policy

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the attached Safety Vest Policy be and hereby is adopted by this Town Board effective June 16, 2009.

ATTACHMENTS:

safety vest policy amr june 2009 (DOC)

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



6. RESOLUTION 2009-318

Notice to Bidders - 2008/2009 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 2008/2009 Ford F-550, 4 X 4 Low Boy Dump Truck and 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 2008/2009 Ford F-550, 4 X 4 Low Boy Dump Truck and Plow, or equal, 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 on the 1st day of July 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 July 1, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the purchase of one (1) new and unused 2008/2009 Ford F-550, 4 X 4 Low Boy Dump Truck and 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: June 15, 2009

Public Bid Opening July 1, 2009

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Patricia Jaworowicz, Councilmember

AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



7. RESOLUTION 2009-319

Authorize Supervisor to Execute Byrne Justice Assistance Grant Application

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, grant monies are available to select municipalities through the Bureau of Justice Assistance, Edward R. Byrne Justice Assistance Grant, and

WHEREAS, six communities in Erie County, including Erie County, the City of Buffalo, City of Lackawanna, Town of Amherst, Town of Tonawanda and the Town of Cheektowaga are eligible to receive monies, and

WHEREAS, the grant application must be in consortium with the other eligible applicants, and the City of Buffalo has agreed to serve as the lead agency for the purpose of securing and administering these grant funds, and

WHEREAS, the Town of Cheektowaga Police Department is eligible to receive \$30,759 in funding through this program to enhance various police operations including directed patrol projects such as highway interdiction efforts, increased bicycle and foot patrol in Town parks and targeted neighborhoods and specific crime investigations; NOW, THEREFORE, BE IT

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



8. RESOLUTION 2009-320

Authorize Supervisor to Execute Application for Energy Efficiency and Conservation Grant

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is eligible to receive a \$718,800 grant through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG), and

WHEREAS grant monies are available to reduce total energy use, improve energy efficiency, and reduce fossil fuel emissions, and

WHEREAS, Town of Cheektowaga intends to use grant funds to design and install a geothermal system to heat and cool Town Hall at an estimated cost of \$1,000,000, and

WHEREAS, the geothermal system will be expandable to allow for future connectivity of other buildings on the Town Hall Campus, and

WHEREAS, the Town intends to pursue other grant opportunities to fund the cost difference between the EECBG grant and the project cost; any remaining difference will be funded from the General Fund balance; NOW, THEREFORE, BE IT

RESOLVED, that monies are available in Account Number 500-1440-2524-5924 to fund the difference in cost between the EECGG grant amount and total project cost, and BE IT FURTHER

RESOLVED, that Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant, and BE IT FURTHER

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

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



9. RESOLUTION 2009-321

Authorization for Supervisor to Execute 2009 CDBG Grant Agreement with HUD

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 2009 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 2009 Community Development Block Grant Program Year.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



10. RESOLUTION 2009-322

Authorization to Execute NYS Affordable Housing Corporation Grant Agreements

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the New York State Affordable Housing Corporation has approved a grant to the Town in the amount of \$500,000 for housing rehabilitation grants for income-eligible homeowners in approved neighborhoods, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized to execute a grant agreement with the New York State Affordable Housing Corporation for said grant funds and grant approval notices and related agreements and documents with eligible homeowners as necessary with respect to said grant in order to accomplish the purposes, goals and objectives of said grant program.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



11. RESOLUTION 2009-323

Change in Vendor for Credit Cards for Youth and Recreational Services Department

Sponsored By: Councilmember Zydel, Supervisor Holtz

WHEREAS, Section 5 of the General Municipal Law of the State of New York authorizes local governments to enter into agreements with credit card issuers to provide for the acceptance by the local government of credit cards as a means of payment of fines, civil penalties, fee charges, etc. owed to the local government, and

WHEREAS, since 1999, the Youth & Recreational Services Department has utilized credit cards through Manufacturers and Traders Trust Company for payment of program registration fees, and

WHEREAS, JP Morgan Bank offered the Department of Youth & Recreational Services a credit card program which will reduce costs to the Town of Cheektowaga, and

WHEREAS, the Town Board is in agreement that acceptance of credit card payments is user friendly and helps maximize revenue, NOW THEREFORE BE IT

RESOLVED, that, in an cost-saving effort, the Supervisor be and hereby is authorized to execute an agreement with JP Morgan Bank for the use of VISA, MasterCard and Discover Cards to pay for fees associated with Youth & Recreational Services programs and special events, and BE IT FURTHER

RESOLVED, that the current agreement between the Town of Cheektowaga and Manufacturers and Traders Trust Company be and hereby is terminated, and the Supervisor be and hereby is authorized and directed to execute any and all documents necessary to terminate said agreement.

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



12. RESOLUTION 2009-324

Support for Villa Maria Commons and Memorialize State Division of Housing and Community Renewal to Provide Funding for Same

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Felician Sisters, in concert with DePaul Properties ("DePaul"), has developed plans for a project ("Villa Maria Commons") to convert the first four floors of the former Villa Maria High School into 39 one-bedroom units for persons diagnosed with severe and persistent mental illness, and

WHEREAS, the first floor of the former high school will contain a combination of community space for use by all tenants and support services offices staffed by DePaul personnel, and

WHEREAS, the conversion of this high school building will be done in a manner to preserve the historic qualities of the building, which has been deemed eligible as a historic landmark by the New York State Department of Parks, Recreation and Historic Preservation, and

WHEREAS, DePaul submitted applications to the Division of Housing and Community Renewal ("DHCR") for a Housing Trust Fund low interest loan (\$2,400,000) and an allocation of Low Income Housing Credits, and is waiting for a decision on said funding, and

WHEREAS, this project, with the investment of funds totaling more than \$46 million will:

- Ø Anchor the area and create interest in further development in this area, which borders the City of Buffalo;
- Ø Sustain jobs in this area of Town;
- Ø Produce a significant number of construction-related jobs during construction;
- Ø Will create new job opportunities for the foreseeable future in the health care sector

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board strongly supports this project in the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that this Town Board hereby also memorializes the DHCR to approve the aforementioned funding for this project, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the DHCR, the Felician Sisters, Assemblyman Dennis H. Gabryszak, Senator William T. Stachowski and Governor David Paterson.

Mail copy of resolution to Anthony Masiello (former Mayor of Buffalo) requested by Supervisor Holtz

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



13. RESOLUTION 2009-325

Special Event - North Cheektowaga Amateur Athletic Association 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 Amateur Athletic Association has made application to hold its baseball parade on Saturday, June 6, 2009 beginning at 12:00 noon, said parade to begin on Nagel Drive, to George Urban Drive ending at the Tops Plaza; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, the Department of Youth and Recreation, and the and Facilities Department, and has no objection to same; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the application of North Cheektowaga Amateur Athletic Association for the aforementioned Parade, to be held on Saturday, June 6, 2009 at 12:00 P.M.; BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



14. RESOLUTION 2009-326

Special Event - Cheektowaga Polish Festival

Sponsored By: Supervisor Holtz, Councilmember Swiatek

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

WHEREAS, the Polish-American Arts Festival Committee has made application to hold its annual Polish-American Cultural Festival in Cheektowaga Town Park from July 17th to July 19th, 2009; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Facilities Department, the Department of Recreation & Youth Services, Police Department and the Building 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 17th to July 19th , 2009.

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



15. RESOLUTION 2009-327

Hire/Termination of Seasonal/Part-Time 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 (Parks Division) Laborer \$8.25/hour effective 6/15/09
Jarrett Sinclair, Cheektowaga, New York

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

FACILITIES DEPARTMENT (Building and Grounds Division)
Michael Ivansitz effective 5/30/09
William Lauber effective 5/30/09

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to waive the reading of the names for resolutions 2009-327 to 2009-329

Motion Carried

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



16. RESOLUTION 2009-328

Youth & Recreation Minimum Wage Increase

Sponsored By: Councilmember Zydell, Councilmember Rogowski

BE IT RESOLVED that the following individuals be and hereby are elevated as follows so as to comply with the new minimum wage law as it affects the existing workforce pay structure of those earning less than \$7.25 (regular part-time/part-time):

Recreation Aide - \$7.25 - Effective 7/1/09

Eric Fiorello
Jada Love
Melanie Mikolajczyk
Evan Ruh
Jamie Russell
Samantha Sieg
Aaron Tymorek
Ryan Weber

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel
ABSENT:	Stanley Kaznowski



17. RESOLUTION 2009-329

Youth & Recreation Hiring

Sponsored By: Councilmember Zydell, Councilmember Rogowski

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

Recreation Attendant - 7140.1613 - \$7.25 - Regular Part-time

Jessica Stechenfinger 14212

Recreation Attendant - Gymnastics - 7140.1630 - \$7.40 - Seasonal

Tiffany Gasiiecki 14225

Kaitlin Lipinoga 14211

Recreation Aide - Gymnastics - 7140.1630 - \$7.25 - Part-time

Holly Gasiiecki 14225

Recreation Attendant - Teen Club - 7310.1814 - \$7.25 - Seasonal

Jennifer Zelasko 14227

Lifeguard - Level I - 7180.1903 - \$8.10

Seasonal

Kayla Doetterl 14227

Lifeguard - Level III - 7180.1903 - \$8.43 - Effective 6/30/09

Seasonal

Tiffany Wheeler 14225

Recreation Aide to Recreation Attendant - \$7.25 - Regular Part-time - Effective 6/27/09

Jordan Kilijanski 14227

Cassandra Langan 14225

Corinne Monette 14227

Paige Melin 14206

Dana Szymkowiak 14227

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel
ABSENT:	Stanley Kaznowski

**18. RESOLUTION 2009-330****Appointment of Automotive Mechanic (Non-Competitive/Temporary) (Central Garage) David Sikora**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Automotive Mechanic in the Central Garage; AND

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

WHEREAS, no bargaining unit member has bid on said vacancy; AND

WHEREAS, David Sikora has applied for said vacancy and meets the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that David Sikora of Cheektowaga, New York, be and hereby is appointed to the temporary position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 1, 2009.

Motion to table by Councilmember Markel, seconded by Councilmember Jaworowicz resolutions 2009-330 and 2009-331

RESULT: TABLED [UNANIMOUS] Next: 6/30/2009 6:00 PM
MOVER: Jeff Swiatek, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski

**19. RESOLUTION 2009-331****Appointment of Automotive Mechanic (Non-Competitive/Temporary) (Central Garage) Michael J. Maue**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Automotive Mechanic in the Central Garage; AND

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

WHEREAS, no bargaining unit member has bid on said vacancy; AND

WHEREAS, Michael J. Maue has applied for said vacancy and meets the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael J. Maue of Cheektowaga, New York, be and hereby is appointed to the temporary position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 1, 2009.

RESULT:	TABLED [UNANIMOUS] Next: 6/30/2009 6:00 PM
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski

**20. RESOLUTION 2009-332****Appointment of Park Maintenance Worker I
(Labor/Permanent) (Parks Division) (Steven W. Schultz)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Park Maintenance Worker I in the Facilities Department (Parks Division); AND

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

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

WHEREAS, Steven W. Schultz applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Steven W. Schultz of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I 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 June 22, 2009.

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

**21. RESOLUTION 2009-333****Appointment of Park Maintenance Worker I
(Labor/Permanent) (Parks Division) Ronald P. Rogowski**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Park Maintenance Worker I in the Facilities Department (Parks Division); AND

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

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

WHEREAS, Ronald P. Rogowski currently employed as a part-time Laborer in the Facilities Department, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Ronald P. Rogowski of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I 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 June 16, 2009.

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

**22. RESOLUTION 2009-334****Appointment of Maintenance Worker (Non-Competitive/Permanent) (Buildings & Grounds Division) Paul M. Herr**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Buildings and Grounds Division); AND

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

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

WHEREAS, Paul M. Herr, currently employed as a seasonal Laborer in the Sanitation Department, applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Paul M. Herr 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 June 22, 2009.

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

**23. RESOLUTION 2009-335****Travel Authorization (Police Department) (Police NYTOA
Tactical Team Leader Course)**

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, the NYTOA Tactical Team Leader Course is being held June 25 through June 27, 2009 in Syracuse, New York; AND

WHEREAS, Sergeants Brian Coons and Patrick Chludzinski have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,703.85; AND

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

RESOLVED, that Sergeants Brian Coons and Patrick Chludzinski be and hereby are authorized to attend the NYTOA Tactical Team Leader Course being held June 25 through June 27, 2009 in Syracuse, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski

**24. RESOLUTION 2009-336****Travel Authorization (Police Department) (NYS Public Accreditation Council Meeting)**

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

WHEREAS, the New York State Law Enforcement Accreditation Council Meeting is being held June 11, 2009 in Albany, New York; AND

WHEREAS, Police Chief Christine Ziemba, Captain John Glascott and Lieutenant Scott Pilat have requested authorization to attend said council meeting; 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 \$332; 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 the New York State Law Enforcement Accreditation Council Meeting being held June 11, 2009 in Albany, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski

**25. RESOLUTION 2009-337****Travel Authorization (Employee Relations) (Anthony Romano)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the New York State Public Employer Labor Relations Association 35th Annual Training Conference is being held July 27 through July 29, 2009 in Saratoga Springs, New York; AND

WHEREAS, Coordinator of Employee Relations Anthony M. 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 \$950; AND

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

RESOLVED, that Coordinator of Employee Relations Anthony M. Romano be and hereby is authorized to attend the New York State Public Employer Labor Relations Association 35th Annual Training Conference being held July 27 through July 29, 2009 in Saratoga Springs.

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



26. RESOLUTION 2009-338

Youth & Recreation Terminations

Sponsored By: Councilmember Zydell, 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:

Ashley Joya	Never worked	14043
Lauren Malicki	Never worked	14227
Jared Messina	Never worked	14225
Jonah Messina	Never worked	14225
Joseph Reynolds	Never worked	14225
Elizabeth Schueler	Never worked	14225
Morgan Taylor	Never worked	14225
Lauren Tomaschko	Never worked	14225

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to waive the reading of the names for this resolution

Motion Carried

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydell, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel
ABSENT: Stanley Kaznowski

IV. Suspension of Rules

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to Suspend the Rules to Include the following resolution:

2009-339 - Notice to Bidders - Purchase of Electricity

Motion Carried



1. RESOLUTION 2009-339

Notice to Bidders - Purchase of Electricity

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga currently purchases electricity to service various buildings, street lights and other facilities owned by the Town of Cheektowaga, and

WHEREAS, the Town's existing contract to purchase electricity through Integryx Energy Services of NY, Inc. expires on December 31, 2009, and

WHEREAS, Troy & Banks, an energy solutions firm which works for the Town, has advised the Town that electricity prices are down and this is a good time to request bids for electricity suppliers for 2010 and 2011, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Purchase of Electricity for the Town of Cheektowaga, said 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, 2009 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 July 2, 2009 at 11:00 a.m., at the Town Hall, corner of Broadway and Union Roads, Cheektowaga, New York, for the purchase of electricity for various Town buildings, streets lights and other facilities owned by the Town of Cheektowaga for the Years 2010 and 2011.

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

Proposals shall be submitted in a sealed envelope, plainly marked on the outside "Bid for Purchase of Electricity" 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 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: June 15, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski

V. Communications

Announced

A. Departmental Communications

Announced

1. Minutes - Cheektowaga Traffic Safety Commission - May 19, 2009
2. Minutes - Cheektowaga Planning Board - May 14, 2009

B. General Communications

Announced

1. Notice of Claim- Terrie Janowski Vs. Town of Cheektowaga

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjourn

Motion by Supervisor Holtz, Seconded by Councilmember Rogowski to adjourn the meeting in memory of the following at 7:25 PM

Richard Brueckman, father-in-law of Councilmember Stanley Kacznowski
Charles Sieber, father of Jill Oxley (Assessor's Office)

Judy Gabryszak, sister of Jerry Gabryszak (Community Development)
Leo Dunkowski, father of Steve Dunkowski (Facilities Department)
Donald "Corky" Sobocinski, friend for many years

Motion Carried

TOWN OF CHEEKTOWAGA

Confined Space Policy

(Established 6/16/09)

SECTION 1: Purpose

This policy provides procedures for the safe entry and work practices in confined spaces. The policy applies to all employees who enter confined spaces for the Town of Cheektowaga.

SECTION 2: Training

All employees who may enter, attend, or supervise employees entering confined spaces must be trained on how to identify a confined space and how to work in such a condition. New hires that will participate in confined space entry shall be trained prior to entering a confined space.

SECTION 3: Hazards of Confined Spaces

Confined spaces can be hazardous for several reasons:

- a. Hazardous atmospheres - the nature of many confined spaces can cause them to have poor atmospheres such as a lack of oxygen, flammable gases, toxic gases, etc.
- b. Engulfment/Entrapment - the space has the potential for a material in the space to collapse and trap or bury the employee inside of the confined space
- c. Restricted Entry - spaces are not made for continuous occupancy by humans and may have limited entry and exit places.
- d. Occupational Hazards - occupational hazards are amplified in confined spaces. Noises are louder because they cannot escape into the atmosphere. Heat builds up quickly and can lead to heat exhaustion.

Proper precautions must be taken to address these and other potential hazards of confined spaces. There are two types of confined spaces based on these hazards (as identified in **Section 4** of this Policy).

SECTION 4: Confined Spaces

A confined space is a space large enough and so configured that an employee can enter and perform assigned work; and has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and is not designed for continuous employee occupancy.

There are two (2) types of confined spaces:

1. Non-Permit Required Confined Space - is a space that meets the definition of a confined space but does not contain or, with respect to

atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm.

2. Permit Required Confined Space - this is a confined space that meets the definition of a confined space but has one or more of the following characteristics:
 - a. Contains or has a potential to contain a hazardous atmosphere;
 - b. Contains a material that has the potential for engulfing an entrant;
 - c. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
 - d. Contains any other recognized serious safety or health hazard.

N. B: This type of confined space work demands special training in order to perform work under such a condition. The Town departments do not have the appropriately certified personnel to perform such work. This work activity should be sub-contracted to a qualified contractor.

SECTION 5: Entry Procedures for Confined Spaces

1. Prior to entering any confined space:
 - a. Any employee who is an entrant, attendant, or supervisor must have attended confined space training that trains the employee to identify such a work condition and how to work in such a condition within the past year.
 - b. The employee's respective immediate supervisor/foremen should be contacted.
2. Entering non-permit required spaces:
 - a. Unless the confined space is clearly marked as a non-permit required confined space, it will be treated as a permit required confined space until designated otherwise by the respective department head or departmental safety officer.
 - b. Prior to entry the employees who will enter the non-permit required confined space must receive approval to do so from their supervisor/foreman.
 - c. Prior to entry any equipment operating in the confined space should be shut down and locked out / tagged out according to Town policy.
 - d. Prior to entry a trained attendant (stand-by person) should be in place and ready to assist entrants if needed.
 - e. A trained supervisor should approve the confined space for entry after ensuring that all hazards are under control and the space is safe for entry.
 - f. Employees may enter the confined space and perform required work. The attendant must be able to see and communicate with the employees the entire time they are in the confined space. The attendant has the authority to order the workers out of the space if he

loses sight of them, loses communication, or feels that the employees are in danger.

- g. Once work is completed close entry way to the confined space. Remove locks and tags and reenergize equipment.

Confined spaces are dangerous work environments and should always be treated with extreme caution. This policy attempts to provide safe procedures for entry and work in confined spaces, however, there are some confined spaces that are more dangerous and may not be appropriate for any entry. Before entering these spaces the respective department head or the designated departmental safety officer must approve the entry before employees will be allowed to enter.

Also note that any employee who feels unsafe or uncomfortable about entering a confined space cannot be forced to enter the space and perform the work. Some employees are claustrophobic and have a fear of confined spaces or the employee may fear the spaces for other reasons. Do not force or command anyone to enter a confined space.

SECTION 7: Applicable Regulations

This policy is based on regulations of the Occupational Safety and Health Administration (OSHA). Specific regulations on confined spaces are found in 29 CFR 1910.146.

SECTION 8: Amendments

This policy may be amended from time to time by the Town of Cheektowaga Town Council.

Reviewed by the Town of Cheektowaga Town Council on June 9, 2009.

TOWN OF CHEEKTOWAGA
Safety Vest Policy
(Established 6/16/09)

The Town of Cheektowaga hereby issues the following safety vest policy, effective June 16, 2009:

All Town of Cheektowaga employees who work outdoors (outside of a vehicle) who are exposed either to traffic or construction equipment shall be required to wear a department-issued fluorescent yellow/green vest, shirt or jacket that meets the Performance Class 2 requirements of ANSI.

The New York State Department of Transportation and the Federal Highway Administration require their employees to follow the Occupational Safety and Health Administration (OSHA) regulations. The OSHA Regulation, 29 CFR 1926.651(d) provides as follows:

“Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked withy or made of reflectorized or high-visibility material.”

OSHA also references Section 6E.02 of the Manual of Uniform Traffic Control Devices (“MUTCD”), which requires flag personnel to wear “garments of reflectorized or high visibility material”. OSHA has interpreted this to require garments required by ANSI/PEOSH 207-2006 (i.e., ANSI Class 2 garments).

Town of Cheektowaga employees should be aware that OSHA/PEOSH has the authority to cite municipalities if employees exposed to public vehicular traffic do not wear the ANSI Class 2 garments.

THIS POLICY IS MANDATORY FOR ALL TOWN OF CHEEKTOWAGA EMPLOYEES WHO WORK OUTDOORS AND HAVE THE POTENTIAL TO BE EXPOSED TO PUBLIC VEHICULAR TRAFFIC.



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, June, 30, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on June 30, 2009 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	

2. Additional Attendees

Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. From the Table



1. RESOLUTION 2009-330

Appointment of Automotive Mechanic (Non-Competitive/Temporary) (Central Garage) David Sikora

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Automotive Mechanic in the Central Garage; AND

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

WHEREAS, no bargaining unit member has bid on said vacancy; AND

WHEREAS, David Sikora has applied for said vacancy and meets the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that David Sikora of Cheektowaga, New York, be and hereby is appointed to the temporary position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 1, 2009.

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



2. RESOLUTION 2009-331

Appointment of Automotive Mechanic (Non-Competitive/Temporary) (Central Garage) Michael J. Maue

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a temporary vacancy exists in the title of Automotive Mechanic in the Central Garage; AND

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

WHEREAS, no bargaining unit member has bid on said vacancy; AND

WHEREAS, Michael J. Maue has applied for said vacancy and meets the necessary qualifications for temporary appointment; NOW, THEREFORE, BE IT

RESOLVED, that Michael J. Maue of Cheektowaga, New York, be and hereby is appointed to the temporary position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 1, 2009.

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



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, July 6, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 6, 2009 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

Jerry Gabryszak, Director of Community Development

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

Christine Ziembra, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-340

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

GENERAL FUND

FROM:	100.3120.3820	State Aid Police	\$ 70,439.37
	100.3120.3820	State Aid Police	5,537.54
	100.7310.2101	ARP Revenue	50.00
	100.7140.2149	Tennis Revenue	450.00
	100.1415.3500	State Aid Archive	19,977.00
TO:	100.3120.2207	Jag Grant	\$ 70,439.37
	100.3120.2206	Block Grant	5,537.54
	100.7310.4693	ARP Expense	50.00
	100.7140.4530	Tennis Expense	450.00
	100.1415.4001	Contractual Expenses	19,977.00

HUD CDBG FUND

FROM:	700.1006.5000	Removal of Architectural Barriers	\$ 4,000.00
	700.1008.0602	Clearance/Demolition	5,000.00
TO:	700.1006.0606	Disposition	\$ 4,000.00
	700.1008.0703	Administration	5,000.00

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



2. RESOLUTION 2009-341

Warrant

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 3, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,897,932.99
RISK RETENTION FUND	79,520.06
NYS HOME PROGRAM	1,245.00
DEBT SERVICE FUND	331,200.00
HUD HOUSING REHABILITATION	13,823.25
SPECIAL DISTRICTS FUND	1,028,416.20
HIGHWAY FUND	500,720.78
CAPITAL FUND	307,270.88
TRUST & AGENCY FUND	15,068.81
HUD CDBG FUND	70,480.29
PART TOWN FUND	125,066.86
NYS AFFORDABLE HOUSING	56,854.00
	<u>\$ 5,427,599.12</u>

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



3. RESOLUTION 2009-342

Award of Bid for Purchase of Electricity

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga currently purchases electricity to service various buildings, street lights and other facilities owned by the Town of Cheektowaga, and

WHEREAS, the Town's existing contract to purchase electricity through Integrys Energy Services of NY, Inc. expires on December 31, 2009, and

WHEREAS, by resolution dated June 15, 2009, this Town Board issued a Notice to Bidders for the purchase of electricity for the Years 2010 and/or 2011, and

WHEREAS, sealed bids were received and opened on the 1st day of July, 2009 at 11:00 a.m. at a public bid opening, and

WHEREAS, only one bid was received for the year 2010 and, after review and analysis of said bid, the Director of Administration and Finance and Town Attorney have determined that said bid is in compliance with the bid specifications and should be awarded, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of electricity for the 2010 (Bid Item I) be and hereby is awarded to Integrys Energy Services of NY, Inc. at a blended average rate per kilowatt hour of \$0.062077 or other similar rate when refreshed as of July 7, 2009 acceptable to Director of Administration and Finance, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement and all other documents necessary to effectuate the terms of this bid award with Integrys Energy Services of NY, Inc.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



4. RESOLUTION 2009-343

Adoption of Workplace Violence Prevention Policy

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the attached Workplace Violence Prevention Policy be and hereby is adopted by this Town Board effective July 7, 2009.

ATTACHMENTS:

workplace violence prevention june 2009 (DOC)

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



5. RESOLUTION 2009-344

Notice to Bidders - 2009 Chevrolet Tahoe for the Disaster Coordinator

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga desires to lease for a period of four (4) years, with an option to buy, one (1) 2009 Model, 4-Wheel Drive Chevrolet Tahoe 1500 LT for use by the Disaster Coordinator, 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 lease of one (1) 2009 Chevrolet Tahoe 1500 LT, 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 on the 15th day of July, 2009 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 July 15, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the four (4) year lease with option to buy of one (1) 2009 Model, 4-Wheel Drive Chevrolet Tahoe 1500 LT.

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: July 6, 2009

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES, ABSENT) and Content (ADOPTED [UNANIMOUS], Mary Holtz, Stanley Kaznowski, Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski, Jeff Swiatek)



6. RESOLUTION 2009-345

Notice to Bidders - Construction of a New Building Maintenance Facility

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated November 17, 2008, the Town Board engaged the firm of EI Team to prepare plans and specifications for the construction of a New Building Maintenance Facility to be located on the Town Hall Campus, AND

WHEREAS, said plans and specifications have been completed, enabling the solicitation of competitive bids in the fields of General Construction Work, Plumbing Work, Heating, Ventilating and Air Conditioning (HVAC) Work and Electrical Work, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Construction of a New Building Maintenance Facility to be located at 3343 Broadway, said notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids for each field of construction will be received on the 5th day of August, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 5th day of August, 2009 at 11:00 A.M. in the Town Hall, Town of Cheektowaga, for furnishing all labor, materials, tools, equipment and incidentals required for General Construction Work, Plumbing Work, Heating, Ventilating and Air Conditioning (HVAC) Work and Electrical Work for the Construction of a new Building Maintenance Facility at 3343 Broadway (within the Town Complex at the corner of Union Road and Broadway), complete in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by EI Team Inc. and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$100.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full

amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227 and marked "Construction of a New Building Maintenance Facility".

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

The work shall be completed within 180 consecutive calendar days; to begin five days after the "Order to Commence Work" has been issued.

A Pre-Bid Conference will be held on July 27, 2009 at the project site at 10:00 A.M.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: July 6, 2009

PUBLISHED: July 9, 2009

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



7. RESOLUTION 2009-346

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 Four (4) Used 2008-2009 (under 20,000 miles) or Four (4) New and Unused 2008-2009 Vehicles by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Bee; and it is further

RESOLVED, that sealed bids will be received on the 15th day of July, 2009, 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 and opened by the Town Clerk of the Town of Cheektowaga on Wednesday, July 15, 2009, at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of four (4) used (under 20,000 miles) 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent), or four (4) new and unused 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent).

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 four (4) Used (under 20,000 miles) 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent) (Bid Item I) OR four (4) New and Unused 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent) (Bid Item II).

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.

July 6, 2009

Alice Magierski, Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



8. RESOLUTION 2009-347

SEQR- Dingens Street Storm Sewer Trunk Line Extension

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 Engineering Department for the construction of a storm sewer trunk line extension along Dingens Street, from Medina Street to Shanley Street , AND

WHEREAS, the proposed project is a second phase of a previously approved capital improvement project, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 29, 2009 recommended a determination of non-significance as shown on the attached memorandum dated April 30, 2009, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



9. RESOLUTION 2009-348

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 & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1999 Ford	10626-ET	550
2002 Ford	CZD-1824	Medic 1
1995 GMC	CWD-2770	Medic 8
2000 Ford	CGX-1659	Medic 9
2005 Chevrolet	DDG-8519	Medic 10
2005 Chevrolet	DDG-8520	Medic 12
2005 Chevrolet	DDG-8518	Medic 13
2005 Chevrolet	DDG-8521	Medic 14
2003 Chevrolet	DNJ-1293	Medic 15
2001 Chevrolet	DRM-8076	Medic 16
2001 Chevrolet	DRM-8075	Medic 17
1997 Ford	12787-ET	251
1997 Ford	12788-ET	252
1998 Ford	16765-ET	255
1997 Ford	16764-ET	256
1995 Ford	16763-ET	258
2005 Ford	59009-JT	501
1995 Ford	10665-ET	504
1995 Ford	10666-ET	505
2008 Chevrolet	10664-ET	506
2008 Chevrolet	10619-ET	507
2008 Chevrolet	12500-ET	508
2000 Ford	10630-ET	510
1998 Ford	10637-ET	511
2007 Chevrolet	10617-ET	512
1999 Ford	10662-ET	513
2007 Chevrolet	10615-ET	514
2007 Chevrolet	10649-ET	515

2007 Chevrolet	10618-ET	516
1999 Ford	16733-ET	517
1995 Ford	10661-ET	520
1999 Ford	10658-ET	521
1996 Ford	10656-ET	523
1998 Ford	16778-ET	524
1995 Ford	10606-ET	525
1999 Ford	16776-ET	526
2008 Chevrolet	12791-ET	527
2008 Chevrolet	12790-ET	528
1997 Ford	10631-ET	529
1998 Ford	16770-ET	532
2001 Ford	10604-ET	552
1997 Ford	16756-ET	554
1996 Ford	10659-ET	555
1997 Ford	16744-ET	557
1994 Ford	10657-ET	560
1997 Ford	10654-ET	562
1999 Ford	16753-ET	564
1997 Ford	12505-ET	565
1996 Ford	10632-ET	566
1999 Ford	16753-ET	567
1997 Ford	16738-ET	568
2005 Ford	10629-ET	570
2005 Ford	10628-ET	571
2005 Ford	10639-ET	572
2005 Ford	10627-ET	573
2006 Ford	10614-ET	574
2006 Ford	10613-ET	575
2006 Ford	10641-ET	576
1997 Ford	16748-ET	583
1996 Ford	10633-ET	585
1998 Ford	16750-ET	586
2001 Ford	10600-ET	587
2001 Ford	10602-ET	588
2001 Ford	10601-ET	589
1998 Ford	10603-ET	590
1994 Ford	10643-ET	593
1995 Ford	10645-ET	594
1994 Ford	10648-ET	595
1993 Ford	10647-ET	597
1994 Ford`	10669-ET	598
1996 Ford	10650-ET	535
1999 Ford	10663-ET	536
1997 Ford	16723-ET	537
1997 Ford	10655-ET	539
1999 Ford	12786-ET	542
2003 Ford	10607-ET	546
2003 Ford	10608-ET	547
2003 Ford	10653-ET	548
1999 Ford	10625-ET	549

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



10. RESOLUTION 2009-349

New/Renewal Ambulance Drivers/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>
Adams, Maxwell H.	65 Sunshine Dr., Amherst, N.Y. 14228	9/30/2011
Akin, Amanda N	17 Eckerson Ave, Akron, N.Y. 14001	1/31/2012
Ast, Paul R	6763 Minnick Rd. #19, Lockport, N.Y. 14094	5/31/2011
Austin, Joshua D	5458 Comstock Rd, Lockport, N.Y. 14094	4/30/2012
Bak, Kenneth Michael	8663 Hennepin Ave, Niagara Falls, N.Y. 14304	11/30/2008
Bono, Jeffrey A	12329 Main Rd, Akron, N.Y. 14001	9/30/2011
Bowen, Eric H	718 Windover Ln, Derby, N.Y. 14047	3/31/2009
Burt, Eric A	128 Browning Dr, Hamburg, N.Y. 14075	9/30/2011
Carberry, David V	3694 Seventh St, Blasdell, N.Y. 14219	1/31/2012
Catanesi, Raymond J	6025 Edward Ave, Newfane, N.Y. 14108	4/30/2011
Cleveland, Robert E	1480 E Park Rd, Grand Island, N.Y. 14072	11/30/2011
Conley, Eric J	173 Bellwood, West Seneca, N.Y. 14224	12/31/2011
Conte, Emma-Lee M	8660 Griffon Ave, Niagara Falls, N.Y. 14304	3/31/2010
Crockett, Darnell A	310 E Delevan Ave, Buffalo, N.Y. 14208	9/30/2011
Cruce, Elise R	54 N Seine Dr, Cheektowaga, N.Y. 14227	1/31/2012
Dworak, Keith R	300 Merrymont Drive, Cheektowaga, N.Y. 14225	1/31/2012
Eberhardt, Samantha J	24 Phillip St, N Tonawanda, N.Y. 14120	4/30/2012
Flateau, Nathanael J	14 Cresthill Ave, Tonawanda, N.Y. 14150	4/30/2012

Henderson, Joshua A	178 Best St, Buffalo, N.Y. 14209	7/30/2011
Hughes, Joseph D	3498 Two Rod Rd, E Aurora, N.Y. 14052	7/31/2010
Hultquist, Scott O	2739 W Church St, Eden, N.Y. 14057	9/30/2011
Kasper, Benjamin R	11355 Stage Rd, Akron, N.Y. 14001	4/30/2012
Kelly, Christopher T	113 Mariemont Ave, Buffalo, N.Y. 14220	7/31/2012
Kruger, Wayne M	264 Main St., Attica, N.Y. 14011	6/30/2011
LaPlante, Matthew D	360 Fargo, Buffalo, N.Y. 14213	3/31/2010
Lysek, Scott R	1453 Losson Rd, Depew, N.Y. 14043	2/28/2010
Mangano, Carmelo	24 Olcott Place, Cheektowaga, N.Y. 14225	4/30/2012
Mergi, Michael C	4230 Calkins Rd, Youngstown, N.Y. 14174	12/31/2011
Messana, Michael A	18 Clinton St., Tonawanda, N.Y. 14150	2/29/2012
Michalik, Caroline J	79 Pamela Court, West Seneca, N.Y. 14224	9/30/2011
Miller, Peter J	65 Byron Ave, Buffalo, N.Y. 14223	4/30/2012
Muraco, Christopher F	7070 Brown Hill Rd., Boston, N.Y. 14025	8/31/2011
Natalzia, Peter J	2080 Bullis Rd., Elma, N.Y. 14057	1/31/2011
Neuman, Matthew J	5 Foxcroft Ln., Williamsville, N.Y. 14221	9/30/2011
Oberther, Scott R	58 Carla Ln, West Seneca, N.Y. 14224	4/30/2012
Overton, Shawanda E	53 Parkridge Ave, Buffalo, N.Y. 14215	4/30/2012
Pettit, Christopher R	3116 Shenk Rd. Apt. B, Sanborn, N.Y. 14132	2/29/2012
Reed, Sandra L.	66 Ledyard Ave, Depew, N.Y. 14043	7/31/2011
Robinson, Jacques A	354 Florida, Buffalo, N.Y. 14208	4/30/2012
Rosenberg, Michael A	173 North St, Apt 7, Buffalo, N.Y. 14201	2/29/2012
Rozler, Stephen M	1 Huntley Dr, Lancaster, N.Y. 14086	7/31/2011
Schieber, Jennifer A	600 Seneca Creek Rd., West Seneca, N.Y. 14224	3/31/2010
Slaven, Matthew P	7676 Barnum Rd., Cassadaga, N.Y. 14718	1/31/2012
Smith, Gregory P	265 Clearfield Dr., Williamsville, N.Y. 14221	7/31/2011
Szczepaniak, Timothy K	1524 Cain Road, Angola, N.Y. 14006	12/31/2011
Tompkins, Thomas P	31 Enterprise Ave, Tonawanda, N.Y. 14150	7/31/2011
Tooley, Stephen P	12F Walnut St., Forestville, N.Y. 14062	4/30/2012
Vaccaro, James M	2608 Three Rod Rd, East Aurora, N.Y. 14052	5/31/2012
Vennero, Daniel P	107 Brookwood Drive, Hamburg, N.Y. 14075	2/29/2012
Ventre, Sarah J	8345 Creekend Rd., Colden, N.Y. 14033	9/30/2011
Waggoner, Candace B	6809 Revere Dr, Derby, N.Y. 14047	1/31/2012
Walkden, William P	91 Orchard Ave, West Seneca, N.Y. 14224	4/30/2012
Wells, David D	87 Kingston Pl, Buffalo, N.Y. 14210	4/30/2011
Wick, Alan J	65 Flohr Ave, West Seneca, N.Y. 14224	1/31/2012

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT: Jeff Swiatek



11. RESOLUTION 2009-350

Direct Supervisor to Sign Final Contract Acceptance Documents with Hohl Industrial Services, Inc.

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, a contract for the rehabilitation of bottom chord truss members for the Rein Road bridge was awarded by Town Board resolution dated May 5, 2008 to Hohl Industrial Services, Inc., which contract including previously approved Change Order No. 1 is in the amount of \$54,037.00, AND

WHEREAS, the Town Engineer and Nussbaumer & Clarke, Inc., Project Engineer, have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to sign the final contract acceptance documents with Hohl Industrial Services, Inc., 770 Riverview Boulevard, Tonawanda, New York 14150.

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



12. RESOLUTION 2009-351

Unsafe-Unsecured / 89 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 89 Gardenvale Drive, Cheektowaga, New York SBL# 91.06-14-19 that is a danger to the safety of others, and records kept by the Assessors Office identify George A. Young Jr. & Wife, 89 Gardenvale Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 89 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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



13. RESOLUTION 2009-352

Special Event - WNY Perinatal Bereavement Network Memorial Walk

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires any one 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, WNY Perinatal Bereavement Network has made application to hold a Memorial Walk (to remember babies families have lost) at the Lions Pavilion in Cheektowaga Town Park on Sunday, October 11, 2009 from 8:30 A.M. to 3:00 P.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Parks Department and Youth and Recreational Services 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 WNY Perinatal Bereavement Network for the aforementioned Memorial Walk in Cheektowaga Town Park to be held on October 11, 2009; and be it further

RESOLVED, that approval of said application is contingent upon payment of any fees required for use of Town Park or the Pavilion at Town Park.

Motion by Councilmember Rogowski, Second by Councilmember Jaworowicz to correct resolution to show date of event as October 11, 2009.

Motion Carried

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



14. RESOLUTION 2009-353

Special Event - HSBC Technology Services 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 14, 2009 from 9:00 a.m. to 7:00 p.m., and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Parks Department and Youth and Recreational Services 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 HTS Social Committee of the HSBC Bank for the aforementioned picnic to be held in Cheektowaga Town Park at the Lion's Pavilion on August 14, 2009 from 9:00 a.m. to 7:00 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



15. RESOLUTION 2009-354

Special Event - Pulaski Day Parade

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the General Pulaski Association has made application to hold a parade honoring General Pulaski on Sunday, July 19, 2009 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 Police Department, Highway Department 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. 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 for the aforementioned parade to be held on July 19, 2009, and BE IT FURTHER

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

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



16. RESOLUTION 2009-355

Approve Military Reservist Salary Act to June 30, 2010

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the United States' involvement in the War in Iraq has necessitated the United States Military to call reservists to active duty; and

WHEREAS, pursuant to Sections 242 and 243 of Civil Service Military Law, Town employees who are reservists may annually take up to twenty-two paid working days from their civil service positions when they are absent thirty calendar days in order to fulfill their military requirements; and

WHEREAS, this Town Board fully supports all United States reservists and their defense of our great nation, and as such, in this time of war, the Cheektowaga Town Board seeks to waive its requirements under the various union contracts and the Civil Service Military Law for military call-up to pursue the counter-attack on a one-time basis; and

WHEREAS, as a show of this Town Board's complete support of its employees being called to active duty, no reservist employed by the Town of Cheektowaga shall be penalized monetarily while serving their country; and

WHEREAS, by previous Resolutions, this Town Board enacted a policy whereby any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; NOW, THEREFORE, BE IT

RESOLVED that any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; and BE IT FURTHER

RESOLVED, that such policy shall be extended to and including June 30, 2010 and be subject to further review at that time.

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



17. RESOLUTION 2009-356

Approve 2009 Funding for Art Guild and Cultural Society

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2009 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 2008 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 Cultural Society	\$2,150.00
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 2009 Town budget, subject to audit and approval of a properly signed Town voucher.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



18. RESOLUTION 2009-357

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

SANITATION DEPARTMENT Laborer \$8/hour effective 7/06/09
Mark Blachowicz, Cheektowaga, New York
Kyle Van Overloop, Depew, 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:

JUSTICE COURT Clerk \$8/hour
Christine M. DiGiacomo, Depew, New York
Effective 6/29/09

Jennifer Bykowicz, Cheektowaga, New York
Effective 07/07/09

SENIOR SERVICES Clerk \$10/hour
Patricia E. Somogye, Cheektowaga, New York
Effective 7/06/09

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

RECORDS CENTER
Brenda Iwanski effective 7/09/09

SANITATION DEPARTMENT
Keith Pheasant effective 6/22/09

MAIN PUMP STATION
Ronald Strong effective 6/20/09
Jacob Wodowski effective 5/16/08

POLICE DEPARTMENT (School Crossing Guard)
Patricia Breton effective 6/24/09

BE IT RESOLVED, that the following employee's status be and hereby is amended as follows:

FACILITIES DEPARTMENT (Parks Division) Part-Time Laborer to Seasonal Laborer \$11/hour
Thomas Somogye, Cheektowaga, New York
Effective 6/15/09

BE IT RESOLVED, that the following part-time employees' hourly rate be and hereby is adjusted as follows:

POLICE DEPARTMENT Clerk \$7.25 effective 7/06/09
Sheila M. Doerr, Cheektowaga, NY
Jeff M. Filipski, Cheektowaga, NY
Ashley L. Kornecki, Depew, NY
Deborah S. Kraus, Cheektowaga, NY
Jacqueline M. Lewandowski, Cheektowaga, NY

POLICE DEPARTMENT Student Assistant \$7.25/hour effective 7/06/09
Timothy C. Meyers, Cheektowaga, NY
Madelyn O. Pecyne, Cheektowaga, NY
Corey J. Schanne, Cheektowaga, NY
Joseph M. Skowronski, Cheektowaga, NY

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.25/hour effective 7/06/09
Zachary J. Elphick, Cheektowaga, NY
Collin P. Fritsch, Cheektowaga, NY

Motion by Supervisor Holtz, Second by Councilmember Markel to waive the reading of names for resolutions 2009-357 and 2009-358

Motion Carried

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



19. RESOLUTION 2009-358

Hire Youth & Recreation

Sponsored By: Councilmember Zydell, Councilmember Rogowski

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

Recreation Attendant - 7140.1614 - \$8.00

Regular Part-time

Donald McEvoy

Recreation Attendant - 7310.1802 Camp Crabapple - \$7.90

Seasonal

Jillian Franz 14211

Recreation Attendant - 7140.1614 - \$8.50

Seasonal

Andrea Deuser 14227

Recreation Attendant - 7140.1645 & 7140.1614 - \$7.90

Regular Part-time

Steven Lach 14212

Recreation Aide - 7140.1645 - \$7.25 - Part-time

Shane Mullen 14225

Colin Wegner 14227

Recreation Attendant - 7140.1645 & 7310.1810 - \$7.25

Regular Part-time

Donald Diana 14043

Lifeguard - Level I - 7180.1903 - \$8.10 - Regular Part-time

Kayla Kuechle 14225

Recreation Attendant - 7310.1801 Camp JI-IK-DO-WAH-GAH - \$7.25

Regular Part-time - Effective 7/1/09

Sarah Litwin 14225

BE IT FURTHER RESOLVED that due to resignations and job declinations, the Department of Youth & Recreational Services is experiencing an insufficient compliment of resident lifeguards, the following individual be hired as indicated, effective immediately:

Lifeguard - Level I - 7180.1903 - \$8.10 - Regular Part-time

Andrew Rizzo 14223

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember

SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT: Jeff Swiatek

**20. RESOLUTION 2009-359****Amend Appointment Date of Park Maintenance Worker I
(Facilities/Parks) (Ronald P. Rogowski)**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, this Town Board appointed Ronald P. Rogowski to the position of Park Maintenance Worker I in the Facilities Department (Parks Division) effective June 16, 2009;
AND

WHEREAS, the effective date of appointment must be amended; NOW, THEREFORE,
BE IT

RESOLVED, that Ronald P. Rogowski of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I 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 June 20, 2009.

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



21. RESOLUTION 2009-360

Appointment of Laborer (Sewer Maintenance Department) (Labor/Permanent) (Dawn Burgio)

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

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

WHEREAS, Dawn Burgio, currently employed as a Clerk Typist in the Sewer Maintenance Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Dawn Burgio of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 13, 2009.

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

**22. RESOLUTION 2009-361**

Appointment of Community Development Aide (Office of Community Development) (Permanent/Competitive) Diane M. Farugia

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Community Development Aide in the Office of Community Development; AND

WHEREAS, said position is in the competitive class of civil service; AND

WHEREAS, a civil service list has been established by Erie County; AND

WHEREAS, Diane M. Farugia, currently employed as a Senior Clerk in the Office of Community Development, appears on said civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Diane M. Farugia of Cheektowaga, New York, be and hereby is appointed to the position of Community Development Aide in the Office of Community Development in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 7, 2009.

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

**23. RESOLUTION 2009-362****Appointment of Maintenance Worker (Building Maintenance Division) (Labor/Permanent) David Ford**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Building Maintenance Division); AND

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

WHEREAS, David Ford, currently employed as Park Maintenance Worker II in the Facilities Department (Parks Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David Ford of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Building Maintenance Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 6, 2009.

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

**24. RESOLUTION 2009-363****Appointment of General Mechanic (Facilities
Department/Parks Division) (Non-Competitive/Permanent)
(John Ciesielski)**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department (Parks Division); AND

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

WHEREAS, John Ciesielski, currently employed as a General Mechanic in the Facilities Department (Building Maintenance Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that John Ciesielski of Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Facilities Department (Parks Division), pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective July 6, 2009.

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

**25. RESOLUTION 2009-364****Appointment of Park Maintenance Worker II (Facilities/Parks)
(Labor/Permanent) Joseph Rydzynski**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Park Maintenance Worker II in the Facilities Department (Parks Division); AND

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

WHEREAS, Joseph Rydzynski, currently employed as a Maintenance Worker in the Facilities Department (Parks Division), applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph Rydzynski of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker II 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 July 6, 2009.

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



26. RESOLUTION 2009-365

Travel Authorization (Police Department) (Lieutenant Michael Isbrandt)

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the "Colonel Henry F. Williams International Homicide Seminar" is being held September 12-17, 2009 in Albany, New York; AND

WHEREAS, Police Lieutenant Michael Isbrandt has requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,653.10; AND

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

RESOLVED, that Lieutenant Michael Isbrandt be and hereby is authorized to attend the "Colonel Henry F. Williams International Homicide Seminar" being held September 12-17, 2009 in Albany, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

IV. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - May 2009
2. Town of Cheektowaga Comprehensive Annual Financial Report for the Year Ended December 31, 2008
3. Building Permits - June 2009
4. Minutes - Cheektowaga Planning Board - June 11, 2009
5. Minutes - Cheektowaga Conservation Advisory Council - June 4, 2009

B. General Communications

1. Notice of Order - NYSDOT - Route 240, Harlem Road at Its Intersection with Off-Ramp/On-Ramp of Westbound Route 33, Kensington Expressway. Right Turns by Traffic from the East on the Off-Ramp from 7 Am to 9 Am and 2:30 Pm to 4:30 Pm on School Days
2. Notice of Highway Restriction - that Portion of Aero Drive is Closed from Holtz Drive to Rein Road. the Bridge Will be Closed from June 23, 2009, Until the Structure Steel Rehabilitation Project is Completed (Approximately 4 Weeks, Weather Dependent).
3. Notice of Claim - Rachel Barlow Vs. Town of Cheektowaga
4. Notice of Claim - Irene Kmiotek Vs. Town of Cheektowaga
5. Notice of Claim - Taneka Lawson Vs. Town of Cheektowaga
6. Notice of Claim - Mother of Divine Grace Church Vs. Town of Cheektowaga
7. Notice of Claim - Dawn Napierski Vs. Town of Cheektowaga

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Executive Session

Motion by Supervisor Holtz, Second by Councilmember Zydel to move into Executive Session to discuss a Personnel Matter at 7:25 PM

Supervisor asked for a moment of silence for:

Alice Nowak and Al Meyers.

Motion Carried

Present at Executive Session:

Supervisor Holtz

Councilmember Markel

Councilmember Kacznowski

Councilmember Rogowski

Councilmember Zydel
Councilmember Jaworowicz
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police
James Donathen, Counsultant/Attorney
Alice Magierski, Town Clerk

Motion by Councilmember Rogowski, Second by Councilmember Jaworowicz to come out of Executive Session and return to Council Chambers at 7:45 PM

Motion Carried

VII. Suspension of Rules

Motion by Councilmember Rogowski, Second by Councilmember Jaworowicz to approve the Suspension of Rules to include Resolution 2009-366

Motion Carried



1. RESOLUTION 2009-366

Determination on Charges Filed Against Police Officer

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

WHEREAS, Cheektowaga Chief of Police Christine M. Ziemba recommended and preferred disciplinary charges against Cheektowaga Police Department Officer David K. Robida; and

WHEREAS, on September 15, 2008, the Cheektowaga Town Board issued a Notice of Hearing and accompanying Charges and Specifications ("Charges") for service upon Officer Robida; and

WHEREAS, on November 25, 2008, the Cheektowaga Town Board issued a Notice of Hearing and accompanying Amended Charges and Specifications ("Amended Charges") for service upon Officer Robida; and

WHEREAS, both Notices of Hearing and the Charges and the Amended Charges were duly served upon Officer Robida;

WHEREAS, the Cheektowaga Town Board appointed Deputy Town Attorney Jeffrey Whiting to act as Hearing Officer to hear the Charges and the Amended Charges, and to report and recommend to the Cheektowaga Town Board proposed disciplinary action against Officer Robida; and

WHEREAS, Hearing Officer Whiting conducted a Hearing in this matter on January 8, January 9, January 14, January 15, February 10, February 11, and February 18, 2009; and

WHEREAS, on June 29, 2009, Hearing Officer Whiting issued to the Cheektowaga Town Board certain Recommendations as to whether each of the Amended Charges should be sustained; and

WHEREAS, Hearing Officer Whiting has recommended that the following charges should be sustained against Officer Robida:

- Charge One: Officer Robida failed to treat Ms. Z____ civilly and respectfully on June 13-15, 2008.
- Charge Three: Officer. Robida violated Chief Christine Ziemba's order to have no contact with Ms. Z_____.
- Charge Four: Officer Robida knowingly made a false report to the Cheektowaga Police Department on July 18, 2008; and

WHEREAS, Hearing Officer Whiting has recommended that the following charges should not be sustained against Officer Robida:

- Charge Two: Officer Robida conducted himself in a manner unbecoming a Cheektowaga police officer in omitting material facts from a police report concerning Ms. Z_____.
- Charge Five: Officer. Robida is guilty of misconduct which brings discredit to the Cheektowaga Police Department.
- Charge Six: Officer Robida has brought discredit upon the Cheektowaga Police Department.

WHEREAS, Hearing Officer Whiting recommended that the following charge should be deferred to the penalty phase of these proceedings:

- Charge Seven: Officer committed an act or acts of delinquency which seriously affect his general character and fitness for office; and

WHEREAS, Hearing Officer Whiting recommended that Affirmative Defenses First through Eleventh should be rejected; and

WHEREAS, on June 30, 2009, the Cheektowaga Town Board was presented with the complete record of the Hearing that took place concerning the charges against Officer Robida; and

WHEREAS, the Cheektowaga Town Board has had an opportunity to review this record and the Hearing Officer's Recommendations;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charge One has been sustained, and in making this finding, relies upon the facts recited in the Hearing's Officer's Recommendations together with the record evidence including that Officer Robida admitted in his testimony that his text messages set forth in Employer Exhibit 2 were vulgar, threatening and insulting towards his ex-girlfriend, Ms. Z____, and her family; and, as a portent of the events that would take place at Sunset Bay Beach Club (the "Sunset") on July 4, 2008, Officer Robida warned Ms. Z____ of his power to "ruin" her summer by excluding Ms. Z____ and any member of her family from the Sunset and other bars and public establishments owned or operated by his friends. (EX 2; 2-11-09 Tr. 177, 180, 182, 184, 188-89); and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charge Three has been sustained, and in making this finding, relies upon the facts recited in the Hearing's Officer's Recommendations together with the record evidence including that two of Officer Robida's friends and associates, Mr. D____ and Mr. P____, stayed at Mr. C____'s cottage in Irving, New York on the evening of July 3, 2008, conversed with Mr. C____ during the morning and early afternoon of July 4, 2008 at the Sunset, observed Ms. Z____ as they drove through the Sunset's parking lot on the morning of July 4, 2008, and pointed her out to Officer Robida as Ms. Z____ walked by them during the early afternoon of July 4th at the Sunset; and the further fact that Mr. C____ removed Ms. Z____ within minutes thereafter notwithstanding his duties of overseeing security for the hundreds of patrons then present at the Sunset on one of the Sunset's busiest days of the year. (1-8-09 Tr. 40-41; 1-9-09 Tr. 83, 116-17, 191, 203; 2-10-09 Tr. 180, 187-88; and 2-11-09 Tr. 7, 26, 28-29, 31, 33, 40); and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charge Four has been sustained, and in making this finding, relies upon the facts recited in the Hearing Officer's Recommendations, together with the record evidence and the undisputed facts that:

- Any Police Officer who makes a false statement during the course of an Internal Affairs investigation undermines the integrity and purpose of such investigation.
- Officer Robida's false statements involved a central fact issue in the subject Internal Affairs investigation-namely, whether Officer Robida had given Mr. C____ the "heads up" that Ms. Z____ would be at the Sunset on July 4th of 2008; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board further finds that Officer Robida, through his conduct set forth in Charges One, Three and Four sustained hereinabove, has brought discredit to the Cheektowaga Police Department, including that:

- Officer Robida sent his ex-girlfriend, Ms. Z____, "text messages . . . as set forth in Employer Exhibit 2" that were "vulgar, threatening and insulting," and "fall far short of

- treating a person civilly and respectfully” (Recommendations, p. 15).
- “Officer Robida was well aware that Ms. Z____ would be at the [Sunset] on July 4, 2008, was aware he was to stay away from her, went to the [Sunset] nevertheless and did engage in third party contact with Mr. C____ that was likely to, and did in fact, result in Ms. Z____ being removed from the [Sunset] by Mr. C____ in a way that could not have been more aggressive, abrupt, embarrassing and predicable [sic]” (Recommendations, p. 27).
 - Officer Robida knowingly made a false statement to Cheektowaga Police Captain David Zack, by stating that he had not alerted Mr. C____ in advance as to Ms. Z____’s likely presence at the [Sunset] on July 4, 2008, when in fact he had (Recommendations, pp. 27-28);

and, therefore, finds that Charge Six has been sustained against Officer Robida, and declines to adopt the Hearing Officer’s Recommendations concerning Charge Six; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charges Two and Five are not sustained for the reasons set forth in the Hearing Officer’s Recommendations; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board adopts the Hearing Officer’s Recommendations as to Charge Seven, and that the Chief of Police may therefore introduce evidence at the penalty phase of these proceedings as to whether any of the actions that have resulted in sustained charges seriously affect Officer Robida’s general character and fitness for office; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board adopts the Hearing Officer’s Recommendations that Affirmative Defenses First through Eleventh lack any merit and are hereby rejected; and

BE IT FURTHER RESOLVED that inasmuch as the Cheektowaga Town Board has sustained Charges One, Three, Four and Six, Hearing Officer Whiting is directed to conduct a further hearing to determine a recommended punishment for Officer Robida, based upon the Town Board’s findings herein, Officer Robida’s overall record and any other evidence which the Hearing Officer should deem relevant to this determination.

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

VIII. Adjourn

Motion by Supervisor Holtz, Second by Councilmember Rogowski to adjourn the meeting at 7:50 PM

Motion Carried

Alice Magierski, Town Clerk

TOWN OF CHEEKTOWAGA

Workplace Violence Prevention

It is the policy of the Town of Cheektowaga to ensure a safe workplace and to reduce the risk of violence to our employees and citizens. It is a shared obligation of all employees and citizens, individually and collectively, to prevent and/or defuse actual or implied violent behavior (verbal or physical) at work.

Any person who engages in a violent or threatening manner, either verbal or physical in nature, will be removed from the premises as quickly as safety permits.

At the Town's discretion, employees and and/or the public may be barred from the Town's premises pending the outcome of an investigation. Any employee who engages in such behavior may be subject to disciplinary action up to and including termination, criminal penalties, or both.

DEFINITION

Violent behavior on the job includes, but is not limited to:

1. Causing or attempting to cause physical injury to another person;
2. Intentional destruction or threat of destruction of Town property or another person's personal property;
3. Expressing intent to cause physical harm or emotional duress;
4. Acting in a hostile manner through unwelcome words, actions or physical contact not resulting in physical harm to another person.
5. Surveillance or stalking;
6. Possession of a weapon while on Town property or while on Town business without proper authorization;
6. Veiled threats of physical harm or intimidation;
7. Expression of suicidal or homicidal intent or thoughts; and
8. Unusual agitation or excitement, which may be accompanied by incoherent and/or irrational behavior or harassment.

PROCEDURES

Reporting Procedures

- A. Law enforcement officials will be notified as soon as possible of any situation that has the potential for immediate danger to the safety of an employee or any other person.
- B. All employees are responsible to inform their immediate supervisor of any condition or behavior that the employee experiences or witnesses and believes places the employee and/or others at risk of injury. Such actions may include but are not limited to:

- i. Causing or attempting to cause physical injury to another person;
 - ii. Possession of a weapon while on Town property or while on Town business without proper authorization;
 - iii. Expressing an intent to cause immediate physical harm; and
 - iv. Intentional destruction or threat of immediate destruction of Town property or another person's personal property.
- C. Once notified a supervisor will report all employee concerns to the appropriate Department Head. The Department Head will:
 - i. Take immediate action to end the dangerous or harassing behavior;
 - ii. Notify the Personnel Department;
 - iii. If appropriate, take appropriate disciplinary action.
- D. The Personnel Department will assure that a full investigation is made and will assist the Department Head in resolving the issue.

Reports should be made regardless of whether the potentially dangerous person is a co-worker or a non-employee. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others on a "need to know" basis. This policy does not prevent employees from directly notifying law enforcement officials of the problems.

- E. Emergency Situations – It is recommended that employees who are confronted by or who encounter an armed or dangerous person not attempt to challenge or disarm the individual. The employee should use his/her best judgment under the circumstances to avoid injury to him/her or others. If the employee is able to contact the Town Police Department or emergency assistance safely, then the employee should do so immediately or as soon as possible.
- F. Enforcement – Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Reports to law enforcement officials will be made as appropriate. Non-employees engaged in violent acts in or affecting the workplace will also be reported to the proper authorities. The Town will cooperate fully with law enforcement authorities during any investigation.
- G. Workplace Violence Response Team – A team consisting of a member of the Town Police Department, the Personnel Department, and the Town Attorney's Office, a representative from each bargaining unit will be responsible for coordinating with the Town's EAP provider in the event of an incident and establishing response procedures. Procedures addressing

issues of security, medical assistance, public relations and evacuations will be established by this team.

- H. Eligibility for Rehire – Employees terminated for violating a provision of this policy shall not be eligible for rehire with the Town in any capacity.

bal 6/2009



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, July 6, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 6, 2009 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
Jerry Gabryszak, Director of Community Development
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
Christine Ziembra, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-340

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

GENERAL FUND

FROM:	100.3120.3820	State Aid Police	\$ 70,439.37
	100.3120.3820	State Aid Police	5,537.54
	100.7310.2101	ARP Revenue	50.00
	100.7140.2149	Tennis Revenue	450.00
	100.1415.3500	State Aid Archive	19,977.00
TO:	100.3120.2207	Jag Grant	\$ 70,439.37
	100.3120.2206	Block Grant	5,537.54
	100.7310.4693	ARP Expense	50.00
	100.7140.4530	Tennis Expense	450.00
	100.1415.4001	Contractual Expenses	19,977.00

HUD CDBG FUND

FROM:	700.1006.5000	Removal of Architectural Barriers	\$ 4,000.00
	700.1008.0602	Clearance/Demolition	5,000.00
TO:	700.1006.0606	Disposition	\$ 4,000.00
	700.1008.0703	Administration	5,000.00

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



2. RESOLUTION 2009-341

Warrant

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 3, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,897,932.99
RISK RETENTION FUND	79,520.06
NYS HOME PROGRAM	1,245.00
DEBT SERVICE FUND	331,200.00
HUD HOUSING REHABILITATION	13,823.25
SPECIAL DISTRICTS FUND	1,028,416.20
HIGHWAY FUND	500,720.78
CAPITAL FUND	307,270.88
TRUST & AGENCY FUND	15,068.81
HUD CDBG FUND	70,480.29
PART TOWN FUND	125,066.86
NYS AFFORDABLE HOUSING	56,854.00
	<u>\$ 5,427,599.12</u>

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



3. RESOLUTION 2009-342

Award of Bid for Purchase of Electricity

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga currently purchases electricity to service various buildings, street lights and other facilities owned by the Town of Cheektowaga, and

WHEREAS, the Town's existing contract to purchase electricity through Integrys Energy Services of NY, Inc. expires on December 31, 2009, and

WHEREAS, by resolution dated June 15, 2009, this Town Board issued a Notice to Bidders for the purchase of electricity for the Years 2010 and/or 2011, and

WHEREAS, sealed bids were received and opened on the 1st day of July, 2009 at 11:00 a.m. at a public bid opening, and

WHEREAS, only one bid was received for the year 2010 and, after review and analysis of said bid, the Director of Administration and Finance and Town Attorney have determined that said bid is in compliance with the bid specifications and should be awarded, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the purchase of electricity for the 2010 (Bid Item I) be and hereby is awarded to Integrys Energy Services of NY, Inc. at a blended average rate per kilowatt hour of \$0.062077 or other similar rate when refreshed as of July 7, 2009 acceptable to Director of Administration and Finance, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an agreement and all other documents necessary to effectuate the terms of this bid award with Integrys Energy Services of NY, Inc.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



4. RESOLUTION 2009-343

Adoption of Workplace Violence Prevention Policy

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

BE IT RESOLVED, that the attached Workplace Violence Prevention Policy be and hereby is adopted by this Town Board effective July 7, 2009.

ATTACHMENTS:

workplace violence prevention june 2009 (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mary Holtz, Supervisor

SECONDER: Patricia Jaworowicz, Councilmember

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

ABSENT: Jeff Swiatek



5. RESOLUTION 2009-344

Notice to Bidders - 2009 Chevrolet Tahoe for the Disaster Coordinator

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga desires to lease for a period of four (4) years, with an option to buy, one (1) 2009 Model, 4-Wheel Drive Chevrolet Tahoe 1500 LT for use by the Disaster Coordinator, 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 lease of one (1) 2009 Chevrolet Tahoe 1500 LT, 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 on the 15th day of July, 2009 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 July 15, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the four (4) year lease with option to buy of one (1) 2009 Model, 4-Wheel Drive Chevrolet Tahoe 1500 LT.

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: July 6, 2009

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES, ABSENT) and Content (ADOPTED [UNANIMOUS], Mary Holtz, Stanley Kaznowski, Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski, Jeff Swiatek)



6. RESOLUTION 2009-345

Notice to Bidders - Construction of a New Building Maintenance Facility

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by resolution dated November 17, 2008, the Town Board engaged the firm of EI Team to prepare plans and specifications for the construction of a New Building Maintenance Facility to be located on the Town Hall Campus, AND

WHEREAS, said plans and specifications have been completed, enabling the solicitation of competitive bids in the fields of General Construction Work, Plumbing Work, Heating, Ventilating and Air Conditioning (HVAC) Work and Electrical Work, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for the Construction of a New Building Maintenance Facility to be located at 3343 Broadway, said notice to be published in the CHEEKTOWAGA BEE, AND BE IT FURTHER

RESOLVED, that sealed bids for each field of construction will be received on the 5th day of August, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 5th day of August, 2009 at 11:00 A.M. in the Town Hall, Town of Cheektowaga, for furnishing all labor, materials, tools, equipment and incidentals required for General Construction Work, Plumbing Work, Heating, Ventilating and Air Conditioning (HVAC) Work and Electrical Work for the Construction of a new Building Maintenance Facility at 3343 Broadway (within the Town Complex at the corner of Union Road and Broadway), complete in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by EI Team Inc. and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$100.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full

amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227 and marked "Construction of a New Building Maintenance Facility".

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

The work shall be completed within 180 consecutive calendar days; to begin five days after the "Order to Commence Work" has been issued.

A Pre-Bid Conference will be held on July 27, 2009 at the project site at 10:00 A.M.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: July 6, 2009

PUBLISHED: July 9, 2009

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



7. RESOLUTION 2009-346

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 Four (4) Used 2008-2009 (under 20,000 miles) or Four (4) New and Unused 2008-2009 Vehicles by the Town of Cheektowaga Police Department, said notice to be published in the Cheektowaga Bee; and it is further

RESOLVED, that sealed bids will be received on the 15th day of July, 2009, 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 and opened by the Town Clerk of the Town of Cheektowaga on Wednesday, July 15, 2009, at 11:00 A.M. in the Council Chambers, First Floor, Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, for the purchase of four (4) used (under 20,000 miles) 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent), or four (4) new and unused 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent).

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 four (4) Used (under 20,000 miles) 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent) (Bid Item I) OR four (4) New and Unused 2008-2009 Ford Taurus mid-sized vehicles (or Ford equivalent) (Bid Item II).

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.

July 6, 2009

Alice Magierski, Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



8. RESOLUTION 2009-347

SEQR- Dingens Street Storm Sewer Trunk Line Extension

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 Engineering Department for the construction of a storm sewer trunk line extension along Dingens Street, from Medina Street to Shanley Street , AND

WHEREAS, the proposed project is a second phase of a previously approved capital improvement project, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on April 29, 2009 recommended a determination of non-significance as shown on the attached memorandum dated April 30, 2009, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



9. RESOLUTION 2009-348

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 & YEAR</u>	<u>LICENSE NO.</u>	<u>CALL NO.</u>
1999 Ford	10626-ET	550
2002 Ford	CZD-1824	Medic 1
1995 GMC	CWD-2770	Medic 8
2000 Ford	CGX-1659	Medic 9
2005 Chevrolet	DDG-8519	Medic 10
2005 Chevrolet	DDG-8520	Medic 12
2005 Chevrolet	DDG-8518	Medic 13
2005 Chevrolet	DDG-8521	Medic 14
2003 Chevrolet	DNJ-1293	Medic 15
2001 Chevrolet	DRM-8076	Medic 16
2001 Chevrolet	DRM-8075	Medic 17
1997 Ford	12787-ET	251
1997 Ford	12788-ET	252
1998 Ford	16765-ET	255
1997 Ford	16764-ET	256
1995 Ford	16763-ET	258
2005 Ford	59009-JT	501
1995 Ford	10665-ET	504
1995 Ford	10666-ET	505
2008 Chevrolet	10664-ET	506
2008 Chevrolet	10619-ET	507
2008 Chevrolet	12500-ET	508
2000 Ford	10630-ET	510
1998 Ford	10637-ET	511
2007 Chevrolet	10617-ET	512
1999 Ford	10662-ET	513
2007 Chevrolet	10615-ET	514
2007 Chevrolet	10649-ET	515

2007 Chevrolet	10618-ET	516
1999 Ford	16733-ET	517
1995 Ford	10661-ET	520
1999 Ford	10658-ET	521
1996 Ford	10656-ET	523
1998 Ford	16778-ET	524
1995 Ford	10606-ET	525
1999 Ford	16776-ET	526
2008 Chevrolet	12791-ET	527
2008 Chevrolet	12790-ET	528
1997 Ford	10631-ET	529
1998 Ford	16770-ET	532
2001 Ford	10604-ET	552
1997 Ford	16756-ET	554
1996 Ford	10659-ET	555
1997 Ford	16744-ET	557
1994 Ford	10657-ET	560
1997 Ford	10654-ET	562
1999 Ford	16753-ET	564
1997 Ford	12505-ET	565
1996 Ford	10632-ET	566
1999 Ford	16753-ET	567
1997 Ford	16738-ET	568
2005 Ford	10629-ET	570
2005 Ford	10628-ET	571
2005 Ford	10639-ET	572
2005 Ford	10627-ET	573
2006 Ford	10614-ET	574
2006 Ford	10613-ET	575
2006 Ford	10641-ET	576
1997 Ford	16748-ET	583
1996 Ford	10633-ET	585
1998 Ford	16750-ET	586
2001 Ford	10600-ET	587
2001 Ford	10602-ET	588
2001 Ford	10601-ET	589
1998 Ford	10603-ET	590
1994 Ford	10643-ET	593
1995 Ford	10645-ET	594
1994 Ford	10648-ET	595
1993 Ford	10647-ET	597
1994 Ford`	10669-ET	598
1996 Ford	10650-ET	535
1999 Ford	10663-ET	536
1997 Ford	16723-ET	537
1997 Ford	10655-ET	539
1999 Ford	12786-ET	542
2003 Ford	10607-ET	546
2003 Ford	10608-ET	547
2003 Ford	10653-ET	548
1999 Ford	10625-ET	549

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



10. RESOLUTION 2009-349

New/Renewal Ambulance Drivers/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>
Adams, Maxwell H.	65 Sunshine Dr., Amherst, N.Y. 14228	9/30/2011
Akin, Amanda N	17 Eckerson Ave, Akron, N.Y. 14001	1/31/2012
Ast, Paul R	6763 Minnick Rd. #19, Lockport, N.Y. 14094	5/31/2011
Austin, Joshua D	5458 Comstock Rd, Lockport, N.Y. 14094	4/30/2012
Bak, Kenneth Michael	8663 Hennepin Ave, Niagara Falls, N.Y. 14304	11/30/2008
Bono, Jeffrey A	12329 Main Rd, Akron, N.Y. 14001	9/30/2011
Bowen, Eric H	718 Windover Ln, Derby, N.Y. 14047	3/31/2009
Burt, Eric A	128 Browning Dr, Hamburg, N.Y. 14075	9/30/2011
Carberry, David V	3694 Seventh St, Blasdell, N.Y. 14219	1/31/2012
Catanesi, Raymond J	6025 Edward Ave, Newfane, N.Y. 14108	4/30/2011
Cleveland, Robert E	1480 E Park Rd, Grand Island, N.Y. 14072	11/30/2011
Conley, Eric J	173 Bellwood, West Seneca, N.Y. 14224	12/31/2011
Conte, Emma-Lee M	8660 Griffon Ave, Niagara Falls, N.Y. 14304	3/31/2010
Crockett, Darnell A	310 E Delevan Ave, Buffalo, N.Y. 14208	9/30/2011
Cruce, Elise R	54 N Seine Dr, Cheektowaga, N.Y. 14227	1/31/2012
Dworak, Keith R	300 Merrymont Drive, Cheektowaga, N.Y. 14225	1/31/2012
Eberhardt, Samantha J	24 Phillip St, N Tonawanda, N.Y. 14120	4/30/2012
Flateau, Nathanael J	14 Cresthill Ave, Tonawanda, N.Y. 14150	4/30/2012

Henderson, Joshua A	178 Best St, Buffalo, N.Y. 14209	7/30/2011
Hughes, Joseph D	3498 Two Rod Rd, E Aurora, N.Y. 14052	7/31/2010
Hultquist, Scott O	2739 W Church St, Eden, N.Y. 14057	9/30/2011
Kasper, Benjamin R	11355 Stage Rd, Akron, N.Y. 14001	4/30/2012
Kelly, Christopher T	113 Mariemont Ave, Buffalo, N.Y. 14220	7/31/2012
Kruger, Wayne M	264 Main St., Attica, N.Y. 14011	6/30/2011
LaPlante, Matthew D	360 Fargo, Buffalo, N.Y. 14213	3/31/2010
Lysek, Scott R	1453 Losson Rd, Depew, N.Y. 14043	2/28/2010
Mangano, Carmelo	24 Olcott Place, Cheektowaga, N.Y. 14225	4/30/2012
Mergi, Michael C	4230 Calkins Rd, Youngstown, N.Y. 14174	12/31/2011
Messana, Michael A	18 Clinton St., Tonawanda, N.Y. 14150	2/29/2012
Michalik, Caroline J	79 Pamela Court, West Seneca, N.Y. 14224	9/30/2011
Miller, Peter J	65 Byron Ave, Buffalo, N.Y. 14223	4/30/2012
Muraco, Christopher F	7070 Brown Hill Rd., Boston, N.Y. 14025	8/31/2011
Natalzia, Peter J	2080 Bullis Rd., Elma, N.Y. 14057	1/31/2011
Neuman, Matthew J	5 Foxcroft Ln., Williamsville, N.Y. 14221	9/30/2011
Oberther, Scott R	58 Carla Ln, West Seneca, N.Y. 14224	4/30/2012
Overton, Shawanda E	53 Parkridge Ave, Buffalo, N.Y. 14215	4/30/2012
Pettit, Christopher R	3116 Shenk Rd. Apt. B, Sanborn, N.Y. 14132	2/29/2012
Reed, Sandra L.	66 Ledyard Ave, Depew, N.Y. 14043	7/31/2011
Robinson, Jacques A	354 Florida, Buffalo, N.Y. 14208	4/30/2012
Rosenberg, Michael A	173 North St, Apt 7, Buffalo, N.Y. 14201	2/29/2012
Rozler, Stephen M	1 Huntley Dr, Lancaster, N.Y. 14086	7/31/2011
Schieber, Jennifer A	600 Seneca Creek Rd., West Seneca, N.Y. 14224	3/31/2010
Slaven, Matthew P	7676 Barnum Rd., Cassadaga, N.Y. 14718	1/31/2012
Smith, Gregory P	265 Clearfield Dr., Williamsville, N.Y. 14221	7/31/2011
Szczepaniak, Timothy K	1524 Cain Road, Angola, N.Y. 14006	12/31/2011
Tompkins, Thomas P	31 Enterprise Ave, Tonawanda, N.Y. 14150	7/31/2011
Tooley, Stephen P	12F Walnut St., Forestville, N.Y. 14062	4/30/2012
Vaccaro, James M	2608 Three Rod Rd, East Aurora, N.Y. 14052	5/31/2012
Vennero, Daniel P	107 Brookwood Drive, Hamburg, N.Y. 14075	2/29/2012
Ventre, Sarah J	8345 Creekend Rd., Colden, N.Y. 14033	9/30/2011
Waggoner, Candace B	6809 Revere Dr, Derby, N.Y. 14047	1/31/2012
Walkden, William P	91 Orchard Ave, West Seneca, N.Y. 14224	4/30/2012
Wells, David D	87 Kingston Pl, Buffalo, N.Y. 14210	4/30/2011
Wick, Alan J	65 Flohr Ave, West Seneca, N.Y. 14224	1/31/2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



11. RESOLUTION 2009-350

Direct Supervisor to Sign Final Contract Acceptance Documents with Hohl Industrial Services, Inc.

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, a contract for the rehabilitation of bottom chord truss members for the Rein Road bridge was awarded by Town Board resolution dated May 5, 2008 to Hohl Industrial Services, Inc., which contract including previously approved Change Order No. 1 is in the amount of \$54,037.00, AND

WHEREAS, the Town Engineer and Nussbaumer & Clarke, Inc., Project Engineer, have advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to sign the final contract acceptance documents with Hohl Industrial Services, Inc., 770 Riverview Boulevard, Tonawanda, New York 14150.

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



12. RESOLUTION 2009-351

Unsafe-Unsecured / 89 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 89 Gardenvale Drive, Cheektowaga, New York SBL# 91.06-14-19 that is a danger to the safety of others, and records kept by the Assessors Office identify George A. Young Jr. & Wife, 89 Gardenvale Drive, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 89 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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek



13. RESOLUTION 2009-352

Special Event - WNY Perinatal Bereavement Network Memorial Walk

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, by resolution dated May 1, 1995, this Town Board adopted a Special Events policy, which requires any one 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, WNY Perinatal Bereavement Network has made application to hold a Memorial Walk (to remember babies families have lost) at the Lions Pavilion in Cheektowaga Town Park on Sunday, October 11, 2009 from 8:30 A.M. to 3:00 P.M.; and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Parks Department and Youth and Recreational Services 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 WNY Perinatal Bereavement Network for the aforementioned Memorial Walk in Cheektowaga Town Park to be held on October 11, 2009; and be it further

RESOLVED, that approval of said application is contingent upon payment of any fees required for use of Town Park or the Pavilion at Town Park.

Motion by Councilmember Rogowski, Second by Councilmember Jaworowicz to correct resolution to show date of event as October 11, 2009.

Motion Carried

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Richard Zydel, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT: Jeff Swiatek



14. RESOLUTION 2009-353

Special Event - HSBC Technology Services 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 14, 2009 from 9:00 a.m. to 7:00 p.m., and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by the Police Department, Parks Department and Youth and Recreational Services 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 HTS Social Committee of the HSBC Bank for the aforementioned picnic to be held in Cheektowaga Town Park at the Lion's Pavilion on August 14, 2009 from 9:00 a.m. to 7:00 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



15. RESOLUTION 2009-354

Special Event - Pulaski Day Parade

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the General Pulaski Association has made application to hold a parade honoring General Pulaski on Sunday, July 19, 2009 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 Police Department, Highway Department 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. 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 for the aforementioned parade to be held on July 19, 2009, and BE IT FURTHER

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

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



16. RESOLUTION 2009-355

Approve Military Reservist Salary Act to June 30, 2010

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the United States' involvement in the War in Iraq has necessitated the United States Military to call reservists to active duty; and

WHEREAS, pursuant to Sections 242 and 243 of Civil Service Military Law, Town employees who are reservists may annually take up to twenty-two paid working days from their civil service positions when they are absent thirty calendar days in order to fulfill their military requirements; and

WHEREAS, this Town Board fully supports all United States reservists and their defense of our great nation, and as such, in this time of war, the Cheektowaga Town Board seeks to waive its requirements under the various union contracts and the Civil Service Military Law for military call-up to pursue the counter-attack on a one-time basis; and

WHEREAS, as a show of this Town Board's complete support of its employees being called to active duty, no reservist employed by the Town of Cheektowaga shall be penalized monetarily while serving their country; and

WHEREAS, by previous Resolutions, this Town Board enacted a policy whereby any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; NOW, THEREFORE, BE IT

RESOLVED that any full-time Town of Cheektowaga employee called to active military duty hereby be paid the difference from the standard forty-hour work week earned through their current title and that of their military salary; and BE IT FURTHER

RESOLVED, that such policy shall be extended to and including June 30, 2010 and be subject to further review at that time.

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



17. RESOLUTION 2009-356

Approve 2009 Funding for Art Guild and Cultural Society

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town, in its 2009 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 2008 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 Cultural Society	\$2,150.00
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 2009 Town budget, subject to audit and approval of a properly signed Town voucher.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



18. RESOLUTION 2009-357

Hire/Termination of Part-Time/Seasonal Employees

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

SANITATION DEPARTMENT Laborer \$8/hour effective 7/06/09
Mark Blachowicz, Cheektowaga, New York
Kyle Van Overloop, Depew, 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:

JUSTICE COURT Clerk \$8/hour
Christine M. DiGiacomo, Depew, New York
Effective 6/29/09

Jennifer Bykowicz, Cheektowaga, New York
Effective 07/07/09

SENIOR SERVICES Clerk \$10/hour
Patricia E. Somogye, Cheektowaga, New York
Effective 7/06/09

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

RECORDS CENTER
Brenda Iwanski effective 7/09/09

SANITATION DEPARTMENT
Keith Pheasant effective 6/22/09

MAIN PUMP STATION
Ronald Strong effective 6/20/09
Jacob Wodowski effective 5/16/08

POLICE DEPARTMENT (School Crossing Guard)
Patricia Breton effective 6/24/09

BE IT RESOLVED, that the following employee's status be and hereby is amended as follows:

FACILITIES DEPARTMENT (Parks Division) Part-Time Laborer to Seasonal Laborer \$11/hour
Thomas Somogye, Cheektowaga, New York
Effective 6/15/09

BE IT RESOLVED, that the following part-time employees' hourly rate be and hereby is adjusted as follows:

POLICE DEPARTMENT Clerk \$7.25 effective 7/06/09
Sheila M. Doerr, Cheektowaga, NY
Jeff M. Filipski, Cheektowaga, NY
Ashley L. Kornecki, Depew, NY
Deborah S. Kraus, Cheektowaga, NY
Jacqueline M. Lewandowski, Cheektowaga, NY

POLICE DEPARTMENT Student Assistant \$7.25/hour effective 7/06/09
Timothy C. Meyers, Cheektowaga, NY
Madelyn O. Pecyne, Cheektowaga, NY
Corey J. Schanne, Cheektowaga, NY
Joseph M. Skowronski, Cheektowaga, NY

POLICE DEPARTMENT (Sign Maintenance Division) Laborer \$7.25/hour effective 7/06/09
Zachary J. Elphick, Cheektowaga, NY
Collin P. Fritsch, Cheektowaga, NY

Motion by Supervisor Holtz, Second by Councilmember Markel to waive the reading of names for resolutions 2009-357 and 2009-358

Motion Carried

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



19. RESOLUTION 2009-358

Hire Youth & Recreation

Sponsored By: Councilmember Zydell, Councilmember Rogowski

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

Recreation Attendant - 7140.1614 - \$8.00

Regular Part-time

Donald McEvoy

Recreation Attendant - 7310.1802 Camp Crabapple - \$7.90

Seasonal

Jillian Franz 14211

Recreation Attendant - 7140.1614 - \$8.50

Seasonal

Andrea Deuser 14227

Recreation Attendant - 7140.1645 & 7140.1614 - \$7.90

Regular Part-time

Steven Lach 14212

Recreation Aide - 7140.1645 - \$7.25 - Part-time

Shane Mullen 14225

Colin Wegner 14227

Recreation Attendant - 7140.1645 & 7310.1810 - \$7.25

Regular Part-time

Donald Diana 14043

Lifeguard - Level I - 7180.1903 - \$8.10 - Regular Part-time

Kayla Kuechle 14225

Recreation Attendant - 7310.1801 Camp JI-IK-DO-WAH-GAH - \$7.25

Regular Part-time - Effective 7/1/09

Sarah Litwin 14225

BE IT FURTHER RESOLVED that due to resignations and job declinations, the Department of Youth & Recreational Services is experiencing an insufficient compliment of resident lifeguards, the following individual be hired as indicated, effective immediately:

Lifeguard - Level I - 7180.1903 - \$8.10 - Regular Part-time

Andrew Rizzo 14223

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember

SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT: Jeff Swiatek

**20. RESOLUTION 2009-359****Amend Appointment Date of Park Maintenance Worker I
(Facilities/Parks) (Ronald P. Rogowski)**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, this Town Board appointed Ronald P. Rogowski to the position of Park Maintenance Worker I in the Facilities Department (Parks Division) effective June 16, 2009;
AND

WHEREAS, the effective date of appointment must be amended; NOW, THEREFORE,
BE IT

RESOLVED, that Ronald P. Rogowski of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker I 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 June 20, 2009.

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



21. RESOLUTION 2009-360

Appointment of Laborer (Sewer Maintenance Department) (Labor/Permanent) (Dawn Burgio)

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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

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

WHEREAS, Dawn Burgio, currently employed as a Clerk Typist in the Sewer Maintenance Department, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Dawn Burgio of Cheektowaga, New York, be and hereby is appointed to the position of Laborer in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 13, 2009.

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

**22. RESOLUTION 2009-361**

Appointment of Community Development Aide (Office of Community Development) (Permanent/Competitive) Diane M. Farugia

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of Community Development Aide in the Office of Community Development; AND

WHEREAS, said position is in the competitive class of civil service; AND

WHEREAS, a civil service list has been established by Erie County; AND

WHEREAS, Diane M. Farugia, currently employed as a Senior Clerk in the Office of Community Development, appears on said civil service list and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Diane M. Farugia of Cheektowaga, New York, be and hereby is appointed to the position of Community Development Aide in the Office of Community Development in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 7, 2009.

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

**23. RESOLUTION 2009-362****Appointment of Maintenance Worker (Building Maintenance Division) (Labor/Permanent) David Ford**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Maintenance Worker in the Facilities Department (Building Maintenance Division); AND

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

WHEREAS, David Ford, currently employed as Park Maintenance Worker II in the Facilities Department (Parks Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that David Ford of Cheektowaga, New York, be and hereby is appointed to the position of Maintenance Worker in the Facilities Department (Building Maintenance Division) in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 6, 2009.

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

**24. RESOLUTION 2009-363****Appointment of General Mechanic (Facilities
Department/Parks Division) (Non-Competitive/Permanent)
(John Ciesielski)**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the position of General Mechanic in the Facilities Department (Parks Division); AND

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

WHEREAS, John Ciesielski, currently employed as a General Mechanic in the Facilities Department (Building Maintenance Division), bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that John Ciesielski of Cheektowaga, New York, be and hereby is appointed to the position of General Mechanic in the Facilities Department (Parks Division), pursuant to the terms and conditions as set forth in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Employees Association effective July 6, 2009.

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

**25. RESOLUTION 2009-364****Appointment of Park Maintenance Worker II (Facilities/Parks)
(Labor/Permanent) Joseph Rydzynski**

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, a vacancy exists in the title of Park Maintenance Worker II in the Facilities Department (Parks Division); AND

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

WHEREAS, Joseph Rydzynski, currently employed as a Maintenance Worker in the Facilities Department (Parks Division), applied for said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Joseph Rydzynski of Cheektowaga, New York, be and hereby is appointed to the position of Park Maintenance Worker II 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 July 6, 2009.

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



26. RESOLUTION 2009-365

Travel Authorization (Police Department) (Lieutenant Michael Isbrandt)

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the "Colonel Henry F. Williams International Homicide Seminar" is being held September 12-17, 2009 in Albany, New York; AND

WHEREAS, Police Lieutenant Michael Isbrandt has requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,653.10; AND

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

RESOLVED, that Lieutenant Michael Isbrandt be and hereby is authorized to attend the "Colonel Henry F. Williams International Homicide Seminar" being held September 12-17, 2009 in Albany, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Rogowski, Zydell, Markel, Kaznowski
ABSENT:	Jeff Swiatek

IV. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - May 2009
2. Town of Cheektowaga Comprehensive Annual Financial Report for the Year Ended December 31, 2008
3. Building Permits - June 2009
4. Minutes - Cheektowaga Planning Board - June 11, 2009
5. Minutes - Cheektowaga Conservation Advisory Council - June 4, 2009

B. General Communications

1. Notice of Order - NYSDOT - Route 240, Harlem Road at Its Intersection with Off-Ramp/On-Ramp of Westbound Route 33, Kensington Expressway. Right Turns by Traffic from the East on the Off-Ramp from 7 Am to 9 Am and 2:30 Pm to 4:30 Pm on School Days
2. Notice of Highway Restriction - that Portion of Aero Drive is Closed from Holtz Drive to Rein Road. the Bridge Will be Closed from June 23, 2009, Until the Structure Steel Rehabilitation Project is Completed (Approximately 4 Weeks, Weather Dependent).
3. Notice of Claim - Rachel Barlow Vs. Town of Cheektowaga
4. Notice of Claim - Irene Kmiotek Vs. Town of Cheektowaga
5. Notice of Claim - Taneka Lawson Vs. Town of Cheektowaga
6. Notice of Claim - Mother of Divine Grace Church Vs. Town of Cheektowaga
7. Notice of Claim - Dawn Napierski Vs. Town of Cheektowaga

V. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VI. Executive Session

Motion by Supervisor Holtz, Second by Councilmember Zydel to move into Executive Session to discuss a Personnel Matter at 7:25 PM

Supervisor asked for a moment of silence for:

Alice Nowak and Al Meyers.

Motion Carried

Present at Executive Session:

Supervisor Holtz

Councilmember Markel

Councilmember Kacznowski

Councilmember Rogowski

Councilmember Zydel
Councilmember Jaworowicz
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police
James Donathen, Counsultant/Attorney
Alice Magierski, Town Clerk

Motion by Councilmember Rogowski, Second by Councilmember Jaworowicz to come out of Executive Session and return to Council Chambers at 7:45 PM

Motion Carried

VII. Suspension of Rules

Motion by Councilmember Rogowski, Second by Councilmember Jaworowicz to approve the Suspension of Rules to include Resolution 2009-366

Motion Carried



1. RESOLUTION 2009-366

Determination on Charges Filed Against Police Officer

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

WHEREAS, Cheektowaga Chief of Police Christine M. Ziemba recommended and preferred disciplinary charges against Cheektowaga Police Department Officer David K. Robida; and

WHEREAS, on September 15, 2008, the Cheektowaga Town Board issued a Notice of Hearing and accompanying Charges and Specifications ("Charges") for service upon Officer Robida; and

WHEREAS, on November 25, 2008, the Cheektowaga Town Board issued a Notice of Hearing and accompanying Amended Charges and Specifications ("Amended Charges") for service upon Officer Robida; and

WHEREAS, both Notices of Hearing and the Charges and the Amended Charges were duly served upon Officer Robida;

WHEREAS, the Cheektowaga Town Board appointed Deputy Town Attorney Jeffrey Whiting to act as Hearing Officer to hear the Charges and the Amended Charges, and to report and recommend to the Cheektowaga Town Board proposed disciplinary action against Officer Robida; and

WHEREAS, Hearing Officer Whiting conducted a Hearing in this matter on January 8, January 9, January 14, January 15, February 10, February 11, and February 18, 2009; and

WHEREAS, on June 29, 2009, Hearing Officer Whiting issued to the Cheektowaga Town Board certain Recommendations as to whether each of the Amended Charges should be sustained; and

WHEREAS, Hearing Officer Whiting has recommended that the following charges should be sustained against Officer Robida:

- Charge One: Officer Robida failed to treat Ms. Z____ civilly and respectfully on June 13-15, 2008.
- Charge Three: Officer. Robida violated Chief Christine Ziemba's order to have no contact with Ms. Z_____.
- Charge Four: Officer Robida knowingly made a false report to the Cheektowaga Police Department on July 18, 2008; and

WHEREAS, Hearing Officer Whiting has recommended that the following charges should not be sustained against Officer Robida:

- Charge Two: Officer Robida conducted himself in a manner unbecoming a Cheektowaga police officer in omitting material facts from a police report concerning Ms. Z_____.
- Charge Five: Officer. Robida is guilty of misconduct which brings discredit to the Cheektowaga Police Department.
- Charge Six: Officer Robida has brought discredit upon the Cheektowaga Police Department.

WHEREAS, Hearing Officer Whiting recommended that the following charge should be deferred to the penalty phase of these proceedings:

- Charge Seven: Officer committed an act or acts of delinquency which seriously affect his general character and fitness for office; and

WHEREAS, Hearing Officer Whiting recommended that Affirmative Defenses First through Eleventh should be rejected; and

WHEREAS, on June 30, 2009, the Cheektowaga Town Board was presented with the complete record of the Hearing that took place concerning the charges against Officer Robida; and

WHEREAS, the Cheektowaga Town Board has had an opportunity to review this record and the Hearing Officer's Recommendations;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charge One has been sustained, and in making this finding, relies upon the facts recited in the Hearing's Officer's Recommendations together with the record evidence including that Officer Robida admitted in his testimony that his text messages set forth in Employer Exhibit 2 were vulgar, threatening and insulting towards his ex-girlfriend, Ms. Z____, and her family; and, as a portent of the events that would take place at Sunset Bay Beach Club (the "Sunset") on July 4, 2008, Officer Robida warned Ms. Z____ of his power to "ruin" her summer by excluding Ms. Z____ and any member of her family from the Sunset and other bars and public establishments owned or operated by his friends. (EX 2; 2-11-09 Tr. 177, 180, 182, 184, 188-89); and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charge Three has been sustained, and in making this finding, relies upon the facts recited in the Hearing's Officer's Recommendations together with the record evidence including that two of Officer Robida's friends and associates, Mr. D____ and Mr. P____, stayed at Mr. C____'s cottage in Irving, New York on the evening of July 3, 2008, conversed with Mr. C____ during the morning and early afternoon of July 4, 2008 at the Sunset, observed Ms. Z____ as they drove through the Sunset's parking lot on the morning of July 4, 2008, and pointed her out to Officer Robida as Ms. Z____ walked by them during the early afternoon of July 4th at the Sunset; and the further fact that Mr. C____ removed Ms. Z____ within minutes thereafter notwithstanding his duties of overseeing security for the hundreds of patrons then present at the Sunset on one of the Sunset's busiest days of the year. (1-8-09 Tr. 40-41; 1-9-09 Tr. 83, 116-17, 191, 203; 2-10-09 Tr. 180, 187-88; and 2-11-09 Tr. 7, 26, 28-29, 31, 33, 40); and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charge Four has been sustained, and in making this finding, relies upon the facts recited in the Hearing Officer's Recommendations, together with the record evidence and the undisputed facts that:

- Any Police Officer who makes a false statement during the course of an Internal Affairs investigation undermines the integrity and purpose of such investigation.
- Officer Robida's false statements involved a central fact issue in the subject Internal Affairs investigation-namely, whether Officer Robida had given Mr. C____ the "heads up" that Ms. Z____ would be at the Sunset on July 4th of 2008; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board further finds that Officer Robida, through his conduct set forth in Charges One, Three and Four sustained hereinabove, has brought discredit to the Cheektowaga Police Department, including that:

- Officer Robida sent his ex-girlfriend, Ms. Z____, "text messages . . . as set forth in Employer Exhibit 2" that were "vulgar, threatening and insulting," and "fall far short of

- treating a person civilly and respectfully” (Recommendations, p. 15).
- “Officer Robida was well aware that Ms. Z_____ would be at the [Sunset] on July 4, 2008, was aware he was to stay away from her, went to the [Sunset] nevertheless and did engage in third party contact with Mr. C_____ that was likely to, and did in fact, result in Ms. Z_____ being removed from the [Sunset] by Mr. C_____ in a way that could not have been more aggressive, abrupt, embarrassing and predicable [sic]” (Recommendations, p. 27).
 - Officer Robida knowingly made a false statement to Cheektowaga Police Captain David Zack, by stating that he had not alerted Mr. C_____ in advance as to Ms. Z_____’s likely presence at the [Sunset] on July 4, 2008, when in fact he had (Recommendations, pp. 27-28);

and, therefore, finds that Charge Six has been sustained against Officer Robida, and declines to adopt the Hearing Officer’s Recommendations concerning Charge Six; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board finds that Charges Two and Five are not sustained for the reasons set forth in the Hearing Officer’s Recommendations; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board adopts the Hearing Officer’s Recommendations as to Charge Seven, and that the Chief of Police may therefore introduce evidence at the penalty phase of these proceedings as to whether any of the actions that have resulted in sustained charges seriously affect Officer Robida’s general character and fitness for office; and

BE IT FURTHER RESOLVED that the Cheektowaga Town Board adopts the Hearing Officer’s Recommendations that Affirmative Defenses First through Eleventh lack any merit and are hereby rejected; and

BE IT FURTHER RESOLVED that inasmuch as the Cheektowaga Town Board has sustained Charges One, Three, Four and Six, Hearing Officer Whiting is directed to conduct a further hearing to determine a recommended punishment for Officer Robida, based upon the Town Board’s findings herein, Officer Robida’s overall record and any other evidence which the Hearing Officer should deem relevant to this determination.

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

VIII. Adjourn

Motion by Supervisor Holtz, Second by Councilmember Rogowski to adjourn the meeting at 7:50 PM

Motion Carried

Alice Magierski, Town Clerk

TOWN OF CHEEKTOWAGA

Workplace Violence Prevention

It is the policy of the Town of Cheektowaga to ensure a safe workplace and to reduce the risk of violence to our employees and citizens. It is a shared obligation of all employees and citizens, individually and collectively, to prevent and/or defuse actual or implied violent behavior (verbal or physical) at work.

Any person who engages in a violent or threatening manner, either verbal or physical in nature, will be removed from the premises as quickly as safety permits.

At the Town's discretion, employees and and/or the public may be barred from the Town's premises pending the outcome of an investigation. Any employee who engages in such behavior may be subject to disciplinary action up to and including termination, criminal penalties, or both.

DEFINITION

Violent behavior on the job includes, but is not limited to:

1. Causing or attempting to cause physical injury to another person;
2. Intentional destruction or threat of destruction of Town property or another person's personal property;
3. Expressing intent to cause physical harm or emotional duress;
4. Acting in a hostile manner through unwelcome words, actions or physical contact not resulting in physical harm to another person.
5. Surveillance or stalking;
6. Possession of a weapon while on Town property or while on Town business without proper authorization;
6. Veiled threats of physical harm or intimidation;
7. Expression of suicidal or homicidal intent or thoughts; and
8. Unusual agitation or excitement, which may be accompanied by incoherent and/or irrational behavior or harassment.

PROCEDURES

Reporting Procedures

- A. Law enforcement officials will be notified as soon as possible of any situation that has the potential for immediate danger to the safety of an employee or any other person.
- B. All employees are responsible to inform their immediate supervisor of any condition or behavior that the employee experiences or witnesses and believes places the employee and/or others at risk of injury. Such actions may include but are not limited to:

- i. Causing or attempting to cause physical injury to another person;
 - ii. Possession of a weapon while on Town property or while on Town business without proper authorization;
 - iii. Expressing an intent to cause immediate physical harm; and
 - iv. Intentional destruction or threat of immediate destruction of Town property or another person's personal property.
- C. Once notified a supervisor will report all employee concerns to the appropriate Department Head. The Department Head will:
 - i. Take immediate action to end the dangerous or harassing behavior;
 - ii. Notify the Personnel Department;
 - iii. If appropriate, take appropriate disciplinary action.
- D. The Personnel Department will assure that a full investigation is made and will assist the Department Head in resolving the issue.

Reports should be made regardless of whether the potentially dangerous person is a co-worker or a non-employee. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others on a "need to know" basis. This policy does not prevent employees from directly notifying law enforcement officials of the problems.

- E. Emergency Situations – It is recommended that employees who are confronted by or who encounter an armed or dangerous person not attempt to challenge or disarm the individual. The employee should use his/her best judgment under the circumstances to avoid injury to him/her or others. If the employee is able to contact the Town Police Department or emergency assistance safely, then the employee should do so immediately or as soon as possible.
- F. Enforcement – Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Reports to law enforcement officials will be made as appropriate. Non-employees engaged in violent acts in or affecting the workplace will also be reported to the proper authorities. The Town will cooperate fully with law enforcement authorities during any investigation.
- G. Workplace Violence Response Team – A team consisting of a member of the Town Police Department, the Personnel Department, and the Town Attorney's Office, a representative from each bargaining unit will be responsible for coordinating with the Town's EAP provider in the event of an incident and establishing response procedures. Procedures addressing

issues of security, medical assistance, public relations and evacuations will be established by this team.

- H. Eligibility for Rehire – Employees terminated for violating a provision of this policy shall not be eligible for rehire with the Town in any capacity.

bal 6/2009



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, July, 14, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on July 14, 2009 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
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Executive Session

Motion by Supervisor Holtz; Seconded by Councilmember Markel to enter into Executive Session at 6:03 pm to discuss litigation relating to Buffalo Crushed Stone. All in favor.

Motion by Supervisor Holtz; Seconded by Councilmember Markel to exit Executive Session at 6:47 pm. All in favor.

III. Resolutions



1. RESOLUTION 2009-367

Authorize Reargument of Court Decision

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

WHEREAS, litigation was previously commenced against the Town of Cheektowaga by Buffalo Crushed Stone, Inc. relating to the mining of certain lands owned by Buffalo Crushed Stone in the Town of Cheektowaga, and

WHEREAS, on June 30, 2009, the New York State Court of Appeals rendered its decision relating to this matter, and

WHEREAS, the Court of Appeals Rules permit parties to an action decided by such court to bring a motion for reargument, and

WHEREAS, outside counsel for the Town of Cheektowaga has recommended that the Town of Cheektowaga authorize him to seek reargument on this matter, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs David J. Seeger, Esq. to bring a motion to reargue the aforementioned Court of Appeals decision

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



2. RESOLUTION 2009-368

Change in Salaries of Deputy Town Clerk and Deputy Tax Receiver

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, by resolution dated February 2, 2009 (Resolution 2009-61), this Town Board established salaries for the positions of Deputy Town Clerk and Deputy Tax Receiver, which positions are not covered by any collective bargaining agreement, and

WHEREAS, the Town Clerk has notified the Payroll and Personnel Departments that she is changing the appointees to these positions, effective retroactively to February 2, 2009 and that the salaries need to be changed accordingly, NOW, THEREFORE, 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 retroactively to February 2, 2009:

Deputy Town Clerk	\$41,000.00
Deputy Receiver of Taxes	\$52,000.00

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

IV. Adjournment

Work Session Ends 8:20 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 20, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on July 20, 2009 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
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Mark Wegner, Highway Superintendent
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-369

Transfer of Funds

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

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

SPECIAL DISTRICTS FUND

FROM: 255.8125.9101 Bond Principal Payment \$ 30,000.00

TO: 255.8135.4431 Equipment Repairs \$ 30,000.00

HUD NYS AHC FUND

FROM: 900.8600.4910 NYS AHC Revenues \$ 100,000.00

TO: 900.8668.4006 Loans from Program \$ 100,000.00

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mary Holtz, Supervisor

SECONDER: Stanley Kaznowski, Councilmember

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



2. RESOLUTION 2009-370

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 17, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 156,031.77
RISK RETENTION FUND	22,967.06
NYS HOME PROGRAM	3,732.00
DEBT SERVICE FUND	7,385.43
HUD HOUSING REHABILITATION	7,576.00
SPECIAL DISTRICTS FUND	338,651.50
HIGHWAY FUND	589,660.56
CAPITAL FUND	55,516.90
TRUST & AGENCY FUND	1,741.13
HUD CDBG FUND	12,967.69
PART TOWN FUND	17,566.30
NYS AFFORDABLE HOUSING	10,233.00
	<u>\$1,224,029.34</u>

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



3. RESOLUTION 2009-371

Call for Public Hearing - Rezoning Request- 5030-5050 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Bella Vista Group with the permission of the landowner, Kabir Hotels, Inc. has made application and requested the rezoning of 5030-5050 Genesee St. and SBL No. 93.01-1-11.2 from M1- Light Manufacturing and MS- Motor Service to C- Retail Business for the construction of two (2) four story hotels, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 3, 2009 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 3rd day of August, 2009 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Bella Vista Group/Kabir Hotels, Inc.

for the rezoning of 5030-5050 Genesee St. and SBL No. 93.01-1-11.2 from M1- Light Manufacturing and MS- Motor Service to C- Retail Business for the construction of two (2) four story hotels, NOW, THEREFORE BE IT

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. 75, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Beginning at a point in the northerly line of Genesee Street at the southwest corner of lands conveyed to Joseph Sturm by deed recorded in the Erie County Clerk's Office in Liber 2573 of Deeds at page 453 on September 3, 1936; running thence southwesterly along the northerly line of Genesee Street 150 feet; thence northerly parallel with the west line of said Lot No. 75,

306 feet to the south bank of Ellicott Creek; thence easterly along the south bank of Ellicott Creek 158 feet to the northwest corner of said land conveyed to Joseph Sturm as aforesaid; thence southerly parallel with the west line of said Lot No. 75 and along the west line of said Sturm's land 292 feet to the northerly line of Genesee Street at the point or place of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Cheektowaga, County of Erie and State of New York, being part of Lot Number seventy-five (75), Township eleven (11), Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the north line of Genesee Street (sixty-six (66) feet wide) at its intersection with the easterly line of lands conveyed to William, Christian and George Haller by deed recorded in the Erie County Clerk's Office in Liber 1240 of Deeds at page 566; thence westerly along the north line of Genesee Street a distance of one hundred fifty-five (155) feet to the southwest corner of lands conveyed to Joseph Sturm by deed recorded in the Erie County Clerk's Office in Liber 2573 of Deeds at page 453; thence northerly parallel with the west line of Lot Number seventy-five (75) and along the westerly line of lands so conveyed to Sturm a distance of three hundred five (305) feet more or less to the south bank of Ellicott Creek; thence easterly along the south bank of Ellicott Creek a distance of one hundred fifty-five (155) feet more or less to the easterly line of lands conveyed to Haller by the aforesaid deed; thence southerly along the easterly line of lands so conveyed to Haller a distance of two hundred ninety-four (294) feet to the point of beginning.

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 No. 75, Township 11, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northerly line of Genesee Street, being also the northerly line of lands acquired by the State of New York and designated as Map No. 138, Parcel No. 150 in instrument recorded in Liber 6320 of Deeds at Page 36, said point being 50 feet west measured along said line from the southwest corner of lands conveyed to John M. Hennessey by deed recorded in Liber 7925 of Deeds at Pages 215, 219 and 223 in the Erie County Clerk's Office; thence westerly along the northerly line of Genesee Street being also the north line of lands acquired by the State of New York and designated as Map No. 138, Parcel 150, 287.80 feet to the northwest corner of said lands acquired by the State of New York; running thence southerly along said lands so acquired by the State of New York 1.80 feet to the northerly line of lands acquired by the State of New York and designated as Map No. 105, Parcel 128, on the Notice of Appropriations filed in the Erie County Clerk's Office in Liber 10383 of Deeds at Page 522; thence westerly along the north line of said Map No. 105, Parcel 128, 261.14 feet to a point; running thence northerly parallel with the west line of Lot No. 75 a distance of 273.5 feet more or less to the water line of Elliot Creek; thence in an easterly and northeasterly direction along said water line of Elliot Creek to a point 50 feet west of the northwest corner of lands conveyed to John M. Hennessey as aforesaid; running thence southerly and parallel with Transit Road and parallel with the westerly line of lands of Hennessey 415? feet to the northerly line of Genesee Street at the point of beginning.

Excepting therefrom that portion thereof appropriated by the People of the State of New York by Notice of Appropriation recorded in the Erie County Clerk's Office in Liber 10384 of Deeds at page 432.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember

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



4. RESOLUTION 2009-372

Call for Public Hearing Rezoning Request - Genesee St at Tadio Pkwy.

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, Bella Vista Group with the permission of the landowner, Samuel Tadio Trust/Samuel Tadio has made application and requested the rezoning of SBL Nos. 92.02-3-23.2 & 92.02-3-24.11 from RMH- Residential Mobile Home District to CM - General Commercial for the construction of 12,000 square foot veterinary clinic, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on August 3, 2009 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 3rd day of August, 2009 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

Bella Vista Group/ Samuel Tadio Trust/Samuel Tadio

for the rezoning of SBL Nos. 92.02-3-23.2 & 92.02-3-24.11 from RMH- Residential Mobile Home District to CM - General Commercial for the construction of a 12,000 square foot veterinary clinic.

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. 76, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Commencing at a point in the southerly line of Old Genesee Street, distant one hundred fifty and twenty-eight hundredths (150.28) feet westerly from its intersection with the northeasterly corner of lands conveyed to William M. Tadio and Marie Tadio his wife, by deed recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340, which point of beginning is at the northeasterly corner of lands conveyed to Robert B. Ledger by deed recorded in Erie County Clerk's Office in liber 6397 of Deeds page 463: running thence southerly and on a line parallel with the east line of lands conveyed to William Tadio by said deed as recorded in Erie County

Clerk's Office in liber 5281 of Deeds page 340, a distance of three hundred (300) feet: thence easterly and at right angles with last described line a distance of one hundred fifty (150) feet more or less to a point in the said easterly line of Tadio's land as described by deed recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340: thence northerly along the easterly line of lands as described in the aforesaid deed recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340, a distance of three hundred (300) feet more or less to the southerly line of Old Genesee Street: and thence westerly along said southerly line of Old Genesee Street one hundred fifty and twenty-eight hundredths (150.28) feet to the point of beginning.

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 seventy-six (76) Township eleven (11) Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the center line of Genesee Street where said line intersects the easterly line of lands formerly owned by John Risser and running thence easterly along the center line of said Genesee Street one hundred ten (110) feet; thence running southerly on a line parallel with the east line of said Risser's land three hundred ninety-six and seventy-three hundredths (396.73) feet; thence running westerly on a line parallel with Genesee Street one hundred ten (110) feet to the said easterly line of said Risser's land; thence northerly along said last mentioned line three hundred ninety-six and seventy-three hundredths (396.73) feet to the center line of Genesee Street at the place of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 76, Township 11, Range 7 described as follows:

BEGINNING at the intersection of the southerly line of Old Genesee Street with the east line of lands conveyed to William M. Tadio by deed recorded in Liber 3898 of Deeds at Page 38; thence north 77°-06'-00" east, along the said southerly line of Old Genesee Street, a distance of 109.26 feet; thence south 00°-41'-51" west, a distance of 389.03 feet; thence south 90°-00'-00" west, a distance of 106.21 feet to the east line of Liber 3898 of Deeds at Page 38; thence continuing south 90°-00'-00" west along the southerly line of said Liber 3898 of Deeds at Page 38, a distance of 316.79; thence north 00°-00'-00" west, a distance of 291.04 feet (measured) 291.79 feet (Deed) to the southerly line of Old Genesee Street; thence north 77°-06'-00" east, along the said southerly line of Old Genesee Street, a distance of 329.55 feet to the point of beginning. Containing 3.32 acres of land more or less. Subject to easements and rights of way of record.

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



5. RESOLUTION 2009-373

Notice of Hearing - Demolition of Unsafe Building at 74 Peoria Avenue

Sponsored By: Markel, Kaznowski, Rogowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 74 Peoria Avenue 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. Kensy, 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; 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 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 a hearing before this Board in relation to the dangerous and unsafe building at 74 Peoria Avenue shall be held on the 3rd day of August, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Code Enforcement Office and/or the Town Attorney's Office be and hereby is directed to serve notice of said hearing on all interested parties.

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



6. RESOLUTION 2009-374

Notice of Hearing - Demolition of Unsafe Building at 155 Wellworth Place

Sponsored By: Markel, Kaznowski, Rogowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 155 Wellworth 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. Kensy, 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; 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 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 a hearing before this Board in relation to the dangerous and unsafe building at 155 Wellworth Place shall be held on the 3rd day of August, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Code Enforcement Office and/or the Town Attorney's Office be and hereby is directed to serve notice of said hearing on all interested parties.

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



7. RESOLUTION 2009-375

Notice of Hearing - Demolition of Unsafe Building at 44 Meadowbrook Parkway

Sponsored By: Markel, Kaznowski, Rogowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 44 Meadowbrook Parkway 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. Kensy, 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; 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 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 a hearing before this Board in relation to the dangerous and unsafe building at 44 Meadowbrook Parkway shall be held on the 3rd day of August, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Code Enforcement Office and/or the Town Attorney's Office be and hereby is directed to serve notice of said hearing on all interested parties.

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



8. RESOLUTION 2009-376

Award of Bid - One New and Unused 2010 Ford F-550, 4X4 Low Boy Dump Truck/Plow

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 2010 Ford F-550, 4X4 Low Boy Dump Truck/Plow 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 2010 Ford F-550, 4X4 Low Boy Dump Truck/Plow be awarded to:

Basil Ford
1540 Walden Avenue
Cheektowaga, New York 14225

for their total bid in the amount of \$39,223.77 for one (1) new and unused 2010 Ford F-550, 4X4 Low Boy Dump Truck/Plow, said bid being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that funds are available in Account #7110-2303.

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



9. RESOLUTION 2009-377

Adoption of Lock Out/Tag Out Policy

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the attached Lock Out/Tag Out Policy be and hereby is adopted by this Town Board effective July 21, 2009.

ATTACHMENTS:

lock out tag out july 13 2009 (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember

SECONDER: Mary Holtz, Supervisor

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



10. RESOLUTION 2009-378

Adoption of Personal Protective Equipment Policy

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the attached Personal Protective Equipment Policy be and hereby is adopted by this Town Board effective July 21, 2009.

ATTACHMENTS:

personal protective equipment policy july 13 2009 (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Jeff Swiatek, Councilmember

SECONDER: Mary Holtz, Supervisor

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



11. RESOLUTION 2009-379

Adoption of Blood Borne Pathogens Policy

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the attached Blood Borne Pathogens Policy be and hereby is adopted by this Town Board effective July 21, 2009.

ATTACHMENTS:

blood borne pathogens policy july 2009 (DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember

SECONDER: Mary Holtz, Supervisor

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



12. RESOLUTION 2009-380

Order Replacement of Sidewalks

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) sets forth the specifications for the construction of sidewalks in the Town of Cheektowaga, and

WHEREAS, Section 200-a of the Town Law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by Local Law No. 4 of the Year 1991 and Local Law No. 5 of the Year 2008, adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before August 20, 2009 in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before August 20, 2009, the Town will cause such sidewalks to be repaired/replaced; will pay \$40.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before October 1, 2009, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.

NOTICE OF ADOPTION OF ORDER
OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on July 20, 2009,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **August 20, 2009**

In the event you neglect or choose not to perform this work before the specified date, be advised that the Town of Cheektowaga shall cause such work to be done. The Town will audit and pay \$40 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at the rate of 6.00%) against your property in five (5) annual installments; this amount will be added to your town tax bills for the next five (5) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before October 1, 2009. You will be notified of the amount you owe for sidewalk repairs.

If the Town performs the work, it is estimated that your cost for sidewalk repair will be approximately \$60 - \$70 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work (**the Town will not pay anything towards your cost**).

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

DATED: July 20, 2009

ALICE MAGIERSKI
Town Clerk

ATTACHMENTS:

SIDEWALK REPLACEMENT Letter 7-20-09 (DOC)
sidewalk replacement list 7-20-09 (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeff Swiatek, Councilmember
SECONDER: Mary Holtz, Supervisor

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



13. RESOLUTION 2009-381

Approve Change Order No. 1 - Permanent Generator at the Main Pump Station

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the contract for the Replacement of the Permanent Generator at the Main Pump Station was awarded by Town Board Resolution dated May 4, 2009 to Ferguson Electric Construction Company, Inc., 333 Ellicott Street, Buffalo, New York 14203 in the amount of \$426,000, AND

WHEREAS, the project consulting engineer, Nussbaumer & Clarke, Inc., the Superintendent of the Main Pump Station and the Town Engineer have recommended the approval of Change Order No. 1 for the aforesaid project which provides for the replacement of the main electrical distribution switchgear including eight (8) feeder circuit breakers in addition to the replacement of the service breaker, generator breaker and transfer switchgear being replaced under the original contract scope as outlined in the Change Order Document dated June 9, 2009, NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 for the subject project in the amount of \$21,900.00 as an addition to the contract of Ferguson Electric Construction Company, Inc. be and hereby is approved, AND, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said Change Order No. 1 on behalf of this Town Board.

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



14. RESOLUTION 2009-382

Accept Donation of Land on Como Park Boulevard

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga is the owner of Stiglmeier Park located between Losson Road and Como Park Boulevard in the Town of Cheektowaga, and

WHEREAS, Julie Reinstein, under a trust she received from Julia Boyer Reinstein, is the owner of a 1+ acre triangular-shaped parcel of land located on the south side of Como Park Boulevard adjacent to Stiglmeier Park (S.B.L. No. 114.10-1-1.2), and

WHEREAS, Julie Reinstein has offered to donate this land to the Town of Cheektowaga at no cost to the Town, and

WHEREAS, the General Crew Chief of the Parks Division has reviewed this request and has recommended that the Town accept this land, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to accept the above referenced property from Julie Reinstein, and BE IT FURTHER

RESOLVED, that the Town Attorney be and hereby is directed to file the deed for this property in the Erie County Clerk's Office.

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



15. RESOLUTION 2009-383

Authorize Supervisor to Execute Grant Application for 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 security, operation, and construction/renovation of municipal Justice Courts; and

WHEREAS, the Town of Cheektowaga Justice Court seeks grant monies to improve the security and operation of the Court including the design and expansion 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.

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

**16. RESOLUTION 2009-384****Direct the Supervisor to Sign Final Contract Acceptance Documents with Donald J. Braasch Construction, Inc.**

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a contract for the boring of a 48" concrete culvert beneath Walden Avenue, west of the New York State Thruway, to facilitate drainage improvements on Anderson Road was awarded by Town Board Resolution dated April 2, 2007 to Donald J. Braasch Construction, Inc. in the amount of \$196,502.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the completed project and directs the Supervisor to sign the final contract acceptance documents with Donald J. Braasch Construction, Inc., 1661 Lakeview Road, Lakeview, New York 14085.

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



17. RESOLUTION 2009-385

Revised 2009 Community Development Program Budget

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga submitted its 2009 Annual Community Development Block Grant Plan to the Department of Housing and Urban Development (HUD) in February of 2009, and

WHEREAS, the Town has been advised by HUD that its 2009 allocation of CDBG funds has been increased from \$1,008,783 to \$1,045,720, and

WHEREAS, the Director of Community Development has prepared a revised 2009 Community Development Block Grant budget to reflect the additional CDBG funds, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby approves the attached revised Community Development Block Grant Program Budget for the 2009 CDBG Program Year.

**Town of Cheektowaga
Community Development Block Grant Program Budget
Revised 2009 Program Year**

Administration	\$ 168,100
Housing Rehabilitation - Single Family Owner-Occupied Units	260,000
Housing Rehabilitation - Multi-Family Units	75,000
<u>Rehabilitation - Activity Delivery Costs</u>	253,000
\$ 193,000 - Inspections	
40,000 - Staff and Program Expenses	
Environmental Hazard Testing (Lead Paint, Asbestos and Mold)	15,000
Code Enforcement / Neighborhood Preservation Activities	9,104
Demolition	25,000
Acquisition	10,000
Public Safety - Police Foot Patrols	36,225
Domestic Violence Investigation Program	1,000
Housing Counseling Services	12,000
Fair Housing	10,000
Weatherization	6,000
Senior Citizen Services Outreach Assistant	10,000
Summer Day Camp for Children.	20,000
<u>Village of Depew</u>	94,520
\$ 39,340 - Public Safety-Police Foot Patrols	
15,000 - Senior Citizen Van Driver	
18,000 - Senior Services Center Support Staff	
22,180 - Narcotics and Traffic Enforcement Detail	
<u>Village of Sloan.</u>	33,318
\$ 1,000 - Carbon Monoxide/Smoke Detector Program	
\$ 2,500 - Recreation Equipment & Park Improvements	
\$ 13,000 - Sidewalk Improvements	

\$ 16,818 - Drainage and Sewer Improvements

Contingency B Unprogrammed Funds. 7,453

CDBG Grant Amount \$ 1,045,720

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



18. RESOLUTION 2009-386

Designate Neighborhood Park as “Moorman Drive Park”

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

WHEREAS, as part of the redevelopment of the Maryvale East Senior Apartments on Moorman Drive in the Town of Cheektowaga, the developer conveyed a triangular-shaped parcel of land at the westerly side of its property to the Town of Cheektowaga for a neighborhood park in 2007, and

WHEREAS, this neighborhood park was never named, and

WHEREAS, the Town Parks, Facilities and Wildlife Committee, in concert with residents of this area of Town, have recommended that this neighborhood park be named and designated as “Moorman Drive Park”, NOW, THEREFORE, BE IT

RESOLVED, that the above referenced neighborhood park be and hereby is named “Moorman Drive Park”.

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



19. RESOLUTION 2009-387

Retain Trautman Associates for Design Services for Asbestos Removal from the Anna Reinstein Library

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated May 4, 2009 the firm of Trautman Associates was retained to provide architectural and engineering services for various improvements to the Anna Reinstein Memorial Library, AND

WHEREAS, a recently completed asbestos survey indicates the presence of asbestos in locations where renovations are to be undertaken, AND

WHEREAS, additional design services are required for asbestos abatement design and preparation of contract documents, NOW, THEREFORE, BE IT

RESOLVED, that the agreement with Trautman Associates be and hereby is amended to include additional professional services in the amount of \$3,600.00 for preparation of asbestos abatement plans and specifications, AND, BE IT FURTHER

RESOLVED, that funding for said professional services shall be chargeable to Account No. 500-1441-2520-5838.

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



20. RESOLUTION 2009-388

Hire Youth & Recreation

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Recreation Attendant - Camp Crabapple - 7310.1802 - \$7.25

Seasonal

Nathaniel Barnes	14225
Mark Maciejewski	14225

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Waive the reading of names for Resolutions 2009-388 and 2009-389. Motion carried.

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



21. RESOLUTION 2009-389

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:

SENIOR SERVICES Van Driver \$8.50/hour effective 7/20/09
Joseph P. Farugia, Cheektowaga, New York
Mario A. Petrosky, Depew, New York

POLICE DEPARTMENT Police Attendant \$15.25/hour effective 8/01/09
Arthur W. Turnbull, Depew, New York

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

POLICE DEPARTMENT
Arthur W. Turnbull
Effective 7/29/09

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



22. RESOLUTION 2009-390

Amend Appointment Date of Automotive Mechanic (Non-Competitive/Temporary) David Sikora

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board appointed David Sikora to the temporary position of Automotive Mechanic in the Central Garage effective July 1, 2009; AND

WHEREAS, this appointment date must be amended; NOW, THEREFORE, BE IT

RESOLVED, that David Sikora of Cheektowaga, New York be and hereby is appointed to the temporary position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 16, 2009.

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

**23. RESOLUTION 2009-391****Amend Appointment of Automotive Mechanic (Temporary)
Michael J. Maue**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board appointed Michael J. Maue to the temporary position of Automotive Mechanic in the Central Garage effective July 1, 2009; AND

WHEREAS, this appointment date must be amended; NOW, THEREFORE, BE IT

RESOLVED, that Michael J. Maue of Cheektowaga, New York be and hereby is appointed to the temporary position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 2, 2009.

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



24. RESOLUTION 2009-392

Appointment of Clerk Typist (Competitive/Permanent) (Sewer Maintenance) Michelle Gordon

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Clerk Typist in the Sewer Maintenance Department; AND

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

WHEREAS, Michelle Gordon, currently employed as a Senior Clerk in the Office of the Town Assessor, bid on said vacancy and meets the necessary qualifications; NOW, THEREFORE, BE IT

RESOLVED, that Michelle Gordon of Cheektowaga, New York, be and hereby is appointed to the position of Clerk Typist in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective July 21, 2009.

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



25. RESOLUTION 2009-393

Travel Authorization Police Department (Speyer/Dorobiala)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the "Basic/Advanced Diagramming and Animation with Date Collector and Total Station" Course is being held July 27-31, 2009 at Erie Community College (North Campus); AND

WHEREAS, Police Lieutenant James Speyer and Police Officer Michael Dorobiala have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,843.94; AND

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

RESOLVED, that Police Lieutenant James Speyer and Police Officer Michael Dorobiala be and hereby are authorized to attend the "Basic/Advanced Diagramming and Animation with Date Collector and Total Station" Course being held July 27-31, 2009 at Erie Community College (North Campus).

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

**26. RESOLUTION 2009-394****Travel Authorization Police Department
(Zack/Wentland/Chojnacki)**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, "The State of Analysis" Training is being held August 20-21, 2009 in Albany, New York; AND

WHEREAS, Police Captain David Zack, Lieutenant Thomas Wentland and Detective Christopher Chojnacki have requested authorization to attend said training; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,266.75; AND

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

RESOLVED, that Police Captain David Zack, Lieutenant Thomas Wentland and Detective Christopher Chojnacki be and hereby are authorized to attend "The State of Analysis" Training being held August 20-21, 2009 in Albany, New York.

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

IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following two (2) Resolutions. Motion Carried.
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1. RESOLUTION 2009-395

Sale of Property to Non-Profit Agency

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the property located at 79 Ivanhoe Road in the Town of Cheektowaga was acquired at the Erie County Property Tax Foreclosure Auction for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, New Opportunities Community Housing Development Corp., a not-for-profit housing agency, has agreed to purchase property located at 79 Ivanhoe Road from the Town of Cheektowaga for the purpose of rehabilitating and selling said property to an income-eligible homebuyer, Now Therefore, Be It

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a deed and other documents necessary to effectuate the sale of 79 Ivanhoe Road to New Opportunities Community Housing Development Corp., 1195 Main Street, Buffalo, New York 14209, and BE IT FURTHER

RESOLVED, that the sale of 79 Ivanhoe Road 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 20 2009 adopted a resolution authorizing the Town of Cheektowaga to sell property located at 79 Ivanhoe Road, Cheektowaga, New York to Opportunities Community Housing Development Corp \$1.00.

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 20, 2009

ALICE MAGIERSKI
Town Clerk

RESULT: ADOPTED [UNANIMOUS]

MOVER: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-396

Purchase of Vehicles from New York State Bid

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Office of Community and Economic Development has requested authorization to purchase two (2) 2010 Ford Focus SE sedans as specified in the New York State OGS Contract No. PC62762, AND

WHEREAS, funds for said purchase have been budgeted and are available from Account No. 700-109-0703, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the purchase of two (2) 2010 Ford Focus SE sedans in the amount of \$27,038.74 from:

Warnock Fleet
175 Route 10
PO Box 524
Hanover, NJ 07936-0524.

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

V. Communications

A. Departmental Communications

1. Town of Cheektowaga Emergency Services Quarterly Report for April to June 2009
2. Town of Cheektowaga Community Development Block Grant Program - Consolidated Annual Performance and Evaluation Report 2008 Program Year
3. Minutes - Cheektowaga Traffic Safety Commission -- June 16, 2009

B. General Communications

1. Summons and Complaint - Edward Olejniczak as Parent and Natural Guardian of Kasandra Olejniczak Vs. Town of Cheektowaga
2. Summons & Complaint - Ronald Zelonis Vs. Town of Cheektowaga
3. Notice of Claim - John Colavecchia Vs. Town of Cheektowaga
4. Notice of Claim - James Kent Vs. Town of Cheektowaga

5. Notice of Petition - DDR MDT Union Consumer Square LLC Vs. Assessor, Town of Cheektowaga
6. Notice of Petition - Aldi Inc. Vs. Assessor, Town of Cheektowaga
7. Notice of Petition - WP Walden Associates, LP Vs. Assessor, Town of Cheektowaga
8. Notice of Petition - Aldi Inc. Vs. Assessor, Town of Cheektowaga
9. Notice of Petition - Target #1014 Vs. Assessor, the Town of Cheektowaga
10. Notice of Petition - Kingswood Apartments LCC Vs. Assessor, 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 close the meeting at 7:15 PM.

ALICE MAGIERSKI
Town Clerk

LOCK OUT/TAG OUT POLICY TOWN OF CHEEKTOWAGA

PURPOSE

To establish a procedure that will protect employees of the Town of Cheektowaga from being injured by the unexpected start up, energization, or release of energy while performing maintenance or servicing of machines or equipment. It shall be used to ensure that the machine or equipment is stopped, isolated from all potentially hazardous energy sources and locked out prior to performing any servicing or maintenance. It shall be used to ensure the machine or equipment that has been locked out is put safely back into service.

DEFINITIONS

Affected employee An employee whose job requires him/her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed.

Authorized employee A person who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this section.

Capable of being locked out An energy isolating device is capable of being locked out if it has a hasp or other means of attachment to which, or through which, a lock can be affixed, or it has a locking mechanism built into it. Other energy isolating devices are capable of being locked out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability.

Energized Connected to an energy source or containing residual or stored energy.

Energy isolating device A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: a manually operated electrical circuit breaker, a disconnect switch, a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors, and, in addition, no pole can be operated independently, a line valve, a block, and any similar device used to block or

isolate energy. Push buttons, selector switches and other control circuit type devices are not energy isolating devices.

Energy source Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

Lockout The placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Lockout device A device that utilizes a positive means such as a lock, either key or combination type, to hold an energy isolating device in a safe position and prevent the energizing of a machine or equipment. Included are blank flanges and bolted slip blinds.

Servicing and/or maintenance Workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning or unjamming of machines or equipment and making adjustments or tool changes where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

Tag out The placement of a tag out device on an energy isolating device in accordance with an established procedure to indicate that the energy isolating device and the equipment being controlled may not be operated until the tag out device is removed.

Tag out device A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device in accordance with an established procedure to indicate that the energy isolating device and the equipment being controlled may not be operated until the tag out device is removed.

COMPLIANCE

All employees of the Town of Cheektowaga are required to comply with the restrictions and limitations imposed upon them during the use of lockout. The authorized employees are required to perform the lockout in accordance with this procedure. All employees, upon observing a machine or piece of equipment which is locked out shall not attempt to start or use that machine or equipment.

ADMINISTRATOR

The Department Heads of the various departments operating within the Town of Cheektowaga shall be responsible for administrating the Lockout/Tag Out Program within their respective departments.

MATERIAL

Locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware shall be provided by the Town of Cheektowaga for isolating, securing or blocking of machines or equipment from energy sources.

Lockout devices and tag out devices shall be singularly identified; shall be the only device(s) used for controlling energy; shall not be used for other purposes.

Lockout and tag out devices shall be capable of withstanding the environment to which they are exposed for the maximum period of time that exposure is expected.

Lockout and tag out devices shall be standardized within the facility in at least one of the following criteria: color; shape, or size and additionally, in the case of tag out devices, print and format shall be standardized.

Lockout devices shall be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or other metal cutting tools.

Lockout devices and tag out devices shall indicate the identity of the employee applying the device(s).

Tag out devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a legend such as the following:

- "Do Not Start"
- "Do Not Open"
- "Do Not Close"
- "Do Not Energize"
- "Do Not Operate."

Lockout devices shall be obtained and returned to a central location within each department.

Lockout devices shall be of the padlock variety, with the sole key to be in the possession of the employee applying the lockout device.

LOCKOUT PROCEDURE

1. Notify all affected employees that servicing or maintenance on a machine or equipment and that the machine or equipment must be shut down and locked out to perform the servicing or maintenance.
2. If the machine is operating, shut it down using the normal stopping procedure.
3. Deactivate the energy isolating device(s) so that the machine is isolated from the energy source.
4. Lock out all energy isolating device with assigned individual locks. In the case of motor vehicles, the keys for the vehicle being repaired shall be placed in a lock box and the individual(s) performing the servicing shall secure the lockbox using their individual locks.
5. All stored or residual energy (i.e. capacitors, springs, rotating flywheels, hydraulic systems, pneumatic systems, etc.) must be dissipated or restrained by methods such as grounding, repositioning, blocking, bleeding down, etc.
6. Ensure the equipment is disconnected from the energy source(s) by first checking that no personnel are exposed, then verify the isolation of the equipment by operating the push button or other normal operating control(s) or by testing to make certain the equipment will not operate.

Caution: Return operating control(s) to neutral or “off” position after verifying the isolation of equipment.

Note: If more than one individual is performing service/maintenance on a piece of equipment, **ALL** individuals must place their individual lock(s) on the energy source(s).

RESTORING EQUIPMENT TO SERVICE

1. Check the machine or equipment and the immediate area around the machine to ensure that nonessential items have been removed and that the machine or equipment components are operationally intact.
2. Check the work area to ensure that all employees have been safely positioned or removed from the area.
3. Verify that the controls are in neutral.
4. Remove the lockout device(s) and reenergize the machine. Note: The removal of some forms of blocking may require reenergizing of the machine before safe removal.
5. Notify affected employees that the servicing or maintenance is completed and the machine or equipment is ready for use.

SHIFT/PERSONNEL CHANGE

In the event that maintenance or servicing of a machine or piece of equipment is not able to be completed within the assigned shift the continuity of the energy lockout must be maintained. The department head (or designee) shall issue a “carryover” lock(s) to be placed on the energy isolating device prior to removal of the authorized employees lock(s). At this point, the authorized employee will remove their lockout device(s). The oncoming individual shall place their lockout device(s) on the energy isolating device(s) prior to removal of the “carryover” lock.

LOCKOUT/TAG OUT INSTALLATION AND REMOVAL

Each lockout/tag out device must be installed and removed by the individual assigned to that lockout/tag out device.

In the event that the employee is not available to remove their lockout/tag out device, the device may be removed by the program administrator. The following procedure is to be followed:

1. Prior to removal, it shall be verified that the employee is not at the facility.
2. If the employee is not at the facility, all reasonable attempts must be made to contact that employee to have him return to the facility to remove their lock. If the employee has clocked out for the day, the employee shall NOT be reimbursed for his/her time or travel.
3. A person knowledgeable with the piece of equipment or machinery that is being serviced or repaired shall inspect the machine/equipment prior to removal of the lockout/tag out device to insure that machine/equipment is safe to operate.
4. The steps for RESTORING EQUIPMENT TO SERVICE shall be followed.
5. The employee must be notified that his/her lockout device(s) has been removed prior to starting work at the facility.

OUTSIDE PERSONNEL

All outside personnel (contractors, etc.) shall follow the policies of the Town of Cheektowaga unless the policy of their employer exceeds those of the Town of Cheektowaga.

This procedure must be followed in all instances of machine or equipment servicing or repair. No exceptions or deviations from this procedure are acceptable. Failure to comply may result in serious injury or death to yourself or a fellow employee. Willful violation of this procedure will result in disciplinary action, up to, and including discharge.

bal 7/2009

PERSONAL PROTECTIVE EQUIPMENT POLICY TOWN OF CHEEKTOWAGA

The Personal Protective Equipment Policy in the Town of Cheektowaga details the requirements for the administration of an effective and comprehensive plan to recognize, evaluate and control worker exposure to hazards of the eyes, face, head, and extremities. All required personal protective equipment shall be provided, maintained and used whenever the hazards of the task or environment are capable of causing injury or impairment in the function of any part of the body through absorption or physical contact. All inhalation hazards will be addressed in our written Respiratory Protection Program.

PROGRAM ADMINISTRATION

The Department Head or Supervisor has the responsibility and authority for the Personal Protective Equipment (PPE) program. The responsibilities include the recognition of all tasks and environments where hazards are present or are likely to be present; identification of the specific types of PPE to be used; maintenance and replacement of defective or damaged equipment; training in the use, limitations, maintenance and care of PPE; and evaluation and review of the program effectiveness.

HAZARD ASSESSMENT AND EQUIPMENT SELECTION

The Town's goal is to minimize the hazards of tasks and work environments through engineering controls or work practices whenever feasible. When these controls are not feasible, PPE will choose that will provide employees protection against the hazards. The Department Head or Supervisor will be responsible for the hazard assessment and the selection of appropriate PPE. They will reevaluate the requirements for existing tasks or environments, identify new hazards whenever any new projects are undertaken, where environmental conditions can be expected to change (new processes, products, equipment, tasks, etc.), or when complaints are received. The use of these required personal protective devices will be enforced for the listed hazardous tasks and environments.

The criteria used for the hazard assessment and determination of required PPE will be as follows:

- Eye or face protection shall be issued when there is a hazard of flying particles, molten metal, liquid chemicals, acids or caustic liquids, harmful or irritating gases or vapors, or potentially injurious light radiation.
- Head protection shall be used when working in areas where there is a potential for injury to the head from falling objects; helmets designated to reduce electrical shock hazard shall be used when there is a potential for contact of electrical conductors with the head.

- Protective footwear shall be used when working in areas where there is a danger of foot injury due to falling or rolling objects, or objects piercing the sole, and where there is foot exposure to electrical hazards.
- Hand protection shall be used when there is a hazard of skin absorption of chemicals, dermatitis, chemical burns, punctures, abrasions, thermal burns, or harmful temperature extremes.

The criteria used for the selection of PPE will be as follows:

- All new eye and face protection selected and purchased will comply with ANSI* Z87-1-1989, and all existing eye and face protection will comply with ANSI* Z87.1-1968.
- All new head protection selected and purchased will comply with ANSI* Z89.1-1986, and all existing head protection will comply with ANSI* Z89.1-1969.
- All new foot protection selected and purchases will comply with ANSI* Z41-1991, and all existing foot protection will comply with ANSI* Z41-1967.

All hand protection will be selected based on the performance of the hand protection with respect to the hazard identified. Other considerations include the tasks to be performed, conditions present and duration of use.

**ANSI – American National Standards Institute*

TRAINING

All employees required to wear PPE in the Town will be trained. Training will be job/task specific and will include when and what PPE is necessary for the job or environment; how to don, adjust and wear PPE; the limitations, care, maintenance, useful life and disposal of the PPE. Documentation of the training will be kept in the manual. Employees will demonstrate an understanding of the training and the ability to use PPE properly during the training.

The PPE program will be monitored on a regular basis, and any time there is a change in the workplace or job activities, changes in the type of PPE required, or a reason to believe that any employee does not have the skill or understanding to effectively use the required PPE, affected employees will be retrained and documentation will be kept in this manual.

PROGRAM REVIEW

A review of the PPE program will be conducted periodically, and any changes or additions in the PPE program or hazard assessment will be documented. This review will be conducted by the Department Head or Supervisor and appropriate action will be taken when warranted.

RECORD KEEPING

All records kept on the Personal Protective Equipment and the responsibility of the Department Head or Supervisor.

Attachments

bal 7/2009

**TOWN OF CHEEKTOWAGA
Personal Protective Equipment Hazard Assessment Audit**

Department	Location	Job	Hazard	PPE
Main Pump Station	Wet Well	Pump Operator	Impact Chemicals Cuts Puncture Noise	Face Shield Hard Hat Safety Shoes Work Gloves Hearing Protection
Main Pump Station	Laboratory	Pump Operator	Chemicals Cuts Burns	Safety Goggles Work Boots Gloves
Main Pump Station	Penthouse	All Employees	Noise	Hearing Protection
Highway	Garage/Road	Highway Worker	Burns Chemicals Electrical Impact Cuts Puncture Dust Heat	Safety Glasses Safety Goggles Gloves Face Shield Safety Shoe Welding Mask
Sanitation	Garage/Road	All Employees	Chemicals Dust Impact Puncture Compression	Safety Glasses Safety Goggles Steel Toe Shoes Gloves
Sewer	Road/Garage	All Employees	Burns Electrical Dust Heat Cuts Puncture Impact Compression	Safety Goggles Welding Mask Work Shoes Gloves Hearing Protection Dust Mask
Central Garage	Garage/Road	Mechanic	Burns Chemicals Impact Dust Light/Radiation Cuts Punctures Heat	Safety Glasses Welding Mask Steel-Toe Shoes Gloves Dust Mask
Building Inspection	Office/Field Work	Inspector	Electrical Impact Dust Compression Puncture	Hard Hat Safety Glasses Gloves Steel-Toe Shoes Dust Mask
Building Inspection	Field Work	Housing	Electrical Impact Dust Cuts Compression Puncture	Hard Hat Safety Glasses Gloves Steel Toes Shoes TyVek Suits Respirators Latex Gloves

Attachment: personal protective equipment policy july 13 2009 (RES-2009-378 : Adoption of Personal Protective Equipment Policy)

Parks

Various

All Employees

Impact
Chemicals
Dust
Impact
Cuts
Puncture
Compression
Noise

Safety Glasses
Hard Hat
Steel Toe Shoe
Gloves
Latex Gloves
Hearing Protection

bal 7/2009

Attachment: personal protective equipment policy july 13 2009 (RES-2009-378 : Adoption of Personal Protective Equipment Policy)

BLOOD BORNE PATHOGENS POLICY TOWN OF CHEEKTOWAGA

SECTION

1. Purpose
 2. Coverage
 3. Administration
 4. Definitions
 5. Policy statement
 6. General guidelines
 7. Hepatitis B vaccinations
 8. Reporting potential exposure
 9. Hepatitis B virus post-exposure management
 10. Human immunodeficiency virus post-exposure management
 11. Disability benefits
 12. Training regular employees
 13. Training high risk employees
 14. Training new employees
 15. Records and reports
 16. Legal rights of victims of communicable diseases
 17. Amendments
-

1. Purpose. It is the responsibility of the Town of Cheektowaga to provide employees a place of employment which is free from recognized hazards that may cause death or serious physical harm. In providing services to the citizens of the Town, employees may come in contact with life-threatening infectious diseases which can be transmitted through job-related activities. It is important that both citizens and employees are protected from the transmission of diseases just as it is equally important that neither is discriminated against because of basic misconceptions about various diseases and illnesses.

The purpose of this policy is to establish a comprehensive set of rules and regulations governing the prevention of discrimination and potential occupational exposure to Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV) and the Tuberculosis (TB).

2. Coverage. Occupational exposures may occur in many ways including needle sticks, cut injuries or blood spills. Several classes of

employees are assumed to be at high risk for blood borne infections due to their routinely increased exposure to body fluids from potentially infected individuals. Those high-risk occupations include but are not limited to:

- a. Housekeeping workers;
- b. Police personnel;
- c. Sanitation workers; and
- d. Any other employee deemed to be at high risk per this policy and exposure determination.

3. Administration. This infection control policy shall be administered by the respective department head or his/her representative who shall have the following duties and responsibilities:

- a. Exercise leadership in implementation and maintenance of an effective infection control policy subject to the provisions of this policy, and federal and state law relating to NYPESH/OSHA regulations;
- b. Make an exposure determination for all employee positions within the respective department to determine a possible exposure to blood or body fluids;
- c. Maintain records of all employees and incidents subject to the provisions of this policy;
- d. Conduct periodic inspections to determine compliance with the Blood Borne Pathogens Policy by employees;
- e. Coordinate and document all relevant training activities in support of the infection control policy;
- f. Prepare and recommend to the Town Council any amendments or changes to the Blood Borne Pathogens Policy;
- g. Identify any and all housekeeping operations involving substantial risk of direct exposure to body fluids and shall address the proper precautions to be taken while cleaning rooms and blood spills.

4. Definitions.

- a. "Body fluids" – fluids that have been recognized by the Center for Disease Control as directly linked to the transmission of HIV and/or HBV and/or to which universal precautions apply: blood, semen, blood products, vaginal secretions, cerebrospinal fluid, synovial fluid, pericardial fluid, amniotic fluid, and concentrated HIV or HBV viruses.
- b. "Exposure" – the contact with blood or other body fluids to which universal precautions apply through contact with open wounds, non-intact skin, or mucous membranes during the performance of an individual's normal job duties.
- c. "Hepatitis B Virus (HBV)" – a serious blood-borne virus with potential for life-threatening complications. Possible complications

- include massive hepatic necrosis, cirrhosis of the liver, chronic active hepatitis, and hepatocellular carcinoma.
- d. "Human Immunodeficiency Virus (HIV)" – the virus that causes acquired immunodeficiency syndrome (AIDS). HIV is transmitted through sexual contact and exposure to infected blood or blood components and perinatally from mother to neonate.
- e. "Tuberculosis (TB)" – an acute or chronic communicable disease that usually affects the respiratory system, but may involve any system in the body.
- f. "Universal precautions" – refers to a system of infectious disease control which assumes that every direct contact with body fluid is infectious and requires every employee exposed to direct contact with body fluids to be protected as though such body fluid were HBV or HIV infected.

5. Policy statement. All blood and body fluids are potentially infectious for several blood-borne pathogens and some body fluids can transmit infections. For this reason, the Center for Disease Control developed the strategy that everyone should always take particular care when there is a potential exposure. These precautions have been termed "universal precautions."

Universal precautions stress that all persons should be assumed to be infectious for HIV and/or other blood-borne pathogens. Universal precautions apply to blood, tissues, and other body fluids which contain visible blood. Universal precautions also apply to semen, (although occupational risk or exposure is quite limited), vaginal secretions, and to cerebrospinal, synovial, pleural, peritoneal, pericardial, and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, human breast milk, sputum, saliva, sweat, tears, urine and vomitus unless these substances contain visible blood.

6. General guidelines. General guidelines which shall be used by everyone include:
- a. Think when responding to emergency calls and exercise common sense when there is potential exposure to blood or body fluids which require universal precautions.
 - b. Keep all open cuts and abrasions covered with adhesive bandages which repel liquids.
 - c. Soap and water kill many bacterial and viruses on contact. If hands are contaminated with blood or body fluids to which universal precautions apply, then wash hands immediately and thoroughly. Hands shall also be washed after gloves are removed even if the gloves appear to be intact. When soap and water or hand washing facilities are not available, use a waterless antiseptic hand cleaner according to the manufacturer's recommendation for the product.

- d. The Town will provide gloves of appropriate material, quality and size for each affected employee. The gloves are to be worn when there is contact (or when there is a potential contact) with blood or body fluids to which universal precautions apply:
 - i. While handling an individual where exposure is possible.
 - ii. While cleaning or handling contaminated items or equipment;
 - iii. While cleaning up an area that has been contaminated with one of the above;

Gloves shall not be used if they are peeling, cracked, or discolored, or if they have punctures, tears, or other evidence of deterioration. Employees shall not wash or disinfect surgical or examination gloves for reuse.

- e. Masks and protective eyewear or face shields shall be worn during procedures that are likely to generate droplets of blood or other body fluids to prevent exposure to mucous membranes of the mouth, nose, and eyes. They are not required for routine care.
 - f. Gowns or aprons shall be worn during procedures that are likely to generate splashes of blood or other body fluids.
 - g. Areas and equipment contaminated with blood shall be cleaned as soon as possible. A household (chlorine) bleach solution (1 part chlorine to 10 parts water) shall be applied to a clean contaminated surface as a disinfectant leaving it on for at least 10 minutes. A solution must be changed and re-mixed every 24 hours to be effective.
 - h. Place all disposable equipment (gloves, masks, gowns, etc.) in a clearly marked plastic bag. Place the bag in a second clearly marked (marked as "Biohazard" waste) bag (double bag). Seal and dispose of by placing in a designated "hazardous" (or medical waste) dumpster, which will be picked up and disposed of separately from other waste.
 - i. Approved biohazard tags shall be used as a means of preventing accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent. Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed.
 - j. Whenever possible, disposable equipment shall be used to minimize and contain clean-up.
7. Hepatitis B vaccinations. The Town shall offer the appropriate Hepatitis B vaccination to employees at risk of exposure free of charge and in amounts and at times prescribed by standard medical practices. The vaccination shall be voluntarily administered. High risk employees who wish to take the HBV vaccination should notify their department head.

8. Reporting potential exposure. The Town shall observe the following procedures for reporting a job exposure incident that may put them at risk for HIV or HBV infections (i.e., needle sticks, blood contact on broken skin, body fluid contact with eyes or mouth, etc.):
 - a. Notify the Department Head and the Coordinator of Employee Relations of the contact incident and details thereof.
 - b. Complete the appropriate accident reports and any other specific form required.
 - c. Arrangements will be made for the person to be seen by a physician as with any job-related injury.

Once an exposure has occurred, a blood sample should be drawn after consent is obtained from the individual from whom exposure occurred and tested for possible exposure and be tested in accordance with CDC (Center for Disease Control) guidelines. Testing of the source individual should be done at a location where appropriate pretest counseling is available. Post-test counseling and referral for treatment should also be provided.
9. Training regular employees. On an annual basis all employees shall receive training and education on precautionary measures, epidemiology, modes of transmission and prevention of HIV/HBV infection and procedures to be used if they are exposed to needle sticks or body fluids. New employees whose duties may put them in contact with blood and bodily fluids shall receive training as soon as possible after being hired. They shall also be counseled regarding possible risks to the fetus from HIV/HBV and other associated infectious agents.
10. Training high-risk employees. In addition to the above, high-risk employees shall also receive training regarding the location and proper use of personal protective equipment. They shall be trained concerning proper work practices and understand the concept of “universal precautions” as it applies to their work situation. They shall also be trained about the meaning of color coding and other methods used to designate contaminated material. Where tags are used, training shall cover precautions to be used in handling contaminated material as per this policy.
11. Legal rights of victims of communicable diseases. Victims of communicable diseases have the legal right to expect municipal employees to provide the same level of service and enforcement as any other individual would receive.
 - a. Whenever a Police Officer mentions in a report that an individual has or may have a communicable disease, he shall write “contains

- confidential medical information” across the top margin of the first page of the report.
- b. The officer’s supervisor shall ensure that the above statement is on all reports requiring that statement at the time the report is reviewed and initiated by the supervisor.
 - c. The supervisor disseminating newspaper releases shall make certain the confidential information is not given out to the news media.
 - d. All requests (including subpoenas) for copies of reports marked “contains confidential medical information” shall be referred to the Town Attorney when the incident involves an indictable or juvenile offense.
 - e. Prior approval shall be obtained from the Town Attorney before advising a victim of sexual assault that the suspect has, or is suspected of having a communicable disease.
 - f. All circumstances not covered in this policy that may arise concerning releasing confidential information regarding a victim, or suspected victim, of a communicable disease shall be referred directly to the appropriate department head or Town Attorney.
 - g. Victims of a communicable disease and their families have a right to conduct their lives without fear of discrimination. An employee shall not make public, directly or indirectly, the identity of a victim, suspected victim or any other person (i.e. arrested individual) suspected of having a communicable disease.
 - h. Any employee who disseminates confidential information in regard to a victim, suspected victim or any other person (i.e., arrested individual) suspected of having a communicable disease in violation of this policy shall be subjected to serious disciplinary action and/or civil and/or criminal prosecution.
12. Amendments. Amendments or revisions of these rules may be recommended for adoption by any elected official or by department heads. Such amendments or revisions of these rules shall be by ordinance and shall become effective after public hearing and approval by the Town Board.

bal 7/2009

Dear Property Owner:

If you have any QUESTIONS concerning the following information regarding repair/replacement of your sidewalk, please direct them to the Town Highway Department at 686-3450.

Please be advised that the Town Highway Superintendent has determined that the sidewalk in front of property owned by you is in need of repair/replacement. Based on his determination and in accordance with State Law, the Cheektowaga Town Board adopted a resolution/order on July 20, 2009, directing the repair/replacement of your sidewalk and further directing this office to send you this letter and the attached Notice.

With respect to the repair/replacement of your sidewalk, you have the following two (2) options.

1. You can choose to repair/replace your sidewalk at 100% cost to you (As per State law, the Town cannot and will not reimburse you for any part of the expense if you do the work yourself). If you choose this option, you must notify the Town Highway Department by checking the appropriate box on the enclosed postcard by August 3, 2009 and complete the work on or before **August 20, 2009**;

OR

2. You can allow the Town (or its contractor) to perform the work. If the Town performs the work, the Town will pay \$40 per 5-foot linear block; YOU WILL BE RESPONSIBLE FOR THE REMAINDER OF THE COST. Based on the latest construction bid costs, you will be charged approximately \$60 - \$70 per 5-foot linear block of sidewalk to be repaired/replaced. The Town Highway Department will schedule the work to be done and will estimate the work required by placing markings on your sidewalk. After the work is completed, the Town Highway Department will notify you of the actual charge to you for the work and give you the following two payment options:
 - a. Pay 100% to the Town on or before October 1, 2009; **OR**
 - b. Have the charges placed on your 2010-2014 County/Town tax bills (will also include a 6.00% annual interest charge).

Be advised that, pursuant to Section 302.3 of the Codes of the State of New York and Section 210-14 of the Town Code, the owner of property adjoining any street where a sidewalk has been laid is responsible for keeping said sidewalk in good repair and is liable in the event someone is injured on such sidewalk.

I hope the above information is of some assistance to you.

ANY QUESTIONS, PLEASE CALL THE HIGHWAY DEPARTMENT AT 686-3450.

Very truly yours,

ALICE MAGIERSKI
Town Clerk

Sidewalk Markings for Parkview Terrace on 6-4-2009

#	<u>Address</u>	
5	Parkview Terrace	Thoedore & Dorothy Rushing, Jr.
6	Parkview Terrace	Lawrence Kilpatrick
8	Parkview Terrace	Josephine Kujawa & Adrienne Wagner
9	Parkview Terrace	Ronald E Bynes
15	Parkview Terrace	Eddie & Dorris Lewis
24	Parkview Terrace	Kathi Hauser
32	Parkview Terrace	Florence Lawicki
35	Parkview Terrace	Alexander & Lewis Szarejko
44	Parkview Terrace	Terry M. Williams

Sidewalk Markings for Fradine Drive on 6-10-2009

#	<u>Address</u>	
8	Fradine Drive	Arthur Wroblewski, Jr.
16	Fradine Drive	Robert & Sandra Silvestri, Jr.
23	Fradine Drive	Harold O. Rehm & Wife
24	Fradine Drive	Paul & Annie Riopel-Wodowski
28	Fradine Drive	Stephen & Opel Gnocchini
36	Fradine Drive	Lee Ruth & Wife
40	Fradine Drive	William & Jennifer Maszczak
48	Fradine Drive	Philip J. Gregoire
51	Fradine Drive	Judy E. Buscaglia
55	Fradine Drive	Gerald G. Zimpfer
59	Fradine Drive	Thomas M. Slawatycki
60	Fradine Drive	Eugene & Adeline Romanowski
64	Fradine Drive	Catherine Kostyo
67	Fradine Drive	Linda M. Lechner
68	Fradine Drive	Barry & Christine Stelmach
71	Fradine Drive	Ryan Gallo
72	Fradine Drive	Daniel & Lynn Kraebel
76	Fradine Drive	Larry T. Manhard
80	Fradine Drive	Scott J. Kuehlewind
82	Fradine Drive	Dennis Smigiera & Wife
87	Fradine Drive	Luba Stanev
91	Fradine Drive	Robert G. Richard
400	French cor. of Fradine	Michael & Amandalynn Bennett
412	French cor. of Fradine	Richard A. Mikulski

Sidewalk Markings for Penwood Drive on 6-10-2009

#	<u>Address</u>	
3	Penwood Drive	Arlene C. Higham
7	Penwood Drive	John & Carol Beback
8	Penwood Drive	Francesco Marotta
12	Penwood Drive	Louis Bauer & Wife
16	Penwood Drive	Megan R. Wolcott
19	Penwood Drive	Loren & Diana Robbins
20	Penwood Drive	Robert & Linda Hulings
24	Penwood Drive	Michael & Hazel Dulkiewicz, Jr.
27	Penwood Drive	Donald & Barbara Larkman
31	Penwood Drive	Dennis McDonald & Wife

Attachment: sidewalk replacement list 7-20-09 (RES-2009-380 : Order Replacement of Sidewalks)

32	Penwood Drive	John Kwiatkowski & Wife
35	Penwood Drive	Jacob & Joan Huber
36	Penwood Drive	Daryll & Karen Kozlowski
39	Penwood Drive	Tod E. Dembik
47	Penwood Drive	Jeffrey & Michelle Bortz
51	Penwood Drive	Thomas & Paulette Heisler
52	Penwood Drive	Wayne & Kim Rajewski
56	Penwood Drive	James Primiano & Wife
59	Penwood Drive	Ermo Cercone & Wife
60	Penwood Drive	Robert Armstrong & Wife
63	Penwood Drive	David & Karen Sell
67	Penwood Drive	Paula Peterson & Nancy Dominick
68	Penwood Drive	Earl Zeeb & Wife
87	Penwood Drive	Beverly Prible
91	Penwood Drive	Lynn Rice
92	Penwood Drive	James Rudroff & Wife
107	Penwood Drive	Eileen Lapenta
108	Penwood Drive	Russell & June Santomauro

Attachment: sidewalk replacement list 7-20-09 (RES-2009-380 : Order Replacement of Sidewalks)

Mailing address

Cheektowaga, NY 14225
Cheektowaga, NY 14225
Cheektowaga, NY 14225
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Cheektowaga, NY 14225
Cheektowaga, NY 14225
Cheektowaga, NY 14225

37 Rehm Road
Cheektowaga, NY 14227
Cheektowaga, NY 14227
Lancaster, NY 14086
Cheektowaga, NY 14227
Cheektowaga, NY 14227
Cheektowaga, NY 14227
Cheektowaga, NY 14227
Cheektowaga, NY 14227

1603 Forest Edge Drive
East Amherst, NY 14051
Cheektowaga, NY 14227

470 Schultz Road
Elma, NY 14059
Cheektowaga, NY 14227
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Cheektowaga, NY 14227
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20 Domino Court
Depew, NY 14043
Cheektowaga, NY 14227
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Attachment: sidewalk replacement list 7-20-09 (RES-2009-380 : Order Replacement of Sidewalks)

1165 Losson Road

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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, 28, 2009

6:45 PM

Council Office

I. Call to Order

6:45 PM Meeting called to order on July 28, 2009 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
Christine Ziemba, Chief of Police

II. Resolutions



1. RESOLUTION 2009-397

Authorize Supervisor to Attend Seminar

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, municipalities across America, including the Town of Cheektowaga, have been plagued by urban blight, abandonment and decline of residential and commercial properties, resulting in population loss, reduced tax revenues, increased demand for police, housing inspection and other government services, and

WHEREAS, the Genesee Institute, in association with the Kennedy School of Government at Harvard University, is sponsoring a "Land Bank Training and Technical Assistance" seminar at Harvard University from July 29th through August 1st, 2009, and

WHEREAS, this three-day seminar will include sessions on:

- the current housing crisis and its causes;
- an introduction to the land bank concept and eligible programs for funding;
- an introduction to associated reform of tax collection systems;
- the study of public leadership challenges in the context of the above issues;
- strategies to gain control and redevelop abandoned property;
- tax foreclosure reform;
- the mortgage foreclosure crisis;
- reform of urban land practices;
- the Housing and Economic Recovery Act of 2008;
- discussions on potential state policy changes that would assist with the reuse of vacant and abandoned properties;

as well as a forum for local governments to build networks with other local governments and to share knowledge and experiences, and

WHEREAS, a grant from the Ford Foundation will cover the cost of the technical assistance, training, lodging and most meals at Harvard University, and

WHEREAS, Mary F. Holtz, Cheektowaga Town Supervisor, has been invited to attend this seminar, and

WHEREAS, Mary F. Holtz, Supervisor, has expressed an interest in attending this seminar, and it is advantageous to the Town to have her attend, NOW, THEREFORE, BE IT

RESOLVED, that Mary F. Holtz, Supervisor, be and hereby is authorized to attend this seminar and to utilize a Town vehicle to travel to and from the seminar, and BE IT FURTHER

RESOLVED, that any and all costs associated with her attendance at this seminar and for meals shall be paid by the Town of Cheektowaga.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember

AYES:	Holtz, Jaworowicz, Rogowski, Zydel, Markel, Kaznowski
ABSENT:	Jeff Swiatek



2. RESOLUTION 2009-398

Appoint Auto Mechanic Helper (Non-Competitive/Permanent) (Central Garage) Michael J. Maue

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, a vacancy exists in the job class Auto Mechanic Helper in the Central Garage; AND

WHEREAS, Michael J. Maue is currently employed as a temporary Automotive Mechanic in the Central Garage and does not possess permanent status as an employee; AND

WHEREAS, the Town wishes to provide Michael J. Maue permanent status; NOW, THEREFORE BE IT

RESOLVED, that, Michael J. Maue will be given a permanent appointment effective July 2, 2009 as an Auto Mechanic Helper. However, he will continue to perform the duties of an Automotive Mechanic and will be compensated accordingly. However, if Michael J. Maue does not obtain his CDL within 90 days of July 2, 2009 he will be compensated at the appropriate wage rate of Auto Mechanic Helper.

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



3. RESOLUTION 2009-399

Appoint Auto Mechanic Helper (Non-Competitive/Permanent) (Central Garage) David Sikora

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, a vacancy exists in the job class Auto Mechanic Helper in the Central Garage; AND

WHEREAS, David Sikora is currently employed as a temporary Automotive Mechanic in the Central Garage and does not possess permanent status as an employee; AND

WHEREAS, the Town wishes to provide David Sikora permanent status; NOW, THEREFORE BE IT

RESOLVED, that, David Sikora will be given a permanent appointment effective July 16, 2009 as an Auto Mechanic Helper. However, he will continue to perform the duties of an Automotive Mechanic and will be compensated accordingly. However if David Sikora does not obtain his CDL within 90 days of July 16, 2009 he will be compensated at the appropriate wage rate of Auto Mechanic Helper.

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

III. Adjourn

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to end the meeting at 7:15 pm

Kimberly Burst
Deputy Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, August, 3, 2009

6:45 PM

Council Chambers

I. Public Hearings at 6:30 PM

1. Rezoning Request- 5030-5050 Genesee Street from M1 (Light Manufacturing) and MS (Motor Service) to C-Retail Business

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Rezoning Request - Genesee St at Tadio Pkwy. from RMH-Residential Mobile Home District to CM-General Commercial

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

II. Call to Order

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
 Larry Kensy, Managing Housing Inspector
 Brian Krause, Director of Finance and Administration
 William Pugh, Town Engineer
 Anthony Romano, Coordinator of Employee Relations
 Kevin Schenk, Town Attorney
 Christine Ziembra, Chief of Police

III. Public Hearings at 6:45 PM

1. Demolition of Unsafe Building at 74 Peoria Avenue

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Demolition of Unsafe Building at 155 Wellworth 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: Charles Markel, Councilmember
SECONDER: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

3. Demolition of Unsafe Building at 44 Meadowbrook Parkway

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: Stanley Kaznowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

IV. Public Comment Period

V. Resolutions



1. RESOLUTION 2009-400

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to July 31, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,124,150.76
RISK RETENTION FUND	102,702.33
DEBT SERVICE FUND	472,512.50
HUD HOUSING REHABILITATION FUND	3,983.48
SPECIAL DISTRICTS FUND	1,021,934.96
HIGHWAY FUND	694,541.98
CAPITAL FUND	694,748.52
TRUST & AGENCY FUND	14,554.90
HUD CDBG FUND	78,705.66
PART TOWN FUND	151,600.12
NYS AFFORDABLE HOUSING	54,390.00
	<u>\$ 6,413,825.21</u>

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mary Holtz, Supervisor

SECONDER: Jeff Swiatek, Councilmember

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



2. RESOLUTION 2009-401

Award of Bid for Police Vehicles

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a Notice to Bidders was duly published for the receipt of bids for the purchase of four (4) new or used Ford vehicles for the Police 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 Police Department for analysis and tabulation; NOW, THEREFORE, BE IT

RESOLVED, that the contract for the furnishing of four (4) new Ford vehicles be awarded to Basil Ford, 5111 Transit Road, Depew, New York, for the purchase price of \$67,996.00, said bid being the lowest responsible bid meeting all specifications; and BE IT FURTHER

RESOLVED, that funds for the purchase of these vehicles shall be appropriated from line item number 100-3120-2303.

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



3. RESOLUTION 2009-402

Call for Public Hearing - Increase and Improvement of Facilities of the Town-Wide Consolidated Drainage District - Dingens Street Drainage

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

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 3rd day of August, 2009.

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 Town-wide Consolidated Drainage 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

Seconded by: Councilmember Richard A. Zydel

ORDER CALLING FOR A PUBLIC HEARING TO BE HELD ON AUGUST 17, 2009

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

Town-wide Consolidated Drainage District, in the Town (herein called the "District"), has requested the Town Engineer, an engineer duly licensed by the State of New York (herein called the "Engineer"), to prepare a map, plan and report for the proposed an increase and improvement of facilities of the District, consisting of storm sewer trunkline improvements to be constructed under the Phase 2 extension on Dingens Street and other related drainage improvements, and any ancillary work in connection therewith, as described in the report prepared by the Town Engineer, dated July 2009, at the estimated maximum cost of \$1,000,000; and

WHEREAS, 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, 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, having reviewed a Short Environmental Assessment Form, the Town Board has determined that such project shall not have any significant effect on the environment and has issued a Negative Declaration for purposes of 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 17th day of August, 2009 at 6:45 P.M. o'clock P.M. (Prevailing Time) to consider said 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 BEE," 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 certified by said Town Clerk,

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: August 3, 2009

TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

(SEAL)

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 August 17, 2009, at 6:45 P.M. o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of Town-wide Consolidated Drainage District, consisting of storm sewer trunkline improvements to be constructed under the Phase 2 extension on Dingens Street and other related drainage improvements, and any ancillary work in connection therewith, as described in the report prepared by the Town Engineer, dated July 2009, at the aggregate estimated maximum cost of \$1,000,000.

At said public hearing, the Town Board will hear all persons interested in said subject matter thereof.

Dated: August 3, 2009
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

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



4. RESOLUTION 2009-403

Notice to Bidders - Windcrest Drive and Idlebrook Drive Storm Sewer Installation/Road Reconstruction

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, it is in order that bids be advertised for Windcrest Drive and Idlebrook Drive Storm Sewer Installation/Road Reconstruction in the Town of Cheektowaga, AND

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

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for said Windcrest Drive and Idlebrook Drive Storm Sewer Installation/Road Reconstruction, said notice to be published in THE CHEEKTOWAGA BEE, THE BUFFALO NEWS and THE CHALLENGER, AND, BE IT FURTHER

RESOLVED, that sealed bids will be received on the 26th day of August, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 26th day of August, 2009 at 11:00 A.M., local time, in the Town Hall, Town of Cheektowaga, New York for furnishing all labor, tools, equipment, materials and incidentals required for Windcrest Drive and Idlebrook Drive Storm Sewer Installation/Road Reconstruction, complete, in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by the Town of Cheektowaga Engineering Department and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one set of Plans and

Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway & Union Roads, Cheektowaga, New York 14227 and marked "Windcrest Drive and Idlebrook Drive Storm Sewer Installation/Road Reconstruction".

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

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

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

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

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

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

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

The work shall be completed within 90 consecutive calendar days to begin five days after the "Order to Commence Work" has been issued.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Alice Magierski, Town Clerk

DATED: August 3, 2009

PUBLISHED: August 6, 2009

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



5. RESOLUTION 2009-404

Notice to Bidders - Renovations to the Anna Reinstein Library

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, by resolution dated May 4, 2009, the Town Board engaged the firm of Trautman Associates to prepare plans and specifications for various improvements to the Anna Reinstein Library located at 2580 Harlem Road in the Town of Cheektowaga, AND

WHEREAS, said plans and specifications have been completed enabling the solicitation of competitive bids in the fields of General Construction Work, Heating, Ventilating and Air Conditioning (HVAC) Work and Electrical Work, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be directed to publish a Notice to Bidders for Renovations to the Anna Reinstein Library, 2580 Harlem Road, said notice to be published in THE CHEEKTOWAGA BEE, AND, BE IT FURTHER

RESOLVED, that sealed bids for each field of construction will be received on the 26th day of August, 2009 at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga, County of Erie, State of New York, on the 26th day of August, 2009 at 11:00 A.M. in the Town Hall, Town of Cheektowaga, for furnishing all labor, materials, tools, equipment and incidentals required for General Construction Work (Window Removal and Replacement and Associated Asbestos Abatement), Heating, Ventilating and Air Conditioning (HVAC) Work and Electrical Work for Renovations to the Anna Reinstein Library, 2580 Harlem Road, complete in place and ready for use in accordance with the Contract Documents, therefore, including Plans, Specifications, Instructions to Bidders, etc. prepared by Trautman Associates and approved by the Town Board of the Town of Cheektowaga, all of which are on file with the Town Engineer in his office at 275 Alexander Avenue, Cheektowaga, New York 14211.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the Town of Cheektowaga Engineering Department, 275 Alexander Avenue, Cheektowaga, New York 14211 and at the Town Clerk's Office, Broadway & Union Road, Cheektowaga, New York 14227. Copies may be secured at the Office of the Town Clerk upon payment of \$50.00 per set of documents. Deposits should be made in the form of a check made payable to the Town of Cheektowaga.

Any bidder returning such Plans and Specifications in good condition within 30 days following the award of the contract or the rejection of the bids will be refunded the full

amount of the deposit. Similarly, non-bidders will be refunded one-half the deposit. Material suppliers and anyone returning the Plans and Specifications before the bid opening will also be classed as non-bidders. Any bidders requesting more than one set of Plans and Specifications may purchase the excess, but it is understood that they are not returnable.

All bids must be enclosed in a separate, sealed envelope and shall be addressed to the Town Clerk of the Town of Cheektowaga, Town Hall, Broadway and Union Roads, Cheektowaga, New York 14227 and marked "Renovations to the Anna Reinstein Library".

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

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

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

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

Attention of the bidders is further called to Section 103-d of the General Municipal Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and unless complied with, such bid will not be accepted.

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

A Pre-Bid Conference will be held on August 17, 2009 at the project site at 2580 Harlem Road at 10:00 A.M.

BY ORDER OF:
THE TOWN OF CHEEKTOWAGA

Alice Magierski
Town Clerk

DATED: August 3, 2009

PUBLISHED: August 6, 2009

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



6. RESOLUTION 2009-405

Special Event - Shooting Starz Softball Tournament

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 Shooting Starz Softball has made application to hold its "Make a Wish Foundation Softball Tournament" in Stiglmeier Park on August 8, 2009, 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 Shooting Starz Softball for the aforementioned "Make a Wish Foundation Softball Tourney" to be held in Stiglmeier Park on August 8, 2009.

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



7. RESOLUTION 2009-406

Special Event - Cheektowaga Oldtimers Championship

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 30, 2009, 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 30, 2009.

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



8. RESOLUTION 2009-407

Accept Easement at 505 Beach Road

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the owner of property at 505 Beach Road was requested to grant the Town of Cheektowaga a sanitary sewer easement over a portion of his property in order to perform sewer repair work in the area, AND

WHEREAS, Thomas R. Lacki, the owner of such property, has submitted the requested easement to the Town, AND

WHEREAS, the Town Engineer and Town Attorney have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easement be and hereby is accepted by the Town, AND, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file such easement in the Erie County Clerk's Office.

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



9. RESOLUTION 2009-408

Authorize Supervisor to Execute Agreement with Cheektowaga Public Library Re: Anna M. Reinstein Library

Sponsored By: Councilmember Rogowski, Councilmember Jaworowicz

WHEREAS, the Town is the owner of the Anna M. Reinstein Public Library building (the "Library") located at 2580 Harlem Road, which library operates in cooperation between the Cheektowaga Public Library Board ("the Library Board") with the Buffalo & Erie County Public Library and the Cheektowaga Public Library; and

WHEREAS, funding is available from New York State through the Public Library Construction Grant Program ("State Grant") for construction/renovation/rehabilitation work at public libraries in New York State; said funding is available provided the applicant, the Library Board, supplies local matching funds in the amount of fifty-percent of the cost of the project and the Town approves the project; and

WHEREAS, pursuant to the guidelines for the State Grant, the Library Board must be the applicant for the grants, and the Town, as owner, must provide a match for the grants and must approve the project; and

WHEREAS, the Library Board is interested in reconstructing the parking lot behind the Library and installing a Radio Frequency ID System in the Library at a total approximate cost of \$116,974.21, and

WHEREAS, the Library Board is applying for a State Grant award in the amount of \$58,487.10 for the reconstruction of the parking lot and a Radio Frequency ID system at the Library; and

WHEREAS, the Town must supply in-kind services and/or matching funds in an amount not to exceed \$58,487.11 for the local match; and

WHEREAS, the Buffalo & Erie County Public Library has committed to paying the 50% local match for the Radio Frequency ID System (\$34,658.37) at the Library, and

WHEREAS, the Library Board has executed an Agreement, a copy of which is annexed hereto, setting forth terms with regard to the application by the Library Board to apply for grant funds from the State and the County for the reconstruction of the parking lot at the Library and the Radio Frequency ID System, as well as setting forth terms, conditions, and obligations on the part of the Town, all of which is conditioned on State and County Grant funds being provided for the aforementioned Library parking lot reconstruction work; NOW THEREFORE, BE IT

RESOLVED, the Supervisor is hereby authorized and directed to execute the Agreement between the Town and the Cheektowaga Public Library for the reconstruction of the parking lot and installation of the Radio Frequency ID System at the Library, together with all other documents that may be required, subject, however, to approval by the Town Attorney.

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



10. RESOLUTION 2009-409

Authorize Supervisor to Execute Application to Use Cheektowaga Central High School Auditorium

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga is in the process of updating its Comprehensive Plan for the Town, and

WHEREAS, the Town and its consultant, Wendel Duchscherer, as part of the process, wish to hold a public hearing with residents from the Town to discuss and present the results of the Comprehensive Plan study to date, and

WHEREAS, for this public meeting, it is necessary to have a large auditorium to accommodate the anticipated large number of people who will be attending, and

WHEREAS, it is desirable to hold this public meeting at the Cheektowaga Central High School Auditorium, and

WHEREAS, the Cheektowaga Central Schools have agreed to permit the Town the use of the Auditorium on September 3, 2009 from 3:00 P.M. to 9:00 P.M. provided the Town executes a "Cheektowaga School District Application for Use of District Facilities" form, and

WHEREAS, this Board is in support of this presentation for the benefit of our Town's residents and businesses, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Cheektowaga Central School District Application for Use of District Facilities form on behalf of the Town for this Comprehensive Plan meeting, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga hereby agrees to indemnify the Cheektowaga Central School District under our self insurance program for this event.

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



11. RESOLUTION 2009-410

Authorize Supervisor to Execute License Agreement

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga is the owner of vacant land located at 1097 Walden Avenue and 1105 Walden Avenue ("Premises"), and

WHEREAS, the owner of 1095 Walden Avenue has requested permission to utilize the westerly five (5) feet of Premises for ingress and egress from the parking lot at the rear of his property, and

WHEREAS, the owner of 1095 Walden Avenue, has, in consideration of being granted permission to utilize this Five (5) foot section of Town property, has offered to cut the grass, remove snow from the sidewalk, etc. at 1097 and 1105 Walden Avenue, and

WHEREAS, the Town Attorney's Office has prepared a license agreement to memorialize the terms stated above, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this license agreement on behalf of the Town of Cheektowaga.

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



12. RESOLUTION 2009-411

Grant Easement for Town Land on Toelsin Road

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga is the owner of property located on the east side of Toelsin Road immediately south of 55 Toelsin Road (S.B.L. No. 91.18-15-22.1, and

WHEREAS, the owner of 55 Toelsin Road has requested an easement over a portion of this property to construct a roof conductor/sump pump discharge pipe to an existing catch basin on the Town-owned property, and

WHEREAS, the Town Engineer has no objection to the granting of this easement, and

WHEREAS, the Town Assessor has established a value of this easement to be \$150.00, and

WHEREAS, this Board is in agreement with the granting of this easement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this easement, subject to final review and approval of the easement form by the Town Attorney and the Town Engineer, 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 Bee.

NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on August 3, 2009, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to the owner of 55 Toelsin Road over Town-owned property located on the east side of Toelsin Road between 55 Toelsin Road and 43 Toelsin Road to connect a roof conductor/sump pump discharge pipe to an existing catch basin.

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

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum

under Article 7 of the Town Law of the State of New York.

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

Dated: August 3, 2009

Alice Magierski
Town Clerk

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



13. RESOLUTION 2009-412

Support for Collateral Source Bill

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the New York State recently passed the Collateral Source Bill (S.6068, Part F, section 1) as part of Governor Paterson's mandate relief package to municipalities, and

WHEREAS, the Collateral Source Bill would:

- end the unfair double recoveries of lost future earnings that are currently permitted only in favor of public employees against their public employers in personal injury and other tort actions;
- ensure that, whenever the public employer is sued in tort by anyone and the case is settled, the municipality will not then be subjected to a claim by a health benefit provider, accident disability insurance carrier or any other collateral source payor for reimbursement of monies paid to the plaintiff arising out of the accident

, and

WHEREAS, this bill would provide important monetary savings to all public employers, including the Town of Cheektowaga, during the severe fiscal crisis that we are now facing, and

WHEREAS, there would be no cost to the State if this legislation is adopted, and

WHEREAS, the New York State Association of Towns strongly supports this legislation, and

WHEREAS, this legislation is also in the State Assembly as A.9052, Part F, section 1, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Assembly to pass the Collateral Source Bill as quickly as possible, and BE IT FURTHER

RESOLVED, that this Town Board hereby also memorializes Governor David Paterson to sign such bills into law, 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
- Governor David Paterson
- Senator William T. Stachowski
- Peter J. Kiernan, Counsel to the Governor, The Executive Chamber, Albany, NY 12224
- New York State Senate Majority Leader Pedro Espada, Jr., Room 420, State Capitol Building, Albany, NY 12247
- New York State Senate President Malcolm A. Smith, Room 909, Legislative Office Building, Albany, NY 12247;
- New York State Democratic Conference Leader John L. Sampson, Room 409, Legislative Office Building, Albany, NY 12247

- New York State Assembly Speaker Sheldon Silver, Room 932, Legislative Office Building, Albany, NY 12248
- Barry P. Schwartz, Senior Counsel, Appeals Division, New York City Law Department, 100 Church Street-Room 6-181, New York, NY 10007

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



14. RESOLUTION 2009-413

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 (Buildings and Grounds Division) Laborer \$7.75/hour effective 8/03/09

Donald J. McArthur, Sloan, 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:

POLICE DEPARTMENT School Crossing Guard (Substitute) \$8.11/hour effective 7/27/09

Stanley J. Hawrysiak, Cheektowaga, New York

JUSTICE COURT Clerk \$8.00/hour effective 8/04/09

Christine A. Witkowski, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 7/27/09

Ryan Full, Cheektowaga, New York

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

POLICE DEPARTMENT (School Crossing Guard)

Thelma Burke effective 6/23/07

TOWN CLERK'S OFFICE

Lauren Piekarski effective 8/18/08

MAIN PUMP STATION

Donald Hayes effective 7/21/09

FACILITIES DEPARTMENT (Buildings and Grounds Division)

Michael Komosinski effective 7/18/09

FACILITIES DEPARTMENT (Parks Division)

Steven Cvetkovski effective 5/11/09

SANITATION DEPARTMENT

Nicholas Alessi effective 7/27/09

JUSTICE COURT

Jennifer Kubala effective 6/19/09

Motion by Supervisor Holtz, second by Councilmember Kacznowski to waive the reading of the names for resolutions 2009-413 through 2009-415

Motion Carried

Resolutions 2009-413 through 2009-415 taken as one vote

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



15. RESOLUTION 2009-414

Terminations Youth & Recreation

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:

Kristin Brunetto	8/24/07	14043
Dana Kryszak	Never Worked	14227
Thomas Michalewski	7/4/09	14225

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



16. RESOLUTION 2009-415

Hire Youth & Recreation

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Cheektowaga Conservation Corps (CCC)

Seasonal

Laborer - Participant - 7310.1816

Level I - \$7.25 - Alternate

Nicholas C. Scaccia 14227

Recreation Attendant - 7140.1648 - \$8.00

Ashley Grabiec 14225

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



17. RESOLUTION 2009-416

Travel Authorization Police (Hockwater/Griffin)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 21st Annual Crimes Against Children Conference is being held August 17-20, 2009 in Dallas, Texas; AND

WHEREAS, Police Detectives Michael Hockwater and Terence Griffin 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, attendance at said conference will result in no expense to the Town; NOW, THEREFORE, BE IT

RESOLVED, that Police Detectives Michael Hockwater and Terence Griffin be and hereby are authorized to attend the 21st Annual Crimes Against Children Conference being held August 17-20, 2009 in Dallas, Texas.

Resolutions 2009-416 through 2009-418 taken as one vote

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



18. RESOLUTION 2009-417

Travel Authorization Emergency Services (Loder/Szumigala)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Emergency Services National Conference 2009 is being held August 25, 2009 at Monroe Community College, New York; AND

WHEREAS, Emergency Services Coordinator Earl Loder and Police Officer Donald Szumigala have 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 \$98; AND

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

RESOLVED, that Emergency Services Coordinator Earl Loder and Police Officer Donald Szumigala be and hereby are authorized to attend the Emergency Services National Conference 2009 being held August 25, 2009 at Monroe Community College, New York.

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



19. RESOLUTION 2009-418

Travel Authorization Police (Berecz/Sliwinski)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Federal Bureau of Investigation Law Enforcement Executive Development Association Supervisory Leadership Institute is being held September 21-25, 2009 in Niagara Falls, New York; AND

WHEREAS, Police Lieutenants Steven Berecz and Michael Sliwinski have requested authorization to attend said Institute; 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 \$2,289.04; AND

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

RESOLVED, that Police Lieutenants Steven Berecz and Michael Sliwinski be and hereby are authorized to attend the Federal Bureau of Investigation Law Enforcement Executive Development Association Supervisory Leadership Institute being held September 21-25, 2009 in Niagara Falls, New York.

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

VI. Suspension of Rules

Motion by Councilmember Markel, Second by Supervisor Holtz to include the following resolutions 2009-419 through 2009-421

Motion Carried



1. RESOLUTION 2009-419

Approve Contract for Sale of 3409 Genesee Street

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, since the Town-owned building located at 3409 Genesee Street (known as the Maryvale Community Center) is no longer need for Town purposes and is surplus to the needs of the Town, this Town Board by resolution dated September 27, 2008, retained Pyramid Brokerage Company of Buffalo, Inc. to list such property for sale and to solicit offers on behalf of the Town of Cheektowaga, and

WHEREAS, CSQ Properties, LLC has submitted an offer to purchase 3409 Genesee Street for \$210,000.00, subject to certain contingencies, and

WHEREAS, this Board feels that this offer is acceptable to the Town, and

WHEREAS, the Town is in the process of attempting to satisfy the contingencies mentioned in such contract, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the sale of 3409 Genesee Street by the Town of Cheektowaga to CSQ Properties, LLC for \$210,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Offer to Purchase, a deed and other documents necessary to effectuate the sale of 3409 Genesee Street to CSQ Properties, LLC, subject to the approval of the Town Attorney, and BE IT FURTHER

RESOLVED, that the sale of 3409 Genesee 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 August 3, 2009, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 3409 Genesee Street, Cheektowaga, New York to CSQ Properties, LLC for \$210,000.00.

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: August 3, 2009

ALICE MAGIERSKI
Town Clerk

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



2. RESOLUTION 2009-420

Notice of Hearing - Demolition of 17 Fath Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 17 Fath Drive 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 Thomas J. Adamczak, Supervising Code Enforcement Officer and Lawrence J. Kensy, Managing Housing Inspector for the Town of Cheektowaga, setting forth their 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; NOW THEREFORE BE IT

RESOLVED, that this Town Board accepts the findings and recommendations of the Supervising Code Enforcement Officer and Managing Housing Inspector; 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 a hearing before this Board in relation to the dangerous and unsafe building at 17 Fath Drive shall be held on the 17th day of August, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Code Enforcement Office and/or the Town Attorney's Office be and hereby is directed to serve notice of said hearing on all interested parties.

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



3. RESOLUTION 2009-421

Notice of Hearing - Demolition of 56 Petan Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Supervising Code Enforcement Officer has received information that the building located at 56 Petan Drive 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 Thomas J. Adamczak, Supervising Code Enforcement Officer and Lawrence J. Kensy, Managing Housing Inspector for the Town of Cheektowaga, setting forth their 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; NOW THEREFORE BE IT

RESOLVED, that this Town Board accepts the findings and recommendations of the Supervising Code Enforcement Officer and Managing Housing Inspector; 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 a hearing before this Board in relation to the dangerous and unsafe building at 56 Petan Drive shall be held on the 17th day of August, 2009 at 6:45 P.M. at the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and BE IT FURTHER

RESOLVED, that the Code Enforcement Office and/or the Town Attorney's Office be and hereby is directed to serve notice of said hearing on all interested parties.

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

VII. Communications

A. Departmental Communications

1. Minutes - Cheektowaga Public Library - Board of Trustees - May 20, 2009
2. Minutes - Town Environmental Advisory Committee - July 15, 2009
3. Building Permits - July 2009

B. General Communications

1. County of Erie - Notice of Highway Closure: that Portion of Como Park Blvd is Closed from Union Road to Bennett Road in the Town of Cheektowaga. the Road Will be Closed from July 28, 2009 to October 30, 2009, or Until Completion for Drainage Installation and Road Reconstruction. Access for All Residents and Businesses Along This Corridor Will be Maintained.
2. County of Erie - Aero Drive Bridge and Road Has Been Reopened to Traffic as of July 17, 2009
3. Notice of Claim - John Ghosen Vs. Town of Cheektowaga
4. Notice of Claim - James & Carolyn Horsley Vs. Town of Cheektowaga
5. Notice of Claim - Laura Jankowski Vs. Town of Cheektowaga
6. Notice of Claim - Cornelius Johnson Vs. Town of Cheektowaga
7. Notice of Claim - Georgiana Kirsch Vs. Town of Cheektowaga
8. Notice of Claim - Mark Michalski Vs. Town of Cheektowaga
9. Notice of Claim: Richard & Barbara Miller Vs. Town of Cheektowaga
10. Notice of Petition - DDR MDT Union Road Plaza Vs. Assessor, & the Board of Assessment Review of the Town of Cheektowaga
11. Notice of Petition - K-Mart #7171 Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
12. Notice of Petition - Eckerd Corporation/Rite Aid Corporation Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
13. Notice of Petition - Walgreens Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
14. Notice of Petition - Niagara Mohawk Power Corporation Vs. Assessor and the Board of Assessment Review
15. Notice of Petition - Upstate Niagara Cooperative Inc. Vs. Assessor and the Board of Assessment Review
16. Notice of Petition - Irwin Pastor Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga

17. Notice of Petition - Carl Hasselback and Philip Hasselback Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
18. Notice of Petition - Harlequin Sales Corporation Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
19. Notice of Petition - ITT Standard Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
20. Notice of Petition - Gibraltar Steel Corporation Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
21. Notice of Petition - Genesee Lodging Associates, LLC Vs. Assessor of the Town of Cheektowaga
22. Notice of Petition - Carrols Corporation #490 Vs. Assessor, the Board of Assessment Review of the Town of Cheektowaga
23. Notice of Petition - Carrols Corporation #512 Vs. Assessor, the Board of Assessment Review of the Town of Cheektowaga
24. Notice of Petition - Carrols Corporation #516 Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
25. Notice of Petition - Rite Aid of New York #761 Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
26. Notice of Petition - Rite Aid of New York #1079 Vs. Assessor, the Board of Assessment Review of the Town of Cheektowaga
27. Notice of Petition - Rite Aid of New York #1500 Vs. Assessor and the Board of Assessor of the Town of Cheektowaga
28. Notice of Petition - Costanzo's Realty, Inc. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
29. Notice of Petition - Rite Aid of New York #1674 Vs. Assessor, the Board of Assessment Review of the Town of Cheektowaga
30. Notice of Petition - Acquest Village Plaza, LLC Vs. Assessor, the Board of Assessment Review of the Town of Cheektowaga
31. Notice of Petition - Beechwood Manor Apartments, LTD. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
32. Notice of Petition - Transit Auto Center, Inc. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
33. Notice of Petition - Murray Roofing Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
34. Notice of Petition - Walden Princeton, LLC Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
35. Notice of Petition - Noco Energy Corp. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga

36. Notice of Petition - Lancer Court Apartments Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
37. Notice of Petition - Williamstowne Apartments, LP Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
38. Notice of Petition - Marygold Manor Inc. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
39. Notice of Petition - Terry, LLC Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
40. Notice of Petition - American Tower, Inc. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
41. Notice of Petition - Lorenz & Sons, Inc. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
42. Notice of Petition - Joseph A. Bueme Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
43. Notice of Petition - Key Bank AKA 1219 French Rd Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
44. Notice of Petition - Key Bank Aka 2066 George Urban Blvd. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
45. Notice of Petition - Barrett TB INC Aka 4940 Transit Rd. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
46. Notice of Petition - Barrett TB Inc. Aka 3930 Union Rd. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
47. Notice of Petition - Gold Seal Equity Partnership Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
48. Notice of Petition - Public Storage Inc. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
49. Notice of Petition - Garden Village Apartments, LP Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
50. Notice of Petition - Sonwil Distribution Center, Inc Vs. Assessor and the Board of Assessment Review for the Town of Cheektowaga
51. Notice of Petition - Sonwil Real Estate Inc. Vs. Assessor and the Board of Assessment Review for the Town of Cheektowaga
52. Notice of Petition - Broadway Rinks, Ltd. Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
53. Notice of Petition - Grunin Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
54. Notice of Petition - Sweetworks, Inc. Vs. Assessor and the Board of Assessment Review for the Town of Cheektowaga

- 55. Notice of Petition - 3500 Genesee Associates, LLC Vs. Assessor and the Board of Assessment Review for the Town of Cheektowaga

VIII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

IX. Adjournment

Motion by Supervisor Holtz, Second by Councilmember Jaworowicz to adjourn the meeting at 7:23 PM

Alice Magierski, Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, August, 17, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on August 17, 2009 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	Absent	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
 Ellen Fischer, Executive Director - Youth Board
 Brian Hess, Assessor
 John Jaroszewski, General Crew Chief, Parks Division
 Larry Kensy, Housing
 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
 John Staniszewski, TCEA Union Representative
 Mark Wegner, Highway Superintendent
 Christine Ziemba, Chief of Police

II. Public Hearings at 6:45 PM

1. Increase and Improvement of Facilities of the Town-Wide Consolidated Drainage District - Dingens Street Drainage

RESULT: CLOSED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: Jeff Swiatek, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski

2. Demolition of 17 Fath Drive

RESULT: CLOSED [UNANIMOUS]
MOVER: Charles Markel, Councilmember

SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski

3. Demolition of 56 Petan Drive

RESULT: **CLOSED [UNANIMOUS]**
MOVER: Charles Markel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-422

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to August 14, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 2,475,410.03
RISK RETENTION FUND	120,583.74
DEBT SERVICE FUND	357,593.75
HUD HOUSING REHABILITATION FUND	3,129.00
SPECIAL DISTRICTS FUND	871,581.70
HIGHWAY FUND	549,571.41
CAPITAL FUND	361,152.53
TRUST & AGENCY FUND	6,143.82
HUD CDBG FUND	22,762.87
PART TOWN FUND	102,898.78
NYS AFFORDABLE HOUSING FUND	7,129.00
	<u>\$ 4,877,956.63</u>

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



2. RESOLUTION 2009-423

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:	100.3120.1931	Vacation Sellback	\$ 106,460.46
	100.3120.1932	Sick Sellback	19,458.38
	100.3120.1989	Comp Time Sellback	17,019.77
	100.1315.4001	Office Supplies	910.00
	100.7310.4681	In-Service Training	2,400.00
TO:	100.1430.4502	Legal, Personnel	\$ 142,938.61
	100.1315.2201	Equipment Acquisition	910.00
	100.7310.2501	Equipment	2,400.00

HIGHWAY FUND

FROM:	300.1910.5031	Interfund Transfer-In	\$ 31,213.22
TO:	300.5141.1902	Overtime Payroll	\$ 31,213.22

CAPITAL FUND

FROM:	500.5141.9901.5914	Highway Improvements	\$ 31,213.22
TO:	500.9950.9901.5914	Transfer Out	\$ 31,213.22

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



3. RESOLUTION 2009-424

Negative SEQR Declaration - 4301, 4313 & 4455 Genesee Street

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, the Environmental Advisory Committee ("EAC") reviews various applications for site plans, rezonings, special permits, etc. and renders its recommendation concerning the environmental significance of such application, AND

WHEREAS, the Town Board, pursuant to the Environmental Impact Review Ordinance of the Town of Cheektowaga, is designated the Lead Agency in most instances, AND

WHEREAS, since the Town Board is the Lead Agency, it must affirm, modify or reject any recommendations submitted to it by the Advisory Committee, AND

WHEREAS, an application was submitted by Carl Paladino on behalf of 1234 Group, LLC for the rezoning of part of 4455 Genesee Street from M1- Light Manufacturing to MS- Motor Service district for the construction of a parking area serving the needs of the public, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on August 12, 2009 recommended a determination of non-significance as shown on the attached memorandum dated August 12, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of August 13, 2009, AND

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

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

FURTHER RESOLVED, the proposed site plan is found to be acceptable subject to :

1. The Town Engineer reviewing and approving the grading/drainage plan.
2. The applicant providing an access point along his southerly property line and an easement to the Town of Cheektowaga for the purpose of allowing maintenance of the adjacent U-Crest Drainage Ditch along the southerly property line.

ATTACHMENTS:
seqr8.12.09 (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski



4. RESOLUTION 2009-425

Acceptance of Site Plan - 5130 Transit Road

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 Edward J. Bialecki, Jr. for the construction of an access driveway and parking area expansion at 5130 Transit Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of June 11, 2009 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 attached project site plan is acceptable.

ATTACHMENTS:

5130 transit rd (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski



5. RESOLUTION 2009-426

Approve Rezoning of a Portion of 4455 Genesee Street from M1-Light Manufacturing District to MS-Motor Services District

Sponsored By: Councilmember Markel, Supervisor Holtz

WHEREAS, Carl Paladino petitioned for a rezoning from M1- Light Manufacturing District to MS-Motor Services District for property owned by him and located at 4455 Genesee Street (portion), Cheektowaga, New York, which property is described in the attached legal description, to allow the property to be used as a parking lot serving the needs of the public, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 16th day of March, 2009 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 Carl Paladino for the rezoning from M1-Light Manufacturing District to MS-Motor Services District of the property described in the attached legal description be and the same is hereby approved, subject to:

- 1. the requirement under Section 260-84.A. of the Zoning Law that any future additions/changes to the development/site plan must be resubmitted to this Town Board for approval, and
2. subject to the provisions of Section 260-84.B. of the Zoning Law.

, 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, and being more particularly bounded and described as follows:

BEGINNING at a point in the south line of lands conveyed to Erie County Industrial Development Agency by deed recorded in the Erie County Clerk's Office in Liber 9407 of Deeds at page 574 at a point distant 200.59 feet westerly from the southeast corner of lands so conveyed as measured along said south line; thence westerly along the south line of Liber 9407 page 574 and south line of lands conveyed to Dynamic Hotel Management, Inc. by deed

recorded in the Erie County Clerk's Office in Liber 11042 of Deeds at page 6514 a distance of 186.09 feet to the east line of lands conveyed to Dynamic Enterprises, Inc. by deed recorded in the Erie County Clerk's Office in Liber 11042 of Deeds at page 6487; thence southerly at an interior angle of 90 degrees 15 minutes 03 seconds and along the east line of Liber 11042 page 6487 a distance of 366.78 feet the northwest line of the West Shore Railroad; thence northeasterly at an interior angle of 80 degrees 10 minutes 09 seconds and along the northwest line of said railroad a distance of 188.86 feet to a point; thence northerly at an interior angle of 99 degrees 49 minutes 51 seconds and parallel to the east line of Liber 11042 page 6487 a distance of 335.35 feet to the point or place of beginning.

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



6. RESOLUTION 2009-427

Award of Bid - Building Maintenance Facility

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, a Notice to Bidders was published for the receipt of bids for the construction of a new Building Maintenance Facility, which bids were duly received and opened on August 5, 2009, AND

WHEREAS, said bids were referred to the Town Engineer and to the E I Team, Project Architect, for analysis, tabulation and report, which analysis, tabulation and report is contained in a letter from the E I Team dated August 13, 2009, AND

WHEREAS, said report recommends that the contract for General Construction Work be awarded to Building Innovation Group, Inc., the contract for Heating, Ventilating and Air Conditioning (HVAC) Work be awarded to Parise Mechanical, Inc., the contract for Electrical Work be awarded to Goodwin Electric Corp. and the contract for Plumbing Work be awarded to Kimil Construction, Inc., AND

WHEREAS, the original low bidder for HVAC Work, Tri-R Mechanical, has requested their bid be withdrawn due to a substantial error and omission in their bid and under Section 103(11) of the General Municipal Law, the Town accepts this request, NOW, THEREFORE, BE IT

RESOLVED, that the contract for General Construction Work be and hereby is awarded to:

Building Innovation Group, Inc.
107 Lincoln Parkway
East Rochester, New York 14445

at the bid price of \$806,642.00, including Alternate #1, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for HVAC Work be and hereby is awarded to:

Parise Mechanical, Inc.
1106 Sheridan Drive
Tonawanda, New York 14150

at the bid price of \$114,000.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for Electrical Work be and hereby is awarded to:

Goodwin Electric Corporation
201 South Youngs Road
Williamsville, New York 14221

at the bid price of \$135,300.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the contract for Plumbing Work be and hereby is awarded to:

Kimil Construction, Inc.
485 Kennedy Road
Cheektowaga, New York 14227

at the bid price of \$76,875.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

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

RESOLVED, that funding for said projects shall be appropriated from budget line item No. 500-1440-2522-5922.

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



7. RESOLUTION 2009-428

Call for Public Hearing on Local Law Intro No. 2009-4 - a Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, by resolution dated September 7, 2004, Local Law No. 5 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law Repealing Local Law No. 1 of the Year 1979 And Adopting A Law for Administration and Enforcement of the Codes of New York State" 9a/k/a Chapter 70 of the Code of the Town of Cheektowaga) was adopted, and

WHEREAS, the Supervising Code Enforcement Officer of the Town of Cheektowaga has recommended that Section 6770-24 of said Code, entitled "Electrical inspections" be amended to provide for the licensing of electrical inspectors in the Town, and

WHEREAS, a draft of such amendment has been prepared by the Supervising Code Enforcement Officer and reviewed by the Town Attorney, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on the 8th day of September, 2009 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 Chapter 70 of the Town Code Relating to Electrical Inspections", 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

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 8th day of September, 2009 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. 2009-4 of the Year 2009, entitled "A Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections". Following is a synopsis of the proposed Local Law Intro No. 2009-4:

Local Law Intro No. 2009-4

A Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections

This local law would amend Section 70-24 ("Electrical Inspections) of Chapter 70 of the Code of the Town of Cheektowaga ("Building Construction Codes Administration) to provide for the

licensing of electrical inspectors who wish to operate in the Town of Cheektowaga, establishing standards for applicants therefore, and establishing a fee to be paid to the Town of Cheektowaga for said licenses.

A copy of the entire text of Local Law Intro No. 2009-4 is on file in the Town Clerk's Office where same may be inspected during regular business hours.

Dated: August 17, 2009

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

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



8. RESOLUTION 2009-429

Authorize Grantmakers Advantage to Apply for Funding for Anna Reinstein Library

Sponsored By: Rogowski, Holtz, Jaworowicz

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 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 parking lot at the Anna M. Reinstein Memorial Library building needs to be reconstructed, and the library is in need for a Radio Frequency ID System, and

WHEREAS, these items are eligible for funding under the aforementioned State Grant and

WHEREAS, the Buffalo and Erie County Public Library System has agreed to fund the Town match for the Radio Frequency ID System ("County Grant"), and

WHEREAS, the Town is also anticipating funding through Assemblyman Dennis H. Gabryszak to be used towards the Town's match, 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 and property will be made, and the Town of Cheektowaga will be providing the local match for the State Grant, 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, as well as the funding through Assemblyman Dennis H. Gabryszak..

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

ABSENT: Stanley Kaznowski



9. RESOLUTION 2009-430

Authorize Grant Application for Equipment for Police Department for Fingerprinting

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Assemblyman Dennis Gabryszak has secured grant monies in the amount of \$14,500 through the New York State Department of Criminal Justice Services to purchase a Cyanoacrylate Fuming Chamber for the development of latent finger prints for use by the Town Police Department; 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 Criminal Justice Services for the purpose of securing this grant, and BE IT FURTHER

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



10. RESOLUTION 2009-431

Accept Easement at 4604 Union Road

Sponsored By: Councilmember Zydel, Supervisor Holtz

WHEREAS, the owners of property at 4604 Union Road were requested to grant the Town of Cheektowaga a sanitary sewer easement over a portion of their property in order to perform sewer repair work in the area, AND

WHEREAS, Ronald and Christin Mayer, the owners of such property, have submitted the requested easement to the Town, AND

WHEREAS, the Town Engineer and Town Attorney have reviewed such easement document and have recommended that the Town accept same, NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned easement be and hereby is accepted by the Town, AND, BE IT FURTHER

RESOLVED, that the Town Attorney's Office be and hereby is directed to file such easement in the Erie County Clerk's Office.

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



11. RESOLUTION 2009-432

Public Improvement Permit - 590 Duke Road (Derrick Corporation)

Sponsored By: Councilmember Zydel, 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 parking lot expansion at 590 Duke Road has submitted plans and specifications and a Public Improvement Permit Application and permit fee for the replacement of 730 lineal feet of Town owned sanitary sewer and two (2) sanitary manholes and the installation of concrete curbing, underdrains, storm sewers and three (3) catch basins, AND

WHEREAS, the Town Engineer has reviewed the plans and specifications of the subject improvements and finds said design acceptable, NOW, THEREFORE, BE IT

RESOLVED, that the Public Improvement Permit be and hereby is approved for the proposed highway, sanitary sewer and storm sewer improvements, AND, BE IT FURTHER

RESOLVED, that the permit fee in the amount of \$1,650.00 be deposited in the Public Improvement Permit Account which has been established for receipt and disbursement of such fees.

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



12. RESOLUTION 2009-433

Execute Agreement with National Fuel Gas

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the new Building Maintenance Facility requires the installation of a new gas service, AND

WHEREAS, National Fuel Gas has provided a proposal to install a new 1-1/8" gas service to run from Broadway to this new facility, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute the necessary application and agreement with National Fuel Gas for this new service line installation, AND, BE IT FURTHER

RESOLVED, that the installation fee in the amount of \$6,314.60 shall be chargeable to Account #500-1440-2522-5922.

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



13. RESOLUTION 2009-434

Approve License Agreement with Cheektowaga Soccer Club

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Cheektowaga Soccer Club ("CSC") has requested permission to utilize the utility building located at Rehm Road Park for the storage of its equipment and supplies and to operate a concession stand, and

WHEREAS, in exchange for the use of said building for a term of five (5) years, CSC has agreed to remit payment to the Town of Cheektowaga in the amount of \$3,000.00 to cover the cost of providing electrical service to said building, and

WHEREAS, said building is presently not used for the Town and is not anticipated to be utilized for any Town purpose, and

WHEREAS, the Town Attorney has prepared a License Agreement for the use of said building, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes and directs the Supervisor to execute said License Agreement on behalf of the Town of Cheektowaga.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



14. RESOLUTION 2009-435

Order Replacement of Sidewalks

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Chapter 210 of the Code of the Town of Cheektowaga (Streets and Sidewalks) sets forth the specifications for the construction of sidewalks in the Town of Cheektowaga, and

WHEREAS, Section 200-a of the Town Law of the State of New York authorizes a town board to adopt a local law to apportion the expense of building, relaying and repairing sidewalks in towns between the town and property owners, and

WHEREAS, this Town Board, by Local Law No. 4 of the Year 1991 and Local Law No. 5 of the Year 2008, adopted provisions to apportion the cost of relaying or repairing sidewalks in the Town of Cheektowaga between the Town and property owners, and

WHEREAS, the Town Superintendent of Highways has supplied this Town Board with the attached list of sidewalks in the Town which are in need of repair or replacement, NOW, THEREFORE, BE IT

ORDERED, that the owners of properties on the attached list be and hereby are directed to repair/replace the sidewalks abutting such properties on or before September 17, 2009 in accordance with the Town's Streets and Sidewalks Law, and BE IT FURTHER

ORDERED, that, should such property owners neglect to or choose to not repair/replace their sidewalks as so notified before September 17, 2009, the Town will cause such sidewalks to be repaired/replaced; will pay \$40.00 for each 5-foot linear block repaired/replaced; and will assess/charge the property owner the balance over a period of five (5) years on the County/Town tax bill, with interest at the rate of 6.00 % as authorized by State law; or, at the property owner's option, payment may be made in one lump sum before October 9, 2009, and BE IT FURTHER

ORDERED, that the Town Clerk be and hereby is directed to notify the owners of properties identified on the attached list of the adoption of this Order by sending the attached Notice via certified mail to each owner at his/her/their address as it appears on the Town Assessment Roll.

NOTICE OF ADOPTION OF ORDER
OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA

TAKE NOTICE THAT, pursuant to a resolution adopted by the Town Board of the Town of Cheektowaga on August 17, 2009,

YOU ARE HEREBY ORDERED to repair the sidewalk in front of your property.

Such work must be completed on or before **September 17, 2009**

In the event you neglect or choose not to perform this work before the specified date, be advised that the Town of Cheektowaga shall cause such work to be done. The Town will audit and pay \$40 for each 5-foot linear block replaced; and will assess the remaining expense thereof (including interest at the rate of 6.00%) against your property in five (5) annual installments; this amount will be added to your town tax bills for the next five (5) years and shall become a lien on your property. In the alternative, you may pay your share of the cost directly to the Town provided you do so on or before October 9, 2009. You will be notified of the amount you owe for sidewalk repairs.

If the Town performs the work, it is estimated that your cost for sidewalk repair will be approximately \$60 - \$70 per 5-foot linear block of sidewalk.

If you choose to perform the work yourself or have a contractor perform such work, be advised that you will be responsible for paying 100% of the cost of the sidewalk work (**the Town will not pay anything towards your cost**).

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

DATED: August 17, 2009

ALICE MAGIERSKI
Town Clerk

ATTACHMENTS:

SIDEWALK REPLACEMENT Letter 8-17-09 (DOC)

Sidewalk List 8-17-09 (DOC)

Sidewalk replacement list 8-17-09 (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember

SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Stanley Kaznowski



15. RESOLUTION 2009-436

Tree Removal at 45 Leroy

Sponsored By: Councilmember Markel, Supervisor Holtz

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, a tree on said property represents a hazard to surrounding structures, and

WHEREAS, written proposals were solicited from an adequate number of contractors for the removal of said tree by the Office of Community Development, and

WHEREAS, Davey Tree and Lawn Care submitted the lowest price for the removal of said tree, including stump grinding and removal of all wood and debris, Now Therefore Be It

RESOLVED, that the Town Supervisor be and hereby is authorized to execute a contract with Davey Tree and Lawn Care, 1200 Commerce Parkway, Lancaster, New York 14086 for the removal of said tree at 45 Leroy Road for the price of \$2,160.00, said cost to be paid with Community Development Block grant funds.

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



16. RESOLUTION 2009-437

Unsafe-Unsecured / 86 Cayuga Road

Sponsored By: Councilmember Markel, Councilmember Zydel

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 86 Cayuga Road, Cheektowaga, New York SBL# 92.09-4-23 that is a danger to the safety of others, and records kept by the Assessors Office identify Donald G. Boye, 192 Gates Street, Sloan, New York 14212, as the owner AND

WHEREAS, an inspection of such premises was conducted at 86 Cayuga Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



17. RESOLUTION 2009-438

Unsafe-Unsecured / 49 Isabelle Road

Sponsored By: Councilmember Markel, Councilmember Zydel

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 49 Isabelle Road, Cheektowaga, New York SBL# 81.17-4-24 that is a danger to the safety of others, and records kept by the Assessors Office identify Paul J. Gajewski, 49 Isabelle Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 49 Isabelle Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



18. RESOLUTION 2009-439

Unsafe-Unsecured / 2 Sandy Lane

Sponsored By: Councilmember Markel, Councilmember Zydel

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2 Sandy Lane, Cheektowaga, New York SBL# 113.34-2-50 that is a danger to the safety of others, and records kept by the Assessors Office identify The Bank of NY as Trustee for Certificate Holders CWABS Inc., Plano, TX 75024, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2 Sandy Lane, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



19. RESOLUTION 2009-440

Unsafe-Unsecured / 2437 Harlem Road

Sponsored By: Councilmember Markel, Councilmember Zydel

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

WHEREAS, the Town of Cheektowaga has received notification of an unsafe structure and premises located at 2437 Harlem Road, Cheektowaga, New York SBL# 102.46-5-29.1 that is a danger to the safety of others, and records kept by the Assessors Office identify Frederick Ciamaga, 2437 Harlem Road, Cheektowaga, New York 14225, as the owner AND

WHEREAS, an inspection of such premises was conducted at 2437 Harlem Road, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



20. RESOLUTION 2009-441

Retain E I Team for Professional Services During the Construction of the New Building Maintenance Facility

Sponsored By: Councilmember Swiatek, Councilmember Rogowski

WHEREAS, by Town Board Resolution dated November 17, 2008, this Town Board engaged the firm of E I Team to perform professional and technical services associated with the preparation of plans and specifications for a new Building Maintenance Facility, AND

WHEREAS, this project has been competitively bid and additional professional services are required during the construction of said facility, AND

WHEREAS, the E I Team has submitted a proposal for Architectural Services to be provided during the construction phase of the project to the Office of the Town Engineer dated August 11, 2009, NOW, THEREFORE, BE IT

RESOLVED, that the architectural firm of E I Team, 2060 Sheridan Drive, Buffalo, New York 14223 be retained in accordance with the aforesaid proposal to provide construction related professional services for the new Building Maintenance Facility, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign said agreement with E I Team for the provision of said professional services in an amount not to exceed \$27,000.00, which shall be chargeable to Account No. 500-1625-2520-5835.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



21. RESOLUTION 2009-442

Authorization of Student Interns (Justice Court) (Mossop/Duszynski)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Serena Mossop and Elaine Duszynski, both students at Bryant & Stratton College, have requested to participate in the student internship program at the Justice Court; AND

WHEREAS, these individuals have been interviewed by the Justice Court and the Justice Court is willing to afford them the opportunity to intern in the Justice Court; NOW, THEREFORE, BE IT

RESOLVED, that Serena Mossop and Elaine Duszynski, both of Cheektowaga, New York, be and hereby are authorized to participate as unpaid interns in the Justice Court, subject to their execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate these student internships in the Justice Court.

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



22. RESOLUTION 2009-443

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 \$8.00/hour effective 8/17/09
Michael McGill, Cheektowaga, New York
Michael Sandekian, 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:

SANITATION DEPARTMENT Clerk \$7.50/hour effective 8/03/09
Suzanne Bolger, Cheektowaga, New York

RECORDS MANAGEMENT Clerk \$12.00/hour effective 8/17/09
Lisa Sprada, Cheektowaga, New York

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

JUSTICE COURT
Judith Faulkner effective 5/14/09

SENIOR SERVICES
Richard Szprygada effective 7/22/09

SANITATION DEPARTMENT
Carol Raimondo effective 7/30/09
Kenneth Piatek effective 6/02/09

POLICE DEPARTMENT
Sharon Knoph effective 8/07/09

RECORDS MANAGEMENT
Kevin Daugherty effective 9/01/09

AND BE IT FURTHER RESOLVED, that the following employee's termination date be

and hereby is amended as follows:

POLICE DEPARTMENT
Patricia Breton effective 6/24/08

Motion by Supervisor Holtz; Seconded by Councilmember Markel 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
ABSENT: Stanley Kaznowski



23. RESOLUTION 2009-444

Appointment of Outreach Worker (Senior Services) (Competitive/Provisional) (Jamie Acoff)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the position of Outreach Worker in Senior Services;
AND

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

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

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

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

WHEREAS, said vacancy was duly advertised; AND

WHEREAS, Jamie Acoff applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Jamie Acoff of Cheektowaga, New York, be and hereby is appointed to the provisional position of Outreach Worker in Senior Services in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 14, 2009.

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

**24. RESOLUTION 2009-445****Appointment of Sewer Maintenance Worker (Sewer Maintenance Department) (Permanent/Non-Competitive) (Gary L. Podgorski)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

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

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

WHEREAS, Gary L. Podgorski, currently employed as a Groundworker in the Highway Department, bid on said position and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Gary L. Podgorski 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 August 18, 2009.

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

**25. RESOLUTION 2009-446****Appointment of MEO-A (Sewer Maintenance)
(Permanent/Non-Competitive) (Marc Meyers)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator-A in the Sewer Maintenance Division; AND

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

WHEREAS, Marc J. Meyers, currently employed as a Senior Sewer Maintenance Worker in the Sewer Maintenance Division, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Marc J. Meyers of West Seneca, New York, be and hereby is appointed to the position of Motor Equipment Operator-A in the Sewer Maintenance Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective August 18, 2009.

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

**26. RESOLUTION 2009-447****Travel Authorization Building & Plumbing Department (Daniel Ulatowski)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the American Planning Association Annual Conference is being held September 30-October 2, 2009 in Albany, New York; AND

WHEREAS, Zoning Inspector Daniel Ulatowski has requested authorization to attend said conference; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$265; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Daniel Ulatowski be and hereby is authorized to attend the American Planning Association Annual Conference being held September 30-October 2, 2009 in Albany, New York.

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



27. RESOLUTION 2009-448

Travel Authorization Youth and Recreation (Gorman-King)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the Association of New York State Youth Bureaus Annual Conference is being held October 5-6, 2009 in Liverpool, New York; AND

WHEREAS, Program Coordinator Jillian Gorman-King has requested authorization to attend said conference; AND

WHEREAS, Youth and Recreation Executive Director Ellen 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 \$300; AND

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

RESOLVED, that Jillian Gorman-King be and hereby is authorized to attend the Association of New York State Youth Bureaus Annual Conference being held October 5-6, 2009 in Liverpool, New York.

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

V. Suspension of Rules

Motion by Councilmember Rogowski; Seconded by Supervisor Holtz to Waive the Rules to Include the Following seven (7) Resolutions. Motion Carried.



1. RESOLUTION 2009-449

Accept Resignation of Employee

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

BE IT RESOLVED, that this Town Board hereby accepts the resignation of Michael Hoock from his position as employee of the Town of Cheektowaga, effective August 31, 2009, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents in connection with said resignation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Stanley Kaznowski



2. RESOLUTION 2009-450

Bond Resolution - Dingens St. Drainage

Sponsored By: Supervisor Holtz, Councilmember Zydel

BOND RESOLUTION OF THE TOWN OF CHEEKTOWAGA, NEW YORK, ADOPTED AUGUST 17, 2009, APPROPRIATING \$1,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE TOWN-WIDE CONSOLIDATED DRAINAGE DISTRICT, AND AUTHORIZING THE ISSUANCE OF \$1,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

Recital

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of Town-wide Consolidated Drainage District (herein called the "District"), in the Town of Cheektowaga (herein called the "Town"), in the County of Erie, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, as described herein, 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 \$1,000,000 for the increase and improvement of facilities of the District, consisting of storm sewer trunkline improvements to be constructed under the Phase 2 extension on Dingens Street and other related

drainage improvements, and any ancillary work in connection therewith, as described in the report prepared by the Town Engineer, dated July 2009. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,000,000. The plan of financing includes the issuance of \$1,000,000 bonds of the Town to finance said appropriation and 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 the 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 \$1,000,000 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. 4 of the Law, is forty (40) 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 if a prior declaration of intent to issue bonds has been made, for the purpose for which said bonds are authorized. 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 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 Bee*," 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.

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



3. RESOLUTION 2009-451

Resolution & Order After Public Hearing - Dingens St. Drainage

Sponsored By: Supervisor Holtz, Councilmember Zydel

In the Matter

of the

Increase and Improvement of Facilities of the
Town-wide Consolidated Drainage District, in the Town
of Cheektowaga, in the County of Erie, New York, pursuant to
Section 202-b of the Town Law

RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Cheektowaga (herein called the "Town Board" and "Town", respectively), in the County of Erie, New York, on behalf of the Town-wide Consolidated Drainage District (herein called the "District"), has requested the Town Engineer, an engineer duly licensed by the State of New York (herein called the "Engineer"), to prepare a map, plan and report for the increase and improvement of facilities of the District, consisting of storm sewer trunkline improvements to be constructed under the Phase 2 extension on Dingens Street and other related drainage improvements, and any ancillary work in connection therewith, as described in the report prepared by the Town Engineer, dated July 2009, at the estimated maximum cost of \$1,000,000; and

WHEREAS, the Town Board adopted an order describing in general terms the proposed increase and improvement of 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 August 17, 2009 at 6:45 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 the 17th day of August, 2009 at 6:45 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, 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; 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, having reviewed a Short Environmental Assessment Form, the Town Board has determined that such project shall not have any significant effect on the environment and has issued a Negative Declaration for purposes of 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 \$1,000,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be 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 \$1,000,000 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 the 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: August 17, 2009

(SEAL)
CHEEKTOWAGA

TOWN BOARD OF THE TOWN OF

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



4. RESOLUTION 2009-452

Authorize Supervisor to Execute Amended Declaration of Easement for 3409 Genesee Street

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of property located at 3409 Genesee Street (formerly known as the Maryvale Community Center), and

WHEREAS, by resolution dated August 3, 2009 (Resolution No. 2009-419), this Town Board approved the sale of said property to CSQ Properties LLC, and

WHEREAS, as part of the Contract of Sale for this property, the Town was required to request Dora Benderson, the owner of adjacent property at 3401 Genesee Street, to modify the existing Declaration of Easement with the Town of Cheektowaga for said property, and

WHEREAS, Dora Benderson has consented to amend said Declaration of Easement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute an Amended Declaration of Easement with Dora Benderson, in a form acceptable to the Town Attorney

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



5. RESOLUTION 2009-453

Authorize Supervisor to Execute Agreement Regarding Installation of Fire Hydrant on Union Road

Sponsored By: Supervisor Holtz, Councilmember Zydel

WHEREAS, the Cheektowaga Congregation of Jehovah's Witnesses, Buffalo, New York, (the "Corporation") is the owner of premises located at 2447 Union Road in the Town of Cheektowaga; and

WHEREAS, the Corporation is developing said parcel for the construction of a 4,100 square foot place of worship and a 1,500 square foot rectory on said premises (the "Project"); and

WHEREAS, the Project requires the construction of an additional fire hydrant to service the premises; and

WHEREAS, in order to induce the Cheektowaga Congregation of Jehovah's Witnesses, Buffalo, New York to proceed with the work, the Town has directed the Erie County Water Authority to install a fire hydrant on Union Road, approximately 500 feet south of the existing hydrant on the east side of Union Road near Groell Avenue, in front of the proposed building at 2447 Union Road, as more particularly described and shown in said proposed Agreement; and

WHEREAS, the Company has agreed to pay the Town for any annual fee imposed by the Erie County Water Authority with respect to said hydrant, which fee is to be determined by the Water Authority; and

WHEREAS, this Town Board approves of the foregoing and is willing to enter into an agreement with the Corporation; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforementioned agreement on behalf of the Town of Cheektowaga, subject to approval by the Town Attorney's Office.

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



6. RESOLUTION 2009-454

Authorize Erie County Water Authority to Install Fire Hydrant on Union Road

Sponsored By: Supervisor Holtz, Councilmember Zydell

WHEREAS, the owner of 2447 Union Road has requested the installation of a fire hydrant on 2447 Union Road to accommodate the construction of a 4,100 square foot place of worship and a 1,500 square foot rectory; and

WHEREAS, Bellevue Fire District has reviewed this request and has no objection to same; NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Water Authority be and hereby is directed to install a fire hydrant on premises five hundred (500 feet) south of the existing hydrant on the east side of Union Road near Groell Avenue, in front of the proposed building at 2447 Union Road; and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga shall be responsible to the Erie County Water Authority for annual hydrant rental fees for this hydrant, and BE IT FURTHER

RESOLVED, that such fees shall be reimbursed to the Town pursuant to a separate agreement with the owner; and BE IT FURTHER

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

Mr. Daniel Seider
 Distribution Engineer
 Erie County Water Authority
 3030 Union Road
 Cheektowaga, New York 14227.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Richard Zydell, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel
ABSENT:	Stanley Kaznowski



7. RESOLUTION 2009-455

Accept Tree Replacement Moneys for 1289 Walden Avenue

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, as part of the development of property owned by Monmouth Capital Corp. located at 1289 Walden Avenue (Fed Ex Facility) , the developer needs to remove a number of trees on the site; and

WHEREAS, under the Town's Tree Preservation Law, the developer must either make provision for new trees to be planted on the site, or else the Town Board can accept moneys from the developer for the purpose of town-wide tree reforestation; and

WHEREAS, with respect to the aforementioned property, physical limitations prevent the replacement of trees on a one-for-one basis; and

WHEREAS, this Board has met with the developer of the aforementioned subdivision, and has agreed on an amount of money to be paid by the developer to the Town in lieu of replacement trees on-site, NOW, THEREFORE, BE IT

RESOLVED, that, in lieu of replacement trees on the aforementioned property, this Town Board hereby agrees to accept \$2,520.00 from the developer, said moneys to be deposited into a dedicated account established by the Town's Director of Administration and Finance for the purpose of town-wide reforestation efforts.

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

VI. Communications

A. Departmental Communications

1. Supervisor's Statement of Funds - June 2009
2. Minutes: Cheektowaga Conservation Advisory Council - July 2, 2009
3. Minutes: Cheektowaga Planning Board - July 9, 2009

B. General Communications

1. Notice of Claim: Holiday Inn Airport Vs. Town of Cheektowaga
2. Notice of Claim: National Grid Vs. Town of Cheektowaga
3. Notice of Claim: Urban Auto Vs. Town of Cheektowaga

4. Notice of Claim: Catherine B. Weber Vs. Town of Cheektowaga
5. Notice of Claim: CMR Verizon Vs. Town of Cheektowaga
6. Notice of Claim: Joseph D. Zanghi Vs. Town of Cheektowaga
7. Notice of Petition: All Benderson Properties Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
8. Notice of Petition: David M. Gordon Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
9. Notice of Petition: Gateway Development LLC Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
10. Notice of Petition: WPH Airport Associates Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
11. Notice of Petition: ATA Associates Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
12. Notice of Petition: BKV Realty Co. LLC Vs. Assessor and the Board of Assessment Review of the Town of Cheektowaga
13. Notice of Petition: Idylwood LLC and Morgan Management Vs. Assessor and the Board of Assessment Review of the 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 Jaworowicz to adjourn the meeting at 7:55 PM.

Alice Magierski

Town Clerk

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: August 12, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on August 12, 2009 in the Town Hall Council Conference Room. (absent: Police Department and Conservation Council representatives)

**ITEM I 5030-5050 Genesee Street - Proposed Rezoning from M1 and MS to C
 For 2- four story hotels**

Applicant: Kabir Hotels, Inc.

The Erie County Dept. of Environment and Planning replied that, due to the proximity of the Ellicott Creek floodway and NYS designated wetland, the site plan should be reviewed closely. Subsequent to the meeting the NYS DEC replied with the same concerns and noted that one or more permits, from the NYSDEC, will be required for the project.

A long discussion took place between the Town Engineer and the applicant's representative regarding the location of the floodway. The town maps do not match FEMA maps. The town maps are more restrictive. The site plans will be reviewed to see if they can be reconfigured to comply with town floodway regulations.

The Town Engineer also noted a NYSDOT drainage structure/system exists at the west end of the property and the NYSDOT must be contacted on how this is to be dealt with and for any necessary permits.

The committee is awaiting a wetland delineation, cultural resources study and traffic impact study. Public comment is open to 8/16. A public hearing was held on August 3rd without any comment being received.

This item will remained tabled for further review a receipt of the studies.

ITEM II Genesee Street at Tadio Parkway - Proposed Rezoning from RMH to CM For a veterinary clinic

Applicant: Samuel Tadio

A public hearing was held on August 3rd without comment being received. Public comment is open to 8/16. The applicant intends to use an existing NYSDOT drainage system and wetland for drainage.

The committee is awaiting receipt of a cultural resource study, tree displacement plan and a copy of the easement to use Harmony Lane as access.

This item will remain tabled for further review and receipt of the studies.

ITEM III 4455 Genesee Street - Proposed Rezoning M1 to MS for a Park and Ride facility for 505 vehicles

Applicant: 1234 Group, LLC/Carl Paladino

The Town Engineer is looking for an easement which would allow the town to maintain the U-Crest Ditch located at the south end of the property. The applicant indicated that 500 parking spaces, minimum, is required to make this project work. It was suggested that the rear access roadway be made one-way to provide additional space to accommodate machinery.

What was agreed upon was a one-way aisle, a solid 6 foot fence and spruce trees at the rear. A gate would be installed in the area of the basin spillway to provide access to town equipment.

The Town Engineer requested a cross section drawing of the rear section showing the ditch, fence, trees and clear space area for equipment. In addition, there are two sewer lines running through this area and the manholes must be located and plotted on the site plan. The existing and proposed easements must be firmed up and agreed to.

The committee would recommend that a negative declaration be issued for the project subject to the Town Engineer approving the drainage easement for the ditch.

**THE NEXT MEETING WILL BE WEDNESDAY,
SEPTEMBER 9, 2009 IN THE COUNCIL
CONFERENCE ROOM**

The
Town of
Cheektowaga



ENGINEERING DEPARTMENT
275 ALEXANDER AVENUE
CHEEKTOWAGA, NEW YORK 14211
(716) 897-7288
FAX: (716) 897-7299

WILLIAM R. PUGH, P.E.
TOWN ENGINEER

M e m o

To: Dan Ulatowski, A.I.C.P.
Zoning Inspector

From: Bill Pugh, P.E.
Town Engineer

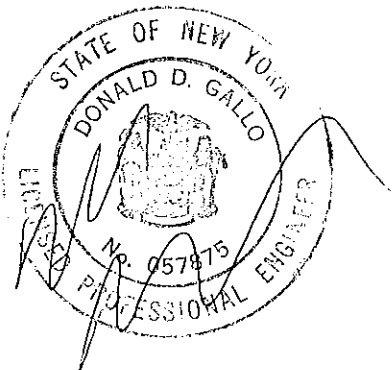
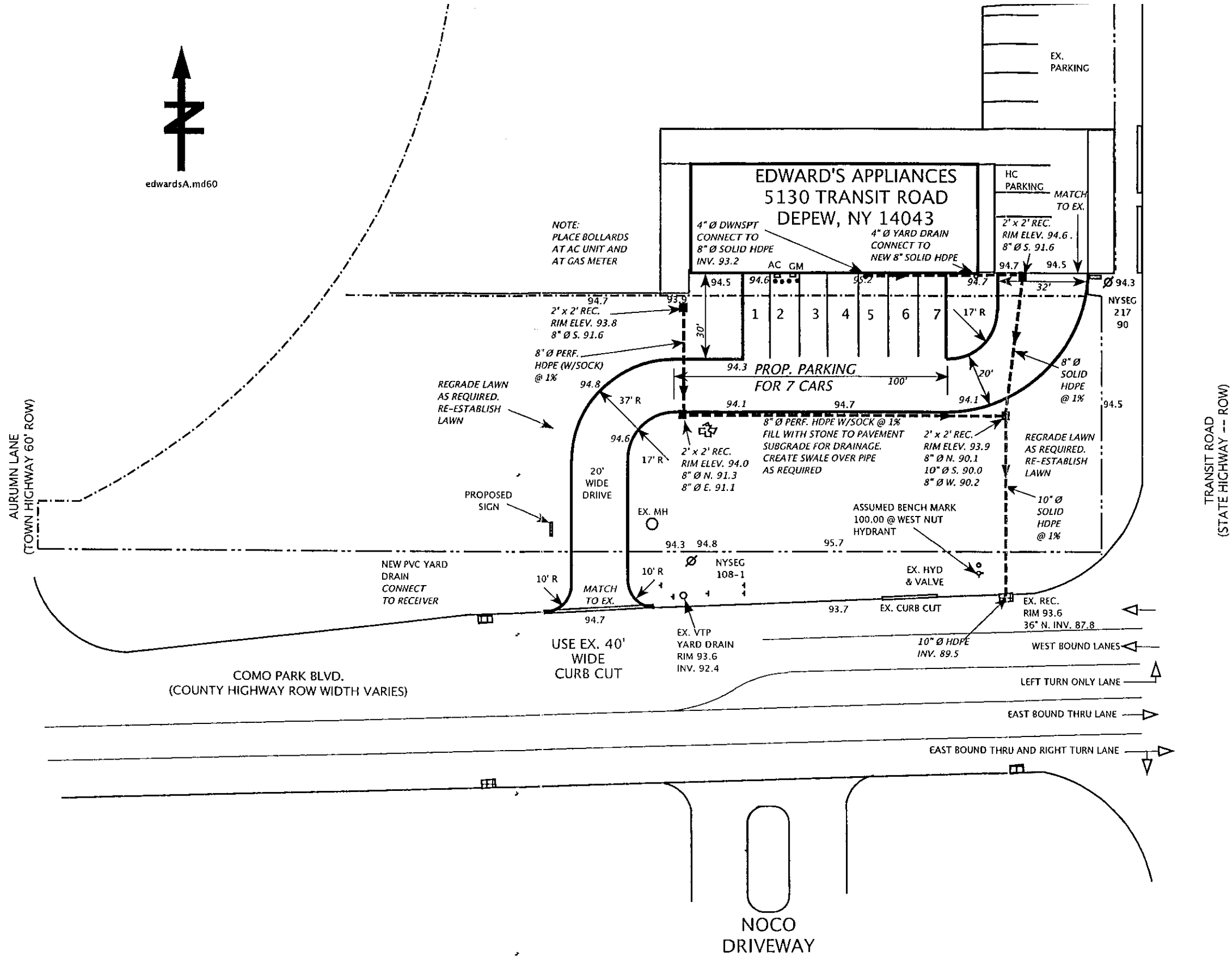
Date: July 13, 2009

Re: Edward's Appliances
5130 Transit Road
Parking Lot Expansion

Enclosed for your use/file please find a grading and drainage plan for a proposed seven (7) car parking lot expansion at the Edward's Appliance Store located at the northwest corner of Como Park Blvd. and Transit Road. Said Design Drawing Sheets A, B and C prepared by Donald Gallo, P.E., Consulting Engineer with last revision dated July 7, 2009 are considered satisfactory.

WRP/mj

encs.

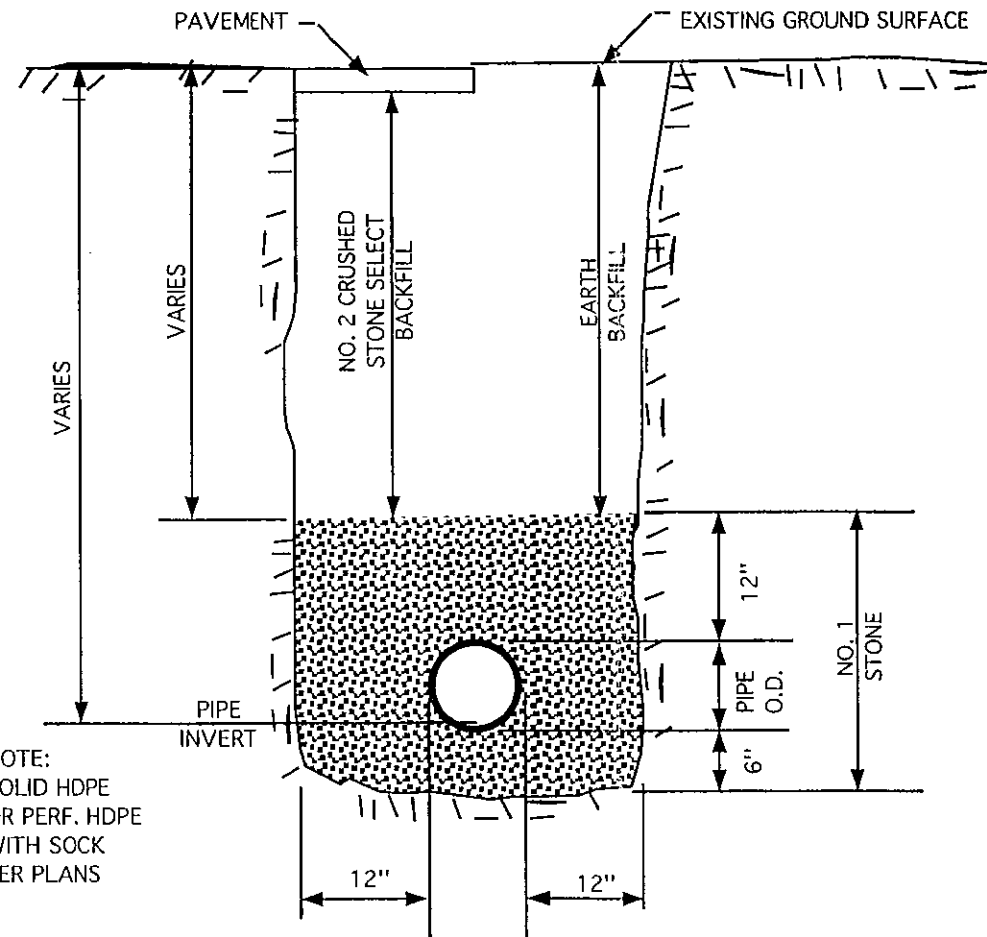
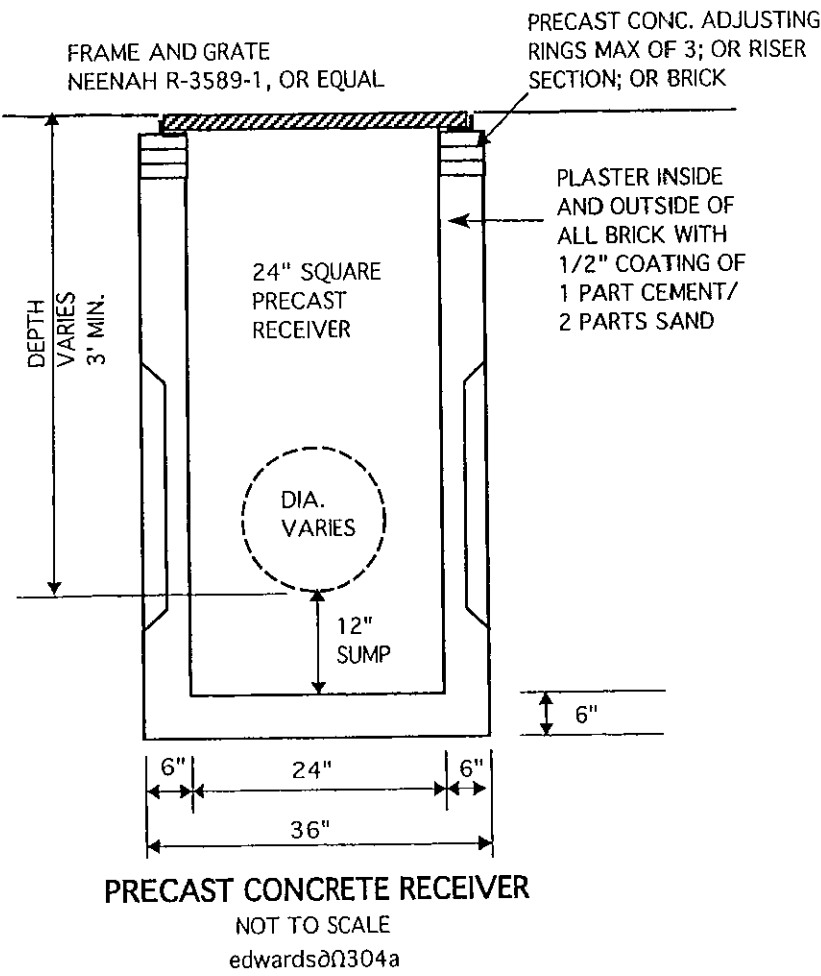


REVISED: MAY 20, 2009
 REVISED: JUNE 12, 2009
 REVISED: JUNE 24, 2009
 REVISED: JULY 7, 2009

DONALD GALLO, CONSULTING ENGINEER, P.C.
 589 DELAWARE AVENUE
 BUFFALO, NY 14202
 TEL. (716) 883-1234 / FAX (716) 883-0695
 email: donaldgallocepc@aol.com

EDWARD'S APPLIANCES
 5130 TRANSIT ROAD
 DEPEW, NY 14043
 CONCEPT PLAN - PROPOSED CONDITIONS
 SCALE: 1" = 40'

B

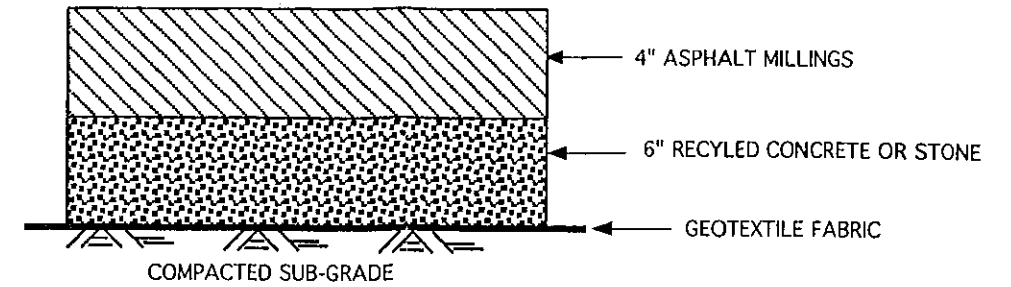


NOTE:
SOLID HDPE
OR PERF. HDPE
WITH SOCK
PER PLANS

TYPICAL EARTH TRENCH DETAIL - SEWER LINES

edwardsd0201.md60

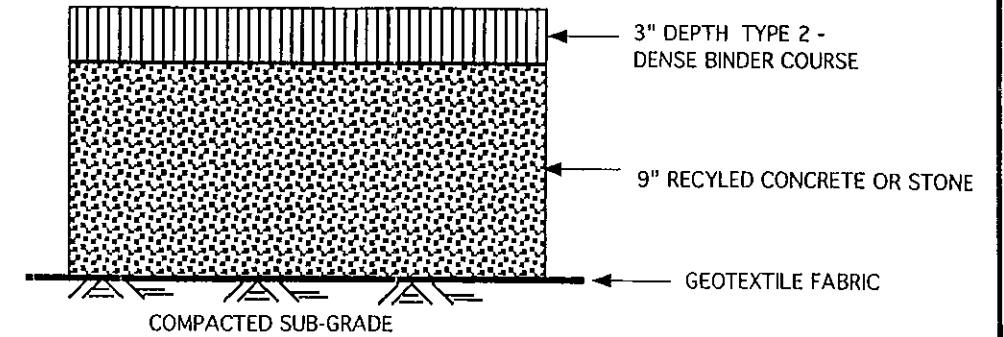
NO SCALE



OPTIONAL PAVEMENT
DETAIL (VARIANCE)

edwardsd0408.md60

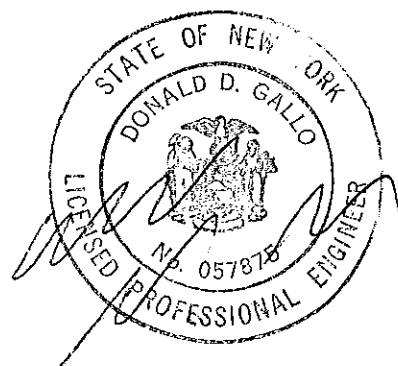
(NOT TO SCALE)



STANDARD PAVEMENT DETAIL

edwardsd0408.md60

(NOT TO SCALE)



REVISED: JULY 7, 2009

DONALD GALLO, CONSULTING ENGINEER, P.C.
589 DELAWARE AVENUE
BUFFALO, NY 14202
TEL. (716) 883-1234 / FAX (716) 883-0695
email: donalddgallocepc@aol.com

EDWARD'S APPLIANCES
5130 TRANSIT ROAD
DEPEW, NY 14043
DETAILS
SCALE: NONE

C

Dear Property Owner:

If you have any QUESTIONS concerning the following information regarding repair/replacement of your sidewalk, please direct them to the Town Highway Department at 686-3450.

Please be advised that the Town Highway Superintendent has determined that the sidewalk in front of property owned by you is in need of repair/replacement. Based on his determination and in accordance with State Law, the Cheektowaga Town Board adopted a resolution/order on August 17, 2009, directing the repair/replacement of your sidewalk and further directing this office to send you this letter and the attached Notice.

With respect to the repair/replacement of your sidewalk, you have the following two (2) options.

1. You can choose to repair/replace your sidewalk at 100% cost to you (As per State law, the Town cannot and will not reimburse you for any part of the expense if you do the work yourself). If you choose this option, you must notify the Town Highway Department by checking the appropriate box on the enclosed postcard by September 4, 2009 and complete the work on or before **September 17, 2009;**

OR

2. You can allow the Town (or its contractor) to perform the work. If the Town performs the work, the Town will pay \$40 per 5-foot linear block; YOU WILL BE RESPONSIBLE FOR THE REMAINDER OF THE COST. Based on the latest construction bid costs, you will be charged approximately \$60 - \$70 per 5-foot linear block of sidewalk to be repaired/replaced. The Town Highway Department will schedule the work to be done and will estimate the work required by placing markings on your sidewalk. After the work is completed, the Town Highway Department will notify you of the actual charge to you for the work and give you the following two payment options:
 - a. Pay 100% to the Town on or before October 9, 2009; **OR**
 - b. Have the charges placed on your 2010-2014 County/Town tax bills (will also include a 6.00% annual interest charge).

Be advised that, pursuant to Section 302.3 of the Codes of the State of New York and Section 210-14 of the Town Code, the owner of property adjoining any street where a sidewalk has been laid is responsible for keeping said sidewalk in good repair and is liable in the event someone is injured on such sidewalk.

I hope the above information is of some assistance to you.

ANY QUESTIONS, PLEASE CALL THE HIGHWAY DEPARTMENT AT 686-3450.

Very truly yours,

ALICE MAGIERSKI
Town Clerk

Sidewalk Markings for Binner Road 7-29-2009

#	Address		Mailing address
3	Binner Road	Dawn M. Vulaj	Cheektowaga, NY 14225
9	Binner Road	Hedwig M. Stephens	.
11	Binner Road	Carol M. Menge	Cheektowaga, NY 14225
13	Binner Road	Matthew P. Schroeder	Cheektowaga, NY 14225
15	Binner Road	Berrr Haynie and Wife	Cheektowaga, NY 14225
936	Beach Rd @ Binner Rd	Ngo Phung	Cheektowaga, NY 14225
14	Binner Road	Justin Tadasz & Sylvia Fay	Cheektowaga, NY 14225
12	Binner Road	James& Jennifer Chmurzynski	Cheektowaga, NY 14225
10	Binner Road	Dennis & Marilyn Tuttle	Cheektowaga, NY 14225
1077	Maryvale Dr @ Kathleen Dr	Anthony & Marcia Lunetta	Cheektowaga, NY 14225

Sidewalk Markings for Rosedale Drive 7-29-2009

#	Address		Mailing address
48	Rosedale Drive	Pauline A. Peltz	Cheektowaga, NY 14225
58	Rosedale Drive Cor. Of Christa Pl.	Linda Heinen	Cheektowaga, NY 14225
72	Rosedale Drive	Ray & Susan Giampoala	Cheektowaga, NY 14225
80	Rosedale Drive	David & Kathryn Keller	Cheektowaga, NY 14225
88	Rosedale Drive	David & Lynda Filarecki	Cheektowaga, NY 14225
94	Rosedale Drive	Mark & Diane Vanaker	Cheektowaga, NY 14225
100	Rosedale Drive	Frank Zieminski	Cheektowaga, NY 14225
106	Rosedale Drive	Robert & Ruth Lyons	Cheektowaga, NY 14225
114	Louis Street	Michael Pry	Cheektowaga, NY 14225
109	Rosedale Drive	Paul & Rebecca Swiatkowski	Cheektowaga, NY 14225
101	Rosedale Drive	Shauna M. Strength	Cheektowaga, NY 14225
95	Rosedale Drive	Cindy R. Krol	Cheektowaga, NY 14225
89	Rosedale Drive	Gerald W. Michalski	Cheektowaga, NY 14225
51	Rosedale Drive	Michelle Tatko	Cheektowaga, NY 14225
47	Rosedale Drive	David Wollmuth	New York, New York 10110
43	Rosedale Drive	Lyubov & Petro Burysh	500 5th Avenue Cheektowaga, NY 14225
31	Rosedale Drive	Victor & Yoshiko Battista	Cheektowaga, NY 14225

Attachment: Sidewalk List 8-17-09 (RES-2009-435 : Order Replacement of Sidewalks)



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, September, 1, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on September 1, 2009 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
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2009-456

Award of Bid - Electrical Work at the Anna Reinstein Library

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Construction Grant Program" which provides for various improvements to be made to the Anna Reinstein Memorial Library, AND

WHEREAS, a Notice to Bidders was published for the receipt of bids for various improvements to said library, which bids were duly received and opened on August 26, 2009, AND

WHEREAS, said bids were referred to the Town Engineer and to Trautman Associates, Project Architect, for analysis, tabulation, and report, which is contained in a letter from Trautman Associates dated August 28, 2009, AND

WHEREAS, said report recommends the contract for electrical work be awarded to IPL (Industrial Power & Lighting Corp.), NOW, THEREFORE, BE IT

RESOLVED, that the contract for electrical work be and hereby is awarded to IPL (Industrial Power & Lighting Corp.), 701 Seneca Street, Buffalo, New York 14210 at the bid price of \$83,900.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

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

RESOLVED, that funding for said project shall be appropriated from budget line item No. 500-1440-2520-5838.

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

III. Adjournment

Time of adjournment was 6:53 pm.

Alice Magierski
Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, September 8, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 8, 2009 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
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Public Hearing at 6:45 pm

1. Local Law Intro No. 2009-4 - a Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections

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

IV. Resolutions



1. RESOLUTION 2009-457

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:	100.1220.4001	Office Supplies	\$ 1,500.00
	100.7550.4374	Polish Festival	296.00
	100.1355.2005	Office Equipment	3,000.00
	100.1410.1901	Regular Payroll	500.00
TO:	100.1220.4088	Travel, Training & Conferences	\$ 1,500.00
	100.7550.4382	Fire Fighters Recognition Day	296.00
	100.1355.4001	Office Supplies	3,000.00
	100.1410.1902	Overtime Payroll	500.00

SPECIAL DISTRICTS FUND

FROM:	150.8160.4160	Diesel	\$ 4,250.00
	990.9785.9211	Bond Interest	5.00
TO:	150.8160.2306	Packers	\$ 4,250.00
	990.9785.9131	Bond Principal	5.00

HUD CDBG FUND

FROM:	700.1008.0601	Rehab Multi Family	\$ 11,520.00
	700.1008.0704	Contingency	3,504.97
	700.1006.5000	Architectural Barriers	3,500.00
TO:	700.1008.0600	Rehab Single Family	\$ 11,520.00
	700.1008.0679	Summer Day Camp	3,504.97
	700.1006.0606	Disposition	3,500.00

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



2. RESOLUTION 2009-458

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 4, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 1,309,114.93
RISK RETENTION FUND	43,554.68
HUD HOUSING REHABILITATION FUND	17,019.00
SPECIAL DISTRICTS FUND	441,826.53
HIGHWAY FUND	264,877.43
CAPITAL FUND	816,820.87
TRUST & AGENCY FUND	10,501.16
HUD CDBG FUND	90,731.66
PART TOWN FUND	30,834.37
NYS AFFORDABLE HOUSING FUND	25,107.00
	<u>\$ 3,050,387.63</u>

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



3. RESOLUTION 2009-459

Award of Bid - HVAC Work at the Anna Reinstein Library

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Construction Grant Program" which provides for various improvements to be made to the Anna Reinstein Memorial Library, AND

WHEREAS, a Notice to Bidders was published for the receipt of bids for various improvements to said library, which bids were duly received and opened on August 26, 2009, AND

WHEREAS, said bids were referred to the Town Engineer and to Trautman Associates, Project Architect, for analysis, tabulation, and report, which is contained in a letter from Trautman Associates dated September 3, 2009, AND

WHEREAS, said report recommends the contract for HVAC work be awarded to Tri-R Mechanical Services, NOW, THEREFORE, BE IT

RESOLVED, that the contract for HVAC work be and hereby is awarded to:

Tri-R Mechanical Services
25 Ransier Drive
West Seneca, New York 14224

for the bid price of \$288,515.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

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

RESOLVED, that funding for said project shall be appropriated from budget line item No. 500-1440-2520-5838.

RESULT: WITHDRAWN



4. RESOLUTION 2009-460

Call for Public Hearing - Amendment to Vehicle and Traffic Law

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 September 21, 2009 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 10th day of September 2009, said amendments being set forth in the Notice of Hearing.

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Cheektowaga, Erie County, New York will hold a public hearing at the Town Hall, 3301 Broadway in said Town of Cheektowaga on September 21, 2009 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 IV. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

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

- REHM ROAD - North side: from the west terminus, east to the east curblin of Parwood Trail.
REHM ROAD - West terminus: from the north curblin to the south curblin.

ARTICLE IV. 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:

- CREEKSIDE DRIVE - Terminus: The entire length of the east terminus.
CREEKSIDE DRIVE - North side: From the east terminus, westward to the east side of the driveway located at #60 Creekside Drive.
REHM ROAD - North side: from the Village of Depew line, then westerly to the terminus
REHM ROAD - West side: from the north side of Rehm Road to the south side of Rehm Road
REHM ROAD - South side: from the westerly terminus easterly to a point 150 feet east of the east curb line of Parwood Trail.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE

COUNTY, NEW YORK.

Dated: September 8, 2009

ALICE MAGIERSKI
Town Clerk

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



5. RESOLUTION 2009-461

Call for Public Hearing - a Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the use of portable electronic devices while operating a motor vehicle is dangerous and a safety issue for the operator of the motor vehicle, passengers in the motor vehicle, other motorists and pedestrians, and

WHEREAS, accidents and even death can result from the use of portable electronic devices while driving since the driver is not giving his/her full attention to driving, and

WHEREAS, New York State legislation dealing with this matter did not go far enough and this Board feels that further Town legislation is warranted to protect the public, and

WHEREAS, the Town Attorney has prepared a draft of a "Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga", 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 September, 2009 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. 2009-5 of the Year 2009, entitled "A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga" 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 21st day of September, 2009 at 6:45 P.M. on said day for the purpose of considering the adoption of Local Law Intro No. 2009-5 of the Year 2009, entitled "A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga". A summary of such Local Law is as follows:

LOCAL LAW INTRO. NO. 2009-5 of THE YEAR 2009

**A LOCAL LAW PROHIBITING THE USE OF PORTABLE ELECTRONIC DEVICES WHILE
OPERATING A MOTOR VEHICLE IN THE TOWN OF CHEEKTOWAGA**

The purpose of this law is to prohibit the use of portable electronic devices (handheld mobile telephone, personal digital assistant, handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device) while operating a motor vehicle while such vehicle is in motion on any public street or public highway within the Town of Cheektowaga.

Violations of this law shall constitute an offense and be punishable by a fine not to exceed \$200.00 for each violation.

A copy of the entire text of Local Law Intro No. 2009-5 is on file in the Town Clerk's Office, where the same may be viewed during regular business hours

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

Dated: September 8, 2009

ALICE MAGIERSKI
Town Clerk

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



6. RESOLUTION 2009-462

Notice to Bidders - Asbestos Survey - 155 Wellworth Place

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Managing Housing Inspector and Supervising Code Enforcement Officer of the Town of Cheektowaga issued a written report stating that the single-family residence located at 155 Wellworth Place is unsafe and recommended that such building be demolished, and

WHEREAS, the owner(s) and lienholders of such property were notified to demolish such property, and no action on this demolition has been taken to date, and

WHEREAS, a hearing was held in front of this Board on the 3rd day of August, 2009 concerning said unsafe building and the requested demolition, and

WHEREAS, the Town of Cheektowaga needs to take action to demolish this structure in the event the owner of same does not do so, 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 155 Wellworth Place, 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 155 Wellworth Place shall be due no later than September 23, 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 September 23, 2009 at 11:00 a.m.

NOTICE TO BIDDERS FOR ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES FOR PROPERTY LOCATED AT 155 Wellworth Place, 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 155 Wellworth Place, 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 September 23, 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: September 8, 2009

ALICE MAGIERSKI
Town Clerk

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



7. RESOLUTION 2009-463

Notice to Bidders - Asbestos Survey - 74 Peoria Avenue

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Managing Housing Inspector and Supervising Code Enforcement Officer of the Town of Cheektowaga issued a written report stating that the two-family residence located at 74 Peoria Avenue is unsafe and recommended that such building be demolished, and

WHEREAS, the owner(s) and lienholders of such property were notified to demolish such property, and no action on this demolition has been taken to date, and

WHEREAS, a hearing was held in front of this Board on the 3rd day of August, 2009 concerning said unsafe building and the requested demolition, and

WHEREAS, the Town of Cheektowaga needs to take action to demolish this structure in the event the owner of same does not do so, 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 74 Peoria 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 74 Peoria Avenue shall be due no later than September 23, 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 September 23, 2009 at 11:00 a.m.

NOTICE TO BIDDERS FOR ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES FOR PROPERTY LOCATED AT 74 Peoria 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 74 Peoria 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 September 23, 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: September 8, 2009

ALICE MAGIERSKI
Town Clerk

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



8. RESOLUTION 2009-464

Notice to Bidders - Asbestos Survey for 44 Meadowbrook Parkway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Managing Housing Inspector and Supervising Code Enforcement Officer of the Town of Cheektowaga issued a written report stating that the single-family residence located at 44 Meadowbrook Parkway is unsafe and recommended that such building be demolished, and

WHEREAS, the owner(s) and lienholders of such property were notified to demolish such property, and no action on this demolition has been taken to date, and

WHEREAS, a hearing was held in front of this Board on the 3rd day of August, 2009 concerning said unsafe building and the requested demolition, and

WHEREAS, the Town of Cheektowaga needs to take action to demolish this structure in the event the owner of same does not do so, 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 44 Meadowbrook Parkway, 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 44 Meadowbrook Parkway shall be due no later than September 23, 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 September 23, 2009 at 11:00 a.m.

NOTICE TO BIDDERS FOR ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES FOR PROPERTY LOCATED AT 44 Meadowbrook Parkway, 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 44 Meadowbrook Parkway, 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 September 23, 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: September 8, 2009

ALICE MAGIERSKI
Town Clerk

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



9. RESOLUTION 2009-465

Subrecipient Agreements with Sloan and Depew

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 a subrecipient agreement with those entities receiving Community Development Block Grant funds through the Town, and

WHEREAS, Community Development Block Grant funds have been allocated in the 2009 program year budget 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 2009 program year.

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



10. RESOLUTION 2009-466

Open Burning / 105 Maplevue Rd. Cleveland Hill

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

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

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

WHEREAS, an application for a permit was submitted by the Cleveland Hill Union Free School District to conduct a open fire on September 18, 2009 on the property located at 105 Maplevue Road, Cheektowaga, New York 14225 AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Cleveland Hill 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 Cleveland Hill Union Free School District and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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



11. RESOLUTION 2009-467

Open Burning/ 3600 Union Road/Cheektowaga Central High School

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 Cheektowaga Central High School to conduct a open fire on September 29, 2009, rain date September 30, 2009 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 Fork's 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 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.

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



12. RESOLUTION 2009-468

Authorize Supervisor to Sign Agreement with SJB Services, Inc. for Inspection Services and Testing at the Building Maintenance Facility

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, at a Town Board Meeting held on August 17, 2009 the contract to construct a new Building Maintenance Facility was awarded to four (4) separate prime contractors, AND

WHEREAS, the New York State Department of State, Division of Code Enforcement and Administration, requires the need for structural tests and special inspections during the duration of construction, at the responsibility of the owner, said testing is to include, but is not limited to, excavation and backfilling, reinforced and prestressed concrete, high strength bolting, welding and steel frame inspection and masonry, AND

WHEREAS, the firm of SJB Services, Inc., along with their engineering subsidiary Empire GEO Services, Inc., has submitted a proposal to provide structural tests and special inspection services during the duration of building construction, NOW, THEREFORE, BE IT

RESOLVED, that the proposal from SJB Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075 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 SJB Services, Inc. for the provision of said professional services in an amount not to exceed \$6,000.00 which shall be chargeable to Account #500-1625-2520-5835.

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



13. RESOLUTION 2009-469

Authorize Supervisor to Sign Dasherboard Contracts

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, businesses and/or organizations for dasherboard advertising and ice rentals at the Town Recreation Center during the 2009-2010 season.

FUNDING SOURCE: 0100.7140.4521

REVENUE SOURCE 0100.7140.2128
0100.0882

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



14. RESOLUTION 2009-470

Authorize Supervisor to Execute Lease Agreement for Postage Meter

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

WHEREAS, the Town of Cheektowaga is in need of a new postage meter machine, and

WHEREAS, a Request for Proposals was issued by the Town Clerk's Office and proposals were received and reviewed, and

WHEREAS, Hasler Financial Services, LLC, through Lineage, submitted a proposal for a 63-month lease with maintenance which was for the lowest cost to the Town, and

WHEREAS, the Town Clerk has met with a representative from Lineage and is recommending that the Town enter into a lease agreement with Hasler Financial Services, LLC for said postage meter machine, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to enter into a lease agreement and service agreement with Hasler Financial Services, LLC for said postage meter machine, and BE IT FURTHER

RESOLVED, that payments (63 months x \$378.36) shall be appropriated from budget line item number 0100-1910-4261

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



15. RESOLUTION 2009-471

Authorize Grant Application to N.Y.S. Division of Criminal Justice Services for Police Department

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 support an UUMV coordinator and associated detectives to conduct surveillances and investigations, recover stolen vehicles, apply and execute warrants, make arrests when appropriate, and to sustain the continued use of the License Plate Reader by patrol; 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.

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



16. RESOLUTION 2009-472

Authorize Grant Application For Operation IMPACT for Police Department

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, the Operation IMPACT Tools Grant is sponsored by the Department of Criminal Justice Services to reduce UCR Part 1 Crimes, by developing and implementing problem-solving strategies, and

WHEREAS, the Town of Cheektowaga Police Department is interested in availing itself of \$40,000 in funding under this program to address, through education and enforcement, those crimes connected to drug usage that affect our Part 1 Crimes, and

WHEREAS, the grant requires 20% matching funds for the total project cost (\$50,000), amounting to a match of \$10,000, NOW, THEREFORE. BE IT

RESOLVED, that Grantmakers Advantage, Inc. the Town's grant consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing this grant, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga will supply matching funds in an amount not to exceed \$10,000 and that said funds are available from budget line item # 0600-0881, and BE IT FURTHER

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

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



17. RESOLUTION 2009-473

Approval of Amendment to Grant Application To CCAP for Stiglmeier Park Renovations

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Town Board unanimously adopted Resolution # 2009-203 on April 20, 2009 authorizing the submission of a grant application to the Dormitory Authority of the State of New York in the amount of \$360,000 through the Community Capital Assistance Program for the acquisition of vehicles and equipment and renovations to Stiglmeier Park including:

- Two (2) Senior Citizen Vans
- One (1) Digital Finger Print Machine
- One (1) Crime Scene Unit
- One (1) Mobile Unit Command Center Trailer and Towing Vehicle
- Rebuilding/Resurfacing of Tennis Courts at Stiglmeier Park
- Purchase and installation of new playground equipment for Stiglmeier Park and
- Purchase and installation of a fountain for the pond at Stiglmeier Park

and

WHEREAS, the public has requested the construction of roller hockey rinks in Town to accommodate the growing popularity of the sport, and

WHEREAS, the Town Board wishes to amend the scope of this grant to include the resurfacing of two tennis courts and the creation of a roller hockey rink in place of the third tennis court at Stiglmeier Park thereby providing greater variety of recreational amenities for public use; 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 the purpose of amending this grant to replace the resurfacing of one tennis court with the construction of a roller hockey rink, and BE IT FURTHER

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

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



18. RESOLUTION 2009-474

Authorize Grant Application for Nob Hill Park Renovations

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 L. 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 \$110,000, 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 \$55,000 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.

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



19. RESOLUTION 2009-475

Approval of Nob Hill Park Renovations

Sponsored By: Supervisor Holtz, Councilmember Rogowski

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 installation of a vegetative buffer; 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.

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



20. RESOLUTION 2009-476

Request NYS to Eliminate Asbestos Fee for Demolitions Performed through Town

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, in an effort to deal with the problem of vacant and dilapidated residential and commercial buildings in the Town of Cheektowaga, this Town Board has been taking action to demolish such unsafe structures, and

WHEREAS, prior to demolishing such unsafe structures, the Town must conduct an asbestos survey and, if asbestos is present in the structure, certain procedures must be followed by the contractor retained by the Town before the structure can be demolished, and

WHEREAS, as part of the process for removing the asbestos, the State of New York, through the Department of Labor, Notification Department, charges a fee to the contractor for each asbestos removal, and

WHEREAS, this fee is eventually charged back to and paid by the Town of Cheektowaga, this increasing the cost to the Town and its taxpayers for each building demolished, and

WHEREAS, the State of New York, in 2009, increased this fee from \$2,000 to \$4,000 per structure, and

WHEREAS, this Board feels that such fee is exorbitant and unfair to Town taxpayers when the demolition is being paid for by taxpayers' moneys, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Legislature and Department of Labor to reduce or eliminate this fee when it relates to demolitions commenced by municipalities in New York State, 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, Governor David Paterson and to the New York State Department of Labor.

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



21. RESOLUTION 2009-477

Opposition to Increases in Credit Card Rates

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, in October of 2008, the United States government approved a massive bailout of the financial services/banking industry utilizing huge amounts of taxpayer moneys, and

WHEREAS, this bailout was intended to clean up the credit crisis that severely weakened this country's financial system, and to result in more lending for the American taxpayer, and

WHEREAS, the Federal government also last spring enacted the Credit Card Accountability, Responsibility and Disclosure Act to provide new protections for credit-card users, and

WHEREAS, despite the infusion of taxpayer money to bail them out of the mess they got into, these financial institutions are repaying the taxpayers by raising credit card fees and interest rates, switching accounts from fixed to variable rates and raising penalties for late payments on credit cards before the new rules go into effect, and

WHEREAS, some credit card companies are also slashing limits for their card holders even if they have good credit scores, and

WHEREAS, consumers are already feeling the pinch of higher credit card fees, and

WHEREAS, because of a loophole in the federal legislation, some banks are raising rates on cash advances and bumping up penalties for late payments before other rules go into effect in February of 2010, and

WHEREAS, many of these financial institutions continue to pay exorbitant salaries and bonuses to their executives, and

WHEREAS, these action by credit card companies who were bailed out by the taxpayer money shows the arrogance of these financial institutions and complete lack of empathy for the middle class who suffers most by changes in their credit card policies, and

WHEREAS, this Board is outraged by the attitude of these card credit companies and wants our State and Federal lawmakers to enact further restrictions on them, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the United State House of Representatives, United States Senate and the New York State Legislature to take action to control these financial institutions who received government aid to stop their predatory credit card practices against consumers who are most affected by the state of the economy, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward copies of this resolution to U.S. Congressman Brian Higgins, U.S. Senator Kristen Gillibrand, U.S. Senator

Charles Schumer, NYS Senator William T. Stachowski , NYS Assemblyman Dennis H. Gabryszak and NYS Governor David Paterson to request that they enact appropriate legislation and/or take appropriate action to rectify this situation.

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



22. RESOLUTION 2009-478

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 31, 2009 to October 13, 2009 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 31, 2009 to October 13, 2009 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 29, 2009 and October 13, 2009 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



23. RESOLUTION 2009-479

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:

Ryan Kowal	7/31/09	14212
Kyle Uzar	7/13/09	14227
Alexander Vulaj	5/8/09	14225

Motion by Supervisor Holtz; Seconded by Councilmember Markel to waive the Reading of Names for the following resolutions: 2009-479; 2009-480 and 2009-481. Motion Carried.

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



24. RESOLUTION 2009-480

Youth & Recreation Transfers

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Recreation Attendant - 7310.1804 - \$7.90

Regular Part-time

Amy Bowen

Seasonal to Regular Part-time

Recreation Attendant - 7140.1642 - \$7.25

Gary Steltermann

Seasonal to Regular Part-time

Recreation Attendant - 7140.1630 - \$7.40

Tiffany Gasiiecki

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



25. RESOLUTION 2009-481

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 \$8.00/hour effective 8/17/09
Michael McGill, Cheektowaga, New York
Michael Sandekian, Cheektowaga, New York

SANITATION DEPARTMENT Laborer \$8.00/hour effective 8/31/09
Jeffrey Lempko, 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:

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 9/09/09
Richard J. Schrufer, Cheektowaga, New York

RECORDS MANAGEMENT Clerk (Temporary) \$8.25/hour effective 9/09/09
Christopher Hannel, Cheektowaga, New York

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

POLICE DEPARTMENT (School Crossing Guard)
Stanley J. Hawrysiak effective 7/27/09
Mary Roberts effective 3/22/06

SANITATION DEPARTMENT
Mark Rohloff effective 8/14/09
Michael Sandekian effective 8/20/09
Anthony DiRienzo effective 8/28/09
Kyle VanOverloop effective 9/05/09

SENIOR SERVICES
Raymond Paprocki effective 8/07/09

POLICE DEPARTMENT (DARE Office)
Cynthia Trapper effective 9/08/09

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

**26. RESOLUTION 2009-482****Appointment of Senior Clerk (Competitive/Permanent) (Office of the Town Assessor) (Cynthia L. Trapper)**

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, no bargaining unit member bid on said vacancy; AND

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

WHEREAS, a current Erie County civil service list is in existence for said title; AND

WHEREAS, said civil service list was canvassed and interviews were conducted; AND

WHEREAS, Cynthia L. Trapper, currently employed as a part-time Clerk in the Police Department, appears on said list and meets all the necessary qualifications for permanent appointment; NOW, THEREFORE, BE IT

RESOLVED, Cynthia L. Trapper of Cheektowaga, New York, be and hereby is appointed to the position of Senior Clerk in the Office of the Town Assessor in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 9, 2009.

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

**27. RESOLUTION 2009-483****Appointment of Automotive Mechanic (Permanent/Non-Competitive) (Central Garage) (Michael J. Maue)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Michael J. Maue was appointed by this Town Board to the position of Automotive Mechanic Helper in the Central Garage effective July 2, 2009; AND

WHEREAS, Mr. Maue has obtained a Commercial Drivers' License (CDL) and is eligible for appointment to the position of Automotive Mechanic; NOW, THEREFORE, BE IT

RESOLVED, that Michael J. Maue of Cheektowaga, New York, be and hereby is appointed to the position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 9, 2009.

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

**28. RESOLUTION 2009-484****Appointment of Senior Sewer Maintenance Worker (Non-Competitive/Permanent) (Sewer Maintenance) (David Orlikowski)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, David Orlikowski was appointed by this Town Board to the position of Sewer Maintenance Worker effective March 18, 2008; AND

WHEREAS, Mr. Orlikowski 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 David Orlikowski of Cheektowaga, 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 September 18, 2009.

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



29. RESOLUTION 2009-485

Travel Authorization Police Department (Detectives Stroud/Szymanski)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, that a conference entitled, "Emerging Stalking Issues: Teens, Technology and Harassment" is being held September 23-24, 2009 in Watkins Glen, New York; AND

WHEREAS, Detectives Joseph Stroud and Timothy Szymanski have requested authorization to attend said conference; 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 \$205; AND

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

RESOLVED, that Detectives Joseph Stroud and Timothy Szymanski be and hereby are authorized to attend the conference entitled "Emerging Stalking Issues: Teens, Technology and Harassment" being held September 23-24, 2009 in Watkins Glen, New York.

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

V. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Three (3) Resolutions. Motion Carried.
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1. RESOLUTION 2009-486

Authorize Supervisor to Execute Leases with Board of Elections

Sponsored By: Supervisor Holtz, Councilmember Jaworowicz

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 15, 2009 and Election Day, November 3, 2009 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.

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



2. RESOLUTION 2009-487

Approve Lease Purchase of Rotary Mower for Facilities Department

Sponsored By: Councilmember Rogowski, Councilmember Kaznowski

WHEREAS, the Director of the Facilities Department is in need of a rotary mower for use in maintaining Town parks, and

WHEREAS, the lease purchase of such equipment is available through Textron Financial Corporation under New York State Contract # PC64364; and

WHEREAS, moneys have been appropriated in the Facilities Department budget for this lease purchase; and

WHEREAS, Section 109-b of the General Municipal Law authorizes the Town to enter into a lease purchase agreement for machinery, equipment or apparatus, and

WHEREAS, the proposed Lease Purchase Agreement with Textron Financial Corporation contains the language required by Section 109-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the lease purchase of one (1) Jacobsen Mower HR-9016 Turbo Wide-Area Rotary Mower for use by the Facilities Department as per the terms of its Municipal Agreement at the cost of \$67,328.63 less \$12,000.00 for a trade-in of the Town's used Jacobsen HR 9016, for a net cost of \$57,918.92, and BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of the Town, be and hereby is authorized and directed to execute the lease purchase agreement and all other documents necessary for the lease purchase of the above referenced equipment, subject, however, to approval by the Town Attorney, and BE IT FURTHER

RESOLVED, that funds for such monthly payment shall be appropriated from the Facilities Department budget to the extent of funds budgeted from year to year.

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



3. RESOLUTION 2009-488

Agreement with Belmont Shelter Corp.

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town and Belmont Shelter Corp. entered into an Agreement dated April 1, 2007 for housing counseling services, and

WHEREAS, the Town and Belmont desire to renew said Agreement for the 2009-2010 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 2009-2010 program year in the amount of \$12,000 under the same terms and conditions contained in said Agreement, said agreement to be funded with Community Development Block Grant funds, and the Supervisor is hereby authorized to execute any required documents for renewal of said Agreement.

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

VI. Communications

A. Departmental Communications

1. Minutes: Cheektowaga Planning Board - August 13, 2009
2. Minutes: Cheektowaga Conservation Advisory Council - August 6, 2009
3. Town of Cheektowaga Comprehensive Annual Financial Report for the Year Ended December 31, 2008
4. Town of Cheektowaga Supplement to the Comprehensive Annual Report for the Year Ended December 31, 2008
5. Town of Cheektowaga, New York Statement of Changes in Cash Balances and Statements of Cash Receipts and Disbursements of the Receiver of Taxes, the Town Clerk and the Town Justices for the Year Ended December 31, 2008 and Independent Auditors' Report
6. Town of Cheektowaga, New York Basic Financial Statements, Required Supplementary Information, Supplemental and Federal Financial Assistance Schedules for the Year Ended December 31, 2008 and Independent Auditors' Report
7. Supervisor's Statement of Funds - July 2009
8. Building Permits - August 2009

B. General Communications

1. Notice of Petition Buffalo RHM Operating LLC Vs. Assessor, and the Board of Assessment Review of the Town of Cheektowaga
2. Summons & Complaint: Richard & Barbara Miller Vs. Town of Cheektowaga
3. Notice of Claim: Allstate Insurance as Subrogee for Evelyn Miga Vs. Town of Cheektowaga
4. Notice of Claim: Chet Cardinale Vs. Town of Cheektowaga
5. Notice of Claim: Rudolph Cehulic Vs. Town of Cheektowaga
6. Notice of Claim: Jeffrey A. D'Auria Vs. Town of Cheektowaga
7. Notice of Claim: Michael Divens Vs. Town of Cheektowaga
8. Notice of Claim: Erie County Water Authority Vs. Town of Cheektowaga
9. Notice of Claim: Norman Kubiak Vs. Town of Cheektowaga
10. Notice of Claim: Todd Nelson Vs. Town of Cheektowaga
11. Notice of Claim: New York Central Mutual as Subrogee for Richard C. & Harriet Penny Vs. Town of Cheektowaga
12. Notice of Claim: Richard G, Smith Vs. Town of Cheektowaga
13. Public Notice - 30 Day Period for Inclusion of Lands into an Agricultural District for 2009

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjourn

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to adjourn the meeting at 7:29 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, September, 15, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on September 15, 2009 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
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2009-489

Retain Drug Court Treatment Team Coordinator- Wilk 2006

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, in 2006, the Town 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 Consultant to perform services as a Drug Court Treatment Team Coordinator; and

WHEREAS, Maureen Wilk is qualified to perform said services and wishes 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 Maureen Wilk of Williamsville, New York as Consultant to perform the duties of Drug Court Treatment Team Coordinator, in accordance with the terms and conditions of an Agreement with the Town for the calendar year 2006, and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute said Agreement, subject, however, to approval of same by the Town Attorney's Office.

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



2. RESOLUTION 2009-490

Retain Drug Court Stenographer Emiliani for 2006

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, Martha Emiliani of Cheektowaga, New York, is qualified and has substantial experience to provide said services and wishes 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 Martha Emiliani as court stenographer 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 her Agreement with the Town; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute said Agreement, subject, however, to approval of same by the Town Attorney's Office.

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



3. RESOLUTION 2009-491

Retain Drug Court Stenographer - Emiliani for 2008

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, Martha Emiliani of Cheektowaga, New York, is qualified and has substantial experience to provide said services and wishes 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 Martha Emiliani as court stenographer to provide court reporting services and transcripts as required, regarding the court-directed Drug Diversion-to-Treatment Program for the calendar year 2008; in accordance with the terms of her Agreement with the Town; and BE IT FURTHER

RESOLVED, that the Supervisor is authorized and directed to execute said Agreement, subject, however, to approval of same by the Town Attorney's Office.

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



4. RESOLUTION 2009-492

Authorize Intern for Police Department - Steven Ryniec

Sponsored By: Councilmember Jaworowicz, Councilmember Rogowski

WHEREAS, Steven Ryniec, a student at Bryant & Stratton College, has requested to participate in the student internship program at the Cheektowaga Police Department, and

WHEREAS, this individual has been interviewed by the Police Department and the Department is willing to afford him the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Steven Ryniec of Cheektowaga, New York, be and hereby is authorized to participate as an unpaid intern in the Cheektowaga Police Department, subject to his execution of a Waiver of Liability and Agreement of Confidentiality; and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality and all other documents necessary to effectuate this student internship in the Police Department.

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



5. RESOLUTION 2009-493

Authorize Police SWAT Team Training at Fairgrounds

Sponsored By: Councilmember Jaworowicz, Councilmember Markel

WHEREAS, the SWAT Division of the Cheektowaga Police Department has requested permission to participate in training maneuvers to be conducted by the Erie County Tactical Task Force, off Town property, at the Erie County Fairgrounds, Hamburg, New York, on September 23rd and 24th, 2009; and

WHEREAS, Police Chief Christine Ziemba has submitted a request for same; and

WHEREAS, there will be no cost to the Town; NOW, THEREFORE, BE IT

RESOLVED, that the SWAT Division of the Cheektowaga Police Department be and hereby is granted permission to participate in training maneuvers conducted by the Erie County Task Force on September 23rd and 24th, 2009 at the Erie County Fairgrounds, Hamburg, New York.

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

III. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting.
Time was 6 :45 PM

Alice Magierski

TOWN CLERK



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, September 21, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on September 21, 2009 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 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

II. Public Hearings at 6:45 PM

1. Amendment to Vehicle and Traffic Law - Parking - Rehm Road and Creekside Drive

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

2. Local Law Intro 2009-5 A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga

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: James Rogowski, Councilmember
SECONDER: Charles Markel, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-494

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:	100.7310.4688	Cheektowaga United	\$	3,000.00
	100.7140.4601	Aid-To-Youth		9,900.00
TO:	100.7310.2501	Other Equipment	\$	3,000.00
	100.7180.4191	Misc. Expenses		9,900.00

HUD-NYS AHC HOUSING

FROM:	900.8600.4910	NYS AHC Revenues	\$	100,000.00
TO:	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 2009-495

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to September 18, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 166,165.84
RISK RETENTION FUND	27,671.32
HUD HOUSING REHABILITATION FUND	16,138.00
SPECIAL DISTRICTS FUND	298,051.48
HIGHWAY FUND	23,136.74
CAPITAL FUND	194,282.79
TRUST & AGENCY FUND	1,440.00
HUD CDBG FUND	9,979.88
PART TOWN FUND	320.00
NYS AFFORDABLE HOUSING FUND	19,384.00
	<u>\$ 756,570.05</u>

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



3. RESOLUTION 2009-496

Negative SEQR Declaration-2916 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 Bernard Rusiniak for the rezoning of part of 2916 Union Road from C- Retail Business to MS- Motor Service for the construction of a 2,500 square foot storage garage, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on July 15, 2009 recommended a determination of non-significance as shown on the attached memorandum dated July 16, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning request on November 13, 2008 and recommended the approval of the site plan on May 13, 2009, AND

WHEREAS, the applicant has also petitioned the Town of Cheektowaga Zoning Board of Appeals for an Area Variance from the required building setback along the southerly property line, 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 review and approve the grading /drainage plan.
2. The Zoning Board of Appeals granting the required area variance.

ATTACHMENTS:

EAC-July 15, 2009 minutes (PDF)

Planning Board Recommendations (PDF)

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



4. RESOLUTION 2009-497

Approve Rezoning of Portion of 2916 Union Road

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Bernard Rusiniak petitioned for a rezoning from C-Retail Business District to MS-Motor Services District for property owned by him and located at 2916 Union Road (portion), Cheektowaga, New York, which property is described in the attached legal description, for the construction of a 2,500 square foot storage garage, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 1st day of June, 2009 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 Bernard Rusiniak for the rezoning from C-Retail Business District to MS-Motor Services 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 15, township 11, Range 7 of the Holland Land Company's Survey described as follows:

Beginning at a point at the north west corner of Bink Street and Union Road, thence in a northerly direction and along the western boundary of Union Road 216.38 ' to a point, thence in a westerly direction 149.0' +/- and along the Southerly line of Map Cover 527 to the point of beginning, thence, continuing in a westerly direction 145.0 ' to a point, thence in a southerly direction 75' to a point, thence in an easterly direction 145.0' to a point, thence in a northerly direction 75.0 ' to the point of beginning. Said area containing 10,875 square feet or 0.249 acres+/- .

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



5. RESOLUTION 2009-498

Adopt Amendment to Vehicle and Traffic Ordinance - Rehm Road and Creekside Drive

Sponsored By: Councilmember Markel, Councilmember Zydel

WHEREAS, this Town Board held a public hearing on September 21, 2009 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 IV. Schedules, Section 235-49, Schedule X: Parking Prohibited in Designated Locations, shall be amended by deleting therefrom the following:

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

REHM ROAD - North side: from the west terminus, east to the east curbline of Parwood Trail.
REHM ROAD - West terminus: from the north curbline to the south curbline.

ARTICLE IV. 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:

CREEKSIDE DRIVE - Terminus: The entire length of the east terminus.

CREEKSIDE DRIVE - North side: From the east terminus, westward to the east side of the driveway located at #60 Creekside Drive.

REHM ROAD - North side: from the Village of Depew line, then westerly to the terminus

REHM ROAD - West side: from the north side of Rehm Road to the south side of Rehm Road

REHM ROAD - South side: from the westerly terminus easterly to a point 150 feet east of the east curb line of Parwood Trail.

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.

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



6. RESOLUTION 2009-499

Adopt Local Law No. 3 of the Year 2009 - a Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections

Sponsored By: Councilmember Markel, Councilmember Jaworowicz

WHEREAS, by resolution dated September 7, 2004, Local Law No. 5 of the Year 2004 of the Town of Cheektowaga, entitled "A Local Law Repealing Local Law No. 1 of the Year 1979 And Adopting A Law for Administration and Enforcement of the Codes of New York State" 9a/k/a Chapter 70 of the Code of the Town of Cheektowaga" was adopted, and

WHEREAS, the Supervising Code Enforcement Officer of the Town of Cheektowaga has recommended that Section 70-24 of said Code, entitled "Electrical inspections" be amended to provide for the licensing of electrical inspectors in the Town, and

WHEREAS, a draft of such amendment has been prepared by the Supervising Code Enforcement Officer and reviewed by the Town Attorney, and

WHEREAS, a public hearing was held on the 8th day of September, 2009 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 Chapter 70 of the Town Code Relating to Electrical Inspections", and
BE IT FURTHER

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 3 of the Year 2009, entitled "A Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 3 of the Year 2009 shall be effective as of November 1, 2009, 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. 3 OF THE YEAR 2009
A LOCAL LAW TO AMEND CHAPTER 70 OF THE TOWN CODE RELATING TO ELECTRICAL INSPECTIONS

§70-24. Electrical Inspections.

- A. All electrical installations, alterations and repair of wiring for electric light, heat and power shall be made in conformity with the Building Code of New York State, except where the provisions of this chapter or any other local law, ordinance or code of the Town of Cheektowaga shall differently prescribe.

B. Inspection required; duties of inspectors

- (1) Electrical inspection shall be required on all electrical installations, alterations and repair of wiring for electric light, heat and power and shall be made in conformity with the requirements of the Building Code of New York State, except where the provisions of this chapter or any other local law, ordinance or code of the Town of Cheektowaga shall differently prescribe.
- (2) Inspections shall be performed only by inspectors who are certified for residential, commercial and industrial inspection by the International Association of Electrical Inspectors and have any certifications as required by New York State. Said inspectors shall apply for designation as electrical inspectors by the Town Board. Applications shall be submitted to the Supervising Code Enforcement Officer with all necessary forms/certificates as set forth herein.
- (3) All designated inspectors are authorized and deputized as agents of the Town of Cheektowaga to make inspections and re-inspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and re-inspections be a charge against the Town of Cheektowaga.

C. A party seeking designation by the Town Board as an approved electrical inspection service shall submit the following information to the Supervising Code Enforcement Officer:

- (1) The name, street address and telephone number of the applicant.
- (2) Whether the applicant is an individual, partnership or corporation. The applicant is to provide documentation that they can operate in Erie County.
- (3) Whether the applicant is doing business in another name, and if so, said name(s).
- (4) The name, address, qualifications and training, including certificates, of all individuals who will be performing electrical inspection services on behalf of the applicant.
- (5) A schedule of fees. A new schedule is to be submitted each time fees change.
- (6) A statement whether the applicant intends to utilize independent contractors; if so, all independent contractor(s) shall be identified by name, street address and telephone number along with qualifications/certificates.

D. The applicant shall affirm the following either individually or, if a corporation, by a duly authorized officer:

- (1) All electrical inspecting services shall be performed by person(s) who have documented and current credentials passing the International Association of Electrical Inspectors test and any certification by New York State.
- (2) If any information submitted at the time of application shall become incomplete or outdated, the applicant will notify the Supervising Code Enforcement Officer of all changes in writing within 48 hours.
- (3) No person performing electrical inspections within the Town of Cheektowaga shall

engage in electrical work for compensation or have any financial interest in any person, partnership or corporation engaged in performing electrical work within the Town of Cheektowaga.

- (4) Electrical inspections shall be performed during normal town business hours, unless prior written consent is obtained from the Supervising Code Enforcement Officer.
- (5) The report of the inspection shall be filed with the Supervising Code Enforcement Officer within five business days of the inspection. Said report shall certify whether the electrical work inspected is in compliance with the applicable codes.
- (6) The electrical inspection service shall provide to the Supervising Code Enforcement Officer a telephone number for which the use thereof will not impose long-distance charges upon the Town of Cheektowaga. Calls made by the Supervising Code Enforcement Officer to such number shall be returned within 24 hours.
- (7) The electrical inspection service will provide complimentary inspections in response to the reasonable request(s) of the Supervising Code Enforcement Officer.
- (8) Fees charged for inspections will not be fully or partially contingent upon approval by the electrical inspection service of the electrical work inspected.
- (9) The electrical inspection service has received approval to perform inspections by New York State Electric & Gas and National Grid.
- (10) The electrical inspection service shall not inspect electrical work which another approved electrical inspection service determined to be noncompliant with the code(s).
- (11) The electrical inspection service agrees to defend, indemnify and hold harmless the Town of Cheektowaga with respect to all claims of whatever nature arising against the Town of Cheektowaga or any official or employee thereof with respect to the work performed by the electrical inspection service.
- (12) If said electrical inspection service intends to utilize independent contractor(s), the electrical inspection service agrees to defend, indemnify and hold harmless the Town of Cheektowaga with respect to all claims of whatever nature arising against the Town of Cheektowaga or any official or employee thereof with respect to the work performed by said independent contractor.
- (13) Designation of an electrical inspector may be revoked by the Supervising Code Enforcement Officer prior to the expiration date for violating the provisions of this chapter or for making any materially false statement on the application.

E. In the event that the Supervising Code Enforcement Officer refuses to renew or revokes or suspends a designation for an electrical inspector, the electrical inspector shall have the right to appeal such refusal, revocation or suspension to the Town Board, in accordance with the following provisions:

- a. Refusal, revocation or suspension of a designation shall be determined by the Town Board after a hearing held pursuant to the notification procedure listed in Subsections B through D of this section.
- b. Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Town Board.
- c. The Town Clerk of the Town of Cheektowaga shall give notice of any hearing to be

held hereunder, stating the name and business address of the electrical inspector concerned, the subject matter of the hearing and the date, place and hour designated therefor, by mailing to the business address shown upon the most recent application of such electrical inspector at least 10 days prior to the date of such hearing.

d. At any hearing held for the refusal, revocation, suspension or removal of an electrical inspector from a list, such electrical inspector shall be entitled to be represented by legal counsel and to present testimony or other evidence in his own behalf, as may be relevant to the subject matter of the hearing.

F. The party seeking to be designated by the Cheektowaga Town Board as an approved electrical inspection service shall submit the following:

- (1) Proof of: liability insurance in the amount of at least \$2,000,000 single limit for General liability, personal injury and property damage; professional liability of \$3,000,000; automobile liability of \$1,000,000; workman's compensation and employees disability.
- (2) Is said electrical inspection service intends to utilize one or more independent contractor(s), proof of liability insurance in the amount of at least \$1,000,000 single limit for personal injury and property damage identifying as an additional insured each and every independent contractor to be utilized.
- (3) Policies of liability insurance referenced above shall name as an additional insured the Town of Cheektowaga. Said policies shall contain the following clause: "In the event of any material alteration, non-renewal, or cancellation of this policy, at least 30 days notice thereof shall be given to the Town of Cheektowaga Town Clerk, 3301 Broadway, Cheektowaga, New York 14227."
- (4) A remittance of \$1,000 payable to the Town of Cheektowaga to include a nonrefundable application fee in the amount of \$250 as the reasonable expense to the Town in the administration of the application process and the amount of \$750 as the reasonable expense to the Town over the balance of five years in supervising and administrating the electrical inspection service. The remittance of \$750 shall not be refunded once an applicant is designated as an authorized electrical inspection service.

G. Effective date. This section shall be effective as of the 1st day of November, 2009.

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



7. RESOLUTION 2009-500

Call for Public Hearing Rezoning Request - 850-870 Losson Road

Sponsored By: Councilmember Markel, Councilmember Rogowski

WHEREAS, George Peppes has made application and requested the rezoning of 850-870 Losson Road from R- Residence to RA- Apartment District for the construction of a (21) twenty one unit patio home development, NOW, THEREFORE BE IT

RESOLVED, that a Public Hearing be held regarding said request under the provisions of the Zoning Law on October 5, 2009 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 October, 2009 at 6:30 o'clock P.M., of said day for the purpose of considering the application of:

George Peppes

for the rezoning of 850-870 Losson Road from R- Residence to RA- Apartment District for the construction of a (21) twenty one unit patio home 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 and State of New York, being part of Lots 53 and 54, Township 12, Range 7 of the Buffalo Creek Reservation, being more particularly described as follows:

BEGINNING at a point in the north line of Losson Road (66 feet wide) 184.80 feet easterly from the west line of Lot 53; thence northerly at an interior angle of 82-20-36 a distance of 269.20 feet to a point; thence westerly at an interior angle of 97-39-24 and parallel with Losson Road a distance of 640.67 feet to the west line of L. 11061, P. 2095; thence southerly at an interior angle of 82-20-36 a distance of 269.20 feet to the northerly line of Losson Road; thence easterly along the northerly line of Losson Road a distance of 640.67 feet to the point or place of beginning, containing 3.92 acres, more or less.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Charles Markel, Councilmember

SECONDER: James Rogowski, Councilmember

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



8. RESOLUTION 2009-501

Notice to Bidders - Rental of Equipment & Operator for Emergency Snow Removal 2009-10 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 aforesaid items at a public bid opening to be held on Wednesday October, 7 2009, 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 2009-10 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 7, 2009, 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.

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



9. RESOLUTION 2009-502

Open Burning / 1050 Maryvale-Maryvale High School

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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

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

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

WHEREAS, an application for a permit was submitted by the Maryvale High School to conduct a open fire on October 13, 2009, rain date of October 14, 2009 on the property located at 1050 Maryvale Drive, Cheektowaga, New York AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the U-Crest Fire Department 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 Maryvale High School and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

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

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



10. RESOLUTION 2009-503

Open Burning / 305 Cayuga Creek-JFK High School

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 October 2, 2009 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 Departments 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 John F. Kennedy 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.

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



11. RESOLUTION 2009-504

Unsafe-Unsecured / 36 Euclid 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 36 Euclid Avenue, Cheektowaga, New York SBL# 101.60-2-16 that is a danger to the safety of others, and records kept by the Assessors Office identify Ron Ronen & Ardounis Vasiliki, 333 Collins Lane, West Hempstead, New York 11552, as the owner AND

WHEREAS, an inspection of such premises was conducted at 36 Euclid Avenue, by the Housing and Neighborhood Preservation Office, AND

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

WHEREAS, the Town of Cheektowaga Housing and Neighborhood Preservation Office properly notified the property owner in accordance with the Town of Cheektowaga Law for the Administration and Enforcement of the Codes of New York State, and the owner failed to take actions to safeguard the premises, AND

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

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

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



12. RESOLUTION 2009-505

Youth & Recreation Transfers

Sponsored By: Councilmember Zydel, Councilmember Rogowski

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

Recreation Attendant - 7310.1814 - \$7.65 - Regular Part time
Deanna Symkowiak 14227

Recreation Attendant - 7140.1630 - \$8.00
Regular Part time
Katie Defilippo

Recreation Attendant - 7140.1804 & 7140.1614 - \$8.00
Regular Part time
Paige Melin

Lifeguard Level III - 7180.1903 - \$8.43 - Regular Part-time
Tiffany Wheeler

Regular Part time
From Camp Flamingo 7310.1810 to the Adapted Recreation Program (ARP)7310.1803
Emily Castiglia
Mark Hannon
Amy McMahon
Lauren Szydolowski
Jessica Szyjka
DeYonca Porter

From Camp Crabapple 7310.1802 to ARP 7310.1803
Nicole Habermehl
Alex Ladowski
Carly Rehac
Barbara Walters

From Teen Camp 7310.1814 to ARP 7310.1803
Laura Munson

From Camp JI-IK-DO-WAH-GAH - 7310.1801 to ARP 7310.1803
Maribeth Stadelmeyer
Kristen Stadelmeyer
Theresa Tripi
Mary Zelasko

From Camp Dartwood - 7140.1632 to ARP 7310.1803
Kristy Rzesutek
Melissa Rogers

Brian Wartinger

From Camp Flamingo 7310.1810 to the Adapted Recreation Program (ARP)7310.1803
Recreation Aide -Part time - \$7.25

Martin Acevedo

FROM SEASONAL TO REGULAR PART TIME

From Teen Camp 7310.1814 to ARP 7310.1803
Recreation Attendant - \$7.25

Jennifer Zelasko

From Camp Crabapple 7310.1802 to ARP 7310.1803
Recreation Attendant - \$7.25

Nathaniel Barnes

From Camp Flamingo 7310.1810 to ARP 7310.1803
Recreation Attendant - \$7.40

Merissa Ciesielski

Recreation Attendant - \$7.25

Casey Hawley

Brock McDougald

From Camp JI-IK-DO-WAH-GAH - 7310.1801 to ARP 7310.1803

Recreation Attendant - \$7.25

Jamael Hunte

Motion by Supervisor Holtz; Seconded by Councilmember Jaworowicz to Waive the Reading of Names for the following resolutions: 2009-505 - 2009-507. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Richard Zydell, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



13. RESOLUTION 2009-506

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:

Jill Adamczyk	8/14/09	14211
Brad Agen	8/26/09	14227
Patrick Albanesi	8/21/09	14043
Joshua Atzrott	8/25/09	14215
Dan Badzinski	8/14/09	14227
Christopher Balash	8/14/09	14215
Jacob Bauer	8/26/09	14227
Corey Beszczyński	8/22/09	14212
Drew Bielanin	8/21/09	14215
Alexis Blachowski	8/14/09	14225
Lauren Boehm	8/14/09	14225
Sean Book	Never worked	14227
Allison Bowen	8/23/09	14225
Jennifer Brock	8/21/09	14225
Kaitlynd Brozostowicz	8/21/09	14225
Jacqueline Campbell	8/21/09	14043
Kenneth Carlucci	8/22/09	14227
Timothy Carter	Never worked	14227
Tyler Casillo	8/21/09	14227
Andrew Charvat	8/21/09	14225
Brandon Chittenden	8/21/09	14227
Catherine Chojnacki	8/25/09	14225
Andrew Chruscicki	8/26/09	14225
Amanda Ciesielski	8/14/09	14043
Nicholas Coronado	8/21/09	14225
Justin DelBello	8/20/09	14212
Donald Diana	8/14/09	14043
Kayla Doetterl	8/21/09	14227
Peter Dudek	Never worked	14227
Joseph Echevarria	Never worked	14215
Patrick Eck	8/20/09	14225
Matthew Eckle	8/14/09	14225
Meghan Eckle	8/14/09	14225
Stacey Ehrig	8/21/09	14225
Meggan Empric	8/14/09	14215
Melissa Farruggio	8/21/09	14227
Kimberly Forrest	8/21/09	14225
Lauren Fial	8/14/09	14227
Anthony Filipski	8/14/09	14227
Jill Franz	8/14/09	14211
Adam Fuest	8/22/09	14225
Kelsey Full	8/21/09	14227

Joshua Galante	8/21/09	14206
Kim Godzich	8/13/09	14225
Jillian Golembiewski	8/18/09	14206
Brian Grabiec	8/19/09	14225
Aaron Grupka	8/24/09	14206
Jennifer Grzebinski	8/20/09	14227
Melanie Grzebinski	8/14/09	14227
Jonathan Gworek	8/21/09	14227
Rebecca Gworek	8/21/09	14227
Lauren Habermehl	8/14/09	14225
Christopher Hannel	8/22/09	14227
Julia Harvey	8/14/09	14225
Erin Haynes	8/21/09	14225
Valerie Herman	8/21/09	14225
John Hinshaw	8/14/09	14225
Matthew Hockwater	8/25/09	14227
Julia Hora	7/31/09	14211
Jenniefer Jankowski	8/14/09	14212
Joel Jarnot	8/14/09	14225
Kara Jeziorski	8/14/09	14227
Rachel Kandefer	8/24/09	14225
Jeffery Kapanek	8/21/09	14206
Sarah Kapanek	8/20/09	14206
Shawn Kaznica	8/22/09	14206
Shannon Kelly	8/14/09	14227
Stephen Kelly	8/14/09	14211
Michael Kiripolsky	8/21/09	14215
Tim Kish	8/21/09	14206
Jonathan Klein	8/14/09	14227
Emily Kopp	8/21/09	14225
Alissa Kowalski	8/21/09	14206
Alissa Kozakiewicz	8/21/09	14227
Kayla Kuechle	8/21/09	14225
Jennifer Laffrado	8/14/09	14225
Julie Laffrado	8/14/09	14225
Sean Langan	8/21/09	14225
Anthony Latucca	8/21/09	14043
Michael Lewandowski	8/26/09	14043
Madalyn Lewis	8/21/09	14225
Megan Lewis	8/5/09	14225
Kaitlin Lipinoga	8/14/09	14211
Sarah Litwin	8/14/09	14225
Samantha Long	8/25/09	14225
Mark Maciejewski	8/14/09	14225
Nicole Maciejewski	8/13/09	14227
Brandon Maes	8/21/09	14225
Nicholas Maes	8/21/09	14225
Lori Majewski	8/14/09	14227
Erik Malayny	8/21/09	14227
Danielle Malicki	8/21/09	14227
Megan Maloney	8/21/09	14227
Kylie Mars	8/14/09	14211
Tyler Miesowicz	8/21/09	14043
Adam Miller	8/21/09	14043

Andrew Miller	Never worked	14227
Jonathan Miller	8/26/09	14227
Shane Mullen	8/24/09	14225
Amanda Moran	8/22/09	14206
Kiersten Moore	8/21/09	14225
Allison Musial	8/21/09	14225
Michael Musialowski	8/21/09	14212
Jamie Nash	Never worked	14206
Matthew Nusstein	8/21/09	14227
Briana Parker	8/21/09	14225
Corey Patrzyk	8/21/09	14227
Scott Patrzyk	8/21/09	14211
Matthew Pazderski	8/25/09	14227
Keileigh Pecyne	8/21/09	14227
Jeffrey Persutti	8/19/09	14227
Nicole Petruniak	8/14/09	14227
Alison Pieroni	8/21/09	14225
Kyle Polanski	8/25/09	14043
Tara Przybyl	8/20/09	14227
Mark Przybysz	8/21/09	14206
Derek Pugh	8/4/09	14043
Edward Pyszczynski	8/20/09	14227
Carolyn Reczek	8/14/09	14227
Clayton Reeb	8/13/09	14227
Caitlin Rieck	8/21/09	14225
Andrew Rizzo	8/21/09	14223
Jeremy Ross	8/21/09	14227
Erin Rozewicz	8/21/09	14227
Nick Russell	8/27/09	14206
Caitlyn Rutski	8/21/09	14043
Andrew Samer	8/27/09	14227
Jacob Sauer	8/21/09	14227
Nicholas Scaccia	8/21/09	14227
Ryan Schamber	Never worked	14206
Joshua Scheller	8/25/09	14225
Tabitha Slachiak	8/14/09	14212
Alyssa Slinkosky	8/21/09	14225
Stanley Smith	8/21/09	14225
Naomi Snyder	8/21/09	14225
Robyn Stanley	8/14/09	14225
Chris Suchan	Never worked	14227
Nicole Suwalski	8/18/09	14206
Tyler Tangelder	8/14/09	14227
Andrew Tatta	8/21/09	14225
Katie Tomaschko	8/21/09	14225
Bradley Vargo	Never worked	14225
Michael Vito	8/21/09	14215
Jessica Wales	8/14/09	14225
Colin Wegner	8/13/09	14227
Jason Wichowsky	8/22/09	14043
Anastasia Zarbo	8/21/09	14227
Frank Zawadzinski	8/14/09	14043

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



14. RESOLUTION 2009-507

Appointment of Seasonal/Part Time 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 9/07/09
Cory Herr, Depew, 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:

POLICE DEPARTMENT (Crime Resistance Unit) Clerk \$8/hour effective 9/15/09
Elizabeth J. Reinheimer, Depew, New York

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

FACILITIES DEPARTMENT
Jarrett Sinclair effective 7/17/09
Joshua Malkowski effective 8/06/09
Justin Lackie effective 8/19/09
Jonathan Heisler effective 8/13/09
Brendan Hammer effective 8/20/09
Ryan Galuszka effective 8/14/09
David Cunningham effective 8/14/09

SANITATION DEPARTMENT effective 9/19/09
Christopher Ahrens
David Vinci
Jesse Herr
Andrew Wastchak
Bryan Kazmierczak
Keith Piatek
Walter Szafranec

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

**15. RESOLUTION 2009-508****Appointment of Real Property Appraisal Technician
(Competitive/Permanent) (Office of the Town Assessor)
Timothy P. Schlegel**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Timothy P. Schlegel was appointed by this Town Board to the provisional position of Real Property Appraisal Technician in the Office of the Town Assessor on January 21, 2009; AND

WHEREAS, a civil service list has been established for said title; AND

WHEREAS, Mr. Schlegel is eligible for permanent appointment to the position; NOW, THEREFORE, BE IT

RESOLVED, that Timothy P. Schlegel of Depew, New York, be and hereby is appointed to the position of Real Property Appraisal Technician in the Office of the Town Assessor in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 22, 2009.

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

**16. RESOLUTION 2009-509****Travel Authorization (Building & Plumbing Department)
Matthew Kawczynski/Edward Saternus**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the New York State Fire Marshalls/Inspectors Association is meeting in Montour Falls, New York from October 20-23, 2009; AND

WHEREAS, Fire Inspectors Matthew Kawczynski and Edward Saternus have requested authorization to attend said meeting; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$216; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department; NOW, THEREFORE, BE IT

RESOLVED, that Fire Inspectors Matthew Kawczynski and Edward Saternus be and hereby are authorized to attend the New York State Fire Marshalls/Inspectors Association that is meeting in Montour Falls, New York from October 20-23, 2009.

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

**17. RESOLUTION 2009-510****Travel Authorization (Police Department) Sgt. Lawrence Bauer/Police Officer Jonathan Ober**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Remington Factory Armorer's School is being held October 6-9, 2009 in Ilion, New York; AND

WHEREAS, Police Sergeant Lawrence Bauer and Police Officer Jonathan Ober, have requested authorization to attend said school; AND

WHEREAS, Chief of Police Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$2,194; AND

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

RESOLVED, that Sergeant Lawrence Bauer and Police Officer Jonathan Ober be and hereby are authorized to attend the Remington Factory Armorer's School being held October 6-9, 2009 in Ilion, New York.

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



18. RESOLUTION 2009-511

Travel Authorization (Police Department) Lieutenant Scott Prell

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Law Enforcement Training Directors Association 2009 Conference is being held September 30-October 2, 2009 in Saratoga Springs, New York; AND

WHEREAS, Police Lieutenant Scott Prell has requested authorization to attend said conference; AND

WHEREAS, Chief of Police Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$433; 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 Law Enforcement Training Directors Association 2009 Conference being held September 30-October 2, 2009 in Saratoga Springs, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	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 Resolution 2009-512. Motion Carried.



1. RESOLUTION 2009-512

Agreement with Belmont Shelter Corp for Sale of Town-Owned Houses

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, the Town owns residential properties at 45 Leroy Road and 37 Willowlawn Parkway which have been rehabilitated and now wishes to sell to an income eligible homebuyer, AND

WHEREAS, Belmont Shelter Corp., a non-for-profit housing agency with which the Town currently has a contract for housing counseling services, has agreed to sell said properties for the Town at the cost of \$1,000 for each property sold plus the cost of related expenses, AND

WHEREAS, the Director of Community Development recommends that the Town engage the services of Belmont Shelter Corp. for said purpose, NOW THEREFORE BE IT

RESOLVED, that the Supervisor is authorized and directed to execute an agreement with Belmont Shelter Corp., subject to review and approval by the Town Attorney, for the sale of Town owned houses at 45 Leroy Road and 37 Willowlawn Parkway for the cost of \$1,000 for each property sold plus marketing and other costs directly related to the sale of said properties at an amount not to exceed \$6,000, said costs to be paid with Community Development Block Grant Funds.

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

VI. Communications

A. Departmental Communications

1. Minutes: Town Environmental Advisory Committee - September 9, 2009
2. Minutes - Cheektowaga Planning Board - September 10, 2009

B. General Communications

1. Summons & Complaint: James Maguire Vs. Town of Cheektowaga
2. Notice of Claim: Patricia A. Heil Vs. Town of Cheektowaga
3. Notice of Claim: Angela Mueller as Parent and Natural Guardian of Brook Mueller Vs. Town of Cheektowaga
4. Public Notice - 30 Day Period for Inclusion of Lands into an Agricultural District for 2009

VII. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VIII. Adjourn

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to Adjourn the Meeting.
Time of adjournment was 7:19 PM

ALICE MAGIERSKI

Town Clerk

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: July 16, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on July 15, 2009 in the Town Hall Council Office Conference Room. (Absent: Traffic Safety Commission representative)

**ITEM I 2916 Union Road - Proposed Rezoning from C to MS for
2,500 Sq. Ft Storage Garage**

Applicant: Rusiniak's Collision

The proposed building is for cold storage for business as well as personal items. A public hearing had been held and the only concern was of a neighbor that wanted the balance of the property to remain as is. The Planning Board has already recommended approval of the rezoning and construction of the garage.

The Town Engineer indicated that he needs a drainage plan and the final landscaping plan must be submitted.

The committee would recommend a Negative Declaration for this project provided the drainage plan is submitted to the Town Engineer and the final landscaping plan is submitted to the Planning Board

Attachment: EAC-July 15, 2009 minutes (RES-2009-496 : Negative SEQR Declaration-2916 Union Road)

EAC – July 15, 2009
July 16, 2009
Page: 2

**ITEM II 5030 -5050 Genesee St. - Proposed Rezoning from M1 and MS to C for
 2 - Four Story Hotels**
Applicant: Kaybir Hotels Inc.

The site is a 5.9 acres site located on the north side of Genesee across from the Monroe Tractor Equipment showroom and storage yard. The proposal is to construct two hotels, both four stories. The smaller 60 room hotel would be located at the west end and an 84 room with an indoor pool located at the east end of the site. 210 parking spaces will be provided which is 22 more than is required by the Zoning Law.

A number of studies must be submitted, archeological and wetland specifically, as well as drainage. The Town Engineer needs to review the locations of the Ellicott Creek floodway in relation to the project and any potential impact on this flood way.

The committee would recommend a public hearing on the concept of rezoning for the hotels the schedule for the Town Board. This will provide for public comment.

This item will remain tabled for further review.

**ITEM III Genesee at Tadio Parkway - Proposed Rezoning from RMH to CM for
 Veterinary Clinic**
Applicant: Samuel Tadio

The site is presently occupied by Samuel Tadio's house. This house would be removed for the construction of the veterinary clinic. Access would be provided from Tadio Parkway and from Harmony Lane. Most of the trees on the site will be saved except for an area where the access road to Harmony would be constructed.

The committee would recommend that a public hearing on the concept of rezoning for a veterinary clinic be held before the Town Board and to obtain public comment and to determine if there are any issues.

This item will remain tabled for further review.

ITEM IV Cheektowaga Comprehensive Plan
Applicant: Town of Cheektowaga

UPDATE: The process of writing a new Comprehensive Plan is far enough along where the Town will begin the SEQRA Lead Action Lead Agency Solicitation and issue a Positive Declaration to begin the drafting of a Draft Environmental Impact Statement.

EAC – July 15, 2009
July 16, 2009
Page: 3

**THE NEXT MEETING OF THE
ENVIRONMENTAL ADVISORY
COMMITTEE MEETING WILL BE
HELD WEDNESDAY,
AUGUST 12, 2009
AT 10:00 A.M.
IN THE COUNCIL OFFICE
CONFERENCE ROOM**

Attachment: EAC-July 15, 2009 minutes (RES-2009-496 : Negative SEQR Declaration-2916 Union Road)

Cheektowaga Planning Board

500 Losson Road
 Cheektowaga, NY 14227
 716-656-2280

Chairman Anthony Sisti

144 Jackson
 893-7079



THE TOWN OF
CHEEKTOWAGA

*Public Meetings Held At Town Hall Council
 Chambers On Second Thursday Of Each Month*

Secretary Joan Meyers 305 McNaughton Ave. 894-1007	Members Sigmund Kucewicz 43 Alys Dr. East 683-9411
Members Emil Lennert 57 Nagel Dr. 683-5759	John Marriott 2497 Genesee St. 895-2183
Raymond Pugh 24 Seminole Pkwy. 633-5488	Claire Ferrucci 41 Franklin St. 897-2503

JUNE 2, 2009

CHEEKTOWAGA TOWN BOARD
 CHEEKTOWAGA TOWN HALL
 3301 BROADWAY
 CHEEKTOWAGA, NEW YORK 14227

REGARDING: ²⁹¹⁶~~3916~~ UNION RD.
 RUSINIAK'S SERVICE
 SITE PLAN

DEAR HONORABLE TOWN BOARD:

THIS PROPOSED PROJECT IS FOR A STORAGE GARAGE TO BE USED FOR STORAGE OF PARTS, GRASS MOWERS, ETC.

A MOTION WAS MADE BY MR. MARRIOTT AND SECONDED BY MR. LENNERT TO RECOMMEND APPROVAL OF THE SITE PLAN CONTINGENT ON A DRAINAGE PLAN. ALL IN FAVOR. A REZONING REQUEST WAS PREVIOUSLY RECOMMENDED.

VERY TRULY YOURS,

ANTHONY H. SISTI, CHAIRMAN
 CHEEKTOWAGA PLANNING BOARD

JCM

Attachment: Planning Board Recommendations (RES-2009-496 : Negative SEQR Declaration-2916 Union Road)

Cheektowaga Planning Board

500 Losson Road
Cheektowaga, NY 14227
716-656-2280

Chairman Anthony Sisti

144 Jackson
893-7079



THE TOWN OF
CHEEKTOWAGA

Secretary

Joan Meyers
305 McNaughton Ave.
894-1007

Members

Sigmund Kucewicz
43 Alys Dr. East
683-9411

Members

Emil Lennert
57 Nagel Dr.
683-5759

John Marriott
2497 Genesee St.
895-2183

Raymond Pugh
24 Seminole Pkwy.
633-5488

Claire Ferrucci
41 Franklin St.
897-2503

*Public Meetings Held At Town Hall Council
Chambers On Second Thursday Of Each Month*

DECEMBER 2, 2008

CHEEKTOWAGA TOWN BOARD
CHEEKTOWAGA TOWN HALL
3301 BROADWAY
CHEEKTOWAGA, NEW YORK 14227

REGARDING: 2916 – 2926 UNION ROAD
RUSINIAK'S

DEAR HONORABLE TOWN BOARD:

APPLICANT IS REQUESTING A REZONING FROM ^CR TO MS FOR A
STORAGE GARAGE. NO ONE WAS IN ATTENDANCE.

A MOTION WAS MADE AND SECONDED TO RECOMMEND APPROVAL OF
SAID REZONING. 5 AYES AND ONE NAY. THE MOTION WAS APPROVED.

VERY TRULY YOURS,

ANTHONY H. SISTI, CHAIRMAN
CHEEKTOWAGA PLANNING BOARD

JCM

Attachment: Planning Board Recommendations (RES-2009-496 : Negative SEQR Declaration-2916 Union Road)



Town of Cheektowaga

Work Session

~ Minutes ~

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

Alice Magierski
716-686-3400

Tuesday, September, 29, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on September 29, 2009 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	Absent	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

II. Resolutions



1. RESOLUTION 2009-513

Approve Sale of 45 Leroy Road

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the property located at 45 Leroy Road in the Town of Cheektowaga was acquired at the Erie County Property Tax Foreclosure Auction for the purpose of rehabilitating said house for sale to an income-eligible person, and

WHEREAS, the Town of Cheektowaga has received a contract offer to purchase said property located at 45 Leroy Road for \$59,900.00, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a contract and other documents necessary to effectuate the sale of 45 Leroy Road, and BE IT FURTHER

RESOLVED, that the sale of 45 Leroy Road 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 September 29, 2009, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 45 Leroy Road, Cheektowaga, New York for \$59,900.00.

A copy of such resolution and contract 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: September 29, 2009

ALICE MAGIERSKI
Town Clerk

Table with 2 columns: Field (RESULT, MOVER, SECONDER) and Value (ADOPTED [UNANIMOUS], Stanley Kaznowski, Councilmember, Mary Holtz, Supervisor)

AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski
ABSENT:	Charles Markel



2. RESOLUTION 2009-514

Authorize Sale of 37 Willowlawn Parkway

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, the property located at 37 Willowlawn Parkway in the Town of Cheektowaga was acquired by the Town as a result of a mortgage foreclosure of a Community Development mortgage, and

WHEREAS, such property is surplus to the needs of the Town, and

WHEREAS, the Town of Cheektowaga rehabilitated such property and has placed such property up for sale, and

WHEREAS, the Town of Cheektowaga is listing such property for sale, NOW, THEREFORE, BE IT

RESOLVED, that, upon receipt of an acceptable offer, the Supervisor be and hereby is authorized and directed to execute a contract and other documents necessary to effectuate the sale of 37 Willowlawn Parkway at a minimum sales price of \$59,900, and BE IT FURTHER

RESOLVED, that the sale of 37 Willowlawn Parkway 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 September 29, 2009, adopted a resolution authorizing the Town of Cheektowaga to sell property located at 37 Willowlawn Parkway, Cheektowaga, New York for a minimum of \$59,900.00.

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

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

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

DATED: September 29, 2009

ALICE MAGIERSKI
Town Clerk

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



3. RESOLUTION 2009-515

Settlement of Article 7 Proceeding: 3733-3735 Union Road

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, DDR MDT Union Consumer Square LLC commenced Article 7 proceedings against the Town for Tax Years 2008-2009, and 2009-20010, seeking a reduction in the assessment of property owned by it located at 3733 - 3735 Union Road in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

Motion by Councilmember Swiatek; Seconded by Supervisor Holtz to withdraw this item.

RESULT: WITHDRAWN



Town of Cheektowaga

Regular Meeting

~ Minutes ~

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

Alice Magierski
716-686-3400

Monday, October, 5, 2009

6:45 PM

Council Chambers

I. Public Hearing at 6:30 PM

- Rezoning Request - 850-870 Losson Road from R-Residential District to RA-Apartment District

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

II. Call to Order

6:45 PM Meeting called to order on October 5, 2009 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	

- Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
 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
 William Pugh, Town Engineer
 Kevin Schenk, Town Attorney
 John Staniszewski, TCEA Union Representative
 Kerry Switalski, Senior Services Director
 Christine Ziemba, Chief of Police

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-516

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	\$ 4,000.00
	400.8140.4476	Ditch & Creek Pest Control	6,000.00
TO:	150.8160.4453	Building Repairs	\$ 4,000.00
	400.8140.4543	Ditch & Creek Maintenance	6,000.00

HUD CDBG FUND

FROM:	700.1007.5000	Public Facilities	\$ 1,486.00
TO:	700.1007.2412	Recreation Facility Imp.	\$ 1,486.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-517

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 2, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$2,829,335.01
RISK RETENTION FUND	85,065.86
DEBT SERVICE FUND	555,181.25
SPECIAL DISTRICTS	753,115.52
HIGHWAY FUND	501,554.49
CAPITAL FUND	308,771.62
TRUST & AGENCY FUND	19,951.43
HUD CDBG FUND	70,515.88
PART TOWN FUND	127,924.91
NYS AFFORDABLE	22,297.00
	<u>\$5,273,712.97</u>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2009-518

Memorialize New York State to Require AED and CPR Training for School Personnel

Sponsored By: Markel, Jaworowicz, Holtz, Kaznowski, Zydel

WHEREAS, our children are our future, and

WHEREAS, teachers and others who choose a profession to work in the school system have done so out of a desire to help shape the minds, values and lives of our children, and

WHEREAS, these teachers and others who work in our school system are very concerned and dedicated to ensure that our children are kept safe and healthy at all times, and

WHEREAS, at any time, a child may suffer life threatening injuries or have an unknown health condition which, when activated, can cause death or serious medical problems, and time is of the essence that such child receive immediate medical attention, and

WHEREAS, many times there may not be time for an ambulance or health care professional to arrive at the scene to provide assistance, and

WHEREAS, it has been shown that implementation of cardio pulmonary resuscitation (CPR) and/or automated external defibrillator (AED) on an individual as soon as possible after an attack is critical to saving someone's life, and

WHEREAS, teachers and other school personnel are usually close by our children in the schools when a medical issue arises and could, if properly trained on CPR and AED save a child's life, and

WHEREAS, if training was made available through the schools, teachers and other school workers would surely be anxious and willing to learn life saving techniques to save a child, and

WHEREAS, New York State presently does not require, as part of the continuing education and certification process, all teachers and all school personnel to be trained on the basics of CPR and use of an AED, and

WHEREAS, many times, school administrators and school board members may be unaware of the importance of or need for this training, but, if brought to their attention, they would surely support it, and

WHEREAS, the cost of this training to the schools would be minimal and would merely become part of the normal training/recertification, and

WHEREAS, even if we could save the life of one child, it would be worth it; you cannot place a price on the life of a child, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby memorializes the New York State Legislature or the Board of Regents of Education to change the State laws or regulations to immediately require, as part of the annual training or recertification of teachers and other school personnel,

that they receive the necessary training on CPR and the use of an AED, and BE IT FURTHER

RESOLVED, that, until such time as New York State changes the requirement for teacher and school personnel certification, that school administrators and officials offer such training to teachers and school personnel and mandate same, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to all members of the New York State Senate and Assembly, to Governor David Paterson and to the New York State Board of Regents.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Charles Markel, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Zydell, Markel, Kaznowski
ABSTAIN:	Jeff Swiatek, James Rogowski



4. RESOLUTION 2009-519

Award Bid - Asbestos Survey @ 44 Meadowbrook Parkway

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 44 Meadowbrook Parkway 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 July 17, 2009 (#2009-375), this Town Board ordered that the building located at 44 Meadowbrook Parkway 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 44 Meadowbrook Parkway, 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 44 Meadowbrook Parkway, 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 Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain Upper New York State Environmental Consultants ("UNYSE") at the total cost of \$2,270.00 to perform said asbestos survey and abatement work with respect to 44 Meadowbrook Parkway, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Upper New York State Environmental Consultants ("UNYSE"), 4248 Ridge Lea Road, Amherst, New York 14226 to perform the necessary asbestos survey and abatement work (if necessary) for 44 Meadowbrook Parkway at the cost listed above, 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 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2009-520

Award of Bid - Asbestos Survey for 155 Wellworth 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 155 Wellworth 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 July 17, 2009 (#2009-374), this Town Board ordered that the building located at 155 Wellworth 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 155 Wellworth 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 155 Wellworth Place, 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 Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain Upper New York State Environmental Consultants ("UNYSE") at the total cost of \$2,270.00 to perform said asbestos survey and abatement work with respect to 155 Wellworth Place, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains Upper New York State Environmental Consultants ("UNYSE"), 4248 Ridge Lea Road, Amherst, New York 14226 to perform the necessary asbestos survey and abatement work (if necessary) for 155 Wellworth Place at the cost listed above, 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 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2009-521

Award of Bid for Idlebrook Drive & Windcrest Drive Storm Sewer Installation/Road Reconstruction

Sponsored By: Councilmember Kaznowski, Supervisor Holtz

WHEREAS, a Notice to Bidders was published for the receipt of bids for Idlebrook Drive and Windcrest Drive Storm Sewer Installation/Road Reconstruction, which bids were duly received and opened on August 26, 2009 by the Town Clerk, AND

WHEREAS, said bids were referred to the Town Engineer for analysis, tabulation and report, NOW, THEREFORE, BE IT

RESOLVED, that the bid for Idlebrook Drive and Windcrest Drive Storm Sewer Installation/Road Reconstruction be and hereby is awarded to Nichols Long & Moore Construction Corp., 149 Gunnville Road, Lancaster, New York 14086 for the total bid price of \$297,259.00 being the lowest bid price meeting the requirements of the specifications for Bid Items A, B, C and D, AND BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is directed and authorized to execute the contract with Nichols Long & Moore Construction Corp. for the aforesaid project, AND BE IT FURTHER

RESOLVED, that funding for said project shall be funded with Community Development Block Grant Funds, including CDBG Funds made available under the American Recovery and Reinvestment Act of 2009 and Highway Department Drainage Funds, AND, BE IT FURTHER

RESOLVED, that said award shall be contingent upon receipt of Release of Funds from the U.S. Department of Housing and Urban Development.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2009-522

Adopt Local Law No. 4 of the Year 2009- a Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the use of portable electronic devices while operating a motor vehicle is dangerous and a safety issue for the operator of the motor vehicle, passengers in the motor vehicle, other motorists and pedestrians, and

WHEREAS, accidents and even death can result from the use of portable electronic devices while driving since the driver is not giving his/her full attention to driving, and

WHEREAS, New York State legislation dealing with this matter did not go far enough and this Board feels that further Town legislation is warranted to protect the public, and

WHEREAS, the Town Attorney has prepared a draft of a "Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga", 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 September, 2009 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. 2009-5 of the Year 2009, entitled "A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga" should be enacted, and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 2009, entitled "A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2009 shall be effective as of November 1, 2009, 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. 4 OF THE YEAR 2009
TOWN OF CHEEKTOWAGA
COUNTY OF ERIE, STATE OF NEW YORK**

"A LOCAL LAW PROHIBITING THE USE OF PORTABLE ELECTRONIC DEVICES

WHILE OPERATING A MOTOR VEHICLE
IN THE TOWN OF CHEEKTOWAGA”

Be it enacted by the Town Board of the Town of Cheektowaga as follows:

Section 1. Title:

The title of this law shall be “A Local Law Prohibiting The Use Of Portable Electronic Devices While Operating A Motor Vehicle In The Town Of Cheektowaga.”

Section 2. Declaration of Intent.

The use of portable electronic devices while driving is a growing problem on our roads. This activity by its very nature involves the driver taking hands off of the wheel and eyes off of the road and it is a clear distraction that leads to accidents and fatalities. Until such time as the New York State legislature passes a similar law, the Town of Cheektowaga needs to address this problem with a Local Law.

Section 3. Definitions.

As used in this law, the following terms shall have the meanings indicated:

(A) “Portable Electronic Device” shall mean any handheld mobile telephone as defined by subdivision one of Section 1225-c of the Vehicle and Traffic Law of the State of New York, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

(B) “Using” shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.

(C) “Motor vehicle” shall mean any vehicle that is self-propelled by a motor, including but not limited to, automobiles, trucks, vans, buses, construction vehicles, etc.

(D) “Inoperability” shall mean a motor vehicle that is incapable of being operated or being operated in a safe and prudent manner due to mechanical failure, including but not limited to, engine overheating or tire failure.

(E) “Person” shall mean any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind.

(F) “Stopped” shall mean not in motion.

Section 4. Prohibition.

No person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion on any public street or public highway within the Town of Cheektowaga outside the corporate limits of the Villages of Depew and Sloan.

Section 5. Exceptions.

Section 4 of this law shall not apply to:

- A. The use of a portable electronic device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator, a hospital, a physician’s office or health clinic, an ambulance company or corps, a fire department, district or company; or a police department,
- B. Any of the following persons while in the performance of their official duties: a police officer or peace officer; a member of a fire department; or the operator of an authorized emergency vehicle as defined in Section 101 of the Vehicle and Traffic Law of the State of New York.
- C. Any law enforcement, public safety or police officers, peace officers, emergency services officials, first aid, emergency medical technicians and personnel and fire safety officials in the course of their employment as such;

- D. A person using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle.

Notwithstanding Section 4, this law shall not be construed to prohibit a person operating a motor vehicle from utilizing a hands-free wireless set.

Section 6. Presumption of Violation

A person who holds a portable electronic device in a conspicuous manner while operating a motor vehicle is presumed to be using such device. The presumption established by this section is rebuttable by evidence showing that the operator was not using the device within the meaning of this law.

Section 6. Penalties and Enforcement.

A violation of Section 4 of this Local Law shall constitute an offense and be punishable by a fine not to exceed \$200.00 for each single violation. Each such violation shall constitute a separate and distinct offense.

This Local Law shall be enforced by the Town of Cheektowaga Police Department and may be enforced by any other law enforcement agency having jurisdiction.

Section 7. Effect On Other Laws.

This Local Law shall be null and void on the day that the statewide New York legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Local Law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the Town of Cheektowaga. The New York State legislature may determine via resolution whether identical or substantially similar statewide legislation or preempting regulations have been enacted for the purposes of triggering the provision of this section.

Section 8. Severability

If any section, subsection, sentence, clause, phrase or other portion of this Local Law is for any reason declared unconstitutional or invalid, in whole or in part by any Court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionally or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 9. Effective Date

This Local Law shall take effect as of November 1, 2009 after same is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESULT:	WITHDRAWN
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8. RESOLUTION 2009-523

Call for Public Hearing - Renewal of Cable Television Franchise

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town's current cable television franchise with Time Warner NY Cable LLC ("Time Warner") expired in 2006, and the Town has been operating under said franchise agreement since such date based on a certificate of operating authority from the New York State Department of Public Service, and

WHEREAS, representatives from the Town have been vigorously negotiating a franchise renewal with Time Warner, and now have a proposed franchise renewal agreement, and

WHEREAS, as part of the due diligence review required of the Town under State regulations, the Town needs to call a public hearing to solicit comments from the public concerning the proposed franchise renewal and the performance of Time Warner, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board shall hold a public hearing ion the proposed franchise renewal agreement with Time Warner on October 19, 2009 at 6:30 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Public Hearing in the CHEEKTOWAGA BEE

NOTICE OF PUBLIC HEARING
ON PROPOSED CABLE TELEVISION FRANCHISE RENEWAL AGREEMENT
BETWEEN
TOWN OF CHEEKTOWAGA
AND
TIME WARNER NY CABLE LLC
(formerly Adelphia Cable Communications)

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga will hold a public hearing on:

October 19, 2009
at 6:30 P.M.
at the Cheektowaga Town Hall
3301 Broadway
Cheektowaga, New York 14227

to discuss and solicit comments from the public concerning a proposed cable television franchise renewal agreement between the Town of Cheektowaga and Time Warner NY Cable LLC for cable television service in the Town of Cheektowaga (excluding the Villages of Sloan and Depew).

The proposed cable television franchise renewal agreement is available for inspection in the

Town Clerk's Office in the Town Hall and at the following locations during regular business hours:

Anna Reinstein Library
2580 Harlem Road
Cheektowaga, NY 14225

Julia B. Reinstein Library
1030 Losson Road
Cheektowaga, NY 14227

The public may speak and submit comments during said public hearing. Any written comments submitted prior to the public hearing shall be sent to the Cable Television Committee, c/o Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: October 5, 2009

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2009-524

Call for Public Hearing Benefit Basis 2010

Sponsored By: Councilmember Swiatek, Councilmember Zydel

WHEREAS, this Town Board has prepared detailed estimates of the anticipated 2010 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 27th day of October, 2009 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 8, 2009.

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 27, 2009 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 5, 2009
Published: October 8, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2009-525

Call for Public Hearing Ad Valorem Budget for 2010

Sponsored By: Councilmember Swiatek, Councilmember Zydel

RESOLVED, that this Town Board does hereby prepare and approve as the Preliminary Ad Valorem Budget of this Town for the Fiscal Year beginning on the 1st day of January, 2010, 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 6, 2009, AND, BE IT FURTHER

RESOLVED, that this Town Board shall meet at 6:00 P.M. on the 27th day of October, 2009, 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 8, 2009, 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, 2010, 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 6, 2009.

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 27th day of October, 2009 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 5, 2009

Published: October 8, 2009

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



11. RESOLUTION 2009-526

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 Saturday, October 31, 2009 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 Saturday, October 31, 2009 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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2009-527

Notice to Bidders - 2010 Chevrolet Tahoe for the Disaster Coordinator

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, the Town of Cheektowaga desires to lease for a period of four (4) years, with an option to buy, one (1) 2010 Model, 4-Wheel Drive Chevrolet Tahoe 1500 LT for use by the Disaster Coordinator, 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 lease of one (1) 2010 Chevrolet Tahoe 1500 LT, 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 on the 14th day of October, 2009 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 October 14, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the four (4) year lease with option to buy of one (1) 2010 Model, 4-Wheel Drive Chevrolet Tahoe 1500 LT.

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: October 5, 2009

Table with 2 columns: Field (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Mary Holtz, Stanley Kaznowski, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



13. RESOLUTION 2009-528

Notice to Bidders - Asbestos Survey, Etc. for 17 Fath Drive and 56 Petan Drive

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, pursuant to the Town's Unsafe Buildings Law, the Managing Housing Inspector and Supervising Code Enforcement Officer of the Town of Cheektowaga issued a written report stating that the single-family residences located at 17 Fath Drive and 56 Petan Drive are unsafe and recommended that such buildings be demolished, and

WHEREAS, the owner(s) and lienholders of such properties were notified to demolish such properties, and no action on this demolition has been taken to date, and

WHEREAS, hearings were held in front of this Board on the 17th day of August, 2009 concerning said unsafe buildings and the requested demolition, and

WHEREAS, the Town of Cheektowaga needs to take action to demolish these structures in the event the owners of same do not do so, and

WHEREAS, prior to demolition of these properties, the Town needs to have asbestos surveys done to determine whether there is asbestos in the structures, 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 17 Fath Drive and 56 Petan Drive, 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 17 Fath Drive and 56 Petan Drive shall be due no later than October 21, 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 October 21, 2009 at 11:00 a.m.

**NOTICE TO BIDDERS
FOR
ASBESTOS SURVEY, SPECIFICATIONS & AIR MONITORING SERVICES
FOR PROPERTY LOCATED AT 17 FATH DRIVE AND 56 PETAN DRIVE, CHEEKTOWAGA**

NOTICE IS HEREBY GIVEN, that the Town of Cheektowaga is seeking proposals from qualified contractors to prepare asbestos surveys for property located at 17 Fath Drive and 56 Petan Drive, 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 these dwellings.

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on October 21, 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: October 5, 2009

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



14. RESOLUTION 2009-529

New/Renewal Ambulance Drivers/ 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>
Banas, Marjanna	1902 Ridge Rd Ste 22, West Seneca, N.Y. 14224	7/31/2012
Bartel, Richard R	34 Terrell St., Depew, N.Y. 14043	9/30/2012
Battin, Megan T.	4899 Holly Pl., Hamburg, N.Y. 14075	9/30/2011
Blendowski, Ryan M.	239 N. Ellicott St., Williamsville, N.Y. 14221	1/31/2012
Brandon, Kimo W.	1332 Maxon Road, Attica, N.Y. 14011	1/31/2012
Cornelius, Katie M	1005 West Creek Drive, Niagara Falls, N.Y. 14304	12/31/2011
Davis, Robert C.	596 Ullrich Lane, Youngstown, N.Y. 14174	7/31/2012
Doran, Kathleen	436 Linwood Avenue, Buffalo, N.Y. 14209	7/31/2012
Fetter, Jennifer L.	6116 Ruhlmann Road Apt. 3, Lockport, N.Y. 14094	7/31/2012
Fisher, Malachi M	89 Roosevelt Ave, Buffalo, N.Y. 14215	7/31/2011
Gowanlock, Robert	8823 Laidlaw, Franklinville, N.Y. 14737	7/31/2012
Gowanlock, Zechariah R	8823 Laidlaw, Franklinville, N.Y. 14737	7/31/2011
Green, Jonathan K.	73 Treehaven Road, W. Seneca, N.Y. 14224	7/31/2012
Gugliuzza, Heather L.	59 S Youngs Rd., Williamsville, N.Y. 14221	7/31/2011
Haungs, Edwin J.	468 South St. Apt. G, Lockport, N.Y. 14094	6/30/2012
Hester, Joshua D.	39 Lafayette Ave, Buffalo, N.Y. 14213	2/28/2010
Huber, Christopher D.	98 Eiseman Avenue, Buffalo, N.Y. 14217	7/31/2012
Levitsky, Melissa G	10195 Erie Road, Irving, N.Y. 14081	8/31/2012

<u>Name</u>	<u>Address</u>	<u>Expiration Date</u>
Lockett, Antwan	42 Avery, Buffalo, N.Y. 14216	1/31/2011
Martin, Adam J.	226 Carmel Road, Buffalo, N.Y. 14214	7/31/2012
Martin, Keith A	60B Camelot Court, Buffalo, N.Y. 14214	7/31/2012
Murphy, Caitlin A.	456 8th St., Niagara Falls, N.Y. 14301	7/31/2012
Mydzian, John M.	30Willowgrove East, Tonawanda, N.Y. 14150	5/31/2010
Nelson, Darin J.	80 Alberta Dr., Amherst, N.Y. 14226	12/31/2011
Neuman, William M.	5 Foxcroft Lane, Williamsville, N.Y. 14221	7/31/2010
North, Jason A.	18 Meadowview Place, Buffalo, N.Y. 14214	2/29/2012
Oehmler, Adam J.	17 Howard Ave, Williamsville, N.Y. 14221	7/31/2011
Olejar, Kevin E.	993 James Drive, Lewiston, N.Y. 14092	6/30/2011
Ortiz, Alan L.	28 Avondale Pl., Buffalo, N.Y. 14220	6/30/2011
Palumbo, William C	591 Borden Road, Cheektowaga, N.Y. 14227	9/30/2010
Pless, Jason M	6041Edward Ave. Apt. B4, Newfane, N.Y. 14108	7/31/2011
Riley, Robert J.	5088 Thurston Avenue, Blasdell, N.Y. 14219	4/30/2012
Sample, Anthony W.	330 Herkimer St., Buffalo, N.Y. 14213	7/31/2012
Sowinski, Stacey M	230 Indian Church Rd, Buffalo, N.Y. 14210	1/31/2011
Vail, Trey A.	176 Milnor Avnue, Lackawanna, N.Y. 14218	6/30/2011
Weber, Eric Scott	2708 Niagara Falls Blvd, Niagara Falls, N.Y. 14304	6/30/2012
Williams, Eugene A.	60 Fontaine Dr., Cheektowaga, N.Y. 14215	7/31/2012
Zygmunt, Alicia A.	3206 Lake Heights Apt., Hamburg, N.Y. 14075	2/29/2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



15. RESOLUTION 2009-530

Open Burning / 157 Cleveland Boy Scout Troop 155

Sponsored By: Councilmember Markel, Councilmember Kaznowski

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 Boy Scout Troop #155 to conduct a open fire on October 8, 2009 with a rain date of October 15, 2009 on the property located at St. Aloysius Church, 157 Cleveland Drive, Buffalo, New York 14215 AND

WHEREAS, the applicant intends to maintain a small bonfire with the assistance of the Cleveland Hill 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 Boy Scout Troop #155 and the recommendations of the Fire Inspector, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, authorizes the Fire Inspector to issue such permit.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



16. RESOLUTION 2009-531

Authorize Supervisor to Execute Special Legislation Contract

Sponsored By: Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that subject to approval by the Town Attorney, the Supervisor be and hereby is authorized to execute Special Legislative Contract (TM09050) in the amount of \$19,700.00, on behalf of the Department of Youth & Recreational Services and the New York State Office of Mental Retardation and Developmental Disabilities.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



17. RESOLUTION 2009-532

Authorize Supervisor to Execute Amended Library Construction Grant Application

Sponsored By: Councilmember Rogowski, Councilmember Markel

WHEREAS, the Town of Cheektowaga has been awarded a Legislative Initiative in the amount of \$9,400 from the State Education Department through the efforts of Assemblyman Dennis Gabryszak; and

WHEREAS, grant monies are intended to be used as follows: \$5,850 to resurface the parking lot at the Julia Boyer Reinstein Library and \$3,550 to resurface the parking lot at the Anna M. Reinstein Library; and

WHEREAS, the Cheektowaga Public Library, in cooperation with the Town of Cheektowaga, has submitted a grant application to the New York State Education Department through the Library Construction Grant Program for 50% of the monies necessary to reconstruct the parking lot at the Anna M. Reinstein Library; and

WHEREAS, the grant requires matching funds in the amount of 50% that are being supplied by the Town of Cheektowaga; and

WHEREAS, the Cheektowaga Public Library has indicated reconstruction of the parking lot at the Anna M. Reinstein Library is their primary concern; NOW, THEREFORE. BE IT

RESOLVED, that the Town Board hereby requests the grant from the State Education Department be revised to reflect allocation of the entire \$9,400 toward reconstruction of the parking lot at the Anna M. Reinstein Library thereby enabling the Town to utilize the entire \$9,400 as matching funds toward the Library Construction Grant, and BE IT FURTHER

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of securing and amending 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



18. RESOLUTION 2009-533

Authorize Supervisor to Execute Agreement for Telephone and Internet Services

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, the Town of Cheektowaga currently utilizes an antiquated and inefficient telephone system servicing the various Town buildings, and

WHEREAS, in some buildings, the telephones, on occasion, do not function and the Town employees cannot call out and taxpayers cannot call in, and

WHEREAS, the Town has spent numerous hours researching alternatives to our current telephone system, and has evaluated many different companies and systems, and

WHEREAS, PAETEC, in concert with Source Technical, was awarded a New York State contract (OGS Contract #PS63070 - Group # 77017, Award # 20268), through the Office of General Services to supply telecommunications services to local governments in New York State, and

WHEREAS, the Town has met with representatives of PAETEC and Source Technical, and PAETEC and Source Technical have submitted a proposal to the Town to provide a new VoIP phone system, switches, Internet access and service for same, and

WHEREAS, under this proposal, the Town of Cheektowaga will receive brand new modern telephone equipment, and

WHEREAS, it is advantageous to the Town to enter into an agreement with PAETEC and Source Technical to purchase a new telecommunications system, Internet services and related maintenance, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby authorizes the Supervisor to execute the necessary contracts and all other necessary documents with PAETEC and/or Source Technical to purchase a VoIP phone system, switches, Internet access and service of same through OGS Contract No. PS63070 at a cost not to exceed \$14,325.20 per month for 60 months, and BE IT FURTHER

RESOLVED, that funds for said phone system, Internet access and maintenance shall be appropriated through budget line item number 0100-1625-4202.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



19. RESOLUTION 2009-534

Approve Conveyance of Easement to NYSEG

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga is the owner of the Town Hall Campus located at the corner of Broadway and Union Road, and

WHEREAS, the Town is in the process of constructing a Facilities Maintenance Building on the Town campus and needs to have electricity provided to said building, and

WHEREAS, New York State Electric & Gas Corporation ("NYSEG") has requested an easement over a portion of this property for the installation of electrical lines to service the proposed Facilities Maintenance building, and

WHEREAS, utilization of this land for the requested easement has been reviewed and approved by the Town Engineer, and

WHEREAS, this Board is in agreement with the granting of this easement, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute this easement, and BE IT FURTHER

RESOLVED, that this resolution is subject to permissive referendum under Article 7 of the Town Law, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to publish the attached Notice of Adoption of Resolution Subject to Permissive Referendum in the Cheektowaga Bee

**NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Cheektowaga, on October 5, 2009, adopted a resolution authorizing the Town of Cheektowaga to grant an easement to New York State Electric & Gas Corporation over Town-owned property located on the southeast corner of Broadway and Union Road ("Town Hall campus") for \$1.00.

A copy of such easement is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum

under Article 7 of the Town Law of the State of New York.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE
COUNTY, NEW YORK.**

Dated: October 5, 2009

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



20. RESOLUTION 2009-535

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 9/21/09
David Sparbel, Cheektowaga, New York
Scott Jachimaik, Depew, New York
Antonio Scarpone, Cheektowaga, New York
Geoffrey Haraburda, 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:

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 10/06/09
Gerald Sobolewski, Cheektowaga, New York

BE IT RESOLVED, that the following **seasonal and/or part-time employees** be and hereby are **terminated** as listed:

SEWER MAINTENANCE
Timothy Kopp effective 8/14/09
John Lockhart effective 8/28/09
David Loshiavo effective 8/21/09
Jacob Nowak effective 8/07/09
Justin Nowak effective 8/07/09
William Olewniczak effective 8/28/09
Sean Ross effective 9/04/09

SANITATION DEPARTMENT
Christopher Ahrens effective 9/19/09
Jesse Herr effective 9/19/09
Bryan Kazmierczak effective 9/19/09
Keith Piatek effective 9/19/09
Walter Szafraniec effective 9/19/09
David Vinci effective 9/19/09
Andrew Wastchak effective 9/19/09

TOWN CLERK'S OFFICE

Danielle Vario effective 8/28/09

RECORDS MANAGEMENT

Ian Trapper effective 8/12/09

FACILITIES DEPARTMENT

Matthew Rakowski effective 8/21/09

Donald Larkman effective 9/10/09

Daniel Wagner effective 9/04/09

Michael Boccio effective 8/25/09

Motion by Supervisor Holtz; Seconded by Councilmember Markel to Waive the Reading of Names for the Following Three Resolutions 2009-535; 2009-536 and 2009-537. Motion Carried.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Jeff Swiatek, Councilmember

SECONDER: Mary Holtz, Supervisor

AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



21. RESOLUTION 2009-536

Youth & Recreation Terminations

Sponsored By: Councilmember Zydell, 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:

Jon Deveny	8/22/09	14225
Jacob Gasiorek	8/12/09	14206
Steven Gasiorek	8/25/09	14206
Katie Kapanek	5/21/09	14206
Jeff Gmerek	8/21/09	14225
Olivia Gmerek	8/14/09	14225
Amanda Kostran	3/26/09	14043
Steve Lach	8/21/09	14212
Cassandra Langan	8/20/09	14225
David Miesowicz	8/24/09	14043
Brian Pane	8/20/09	14227
Christie Petre	8/17/09	14211
Stephen Pfalzer	8/27/09	14043
Jessica Porter	8/15/08	14227
Nicole Odrobina	8/14/09	14043
Mary Beth Seivert	8/11/09	14043
Brian Sheldon	8/26/09	14227
Zachary Smith	8/11/09	14206
Austin Snyder	8/21/09	14225
Andrew Swiat	9/18/09	14227
Aaron Wanat	8/16/09	14043
Amanda Wyzykowski	5/04/09	14212

BE IT FURTHER RESOLVED that the last day worked for the following individual be amended as follows:

Nicole Petruniak	9/23/09	14227
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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydell, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydell, Markel, Kaznowski



22. RESOLUTION 2009-537

Youth & Recreation Hire

Sponsored By: Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be and hereby are hired and/or transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

Recreation Aide - 7140.1614 - \$7.25

Part-time

Matthew Koszuta 14225

Recreation Attendant - 7140.1611 - \$8.00 - Regular Part-time

Alex Godzich

Recreation Attendant - 7140.1664 - \$8.50 - Part-time

Kathleen Carnall

Recreation Attendant - 7140.1664 & 7140.1612 - \$12.80 - Regular Part-time

Laila Desjardins

Recreation Attendant - 7140.1664 - \$11.05 - Regular Part-time

Nancy Fumerelle

Recreation Attendant - 7140.1664 - \$9.30 - Part-time

Mary Beth Lunghino

Recreation Attendant - 7140.1664 - \$10.55 - Regular Part-time

Michele Radlich

Recreation Attendant - 7140.1664 - \$10.55 - Regular Part-time

Ann Sheldon

Recreation Attendant - 7140.1664 & 7310.1804 - \$10.30 - Regular Part-time

Sandra Suwalski

FROM SEASONAL TO REGULAR PART TIME

From Camp JI-IK-DO-WAH-GAH - 7310.1801 to the Adapted Recreation Program (ARP)
7310.1803

Recreation Attendant - \$7.25

Theresa Tripi

FROM SEASONAL TO PART TIME

From Laborer - 7180.1901- to Rink Personnel - 7140.1611

Recreation Aide - \$7.25

Kari Orlovski

RESULT:	ADOPTED [UNANIMOUS]
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MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**23. RESOLUTION 2009-538****Appointment of Pump Operator (Competitive/Permanent)
(Main Pump Station) Richard J. Schuler**

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

WHEREAS, Richard J. Schuler meets all the necessary qualifications for appointment;
NOW, THEREFORE, BE IT

RESOLVED, that Richard J. Schuler 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 October 8, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**24. RESOLUTION 2009-539****Travel Authorization (Police Department) Sergeant Lawrence Bauer, Sergeant Thomas Allen, Sergeant Brian Coons and Police Officer Jonathan Ober**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a "Patrol Response to Active Shooter Instructor Certification" class is being held November 3-5, 2009 in Ashtabula, Ohio; AND

WHEREAS, Sergeant Lawrence Bauer, Sergeant Thomas Allen, Sergeant Brian Coons and Police Officer Jonathan Ober have requested authorization to attend said class; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$2,993; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Sergeants Lawrence Bauer, Sergeant Thomas Allen, Sergeant Brian Coons and Police Officer Jonathan Ober be and hereby are authorized to attend a "Patrol Response to Active Shooter Instructor Certification" class being held November 3-5, 2009 in Ashtabula, Ohio.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**25. RESOLUTION 2009-540****Travel Authorization (Police Department) Sergeant Lawrence Bauer, Sergeant Thomas Allen, Police Officer Kurt Spieler**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a Taser Instructor Course is being held October 27-28, 2009 at the Erie County Fire Training Building; AND

WHEREAS, Sergeant Lawrence Bauer, Sergeant Thomas Allen and Police Officer Kurt Spieler have requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziemba has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$1,185; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Sergeant Lawrence Bauer, Sergeant Thomas Allen and Police Officer Kurt Spieler be and hereby are authorized to attend the Taser Instructor Course being held October 27-28, 2009 at the Erie County Fire Training Building.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Communications

A. Departmental Communications

1. Building Permits - September 2009
2. Town of Cheektowaga 2010 Tentative Benefit Basis Budget
3. Town of Cheektowaga 2010 Tentative Budget
4. Supervisor's Statement of Funds - August 2009
5. Minutes: Cheektowaga Conservation Advisory Council - September 3, 2009
6. Minutes: Cheektowaga Traffic Safety Commission - July 21, 2009

B. General Communications

1. Notice of Claim: Kathleen Barry Vs. Town of Cheektowaga
2. Notice of Claim: Shaun P. Garvey Vs. Town of Cheektowaga
3. Notice of Claim: GEICO as Subrogee of Amit Kandel Vs. Town of Cheektowaga
4. Notice of Claim: Maria Mazikowski Vs. Town of Cheektowaga
5. Notice of Claim: Angela Mueller as Parent and Natural Guardian of Brooke Mueller Vs. Town of Cheektowaga
6. Notice of Claim: Elizabeth Sawyer Vs. Town of Cheektowaga
7. Notice of Claim: Verizon Vs. Town of Cheektowaga
8. Notice of Claim: Michael J. Zanghi Vs. Town of Cheektowaga
9. Public Notice - 30 Day Period for Inclusion of Lands into an Agricultural District for 2009

VI. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

VII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Jaworowicz to adjourn the meeting at 8:38 PM

Vickie L. Dankowski
Deputy Town Clerk



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, October, 19, 2009

6:45 PM

Council Chambers

I. Public Hearing at 6:30 PM

1. Renewal of Cable Television Franchise

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

II. Call to Order

6:45 PM Meeting called to order on October 19, 2009 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 Krause, Director of Finance and Administration
Stephanie Lewandowski, Justice Court
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
John Staniszewski, TCEA Union Representative
Kerry Switalski, Senior Services Director
Christine Ziemba, Chief of Police

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-541

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:	100.1440.4042	Maps	\$ 1,500.00
	100.7620.4432	Maintenance	1,400.00
	100.7140.1971.1645	Part Time Regular	1,000.00
	100.7140.1971.1648	Part Time Regular	5,500.00
	100.7140.4516	Cedargrove Camp	3,000.00
	100.7140.4517	Dartwood Camp	942.00
	100.7140.4518	Camp Flamingo	3,058.00
	100.7140.4519	After School Programs	1,000.00
	100.7140.4524	Field Trips	3,500.00
	100.7140.4533	Theater Expense	1,000.00
	100.7140.4536	Basketball	1,500.00
	100.7140.4611	Rec.Prog. Transportation	600.00
	100.7310.4688	Cheektowaga United	2,500.00
	100.7310.4671	Youth Service	2,000.00
	100.7310.4689	Youth Conservation Corps	2,000.00
TO:	100.1440.4001	Office Supplies	\$ 14.00
	100.1440.4019	Miscellaneous	486.00
	100.1440.4325	Copy Machine Expenses	1,000.00
	100.7620.4641	AARP	1,400.00
	100.7140.1971.1640	Part Time Regular	1,000.00
	100.7140.1971.1639	Part Time Regular	5,500.00
	100.1640.2509	Vans	21,100.00

SPECIAL DISTRICTS FUND

FROM:	400.8140.4432	Maintenance & Repair	\$ 35,098.25
TO:	400.8140.4543	Ditch & Creek Maintenance	\$ 35,098.25

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-542

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 16, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 385,646.03
RISK RETENTION FUND	31,734.84
NYS HOME PROGRAM	5,588.00
HUD HOUSING REHABILITATION FUND	4,919.00
SPECIAL DISTRICTS FUND	265,469.52
HIGHWAY FUND	100,063.77
CAPITAL FUND	223,630.07
TRUST & AGENCY FUND	15,577.49
HUD CDBG FUND	46,548.93
PART TOWN FUND	15,591.55
NYS AFFORDABLE HOUSING	15,542.00
	<u>\$1,110,311.20</u>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2009-543

Adopt Local Law No. 4 of the Year 2009 - a Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga

Sponsored By: Councilmember Rogowski, Councilmember Jaworowicz

WHEREAS, the use of portable electronic devices while operating a motor vehicle is dangerous and a safety issue for the operator of the motor vehicle, passengers in the motor vehicle, other motorists and pedestrians, and

WHEREAS, accidents and even death can result from the use of portable electronic devices while driving since the driver is not giving his/her full attention to driving, and

WHEREAS, New York State legislation dealing with this matter did not go far enough and this Board feels that further Town legislation is warranted to protect the public, and

WHEREAS, the Town Attorney has prepared a draft of a "Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga", 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 September, 2009 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. 2009-5 of the Year 2009, entitled "A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga" should be enacted, and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 4 of the Year 2009, entitled "A Local Law Prohibiting the Use of Portable Electronic Devices While Operating a Motor Vehicle in the Town of Cheektowaga", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 4 of the Year 2009 shall be effective as of November 1, 2009, 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. 4 OF THE YEAR 2009
TOWN OF CHEEKTOWAGA
COUNTY OF ERIE, STATE OF NEW YORK**

"A LOCAL LAW PROHIBITING THE USE OF PORTABLE ELECTRONIC DEVICES

WHILE OPERATING A MOTOR VEHICLE
IN THE TOWN OF CHEEKTOWAGA”

Be it enacted by the Town Board of the Town of Cheektowaga as follows:

Section 1. Title:

The title of this law shall be “A Local Law Prohibiting The Use Of Portable Electronic Devices While Operating A Motor Vehicle In The Town Of Cheektowaga.”

Section 2. Declaration of Intent.

The use of portable electronic devices while driving is a growing problem on our roads. This activity by its very nature involves the driver taking hands off of the wheel and eyes off of the road and it is a clear distraction that leads to accidents and fatalities. Until such time as the New York State legislature passes a similar law, the Town of Cheektowaga needs to address this problem with a Local Law.

Section 3. Definitions.

As used in this law, the following terms shall have the meanings indicated:

(A) “Portable Electronic Device” shall mean any handheld mobile telephone as defined by subdivision one of Section 1225-c of the Vehicle and Traffic Law of the State of New York, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

(B) “Using” shall mean holding a portable electronic device while viewing, taking or transmitting images, playing games, or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages, or other electronic data.

(C) “Motor vehicle” shall mean any vehicle that is self-propelled by a motor, including but not limited to, automobiles, trucks, vans, buses, construction vehicles, etc.

(D) “Inoperability” shall mean a motor vehicle that is incapable of being operated or being operated in a safe and prudent manner due to mechanical failure, including but not limited to, engine overheating or tire failure.

(E) “Person” shall mean any natural person, corporation, unincorporated association, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind.

(F) “Stopped” shall mean not in motion.

Section 4. Prohibition.

No person shall operate a motor vehicle while using any portable electronic device while such vehicle is in motion on any public street or public highway within the Town of Cheektowaga outside the corporate limits of the Villages of Depew and Sloan.

Section 5. Exceptions.

Section 4 of this law shall not apply to:

- A. The use of a portable electronic device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator, a hospital, a physician’s office or health clinic, an ambulance company or corps, a fire department, district or company; or a police department,
- B. Any of the following persons while in the performance of their official duties: a police officer or peace officer; a member of a fire department; or the operator of an authorized emergency vehicle as defined in Section 101 of the Vehicle and Traffic Law of the State of New York.
- C. Any law enforcement, public safety or police officers, peace officers, emergency services officials, first aid, emergency medical technicians and personnel and fire safety officials in the course of their employment as such;

- D. A person using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the flow of traffic, in accordance with applicable laws, rules or ordinances, or is stopped due to the inoperability of such motor vehicle.

Notwithstanding Section 4, this law shall not be construed to prohibit a person operating a motor vehicle from utilizing a hands-free wireless set.

Section 6. Presumption of Violation

A person who holds a portable electronic device in a conspicuous manner while operating a motor vehicle is presumed to be using such device. The presumption established by this section is rebuttable by evidence showing that the operator was not using the device within the meaning of this law.

Section 6. Penalties and Enforcement.

A violation of Section 4 of this Local Law shall constitute an offense and be punishable by a fine not to exceed \$200.00 for each single violation. Each such violation shall constitute a separate and distinct offense.

This Local Law shall be enforced by the Town of Cheektowaga Police Department and may be enforced by any other law enforcement agency having jurisdiction.

Section 7. Effect On Other Laws.

This Local Law shall be null and void on the day that the statewide New York legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Local Law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the Town of Cheektowaga. The New York State legislature may determine via resolution whether identical or substantially similar statewide legislation or preempting regulations have been enacted for the purposes of triggering the provision of this section.

Section 8. Severability

If any section, subsection, sentence, clause, phrase or other portion of this Local Law is for any reason declared unconstitutional or invalid, in whole or in part by any Court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionally or invalidation shall not affect the validity of the remaining portions of this law which remaining portions shall remain in full force and effect.

Section 9. Effective Date

This Local Law shall take effect immediately and shall be filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2009-544

Adoption of Personnel Policies

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, that the Town Board hereby adopt the attached employee policies:

- Personnel Policy for Exempt Employees That Are Not Department Heads
- Personnel Policy for Exempt Employees That Are Department Heads.

ATTACHMENTS:

exempt dept heads oct 20 2009 (DOC)

exempt nondept heads oct 20 2009(DOC)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeff Swiatek, Councilmember

SECONDER: Mary Holtz, Supervisor

AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2009-545

Call for Public Hearing for 2010 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 2010 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 the next program year, and

WHEREAS, the Town is required to hold public hearings to obtain the views of Town residents, public agencies and other interested parties on housing and community development needs and to review program performance during the previous program year, NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held on November 2, 2009 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway at Union Road, Cheektowaga, NY 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that a public notice of such public hearing be published in the Cheektowaga Bee on Thursday, October 22, 2009.

Notice of Public Hearing
Town of Cheektowaga FY 2010 Annual Plan
Community Development Block Grant/HOME Programs

A Public Hearing will be held on Monday, November 2, 2009 at 6:30 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, regarding the Town of Cheektowaga's Year 2010 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 (HUD). In 2009, the Town received \$ 1,045,720 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.

Residents of low income neighborhoods and all citizens of the Town and Villages are encouraged to participate and express their views on the use of funds and activities that may be carried out with program funds. CDBG or HOME funded

activities may result in displacement. In the event displacement due to CDBG or HOME funded activities occurs, relocation assistance will be provided in conformity with the requirements of the Uniform Relocation Act of 1970, implementing regulations in 24 CFR Part 42, and regulations governing the CDBG program at 24 CFR 570.606.

Upon prior request, an interpreter will be made available at the hearing to sign for the hearing impaired. Please contact the Cheektowaga Community Development Office (716-897-7200) seven days prior to the hearing if you need such special arrangements. The hearing location is accessible to the physically disabled. Written comments may be submitted to the Town of Cheektowaga Office of Community Development, 275 Alexander Avenue, Cheektowaga, New York, 14211.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2009-546

Special Event - Pine Hill Primary Center Luncheon at Stiglmeier Park

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Pine Hill Primary Center has made application to hold a luncheon for the Gummi Bear Team Primary Center at Stiglmeier Park Community Center on October 29, 2009 from 12:00 p.m. - 2:00 p.m.; and on January 27, 2010 from 10 a.m. - 2:00 p.m. , and

WHEREAS, this Board has reviewed the aforementioned application, which application has been approved by 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 Pine Hill Primary Center to hold its luncheon for the Gummi Bear Team Primary Center at Stiglmeier Park Community Center on October 29, 2009 and January 27, 2010.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2009-547

Special Event - South Line Fire Department Annual Halloween Parade

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the South Line Volunteer Fire Company has made application to hold their Annual Halloween Parade on Saturday, October 31, 2009 at 1:00 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 Saturday, October 31, 2009 at 1:00 P.M., and BE IT FURTHER

RESOLVED, that the Chief of Police be and hereby is directed to provide traffic safety and escort services for such parade and to ensure compliance with Section 1660(a)(6) of the Vehicle and Traffic Law.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



8. RESOLUTION 2009-548

Authorize Purchase of One (1) Passenger Van

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Youth and Recreational Services Department has requested authorization to purchase one (1) 2010 Chevrolet 3500 12 passenger van 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) 2010 Chevrolet 3500 12 passenger van in the amount of \$20,773.13 for the Youth and Recreational Services Department from:

Hoselton Automall
909 Fairport Road
East Rochester, New York 14416

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2009-549

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:

Gared Brock	8/24/09	14225
Amy Burger	6/5/09	14086

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to waive the Reading of Names for the following Resolutions: 2009-549; 2009-550 and 2009-551. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2009-550

Youth & Recreation Transfers

Sponsored By: Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the individuals listed below be and hereby are hired and/or transferred, as indicated, in the Department of Youth & Recreational Services, effective immediately:

FROM SEASONAL TO REGULAR PART TIME

Recreation Attendant - 7140.1646 - \$7.25
Daniel Kruszynski

Lifeguard - Level II - 7180.1903 - \$8.26
Ashley Bajer

Recreation Instructor - Head Lifeguard - Level I - 7180.1902 - \$8.90
Lauren Fuest

Lifeguard - Level II - 7180.1903 - \$8.26
Sarah Montgomery

Recreation Attendant - 7140.1642 & 7140.1636 - \$8.25
Brian Mayle

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



11. RESOLUTION 2009-551

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:

POLICE DEPARTMENT School Crossing Guard \$8.11/hour effective 10/20/09
Carol G. Bannister, Cheektowaga, New York

POLICE DEPARTMENT Clerk \$8.00/hour effective 10/12/09
Deana E. Richardson, Cheektowaga, New York

BE IT RESOLVED, that the following **seasonal and/or part-time employees** be and hereby are **terminated** as listed:

POLICE DEPARTMENT
Joan Rosenberry effective 10/09/09
Sean Trapper effective 10/10/09
Collin Fritsch effective 8/13/09

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2009-552

Creation of Senior Court Clerk Title

Sponsored By: Councilmember Swiatek, Supervisor Holtz

BE IT RESOLVED, the Town Board hereby create the position of Senior Court Clerk pursuant to Civil Service Laws and Rules effective October 20, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**13. RESOLUTION 2009-553****Appointment of Senior Court Clerk (Competitive/Permanent)
(Justice Court) Roger L. Martens, Jr.**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, Roger L. Martens, Jr., currently a Court Clerk in the Justice Court, appears on an Erie County Civil Service promotional list for the title of Senior Court Clerk; AND

WHEREAS, Mr. Martens meets all the qualifications for appointment to the promotional title; NOW, THEREFORE, BE IT

RESOLVED, that Roger L. Martens, Jr., of Cheektowaga, New York, be and hereby is appointed to the permanent title of Senior Court Clerk in the Justice Court in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective October 20, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



14. RESOLUTION 2009-554

Appointment of Acting Detective (Police Department) (Michael H. Pilat)

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 Michael H. Pilat of Lancaster, New York, be and hereby is assigned to the rank of Acting Detective in the Police Department in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Police Club effective October 20, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



15. RESOLUTION 2009-555

Travel Authorization Police Department (Detectives Michael Hockwater and Mark Jedd)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the 35th Annual Arson Seminar is being held at the New York State Academy of Fire Science in Montour Falls, New York from November 4-6, 2009; AND

WHEREAS, Detectives Michael Hockwater and Mark Jedd have requested authorization to attend said seminar; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$332; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Detectives Michael Hockwater and Mark Jedd be and hereby are authorized to attend the 35th Annual Arson Seminar being held at the New York State Academy of Fire Science in Montour Falls, New York from November 4-6, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



16. RESOLUTION 2009-556

Travel Authorization Police Department (Lieutenant Thomas Wentland and Detective Robert Laskowski)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the Fire Behavior/Arson Awareness and Principles of Fire Investigation training is being held in Montour Falls, New York from February 1-5, 2010; AND

WHEREAS, Lieutenant Thomas Wentland and Detective Robert Laskowski have requested authorization to attend said training; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$839.25; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Thomas Wentland and Detective Robert Laskowski be and hereby are authorized to attend the Fire Behavior/Arson Awareness and Principles of Fire Investigation training being held in Montour Falls, New York from February 1-5, 2010.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Suspension of Rules

Motion by Councilmember Markel; Seconded by Councilmember Rogowski to Suspend the Rules to Include the following two (2) resolutions 2009-557 and 2009-558. Motion Carried.



1. RESOLUTION 2009-557

Change Order No. 1 (Final) Salt Storage Facility

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, the contract for the construction of a new Salt Storage Facility was awarded to Kirst Construction by Town Board Resolution dated February 23, 2009 in the contract amount of \$295,500.00, AND

WHEREAS, the Town Engineer has advised that work under the aforesaid contract has been completed in accordance with the contract requirements and further recommends the approval of Change Order No. 1 (final) as an increase to the contract in the amount of \$388.54, which provides for the installation of additional foundation crushed stone material to replace unsuitable soil as further outlined in the change order document, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board accepts the completed project and directs the Supervisor to execute final contract acceptance documents with Kirst Construction, Inc., 7170 Boston State Road, Boston, New York 14110, including Change Order No. 1 (final) which provides for an increase to the aforesaid contract in the amount of \$388.54, which shall be chargeable to Account #500-5141-2522-5831.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-558

Award of Bid - HVAC Work at the Anna Reinstein Lib

Sponsored By: Councilmember Rogowski, Supervisor Holtz

WHEREAS, the Town of Cheektowaga has been awarded state funding through the "New York State Construction Grant Program" which provides for various improvements to be made to the Anna Reinstein Memorial Library, AND

WHEREAS, a Notice to Bidders was published for the receipt of bids for various improvements to said library, which bids were duly received and opened on August 26, 2009, AND

WHEREAS, said bids were referred to the Town Engineer and to Trautman Associates, Project Architect, for analysis, tabulation and report which is contained in a letter from Trautman Associates dated September 8, 2009, AND

WHEREAS, said report recommends the contract for HVAC work be awarded to Tri-R Mechanical Services, NOW, THEREFORE, BE IT

RESOLVED, that the contract for HVAC work be and hereby is awarded to:

Tri-R Mechanical Services
25 Ransier Drive
West Seneca, New York 14224

for the bid price of \$288,515.00, said being the lowest bid meeting the requirements of the specifications, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the contract with said firm and any other documents necessary to effectuate completion of this project, AND, BE IT FURTHER

RESOLVED, that funding for said project shall be appropriated from budget line item No, 500-1440-2520-5838.

ATTACHMENTS:

hvac@arlibrary (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Rogowski, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

VI. Communications

A. Departmental Communications

1. Minutes: Town Environmental Advisory Committee - October 7, 2009
2. Minutes: Cheektowaga Conservation Advisory Council - October 1, 2009
3. Minutes: Cheektowaga Traffic Safety Commission - September 15, 2009
4. Minutes: Cheektowaga Public Library - Board of Trustees - September 16, 2009
5. Quarterly Report for July to September 2009 - Town of Cheektowaga Emergency Services

B. General Communications

1. Letter from Friends of the Woods Re: Patio Home Development on Losson Road
2. Notice of Claim: Barbara Connors Vs. Town of Cheektowaga
3. Notice of Claim: Gordon Kent Vs. Town of Cheektowaga
4. Notice of Claim: Ken Wachowski Vs. Town of Cheektowaga
5. Notice of Claim: Lorraine L. Williams 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 Swiatek to adjourn the meeting at 7:15 pm

ALICE MAGIERSKI

Town Clerk

**TOWN OF CHEEKTOWAGA
PERSONNEL POLICY FOR EXEMPT EMPLOYEES
THAT ARE DEPARTMENT HEADS**

By virtue of the action of the Town Board, the following terms and conditions of employment shall be applicable to all exempt employees not covered under the collective bargaining agreements except the Chief of Police.

1. **SALARY** [*] – Salary shall be determined by the Town Board by appropriate act or resolution.
2. **LONGEVITY** – Employees, hired prior to January 1, 2009, shall be entitled to longevity pay in accordance with the schedule below:

After	5 years	- \$525
After	10 years	- \$500 (\$1,025)
After	15 years	- \$675 (\$1,700)
After	20 years	- \$650 (\$2,350)
After	21 years	- \$100 (\$2,450)
After	22 years	- \$100 (\$2,550)
After	23 years	- \$100 (\$2,650)
After	24 years	- \$100 (\$2,750)
After	25 years	- \$1100 (\$3,850)

Employees, hired after January 1, 2009, shall be entitled to longevity pay in accordance with the schedule below:

After	5 years	- \$420
After	10 years	- \$495 (\$ 915)
After	15 years	- \$620 (\$1,535)
After	20 years	- \$645 (\$2,180)
After	21 years	- \$120 (\$2,300)
After	22 years	- \$120 (\$2,420)
After	23 years	- \$120 (\$2,540)
After	24 years	- \$120 (\$2,660)
After	25 years	- \$120 (\$2,780)

Said amounts shall be cumulative and shall be paid on the next pay date following the employee's anniversary date.

3. **VACATION** – Such employees shall be entitled to annual vacation, with pay as follows:

1 year of continuous service	15 work days
5 years of continuous service	18 work days
10 years of continuous service	21 work days
15 years of continuous service	25 work days
20 years of continuous service	28 work days
25 years of continuous service	30 work days

For employees hired prior to January 1, 2009 only:

After 28 years of continuous service 1 additional day
for each year

Vacation allotment shall be accrued as of January 1 of each year, after the first year of employment. Such vacation may be carried over from year to year, provided such days are used in the next consecutive year. Such employees may elect to sell back to the Town up to thirteen (13) days of earned vacation each year, in December of each year.

In the event of layoff, retirement, death or separation (except for disciplinary reasons) such employees shall receive, in cash, any vacation credits earned but not used, including a pro-rata amount for the current year.

4. **PERSONAL LEAVE** – Such employees are entitled to five (5) personal leave days per calendar year.
5. **SICK LEAVE** – Such employees shall continue to accumulate sick leave at the rate of one and one-half (1 ½) days per month, so long as the employee is in a “paid status” for ten (10) days for the respective month (excluding sick leave). Sick leave may be accumulated up to a maximum of three hundred (300) days. That upon layoff, retirement, death, or separation (other than discharge for just cause), such employee shall be compensated for accumulated sick leave at the rate of sixty-five (65) percent of such accumulation.

Such employees shall have the following sell-back options: sell back up to five (5) days of accumulated sick leave in excess of one hundred fifty (150) accumulated days, or sell back up to ten (10) days of accumulated sick leave in excess of three hundred (300) accumulated days. All such sell backs shall be at the regular rate of pay at the time of sell back. Determination of the number of such

leave days shall be made annually at the end of each year and payment for such shall be made in the following March.

6. **UNUSED SICK LEAVE UPON RETIREMENT** – In the event of retirement, or termination of employment, except by discharge, the employee or estate of the employee shall be paid the value of accumulated sick days, pursuant to this section.

Upon receipt of such notification, the Town will convert such accumulated sick days into value by taking the actual cash value of the accumulated sick days and multiplying by the rate of sixty-five (65) percent. The resulting sum shall be paid to the employee, as directed in writing, or to the estate in the following manner:

- a. The sum shall be paid to the employee as part of his final year's average salary by dividing the sum by the number of pay periods so as to allow for equal distribution over his last year of employment; OR
- b. The sum shall be paid to the employee on the date of his retirement or termination, or to his estate, within a reasonable time after his death.

If any employee shall notify the Town of his intention to retire and such notice is given less than one (1) year prior to the date of retirement, the Town will have the option of making a one-time lump sum payment or of dividing the sum by the number of pay periods remaining so as to allow for equal distribution during the remaining time of the employment.

In the event the intention to retire is withdrawn, the employee will give immediate written notice to the Town and will return to the Town a sum of money equal to the amount paid as a result of this section.

Upon return of said sum, all accumulated time which has been debited shall be credited to the employee and the salary will revert to the rate of compensation appropriate for that employee, had the provisions of the section not been invoked.

7. **LEAVE OF ABSENCE** – Such employees shall be eligible for leave(s) of absence, for reasonable purpose. A request for leave of absence shall not be granted to the employee for the purpose of engaging in employment other than for the Town of Cheektowaga. Seniority and benefits shall not accrue during a leave of absence.

Requests for such shall be submitted in writing by the employee to the Town Board. The granting or denying of a leave of absence is at the sole discretion of the Town Board. Their decision is final and binding on all parties.

8. **BEREAVEMENT LEAVE** – Such employees shall be entitled to paid bereavement leave of up to five (5) consecutive work days in the event of the death of a spouse, parent, child, sister, brother, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.
9. **HOLIDAYS** – Such employees shall be entitled to the same holidays, with pay, as set forth in the Town’s collective bargaining agreement with the Town of Cheektowaga Supervisory Unit. To be eligible for paid holiday the employee must be in a “paid status” (excluding sick leave) for ten (10) days during the month the holiday occurs.
10. **JURY DUTY** – Employees who are required to report for jury duty shall be paid their full salary. Such employees must notify their immediate supervisor of such and provide the Payroll Department a copy of an attendance note from the court clerk.
11. **CIVIC DUTY** – Such employees subpoenaed to appear before a court of other public body in which they are not personally involved as a plaintiff or defendant shall be granted leave without pay for the period necessary to a maximum of two (2) work days.
12. **INSURANCE [*]** – Such employees shall receive a \$50,000 group life insurance policy, at no cost to the employee.
13. **HEALTH INSURANCE [*]** – Such employees shall be entitled to health insurance, including dental and optical coverage, on a single or family basis, whichever the case may be, except as otherwise set forth herein. Effective January 1, 2010, employees hired prior to January 1, 2009 will be required to contribute five (5) percent of the annual premium for said coverage. Employees hired on or after January 1, 2009 will be required to contribute ten (10) percent of the annual premium for said coverage. Employees shall be eligible for such coverage on the first day of the next succeeding month following the date of hire. Such health insurance benefits shall continue for the life of the spouse [including dependents up to the age of twenty five (25)] of the employee if the employee dies while employed by the Town after at least ten (10) years of full-time service with the Town, unless such spouse remarries or is otherwise entitled to comparable coverage at comparable cost.

In addition, for employees first hired by the Town, and employed continuously since, on or before January 1, 2009, coverage shall be provided for the life of such employee, and his or her spouse under the terms above, after the employee's separation from service with the Town (other than for disciplinary reasons) beginning when the employee satisfies the following conditions: (1) the employee has vested service of ten (10) years in the New York State Retirement System, including at least ten (10) years of full-time service with the Town, and (2) the employee files for and is approved to receive pension benefits of the tier of the New York State Retirement System of which the employee is a member. Such coverage shall be suspended for the employee and/or the spouse if either the employee and/or the spouse is otherwise entitled to comparable coverage, or with regard to the spouse, if the spouse remarries.

All retirees and covered spouses must subscribe to available Medicare options upon reaching age sixty five (65) or otherwise qualifying for such options, and the Town shall be permitted to provide a Medicare supplementary plan such as a Senior Blue or Medicare Advantage plan to such retirees and covered spouses.

Retirees shall not be permitted to add a spouse to coverage subsequent to the date of retirement.

Employees hired after January 1, 2009, upon retirement, are not eligible for Town-funded health insurance, including dental and optical.

The Town shall have the right to eliminate duplicate coverage. Upon request, an employee shall sign a statement as to whether he has or will procure health insurance coverage through the employment of a spouse, other employment of the employee or through private insurance plan.

In the event the employee has double coverage, the Town agrees to pay employees a payment of six hundred (\$600) dollars for single coverage and twelve hundred (\$1,200) dollars for dropping family coverage per year. Such option must be exercised during the month of November, effective the following January 1. This same timing and procedure shall apply to an employee opting back into the Town plan. This payment can be made only when the employee signs a statement that the employee has or will procure health insurance through the spouse's employment, other employment of the employee, or a private insurance plan. Such payment shall be made on or about April 1 of each year.

If the employee wishes to rejoin the plan within the year, the employee must repay the pro rata portion of the payment (example: 6 months \$300 for individual, and \$600 for dependent) and show a change in circumstances regarding the alternative health plan (non-voluntary loss of coverage). Payment under this section shall be made within thirty (30) days of the effective day of rejoining the Town's plan. Employees who quit prior to the end of the year shall repay the pro rata portion of such payment.

14. **OVERTIME** – It is recognized that many of the employees covered under this policy may work, on occasion or regularly, irregular hours. All such employees shall be required to report, on a weekly basis, all hours worked. Employees covered under this policy deemed “exempt” as defined by the federal Fair Labor Standards Act (FLSA) are not entitled to any overtime compensation.
15. **PERSONAL AUTOMOBILE** – Such employees who use their personal automobile on Town business shall be reimbursed at the rate stated in the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit.
16. **LICENSE REIMBURSEMENT** – Employees whose job requires a license duly issued by the State of New York, except for a driver's license, or other governmental authority to perform the duties thereof shall be reimbursed by the Town for the cost upon presentation of proof thereof.
17. **RESIDENCY** – All employees covered by this policy must comply with the 1988 Town Residency Law. New hires to department head positions shall have up to six (6) months to comply with this provision. If special circumstances exist, the department head may make application to the Town Board for an additional six (6) months to comply.

Note Bene (NB):

Elected Officials of the Town of Cheektowaga are entitled to only those benefits identified with the [*] and solely those benefits.

**TOWN OF CHEEKTOWAGA
PERSONNEL POLICY FOR EXEMPT EMPLOYEES
THAT ARE NOT DEPARTMENT HEADS**

By virtue of the action of the Town Board, the following terms and conditions of employment shall be applicable to all exempt employees not covered under the collective bargaining agreements except seasonal, temporary, part-time, regular part-time and non-union department heads.

1. **SALARY** – Salary shall be determined by the Town Board by appropriate act or resolution.
2. **LONGEVITY** – Employees, hired prior to January 1, 2009, shall be entitled to longevity pay in accordance with the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Unit. Said amounts shall be cumulative and shall be paid on the next pay date following the employee’s anniversary date.

Employees, hired after January 1, 2009, shall be entitled to longevity pay at eighty-five (85) percent of the payment schedule as outlined in the collective bargaining agreement between the Town of Cheektowaga and the Town of Cheektowaga Supervisory Agreement. Said amounts shall be cumulative and shall be paid on the next pay date following the employee’s anniversary date.

3. **VACATION** – Such employees shall be entitled to annual vacation, with pay as follows:

1 year of continuous service	12 work days
5 years of continuous service	18 work days
10 years of continuous service	21 work days
15 years of continuous service	25 work days
20 years of continuous service	28 work days
25 years of continuous service	30 work days

For employees hired prior to January 1, 2009 only:
After 28 years of continuous service 1 additional day
for each year

Vacation allotment shall be accrued as of January 1 of each year, after the first year of employment. Such vacation may be carried over from year to year, provided such days are used in the next consecutive year. Such employees may elect to sell back to the

Attachment: exempt nondept heads oct 20 2009 (RES-2009-544 : Adoption of Personnel Policies)

Town up to ten (10) days of earned vacation each year, in December of each year.

In the event of layoff, retirement, death or separation (except for disciplinary reasons) such employees shall receive, in cash, any vacation credits earned but not used, including a pro rata amount for the current year.

4. **PERSONAL LEAVE** – Such employees are entitled to five (5) personal leave days per calendar year.
5. **SICK LEAVE** – Such employees shall continue to accumulate sick leave at the rate of one and one-half (1 ½) days per month, so long as the employee is in a “paid status” for ten (10) days for the respective month (excluding sick leave). Sick leave may be accumulated up to a maximum of three hundred (300) days. That upon layoff, retirement, death, or separation (other than discharge for just cause), such employee shall be compensated for accumulated sick leave at the rate of sixty-five (65) percent of such accumulation.

Such employees shall have the following sell-back option: sell back up to five (5) days of accumulated sick leave in excess of one hundred fifty (150) accumulated days. All such sell backs shall be at the regular rate of pay at the time of sell back. Determination of the number of such leave days shall be made annually at the end of each year and payment for such shall be made in the following March.

6. **UNUSED SICK LEAVE UPON RETIREMENT** – In the event of retirement, or termination of employment, except by discharge, the employee or estate of the employee shall be paid the value of accumulated sick days, pursuant to this section.

Upon receipt of such notification, the Town will convert such accumulated sick days into value by taking the actual cash value of the accumulated sick days and multiplying by the rate of sixty-five (65) percent. The resulting sum shall be paid to the employee, as directed in writing, or to the estate in the following manner:

- a. The sum shall be paid to the employee as part of his final year’s average salary by dividing the sum by the number of pay periods so as to allow for equal distribution over his last year of employment; OR

- b. The sum shall be paid to the employee on the date of his retirement or termination, or to his estate, within a reasonable time after his death.

If any employee shall notify the Town of his intention to retire and such notice is given less than one (1) year prior to the date of retirement, the Town will have the option of making a one-time lump sum payment or of dividing the sum by the number of pay periods remaining so as to allow for equal distribution during the remaining time of the employment.

In the event the intention to retire is withdrawn, the employee will give immediate written notice to the Town and will return to the Town a sum of money equal to the amount paid as result of this section.

Upon return of said sum, all accumulated time which has been debited shall be credited to the employee and the salary will revert to the rate of compensation appropriate for that employee, had the provisions of the section not been invoked.

7. **LEAVE OF ABSENCE** – Such employees shall be eligible for leave(s) of absence, for reasonable purpose. A request for leave of absence shall not be granted to the employee for the purpose of engaging in employment other than for the Town of Cheektowaga. Seniority and benefits shall not accrue during the leave of absence.

Requests for such shall be submitted in writing by the employee to the Town Board. The granting or denying of a leave of absence is at the sole discretion of the Town Board. Their decision is final and binding on all parties.

8. **BEREAVEMENT LEAVE** – Such employees shall be entitled to paid bereavement leave of up to five (5) consecutive work days in the event of the death of a spouse, parent, child, sister, brother, grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law.
9. **HOLIDAYS** – Such employees shall be entitled to the same holidays, with pay, as set forth in the Town's collective bargaining agreement with the Town of Cheektowaga Supervisory Unit. To be eligible for paid holiday the employee must be in a "paid status" (excluding sick leave) for ten (10) days during the month the holiday occurs.

10. **JURY DUTY** – Employees who are required to report for jury duty shall be paid their full salary. Such employees must notify their immediate supervisor of such and provide the Payroll Department a copy of an attendance note from the court clerk.
11. **CIVIC DUTY** – Such employees subpoenaed to appear before a court of other public body in which they are not personally involved as a plaintiff or defendant shall be granted leave without pay for the period necessary to a maximum of two (2) work days.
12. **INSURANCE** – Such employees shall receive a \$50,000 group life insurance policy, at no cost to the employee.
13. **HEALTH INSURANCE** – Such employees shall be entitled to health insurance, including dental and optical coverage, on a single or family basis, whichever the case may be, except as otherwise set forth herein. Effective January 1, 2010, employees hired prior to January 1, 2009 will be required to contribute five (5) percent of the annual premium for said coverage. Employees hired on or after January 1, 2009 will be required to contribute ten (10) percent of the annual premium for said coverage. Employees shall be eligible for such coverage on the first day of the next succeeding month following the date of hire. Such health insurance benefits shall continue for the life of the spouse [including dependents up to the age of twenty five (25)] of the employee if the employee dies while employed by the Town after at least ten (10) years of full-time service with the Town, unless such spouse remarries or is otherwise entitled to comparable coverage at comparable cost.

In addition, for employees first hired by the Town, and employed continuously since, on or before January 1, 2009, coverage shall be provided for the life of such employee, and his or her spouse under the terms above, after the employee's separation from service with the Town (other than for disciplinary reasons) beginning when the employee satisfies the following conditions: (1) the employee has vested service of ten (10) years in the New York State Retirement System, including at least ten (10) years of full-time service with the Town, and (2) the employee files for and is approved to receive pension benefits of the tier of the New York State Retirement System of which the employee is a member. Such coverage shall be suspended for the employee and/or the spouse if either the employee and/or the spouse is otherwise entitled to comparable coverage, or with regard to the spouse, if the spouse remarries.

All retirees and covered spouses must subscribe to available Medicare options upon reaching age 65 or otherwise qualifying for

such options, and the Town shall be permitted to provide a Medicare supplementary plan such as a Senior Blue or Medicare Advantage plan to such retirees and covered spouses.

Retirees shall not be permitted to add a spouse to coverage subsequent to the date of retirement.

Employees hired after January 1, 2009, upon retirement, are not eligible for Town-funded health insurance, including dental and optical.

The Town shall have the right to eliminate duplicate coverage. Upon request, an employee shall sign a statement as to whether he has or will procure health insurance coverage through the employment of a spouse, other employment of the employee or through private insurance plan.

In the event the employee has double coverage, the Town agrees to pay employees a payment of six hundred (\$600) dollars for single coverage and twelve hundred (\$1,200) dollars for dropping family coverage per year. Such option must be exercised during the month of November, effective the following January 1. This same timing and procedure shall apply to an employee opting back into the Town plan. This payment can be made only when the employee signs a statement that the employee has or will procure health insurance through the spouse's employment, other employment of the employee, or a private insurance plan. Such payment shall be made on or about April 1 of each year.

If the employee wishes to rejoin the plan within the year, the employee must repay the pro rata portion of the payment (example: 6 months \$300 for individual, and \$600 for dependent) and show a change in circumstances regarding the alternative health plan (non-voluntary loss of coverage). Payment under this section shall be made within thirty (30) days of the effective day of rejoining the Town's plan. Employees who quit prior to the end of the year shall repay the pro rata portion of such payment.

14. **OVERTIME** – It is recognized that many of the employees covered under this policy may work, on occasion or regularly, irregular hours. All such employees shall be required to report, on a weekly basis, all hours worked. Employees covered under this policy deemed “exempt” as defined by the federal Fair Labor Standards Act (FLSA) are not subject to any overtime compensation.

15. **PERSONAL AUTOMOBILE** – Such employees who use their personal automobile on Town business shall be reimbursed at the rate stated in the Town’s collective bargaining agreement with the Town of Cheektowaga Supervisory Unit.
16. **LICENSE REIMBURSEMENT** – Employees whose job requires a license duly issued by the State of New York, except for a driver’s license, or other governmental authority to perform the duties thereof shall be reimbursed by the Town for the cost upon presentation of proof thereof.
17. **RESIDENCY** – All employees covered by this policy must comply with the 1988 Town Residency Law. New hires to such positions shall have up to six (6) months to comply with this provision. If special circumstances exist, such hires may make application to the Town Board for an additional six (6) months to comply.

Note Bene (NB)

Deputy Town Attorney incumbents are entitled to salary only – no benefits.

TRAUTMAN ASSOCIATES

Architecture • Engineering • Planning • Interior Design

08 September 2009
 Amended 30 September 2009

Mr. Paul Piwowski
 Senior Engineering Assistant
 Town of Cheektowaga
 Engineering Department
 275 Alexander Avenue
 Cheektowaga, New York 14211

Dear Mr. Piwowski:

**ANNA REINSTEIN MEMORIAL LIBRARY
 HVAC, ELECTRICAL AND WINDOW REPLACEMENT
 HVAC CONTRACT
 TA PROJECT 09028**

On 26 August 2009 at 11:00 AM the Town of Cheektowaga received bids for the above project. Three (3) prime bids were received for the HVAC Contract work. Based on the review of the bids received the apparent low bidder for the HVAC Contract is Tri-R Mechanical.

On 04 September 2009 Trautman Associates held a post bid conference with Brian Hamner of Tri-R Mechanical. A copy of the post bid conference form is attached. The contractor appears to have a good understanding of the project work scope and has the ability to complete the project in accordance with the contract documents. We are pleased to recommend that Tri-R Mechanical be awarded the contract for the HVAC contract work. Since the bids for the overall project came in over budget we would recommend only the base bid HVAC work be awarded and the two Add Alternates not be accepted. However, the contractor has presented several value-engineering options, which would reasonably reduce the base bid amount. These options to some extent affect the intended efficiencies and energy savings, but would not fundamentally compromise the overall design quality.

Tri-R Mechanical (Base Bid) \$288,515

As you are aware the asbestos abatement work associated with the HVAC work was specified in the General Construction Contract; which will not be awarded. Therefore, we would recommend that this work be added to the HVAC contract in the form of a change order. The Town of Cheektowaga should request a proposal for this work from the HVAC contractor.

PRINCIPALS: Richard J. Stievater, AIA Robert P. Stellanou, P.E. Richard M. Gehring, AIA John J. Vujnovic, AIA John F. Daly, P.E.
 SENIOR ASSOCIATES: Robert H. Rumpel, AIA James M. Radwan, AIA
 ASSOCIATES: Donald R. MacDonald, R.A. Jeffrey M. Fick, P.E. Timothy M. Rider, R.A.

470 FRANKLIN STREET ▲ BUFFALO, NY 14202-1389 ▲ 716/883-4400 ▲ FAX: 716/883-4268
 TOLL FREE: 1-877/223-2734
 www.trautmanassoc.com

PRINTED ON 100% RECYCLED PAPER

Attachment: hvac@arilibrary (RES-2009-558 : Award of Bid - HVAC Work at the Anna Reinstein Lib)

TRAUTMAN ASSOCIATES
Architecture • Engineering • Planning • Interior Design

Mr. Paul Piwowski
Senior Engineering Assistant

TA Project 09028
Page 2

If Tri-R Mechanical's base bid is acceptable to Town of Cheektowaga, please advise how you wish to proceed. We presume that the Town of Cheektowaga will draft a contract for each contractor and issue the Owner's Notice of Award.

If you have any other questions, please do not hesitate to contact us.

Very truly yours,



Robert H. Ruml, AIA, CSI
Senior Associate

RHR:

F:\clients\Cheektowaga - Town of\09028 Reinstein Library\Letters\Piwowski 09-03-09 Amend 09-30-09.doc

Enc: Bid Tabulation (1)
Post Bid Conference form (1)

Attachment: hvac@arilibrary (RES-2009-558 : Award of Bid - HVAC Work at the Anna Reinstein Lib)



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, October, 27, 2009

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on October 27, 2009 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
Kimberly Burst, Deputy Town Clerk
Ellen Fischer, Executive Director - Youth Board
John Jaroszewski, General Crew Chief, Parks Division
Brian Krause, Director of Finance and Administration
Thomas Malecki, Drescher & Malecki
Jon Nichy, Superintendent of Wastewater Pump Station
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. Public Portion

III. Public Hearings

1. Benefit Basis Budget 2010

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: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

2. Ad Valorem Budget for 2010

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: Jeff Swiatek, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

IV. Resolutions



1. RESOLUTION 2009-559

Extend Tax Payment Deadline for Deployed Military Personnel

Sponsored By: Jaworowicz, Holtz, Markel, Rogowski, Swiatek, Zydel, Kaznowski

WHEREAS, Section 925-d of the Real Property Tax Law permits municipalities, by resolution, to authorize an extension of the deadline for the late payment of real property taxes, without penalty or interest, to persons deployed by the military and their spouses/domestic partners for a period of 90 days after the end of such deployment, and

WHEREAS, a "person deployed by the military" is defined as "a person who has been ordered to active military duty, other than training, for the period beginning with a declaration of war by Congress and ending with a date prescribed by Presidential proclamation or concurrent resolution of Congress, or during any periods of combat designated by presidential executive order or hazardous duty", and

WHEREAS, this Board is very appreciate of our military personnel who serve this country and defend our freedoms, and wishes to extend this benefit to them, NOW, THEREFORE, BE IT

RESOLVED, that, with respect to real property taxes owed by a person who has been deployed by the military, or a spouse or domestic partner of such person, for real property of a person so deployed, any deadline with respect to the payment of such real property taxes without penalties or interest shall be extended for a period of 90 days after the end of such deployment, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the local commanders of the United States Army, United States Navy, United States Air Force, United States Marine Corps, the United States Coast Guard, including the local Reserve and National Guard components, and the Veterans Administration Office of this extension for the late payment of taxes without penalty or interest

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Holtz, Swiatek, Rogowski, Zydel, Markel, Kaznowski
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Adjournment

Meeting was adjourned at 7:30 PM



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, November, 2, 2009

6:45 PM

Council Chambers

I. Public Hearing at 6:30 pm

- 2010 Community Development Block Grant Program

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

II. Call to Order

6:45 PM Meeting called to order on November 2, 2009 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	

- Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Jerry Gabryszak, Director of Community Development
Brian Krause, Director of Finance and Administration
Earl Loder, Disaster Coordinator
John Marriott, Planning Board Representative
William Pugh, Town Engineer
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
John Staniszewski, TCEA Union Representative
Christine Ziemba, Chief of Police

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-560

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-NYS AFFORDABLE HOUSING

FROM: 900.8600.4910 NYS AHC Revenues \$ 100,000.00

TO: 900.8668.4007 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 2009-561

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to October 30, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 3,260,604.23
RISK RETENTION FUND	132,334.62
HUD HOUSING REHABILITATION FUND	9,856.00
SPECIAL DISTRICTS FUND	877,091.10
HIGHWAY FUND	552,205.42
CAPITAL FUND	278,046.70
TRUST & AGENCY FUND	18,388.70
HUD CDBG FUND	3,505.00
PART TOWN FUND	151,941.70
NYS AFFORDABLE HOUSING	5,690.00
	<u>\$ 5,289,663.47</u>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2009-562

Negative SEQR Declaration - 49 Stradtman 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 David Cloy for the construction of a 4,000 square foot warehouse at 49 Stradtman Street, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 7, 2009 recommended a determination of non-significance as shown on the attached memorandum dated October 8, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of September 10, 2009, 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 receiving and approving a drainage plan.
2. A revised landscaping plan be provided consistent with the Planning Board's recommendation.
3. Any proposed pedestrian mobility improvements recommended by the Town Traffic Safety Commission.

ATTACHMENTS:

EAC-October 7, 2009 Minutes (PDF)

Planning Board - 49 Stradtman St (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2009-563

Negative SEQR Declaration- Genesee Street @Tadio 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 Bella Vista Group with the permission of the land owners Samuel Tadio Trust & Samuel Tadio for the rezoning of lands identified as SBL Nos. 92.02-3-23.2 & 92.02-3-24.11 located along the south side of Genesee Street, east of Tadio Parkway from RMH- Residential Mobile Home District to CM- General Commercial; for the construction of a 12,000 square foot veterinary clinic, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on October 7, 2009 recommended a determination of non-significance as shown on the attached memorandum dated October 8, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the rezoning and site plan at their meetings of July 16, 2009, October 8, 2009 respectively, AND

WHEREAS, the Town of Cheektowaga Conservation Advisory Council (CCAC) has reviewed the subject project and is recommending an inventory of existing trees to be impacted along the east yard of the of the premises with in the proposed driveway, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board and the CCAC, 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's receipt of a final cultural resource survey and acceptance of same from the New York State Historic Preservation Office, confirming that no additional investigations are warranted beyond what was performed by the applicant's archaeologist on September 21, 2009.
2. The Town Engineer review and approve a storm drainage /grading plan for the subject project.

3. That replacement trees be provided on a one for one basis, consistent with the provisions of section 229-5 of the Town Code for those not clearly identified within the proposed driveway area.

ATTACHMENTS:

Microsoft Word - EAC-October 7, 2009 minutes (PDF)

RESULT: ADOPTED [UNANIMOUS]**MOVER:** Stanley Kaznowski, Councilmember**SECONDER:** Charles Markel, Councilmember**AYES:** Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2009-564

Approve Rezoning of Property on South Side of Genesee Street East of Tadio Parkway

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, Bella Vista Group petitioned for a rezoning from RMH-Residential Mobile Home District to CM - General Commercial District for property owned by Samuel Tadio Trust/Samuel Tadio and located on the south side of Genesee Street east of Tadio Parkway, Cheektowaga, New York, which property is described in the attached legal description, for the construction of a 12,000 square foot veterinary clinic, and

WHEREAS, a public hearing on such petition was held before this Town Board on the 3rd day of August, 2009 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 Bella Vista Group for the rezoning from RMH - Residential Mobile Home 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. Any future additions to the site plan must be resubmitted to the Town Board to determine that the addition is substantially in agreement with the intent of this rezoning;
2. Unless application for a building permit for this property is made within a period of one year after the date of this approval, said approval shall be void and the zoning classification shall revert back to RMH - Residential Mobile Home District.

, 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. 76, Township 11, Range 7 of the Holland Land Company's Survey, described as follows:

Commencing at a point in the southerly line of Old Genesee Street, distant one hundred fifty and twenty-eight hundredths (150.28) feet westerly from its intersection with the northeasterly

corner of lands conveyed to William M. Tadio and Marie Tadio his wife, by deed recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340, which point of beginning is at the northeasterly corner of lands conveyed to Robert B. Ledger by deed recorded in Erie County Clerk's Office in liber 6397 of Deeds page 463: running thence southerly and on a line parallel with the east line of lands conveyed to William Tadio by said deed as recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340, a distance of three hundred (300) feet: thence easterly and at right angles with last described line a distance of one hundred fifty (150) feet more or less to a point in the said easterly line of Tadio's land as described by deed recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340: thence northerly along the easterly line of lands as described in the aforesaid deed recorded in Erie County Clerk's Office in liber 5281 of Deeds page 340, a distance of three hundred (300) feet more or less to the southerly line of Old Genesee Street: and thence westerly along said southerly line of Old Genesee Street one hundred fifty and twenty-eight hundredths (150.28) feet to the point of beginning.

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 seventy-six (76) Township eleven (11) Range seven (7) of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the center line of Genesee Street where said line intersects the easterly line of lands formerly owned by John Risser and running thence easterly along the center line of said Genesee Street one hundred ten (110) feet; thence running southerly on a line parallel with the east line of said Risser's land three hundred ninety-six and seventy-three hundredths (396.73) feet; thence running westerly on a line parallel with Genesee Street one hundred ten (110) feet to the said easterly line of said Risser's land; thence northerly along said last mentioned line three hundred ninety-six and seventy-three hundredths (396.73) feet to the center line of Genesee Street at the place of beginning.

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Cheektowaga, County of Erie, State of New York, being part of Lot 76, Township 11, Range 7 described as follows:

BEGINNING at the intersection of the southerly line of Old Genesee Street with the east line of lands conveyed to William M. Tadio by deed recorded in Liber 3898 of Deeds at Page 38; thence north 77°-06'-00" east, along the said southerly line of Old Genesee Street, a distance of 109.26 feet; thence south 00°-41'-51" west, a distance of 389.03 feet; thence south 90°-00'-00" west, a distance of 106.21 feet to the east line of Liber 3898 of Deeds at Page 38; thence continuing south 90°-00'-00" west along the southerly line of said Liber 3898 of Deeds at Page 38, a distance of 316.79; thence north 00°-00'-00" west, a distance of 291.04 feet (measured) 291.79 feet (Deed) to the southerly line of Old Genesee Street; thence north 77°-06'-00" east, along the said southerly line of Old Genesee Street, a distance of 329.55 feet to the point of beginning. Containing 3.32 acres of land more or less. Subject to easements and rights of way of record.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2009-565

Adopt Benefit Basis Budget for 2010

Sponsored By: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski, Markel

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 27th day of October, 2009 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 2010.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2009-566

Adopt Ad Valorem Budget for 2010

Sponsored By: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski, Markel

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 2010 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, 2010, and a public hearing was conducted there on October 27, 2009 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, 2010, and the same shall be entered in the minutes of the Town Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



8. RESOLUTION 2009-567

Award of Bid - 2010 Chevrolet Tahoe for the Department of Emergency Services

Sponsored By: Supervisor Holtz, Councilmember Kaznowski

WHEREAS, a Notice to Bidders was previously published for the lease purchase of one (1) 2010 Chevrolet Tahoe for use by the Disaster Coordinator, which bids were received and opened on October 14, 2009, AND

WHEREAS, said bids were referred to the Town Engineer and the Town Attorney for analysis, AND

WHEREAS, it is recommended that the lease purchase of one (1) 2010 Chevrolet Tahoe for use by the Disaster Coordinator be awarded to Joe Basil Chevrolet, 5111 Transit Road, Depew, New York 14043 for a fixed monthly payment of \$935.56 per month, AND

WHEREAS, Section 109-b of the General Municipal Law authorizes the Town to enter into a lease purchase agreement for machinery, equipment or apparatus, AND

WHEREAS, the proposed lease purchase agreement with Joe Basil Chevrolet contains the language required by Section 109-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the lease purchase of one (1) 2010 Chevrolet Tahoe for use by the Disaster Coordinator be and hereby is awarded to Joe Basil Chevrolet as per the terms of their bid, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the lease purchase agreement and all other documents necessary for the lease purchase of the above referenced vehicle, AND, BE IT FURTHER

RESOLVED, that funds for such monthly payment shall be appropriated from Account #100-1220-4008.

Motioned by Supervisor Holtz; Seconded by Councilmember Rogowski to amend the Resolution; as follows: Motion Carried

WHEREAS, a Notice to Bidders was previously published for the lease purchase of one (1) 2010 Chevrolet Tahoe for use by the Department of Emergency Services, which bids were received and opened on October 14, 2009, AND

WHEREAS, said bids were referred to the Town Engineer and the Town Attorney for analysis, AND

WHEREAS, it is recommended that the lease purchase of one (1) 2010 Chevrolet Tahoe for use by the **Department of Emergency Services** be awarded to Joe Basil Chevrolet, 5111 Transit Road, Depew, New York 14043 for a fixed monthly payment of \$935.56 per month, AND

WHEREAS, Section 109-b of the General Municipal Law authorizes the Town to enter into a lease purchase agreement for machinery, equipment or apparatus, AND

WHEREAS, the proposed lease purchase agreement with Joe Basil Chevrolet contains the language required by Section 109-b of the General Municipal Law and otherwise complies with New York State law, NOW, THEREFORE, BE IT

RESOLVED, that the bid for the lease purchase of one (1) 2010 Chevrolet Tahoe for use by the **Department of Emergency Services** be and hereby is awarded to Joe Basil Chevrolet as per the terms of their bid, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, be and hereby is authorized and directed to execute the lease purchase agreement and all other documents necessary for the lease purchase of the above referenced vehicle, AND, BE IT FURTHER

RESOLVED, that funds for such monthly payment shall be appropriated from Account #100-1220-4008.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2009-568

Award of Bid - Rental of Equipment & Operators for Emergency Snow Removal 2009- 10 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 7, 2009 for snow removal if a snow emergency should occur for use by the Town of Cheektowaga Highway Department as a result of advertisement thereof, and such bids were referred to the Superintendent of Highways for analysis, AND

WHEREAS, such analysis, tabulation and report have been completed, NOW THEREFORE, BE IT

RESOLVED, that the bid for labor and material necessary for the removal of snow during a snow emergency on an as-needed basis be awarded to Custom Topsoil Inc., 320 Crabapple Lane, Cheektowaga, NY 14227. AND BE IT FURTHER

RESOLVED, that line item to be used for emergency is 300-5142-4029.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2009-569

Award of Bid - Asbestos Study for 56 Petan Drive

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 56 Petan Drive 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 August 3, 2009 (#2009-421), this Town Board ordered that the building located at 56 Petan Drive 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 56 Petan Drive, 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 56 Petan Drive, 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 Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain JMD Environmental ("JMD") at the total cost of \$1,500.000 plus \$240/day (Project Air Samples), plus \$50/day (PCM Samples) to perform said asbestos survey and abatement work with respect to 56 Petan Drive, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains JMD Environmental ("JMD"), 1815 Love Road, Grand Island, New York 14072 to perform the necessary asbestos survey and abatement work (if necessary) for 56 Petan Drive at the cost listed above, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with JMD for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

Motion by Councilmember Markel; seconded by Councilmember Zydell to amend the resolution as follows: Motion Carried

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 56 Petan Drive 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 August 3, 2009 (#2009-421), this Town Board ordered that the building located at 56 Petan Drive 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 56 Petan Drive, 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 56 Petan Drive, 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 Notice to Bidders to various asbestos abatement firms and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board retain JMD Environmental ("JMD") at the total cost of **\$1,500.00** plus \$240/day (Project Air Samples), plus \$50/day (PCM Samples) to perform said asbestos survey and abatement work with respect to 56 Petan Drive, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby retains JMD Environmental ("JMD"), 1815 Love Road, Grand Island, New York 14072 to perform the necessary asbestos survey and abatement work (if necessary) for 56 Petan Drive at the cost listed above, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with JMD for said services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



11. RESOLUTION 2009-570

Amend Grant Application for Heating and Cooling System for Town Buildings

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Cheektowaga Town Board, by resolution dated June 15, 2009 (Resolution 2009-320), authorized and submitted a grant application in the amount of \$718,800 through the American Recovery and Reinvestment Act of 2009 Energy Efficiency and Conservation Block Grant Formula Grants (EECBG), program to design and install a geothermal system to heat and cool Town Hall at an estimated cost of \$1,200,000.; and

WHEREAS, the Town has continued to investigate available alternatives to reduce total energy use, improve energy efficiency, and reduce fossil fuel emissions; and

WHEREAS, the Town has determined that grant monies may be leveraged from the New York State Energy Research Development Authority (NYSERDA) that would enable the Town to equip up to five buildings with photovoltaic cells as a means of reducing fossil fuel emissions and reducing energy costs; NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc. the Town's grants consultant, be and hereby is authorized and directed to complete the necessary application, forms, etc. to be submitted for the purpose of amending this grant to reflect the purchase and installation of photovoltaic panels, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute any and all documents pertaining to the amended application for and acquisition of said funding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2009-571

Approval of Renewal of Cable Television Franchise Agreement with Time Warner NY Cable LLC

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town's current cable television franchise with Time Warner NY Cable LLC ("Time Warner") expired in 2006, and the Town has been operating under said franchise agreement since such date based on a certificate of operating authority from the New York State Department of Public Service, and

WHEREAS, Time Warner filed an application with the Town of Cheektowaga for renewal of its cable television franchise in the Town, and

WHEREAS, representatives from the Town have been vigorously negotiating a franchise renewal with Time Warner, and now have a proposed franchise renewal agreement, and

WHEREAS, this Town Board held a public hearing on the proposed franchise renewal agreement with Time Warner on October 19, 2009 at 6:30 P.M. in the Council Chambers of the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York, and

WHEREAS, this Board finds that the Town of Cheektowaga has exercised due diligence to review the performance of Time Warner under the existing franchise and to ascertain the future needs and expectations of the Town relative to cable television service, and has negotiated a franchise agreement which is beneficial to the Town of Cheektowaga and its residents, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board finds that Time Warner and the Town of Cheektowaga have negotiated a franchise agreement, agreeable to both parties, which complies with Section 895.1 of Title 16, Chapter VIII, Subchapter B of the Codes, Rules and Regulations of the State of New York and otherwise fulfills the needs of the Town of Cheektowaga with respect to cable television, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute said franchise agreement with Time Warner on behalf of the Town, and BE IT FURTHER

RESOLVED, that approval of this franchise agreement is further subject to the approval of the New York State Department of Public Service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



13. RESOLUTION 2009-572

Designation of Electrical Inspection Service

Sponsored By: Councilmember Markel, Councilmember Kaznowski

WHEREAS, by resolution dated September 21, 2009, this Town Board adopted Local Law No. 3 of the Year 2009, entitled "A Local Law to Amend Chapter 70 of the Town Code Relating to Electrical Inspections", effective November 1, 2009, and

WHEREAS, pursuant to said local law, those desiring to perform electrical inspections for the Town must file an application with the Supervising Code Enforcement Officer and, after approval by the Supervising Code Enforcement Officer, this Town Board may designate such electrical inspection company as an approved electrical inspection service for the Town, and

WHEREAS, NY Atlantic-Inland, Inc. and Commonwealth Electrical Inspection Service, Inc. have made application to the Supervising Code Enforcement Officer to be designated as approved electrical inspection services for the Town of Cheektowaga and have submitted the necessary paperwork, documentation and payment, and

WHEREAS, the Supervising Code Enforcement Officer has reviewed the applications and has deemed same complete and in compliance with Local Law No. 3 of the Year 2009, NOW, THEREFORE, BE IT

RESOLVED, that the following companies be and hereby are designated as approved electrical inspection services for the Town of Cheektowaga, effective immediately and terminating on November 1, 2014:

Atlantic-Inland, Inc.
997 McLean Road
Cortland, New York 13045

Commonwealth Electrical Inspection Service, Inc.
1355 Pittsford-Mendon Road, P.O. Box 72
Mendon, New York 14506

, and BE IT FURTHER

RESOLVED, that local representatives of these companies who have the necessary certifications are authorized to perform the necessary inspections in the Town of Cheektowaga on behalf of the above companies.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



14. RESOLUTION 2009-573

Authorize Town Clerk to Issue Drivers/Attendants 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>
Arquette, Michael P	75 Edgebrook Apt. 9, Cheektowaga, N.Y. 14227	9/30/2012
Barsi, Thomas S	30 Camelot Dr, West Seneca, N.Y. 14224	10/31/2012
Blair, Lawrence Vito	204 Ransom Rd, Lancaster, N.Y. 14086	9/30/2012
Borkenhagen, Derrick W.	144 74th St., Niagara Falls, N.Y. 14304	7/31/2011
Bull, Timothy S	59 McNaughton Ave, Cheektowaga, N.Y. 14225	9/30/2012
Casper, Joseph J	3074 Milford Terrace, Hamburg, N.Y. 14075	7/31/2010
Derkovitz, Martin T	291 Cherokee Dr, Cheektowaga, N.Y. 14225	7/31/2012
Domin, Sean R.	715 S Huth Rd., Cheektowaga, N.Y. 14225	6/30/2012
Dorney, Bryant A	49 Simson St, Tonawanda, N.Y. 14150	1/31/2011
Fancher, Andrew J	4591 Southwestern Blvd., Hamburg, N.Y. 14075	6/30/2012
Gibbons, Jacob D	3326 Hawley Rd., Blasdell, N.Y. 14219	1/31/2012
Hughes, Mary Beth	181 Brookside Dr., West Seneca, N.Y. 14224	10/31/2009
Hughes, Sharon A	6757 Tonawanda Creek Rd, Lockport, N.Y. 14094	10/31/2012
Hughey, Dennis J	4704 Parker Rd, Hamburg, N.Y. 14075	8/31/2012
Hunter, Rebecca A	28 Windcrest Dr., Cheektowaga, N.Y. 14225	7/31/2012
Karaszewski, Scott T	72Oakridge Drive Apt 8, West Seneca, N.Y. 14224	9/30/2012
Kowalski, Andrew J	4394 Freeman Rd., Orchard Park, N.Y. 14127	1/31/2012

<u>Name</u>	<u>Address</u>	<u>Expiration Date</u>
Lee, Shaun R	1701 Leah Dr, North Tonawanda, N.Y. 14120	6/30/2012
Leuer, Michael P	153 Kimberly Ave, Buffalo, N.Y. 14220	10/31/2012
MacIver, Adair M	4156 Parker Rd, Hamburg, N.Y. 14075	9/30/2010
Mann, Robert E	PO Box 285/3260 W Yorkshire Rd, Yorkshire, N.Y.	12/31/2012
McNierney, Corey G	29 Miriam Ave, Blasdell, N.Y. 14219	8/31/2012
Serafin, Gregory J	570 Hall Rd, Elma, N.Y. 14059	7/31/2012
Serritello, Joseph D	108 W . Northrup Place, Buffalo, N.Y. 14214	1/31/2012
Shepherd, Tiffany A.	1504 Saunders Settlement Apt. 3, Niagara Falls,	2/29/2012
Skok, Tiffany N	5706 Broadway, Lancaster, N.Y. 14086	4/30/2012
Smeal, Lance E	5746 Locust St Ext, Lockport, N.Y. 14094	9/30/2012
Stuckey, James P	10 Bourbon Ct, West Seneca, N.Y. 14224	9/30/2012
Tippens, Darrin R	11 Summer Street, Fredonia, N.Y. 14063	10/31/2012
Valenti, Jonathan M	33 Andrus Circle, Silver Creek, N.Y. 14136	6/30/2012
Werner, Steven C	38 Hillside Ave, Buffalo, N.Y. 14210	9/30/2012
Young, Kristopher C	1188 Eden Evans Center Rd, Angola, N.Y. 14006	8/31/2012
Zawistowski, Edward J.	127 Tennessee St., Buffalo, N.Y. 14204	6/30/2012
Zuniga, Diana P	22 Antlers Drive, Rochester, N.Y. 14618	6/30/2010

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



15. RESOLUTION 2009-574

Appointment to Board of Ethics

Sponsored By: Supervisor Holtz, Councilmember Markel

WHEREAS, by resolution dated April 5, 1993, this Town Board adopted A Local Law Establishing a Board of Ethics (Local Law No.1 of the year 1993), which was amended by the adoption, on April 4, 1994, of A Local Law Amending the Board of Ethics Law (Local Law No.1 of the year 1994); and

WHEREAS, pursuant to such law, this Town Board appointed five members to serve on the Board of Ethics Committee; and

WHEREAS, there are presently two (2) vacancies of the Board of Ethics, and

WHEREAS, Joseph Gallo has expressed interest in serving on said Board;
NOW, THEREFORE, BE IT

RESOLVED, that Joseph Gallo of Cheektowaga, New York, and hereby is appointed to the Board of Ethics of the Town of Cheektowaga, effective immediately and terminating on August 1, 2012.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



16. RESOLUTION 2009-575

Appointment of Automotive Mechanic (Permanent/Non-Competitive) (Central Garage) (David Sikora)

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, David Sikora was appointed by this Town Board to the position of Automotive Mechanic Helper in the Central Garage effective July 16, 2009; AND

WHEREAS, Mr. Sikora has obtained a Commercial Drivers' License (CDL) and is eligible for appointment to the position of Automotive Mechanic; NOW, THEREFORE, BE IT

RESOLVED, that David Sikora of Cheektowaga, New York, be and hereby is appointed to the position of Automotive Mechanic in the Central Garage in accordance with the terms and conditions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association effective September 18, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



17. RESOLUTION 2009-576

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:

FACILITIES DEPARTMENT (Buildings & Grounds Division) Laborer \$7.75/hour effective 11/03/09
John Matecki, Depew, New York

BE IT RESOLVED, that the following individual be amended from seasonal to part time:

FACILITIES DEPARTMENT (Parks Division) Laborer \$11.00/hour effective 10/20/09
Thomas Somogye, Cheektowaga, New York

BE IT RESOLVED, that the following **seasonal and/or part-time employees** be and hereby are **terminated** as listed:

SANITATION DEPARTMENT

Mark Blachowicz effective 11/07/09
Jeffrey Cwiklinski effective 10/18/09
Michael Fullington effective 10/31/09

FACILITIES DEPARTMENT

Matthew Welch effective 9/25/09
Edward Pozdyn effective 10/10/09
Michael Lawicki effective 10/04/09
William Haderer effective 10/04/09
Joseph Boccio effective 10/05/09
John Wolkowiecki effective 10/20/09
Kyle Lackie effective 11/02/09

SENIOR SERVICES

Mario Petrosky effective 10/22/09

POLICE DEPARTMENT

Samuel Bauer effective 11/28/07
Timothy Heath effective 9/26/06

SEWER MAINTENANCE

Shane Latshaw effective 8/14/09
Austin Bobeck effective 8/28/09
Adam Bobeck effective 11/01/09

POLICE DEPARTMENT Traffic Maintenance Unit
Zack Elphic effective 8/17/09

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski 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

**18. RESOLUTION 2009-577****Travel Authorization Police Department (Lieutenant Wentland/Detective Laskowski)**

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a "Fire Arson Investigation" seminar is being given March 8-12 and March 15-19, 2010 in Montour Falls, New York; AND

WHEREAS, Lieutenant Thomas Wentland and Detective Robert Laskowski 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 \$1,168; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Lieutenant Thomas Wentland and Detective Robert Laskowski be and hereby are authorized to attend a "Fire Arson Investigation" seminar being given March 8-12 and March 15-19, 2010 in Montour Falls, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Communications

A. Departmental Communications

1. Building Permit List - October 2009
2. Supervisor's Statement of Funds - September 2009
3. Minutes: Cheektowaga Conservation Advisory Council - October 17, 2009
4. Minutes: Cheektowaga Planning Board - October 8, 2009
5. Letter from Friends of the Woods, Ltd. Re: Patio Home Development on Losson Road

B. General Communications

1. Notice of Claim: Corey Schnauffer Vs. Town of Cheektowaga
2. Notice of Claim: Mary Witkowski 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 Kaznowski to adjourn the meeting at 7:10 PM.

Alice Magierski
Town Clerk

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: October 8, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on October 7, 2009 in the Town Hall Council Office Conference Room. All members present.

ITEM I 5030 – 5050 Genesee Street - Proposed Rezoning from M1 & MS to C for Two 4-Story Hotels

Applicant: Kabir Hotels Inc.

A wetland delineation was performed and wetland was found along the creek and along a ditch at the west end of the property. The applicant has revised the plan to show one driveway aligned with Cass way across the street and the east building was moved to be out of the Town designated floodway.

A question arose as to the accuracy of the tree survey and the Conservation Advisory Council will study the tree situation further.

A number of New York State DEC permits will be required in order to construct this project and it was suggested that a meeting be scheduled between the applicants and the DEC to discuss the project. The State Historic Preservation Office has already reviewed the site previously in 2002 and has indicated that there are no cultural resources to be affected.

The Town of Engineer again asked for a TOPO (Topography Plan) from a licensed surveyor so that he can determine if the drainage plan, which has yet to be submitted, will work.

This item will remain tabled for further review and comment.

EAC – October 7, 2009

October 8, 2009

Page: 2

**ITEM II Genesee & Tadio Parkway - Proposed Rezoning from RHM to CM
For Veterinary Clinic**

Applicant: Samuel Tadio

The Conservation Advisory Council representative indicated that he does not have an accurate tree survey showing what trees will be eliminated during the construction of a driveway into the site. The applicant indicated that one would be submitted to him.

The plan has been revised to realign driveways and to create onsite detention of storm waters. According to the applicant there are no wetlands on the site or cultural resources. The report will be submitted to the State by the applicant to get a State signoff.

The committee would recommend that a Negative Declaration be issued for this project subject to the State Historic Preservation Office signoff on cultural resources, submittal of a drainage plan to the Town Engineer for approval and an approval by the New York State DOT to connect the proposed detention basin with the State's system on Genesee.

**ITEM III 850-870 Losson Road - Proposed Rezoning from R to RA for
21 Unit Patio Home Development**

Applicant: George Peppes

The applicant had revised the plan for the public hearing which was held on October 5th before the Town Board. He has eliminated one house and was proposing a 20 unit patio home development. According to his engineer this resulted in the saving of a number of trees on the site as well as providing additional drainage facilities for the development. Subsequent to the hearing the president of the Greek Orthodox Church Council contacted the Building Department that they have not approved any use of their parking lot nor access from it. They are awaiting the formal written proposal so that it may be reviewed by the church attorney.

At the hearing a number of residents of the area spoke primarily about the anticipated traffic from this project and that the density was too great. The committee would defer to the Town Planning Board regarding the density issue. The Traffic Safety Commission will be reviewing the revised plans at their next meeting providing the applicant submits the plans prior to the meeting. The Traffic Safety Commission had initially reviewed the plans and questioned the turning radius for larger vehicles such as fire trucks also that there was very little visitor parking and there would be a concern that the roadways could be easily blocked. Other questions came up regarding refuse pickup, whether or not this was private or Town, and the necessity to backup the vehicle in order to exit the subdivision.

Public comment is opened until November 9th and no comment has been received from Erie County Department of Environment and Planning or the South Line Fire District.

This item will remain tabled for further review.

EAC – October 7, 2009

October 8 2009

Page: 4

ITEM IV 49 Stradtman - Proposed 4,000 Sq. Ft. Warehouse

Applicant: David Cloy

The Planning Board has recommended approval of the plan with the applicant committing to planting additional trees on the site. Erie County Department of Environment and Planning had been referred the project and has no concerns.

The committee would recommend a Negative Declaration be issued for this project subject to the submission of a final drainage plan and any Traffic Safety Commission comments.

ITEM V 25 Anderson - Proposed 13,600 Sq. Office Addition

Applicant: Upstate Niagara Cooperative Inc.

The project located at the corner of Dale Road and Anderson Road would connect an existing building at 25 Anderson Road to a smaller located at 35 Anderson. The entire complex would be utilized by Upstate Milk Coop. for offices and their IT Department which is presently located at 90 Anderson Road. This consolidation will bring five other employees from other plants around the area into this office building. Required parking was calculated to be 75 and the applicant is providing 78 parking spaces. The layout as shown will require a shared agreement at the north end of the property with adjacent property owner for use of the driveway and blacktop areas.

This item was referred to the various reviewing groups and agencies and comment is open until November 6th; therefore, this item will remain tabled for further review and comment.

**THE NEXT MEETING OF THE ENVIRONMENTAL
ADVISORY COMMITTEE MEETING WILL BE HELD
WEDNESDAY
NOVEMBER 4, 2009
AT 10:00 A.M.
IN THE COUNCIL OFFICE CONFERENCE ROOM**

Cheektowaga Planning Board

500 Losson Road
Cheektowaga, NY 14227
716-656-2280

Chairman Anthony Sisti

144 Jackson
893-7079



THE TOWN OF
CHEEKTOWAGA

*Public Meetings Held At Town Hall Council
Chambers On Second Thursday Of Each Month*

Secretary

Joan Meyers
305 McNaughton Ave.
894-1007

Members

Emil Lennert
57 Nagel Dr.
683-5759

Raymond Pugh
24 Seminole Pkwy.
633-5488

Members

Sigmund Kucewicz
43 Alys Dr. East
683-9411

John Marriott
2497 Genesee St.
895-2183

Claire Ferrucci
41 Franklin St.
897-2503

SEPTEMBER 29, 2009

CHEEKTOWAGA TOWN BOARD
CHEEKTOWAGA TOWN HALL
3301 BROADWAY
CHEEKTOWAGA, NEW YORK 14227

REGARDING: 49 STRADTMAN
SITE PLAN

DEAR HONORABLE TOWN BOARD:

THE APPLICANT WAS IN ATTENDANCE WITH PLANS FOR THE PROPOSED CONSTRUCTION OF A 4000 SF WAREHOUSE. THIS WILL BE USED TO HOUSE MATERIALS AND VEHICLES OVERNITE, AS THE OWNER HAS BEEN HAVING TROUBLE WITH VANDALISM. THIS WILL BE A WOOD STRUCTURE WITH FENCE AND ADDED GREENERY.

A MOTION WAS MADE BY MR. PUGH, SECONDED BY MR. KUCEWICZ TO RECOMMEND APPROVAL OF THE SITE PLAN CONTINGENT ON REVISED LANDSCAPE DRAWINGS. ALL IN FAVOR.

VERY TRULY YOURS,

ANTHONY H. SISTI, CHAIRMAN
CHEEKTOWAGA PLANNING BOARD

JCM

The Town of Cheektowaga



- Office of Building and Plumbing Inspection
3301 Broadway
Cheektowaga, NY 14227
(716) 686-3490
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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: October 8, 2009

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EAC – October 7, 2009

October 8, 2009

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This item was referred to the various reviewing groups and agencies and comment is open until November 6th; therefore, this item will remain tabled for further review and comment.

**THE NEXT MEETING OF THE ENVIRONMENTAL
ADVISORY COMMITTEE MEETING WILL BE HELD
WEDNESDAY
NOVEMBER 4, 2009
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

Tuesday, November, 10, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on November 10, 2009 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	Absent	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

II. Resolutions



1. RESOLUTION 2009-578

Authorize Supervisor to Execute Documents Relating to Assessment Challenges

Sponsored By: Councilmember Jaworowicz, Councilmember Markel

WHEREAS, the Town of Cheektowaga has multiple pending Article 7 tax assessment challenges in State Supreme Court, many of which have progressed to the point where settlements are pending, or appraisal reports need to be commissioned, and

WHEREAS, the Town Assessor customarily performs the duties of executing settlement documents or authorizing independent counsel to do so, of commissioning appraisal reports necessary in the defense of these proceedings, as well as other duties relating thereto, and

WHEREAS, the Cheektowaga Town Assessor is presently on administrative leave, and the Town therefore does not have someone who is able to fulfill the above duties, and

WHEREAS, Section 29(16) of the Town Law provides, in relevant part, that the Town Supervisor "...shall have and exercise any other power or duty expressly conferred upon (him) by law and such other powers and duties of administration and supervision of town or special or improvement district functions as shall be provided by resolution of the Town Board, to be performed on behalf of such Board", and

WHEREAS, it is necessary and desirable to confer the aforesaid assessor duties upon the Town Supervisor in these situations so that defense and settlement of Article 7 proceedings against the Town may proceed in a timely and efficient manner, NOW, THEREFORE, BE IT

RESOLVED, that the Town Supervisor be and hereby is empowered and authorized to execute assessment challenge settlement documents on behalf of the Town or authorize independent counsel to do so, to commission appraisal reports, and to take any other action or to execute any other documents necessary to the defense of said proceedings in the stead of the assessor during the time said assessor is on administrative leave.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Markel, Kaznowski
ABSENT:	Richard Zydel



Town of Cheektowaga

Regular Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Monday, November, 16, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on November 16, 2009 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
Brian Krause, Director of Finance and Administration
William Pugh, Town Engineer
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-579

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:	100.1110.4389	Drug Court Grant	\$ 4,040.00
	100.1680.4088	Travel, Training & Conferences	5,000.00
	100.1680.4437	Pooled Maintenance Costs	3,505.21
	100.1680.4434	Software Maintenance	1,000.00
	100.1410.1971	Part-Time Payroll	250.00
TO:	100.1110.4590	Drug Court Expense	\$ 4,040.00
	100.1680.4001	Office Supplies	78.88
	100.1680.4146	Outsourcing Services	3,854.50
	100.1680.4206	Internet Services	2,645.00
	100.1680.4321	Software/Licensing	2,926.83
	100.1410.1902	Overtime Payroll	250.00

SPECIAL DISTRICTS FUND

FROM:	150.8160.4469	Landfill	\$30,000.00
TO:	150.8160.4453	Building Repairs	\$30,000.00

HUD CDBG FUND

FROM:	700.1008.0602	Clearance/Demolition	\$ 3,250.80
	700.1006.0704	Contingency	859.72
TO:	700.1008.2200	Acquisition	\$ 3,250.80
	700.1006.0606	Disposition	859.72

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-580

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to November 13, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$204,102.69
RISK RETENTION FUND	17,205.04
HUD HOUSING REHABILITATION FUND	51,768.00
SPECIAL DISTRICTS FUND	222,397.79
HIGHWAY FUND	5,115.25
CAPITAL FUND	273,148.29
HUD CDBG FUND	59,063.42
PART TOWN FUND	628.87
NYS AFFORDABLE HOUSING	<u>26,292.00</u>
	\$859,721.35

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2009-581

Issue RFP for Pre-Hospital Emergency Services

Sponsored By: Councilmember Zydel, Supervisor Holtz

WHEREAS, the Town's Agreement for Pre-Hospital Emergency Services expires on December 31, 2009, and this Board needs to issue a Request for Proposals for a new agreement, NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is hereby directed to publish a Notice of Request for Proposals for the Furnishing of Pre-Hospital (Ambulance) Services to the Town of Cheektowaga for the Years 2010 and 2011 (with two one-year renewals), said notice to be published in the CHEEKTOWAGA BEE; and BE IT FURTHER

RESOLVED, that sealed proposals will be received on the 2nd day of December, 2009, at 11:00 A.M., at a public bid opening to be held in the Council Chambers in the Cheektowaga Town Hall.

NOTICE OF REQUEST FOR PROPOSALS

Sealed proposals will be received and considered by the Town Board of the Town of Cheektowaga on December 2, 2009 at 11:00 A.M., at the Town Hall, corner of Broadway and Union Roads, for the Furnishing of Pre-Hospital Emergency (Ambulance) Services to the Town of Cheektowaga for the term of two years covering the period January 1, 2010 to December 31, 2011 with two consecutive renewal years.

Information 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 "Proposal for Pre-Hospital Emergency Services" and submitted to the Town Clerk prior to bid opening.

No bidder may withdraw his proposal within forty-five (45) days after the actual date of the opening thereof.

The Town Board reserves the right to consider informal any proposal not prepared and submitted in accordance with the provisions of the specifications and contract documents, and may waive any informalities, make an award to any company it determines to 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 16, 2009

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Richard Zydel, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2009-582

Install Luminaire on Zurbrick Road

Sponsored By: Councilmember Kaznowski, Councilmember Zydel

BE IT RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to install one (1) 100 watt high pressure sodium cobra head street light on the south side of Zurbrick Road on Pole 18, Line 220 located at the common property line of #33 and #49 Zurbrick Road in accordance with the attached proposal dated November 5, 2009 at an annual increase to the General Lighting District of \$93.68, AND BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to submit a copy of this resolution to:

Mr. Donald Russo
Street Lighting Representative
NYSEG
152 Border City Road
Geneva, New York 14456-4135

ATTACHMENTS:

zurbrick (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Stanley Kaznowski, Councilmember
SECONDER: Richard Zydel, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2009-583

Contracts for Senior Center/Youth & 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 2010.

FUNDING SOURCE: 0100-7140-4503
0100-7140-4491
0100-7620-4491
0100-7550-4374

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2009-584

Authorize Supervisor to Execute Agreement for Pick-Up of Brush Grindings and Other Debris

Sponsored By: Councilmember Zydel, Councilmember Swiatek

WHEREAS, the Town Highway Department is responsible for the pickup and disposition of brush grindings, logs, leaves, and soil from various locations within the Town; and

WHEREAS, Zoladz Construction Co., Inc., has contacted the Superintendent of Highways with a proposal wherein Zoladz would pick up all brush grindings, logs, leaves, and soil 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, which has been executed by Zoladz Construction Co., Inc.; NOW THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the aforesaid Agreement with Zoladz Construction Co., Inc., under the terms and conditions set forth therein.

ATTACHMENTS:

Zoladz Agreement Pickup Brush, etc, from Highway 10.2009 (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Richard Zydel, Councilmember

SECONDER: Jeff Swiatek, Councilmember

AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2009-585

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



8. RESOLUTION 2009-586

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 (Sign Maintenance Division) Laborer \$7.75/hour effective 11/16/09
William Lauber, Cheektowaga, New York

BE IT RESOLVED, that the following Seasonal and/or Part-Time employees be and hereby are terminated as listed:

SANITATION DEPARTMENT
Darren Kazmierczak effective 11/04/09

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

IV. Suspension of Rules

Motion by Supervisor Holtz; Seconded by Councilmember Kaznowski to Suspend the Rules to Include the Following Resolution 2009-587. Motion Carried



1. RESOLUTION 2009-587

Accept Site Plan - 3429 Harlem Road

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 Kathy Emmons for the construction of a 1,650 square foot building addition at 3429 Harlem Road, AND

WHEREAS, the Town of Cheektowaga Planning Board at its meeting of November 12, 2009 is recommending the approval of the site plan, AND

WHEREAS, the Town of Cheektowaga Zoning Board of Appeals previously approved an area variance for side yard setbacks subject to conditions, 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 reviewing/approving a grading/drainage plan.
2. Meeting conditions previously established by the Town of Cheektowaga Zoning Board of Appeals.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Communications

A. Departmental Communications

1. Minutes: Town Environmental Advisory Committee - November 4, 2009
2. Minutes: Cheektowaga Traffic Safety Commission - October 20, 2009

B. General Communications

1. Notice of Claim: State Farm Ins. as Subrogee for Arthur E. Klin
2. Notice of Claim: Nichole McPeek Vs. the Town of Cheektowaga

VI. Comments**A. Supervisor's Comments****B. Councilmember's Comments****C. Public Comments****VII. Executive Session**

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to go into Executive Session. Motion Carried.

VIII. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to adjourn the meeting in Memory of Ted Brudz - former Employee of the Sewer Department; Robert Vallone, Former Employee of the Engineering; and Dale Hacker, Past President of the Cheektowaga Historical Association. A moment of Silence.

ALICE MAGIERSKI
TOWN CLERK



STREET LIGHT PROPOSAL
TOWN OF CHEEKTOWAGA
ZURBRICK ROAD
November 5, 2009

Per a request from the Town of Cheektowaga, NYSEG proposes to install 1- 100 watt high pressure sodium cobra head street light Line 220 Pole 18 . The pole is located near the 33 Zurbrick Rd. and 49 Zurbrick Rd. property line. The light will be mounted on a 14 foot bracket.

1- 100 watt high pressure sodium cobra head \$ 93.68 annually*

- Does not include an energy supply charge as the Town purchases their energy supply from an electrical supplier other than NYSEG.

This proposal is made contingent upon the terms and conditions covered in NYSEG's Street Lighting Filed Tariff agreement with the Town of Cheektowaga. NYSEG does not guarantee lighting level for security or public safety purposes. The customer agrees that the lighting is not designed in accordance with the Illuminating Engineering Society (IES) and/or the American National Standard Practice for Roadway Lighting recommended maintained luminance and illumination values for roadway and area lighting.

Please send a Town Resolution authorizing NYSEG to install the above listed street lighting equipment to: NYSEG, Attn: Donald J. Russo, 152 Border City Rd., Geneva, NY 14456.

Attachment: zurbrick (RES-2009-582 : Install Luminaire)

An equal opportunity employer

152 Border City Road | Geneva, NY 14456

www.nyseg.com

AGREEMENT

THIS AGREEMENT (hereinafter referred to as "Agreement") is made and entered into as of the _____ day of November 2009, 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 ZOLADZ CONSTRUCTION CO., INC., a corporation organized under the laws of the State of New York, with an office for the transaction of business at 13600 Railroad Street, Alden, New York, 14004-0157, (hereinafter referred to as the "Contractor".)

WITNESSETH:

WHEREAS, the Town of Cheektowaga Highway Department is responsible for the pickup and disposition of brush grindings, logs, leaves, and soil 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, logs, leaves, and soil 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 brush grindings, logs, leaves, and soil 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 and at no cost to the Town of Cheektowaga.
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, logs, leaves, and soil 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 17, 2009, and it shall terminate on October 16, 2010.

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 that it will 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

ZOLADZ CONSTRUCTION CO., INC.

By: _____
JOHN M. ZOLADZ
President

Attachment: Zoladz Agreement Pickup Brush, etc, from Highway 10.2009 (RES-2009-584 : Authorize S/V Execute Agreement Zoladz Brush

STATE OF NEW YORK :
 : SS:
COUNTY OF ERIE :

On this ____ day of November, 2009, before me, the undersigned, a notary public in and for the said County of Erie, personally appeared MARY F. HOLTZ, 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 November, 2009, before me, the undersigned, a notary public in and for the said County of Erie, personally appeared JOHN M. ZOLADZ, 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

Attachment: Zoladz Agreement Pickup Brush, etc, from Highway 10.2009 (RES-2009-584 : Authorize S/V Execute Agreement Zoladz Brush

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
Employers Liability New York Statutory
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

Attachment: Zoladz Agreement Pickup Brush, etc, from Highway 10.2009 (RES-2009-584 : Authorize SV Execute Agreement Zoladz Brush

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

Attachment: Zoladz Agreement Pickup Brush, etc, from Highway 10.2009 (RES-2009-584 : Authorize S/V Execute Agreement Zoladz Brush



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, December 1, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on December 1, 2009 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	Absent	
Richard Zydel	Town of Cheektowaga	Councilmember	Absent	
Charles Markel	Town of Cheektowaga	Councilmember	Present	
Stanley Kaznowski	Town of Cheektowaga	Councilmember	Present	

2. Additional Attendees

John Glascott, Captain Police Dept.
Brian Krause, Director of Finance and Administration
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
James Vallone, Town Justice

II. Resolutions



1. RESOLUTION 2009-588

Settlement of Assessment Litigation - 1550-1564 Walden Avenue

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, AMF Bowling Centers, Inc. commenced Article 7 proceedings against the Town for Tax Years 2004-2005, 2005-2006, 2006-2007, and 2008-2009, seeking a reduction in the assessment of property owned by it located at 1550-1564 Walden Avenue in Cheektowaga, New York; and

WHEREAS, the Town's outside Attorney consultant and the Town Assessor have reviewed the petition and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve this matter without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromise and settlement, and the Town's outside Attorney consultant and Town Assessor be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Markel, Kaznowski
ABSENT:	James Rogowski, Richard Zydel



2. RESOLUTION 2009-589

Authorize Negotiation of Agreement with Erie County for Assessment Services

Sponsored By: Jaworowicz, Holtz, Swiatek, Markel, Kaznowski

WHEREAS, the Assessor for the Town of Cheektowaga is presently on administrative leave from said position, and

WHEREAS, the Town of Cheektowaga temporarily needs assistance with assessment services while the Assessor is on administrative leave, and

WHEREAS, pursuant to Section 314 of the Real Property Tax Law, the Town of Cheektowaga can temporarily appoint an acting assessor to perform the duties of the office, and

WHEREAS, pursuant to Section 1537 of the Real Property Tax Law, the Town can enter into an agreement with the County of Erie for assessment services, NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor and Town Board be and hereby are authorized to negotiate an agreement with the County of Erie to temporarily perform assessment services for the Town of Cheektowaga, and BE IT FURTHER

RESOLVED, that this resolution 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 December 1, 2009, adopted a resolution authorizing the Town of Cheektowaga to negotiate an agreement with the County of Erie for assessment services.

A copy of such resolution is on file in the Town Clerk's Office where the same may be viewed during regular business hours.

TAKE FURTHER NOTICE, that such resolution is subject to permissive referendum under Article 7 of the Town Law of the State of New York.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK

DATED: December 1, 2009

ALICE MAGIERSKI

Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patricia Jaworowicz, Councilmember
SECONDER: Mary Holtz, Supervisor
AYES: Holtz, Jaworowicz, Swiatek, Markel, Kaznowski
ABSENT: James Rogowski, Richard Zydel

III. Adjournment

Work session ended at 7:35 PM



Town of Cheektowaga

Work Session

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, December, 15, 2009

6:00 PM

Council Office

I. Call to Order

6:00 PM Meeting called to order on December 15, 2009 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	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
Kevin Schenk, Town Attorney

II. Resolutions



1. RESOLUTION 2009-628

Approve Settlement Article 7 Proceedings

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, the following Benderson Development Company-related entities commenced Article 7 proceedings against the Town for the following listed Tax Years, seeking a reduction in the assessment of properties owned by them located at the respective addresses listed below:

<u>Owner</u>	<u>Property Address</u>	<u>Tax Years Challenged</u>
NB/DS Associates	81 Benbro Drive	2008-09
NB/DS Associates	91 Benbro Drive	2007-08, 2008-09
Dick Rd Outparcel LLC	909 Dick Road	2007-08, 2008-09
Benderson 85-1 Trust	145 Galleria Drive	2008-09
Genesee Lodging Associates, LLC	4201 Genesee St	2006-07, 2007-08, 2008-09, 2009-10
FBBT/US Properties LLC	2754 Harlem Road	2007-08, 2008-09
MSF Har-Ken LLC	3818 Harlem Road	2008-09
Benderson Properties, Inc.	375 Nagel Drive	2008-09
Benderson Properties, Inc.	385 Nagel Drive	2008-09
Randall Benderson1993-1 Trust	2563 Union Road	2007-08, 2008-09
Dick Road Blend-All Hotel Development	3896 Union Road	2007-08, 2008-09
Randall Benderson 1993-1 Trust	1526 Walden Ave	2007-08, 2008-09
Randall Benderson 1993-1 Trust	1669 Walden Ave	2007-08, 2008-09
2055 Walden Associates, Inc.	2055 Walden Ave	2008-09

WHEREAS, the Town's outside Attorney consultant and the Town's outside assessment consultant have reviewed the petitions and, after due consideration of all materials facts, and after negotiations with the petitioner's attorney, believe it is in the best interest of the Town to resolve these matters without further litigation and strongly recommend the proposed compromise; NOW THEREFORE, BE IT

RESOLVED, that the Town Board approves the above compromises and settlements, and the Town's outside Attorney consultant, Supervisor and Town Assessor's Office be and hereby are authorized to execute and procure all papers necessary to effectuate the settlement of said Article 7 proceeding.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Markel, Kaznowski
ABSENT:	Richard Zydel

III. Adjournment

Work Session Ended at 7:15 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, 21, 2009

6:45 PM

Council Chambers

I. Call to Order

6:45 PM Meeting called to order on December 21, 2009 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
John Staniszewski, TCEA Union Representative
Kerry Switalski, Senior Services Director
Richard Zynda, Chairman Traffic Safety Commission

II. Public Hearing

1. A Local Law Intro 2009-6 to Decrease the Membership of the Cheektowaga Planning Board

RESULT: CLOSED [UNANIMOUS]
MOVER: Mary Holtz, Supervisor
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

III. Public Comment Period

IV. Resolutions



1. RESOLUTION 2009-629

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:	100.1625.2303	Over the Road Vehicles	\$ 3,500.00
	100.1625.4489	Maintenance Tool Replacement	9,000.00
	100.7110.2304	Park Equipment	13,400.00
	100.7110.4022	Park Supplies	2,000.00
	100.5132.4431	Radio	1,800.00
	100.1410.1971	Part-Time Payroll	600.00
	100.1680.2202	Network Equipment	1,524.88
TO:	100.1625.4432	Repairs & Maintenance	\$ 12,500.00
	100.7110.4451	Building & Grounds Maintenance	15,400.00
	100.5132.4432	Building	1,800.00
	100.1410.1902	Overtime Payroll	600.00
	100.1680.4434	Software Maintenance	1,524.88

HIGHWAY FUND

FROM:	300.5140.4291	Shade Trees	\$ 20,000.00
	300.5110.4469	Disposal Cost	5,000.00
	300.5110.4177	Receiver & Pipe	7,000.00
	300.5110.4185	Barricades	4,000.00
TO:	300.5142.4029	Salt	\$ 36,000.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-630

Warrant

Sponsored By: Supervisor Holtz, Councilmember Swiatek

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 18, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$ 183,209.27
RISK RETENTION FUND	18,835.55
HUD HOUSING REHABILITATION FUND	13,774.00
SPECIAL DISTRICTS FUND	292,065.18
HIGHWAY FUND	11,610.66
CAPITAL FUND	147,016.46
TRUST & AGENCY FUND	6,013.46
HUD CDBG FUND	18,098.60
PART TOWN FUND	609.70
NYS AFFORDABLE HOUSING	14,970.00
	<u>\$ 706,202.88</u>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



3. RESOLUTION 2009-631

Adopt Local Law No. 5 of the Year 2009 - a Local Law to Decrease the Membership of the Cheektowaga Planning Board

Sponsored By: Jaworowicz, Holtz, Markel

WHEREAS, the Town of Cheektowaga Planning Board Law presently provides for there to be seven (7) members on such Board, and

WHEREAS, Section 271(7) of the Town Law of the State of New York provides that a town can enact a local law to decrease the membership of a seven (7) member Planning Board to five (5), and

WHEREAS, the Town Attorney has prepared a draft of "A Local to Decrease the Membership of the Cheektowaga Planning Board", 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 December, 2009 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. 2009-6 of the Year 2009, entitled "A Local Law to Decrease the Membership of the Cheektowaga Planning Board" should be enacted, and

WHEREAS, it is in the public interest to adopt said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 5 of the Year 2009, entitled "A Local Law to Decrease the Membership of the Cheektowaga Planning Board", which is attached hereto and made a part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, that Local Law No. 5 of the Year 2009 shall be effective immediately upon its filing with the Secretary of State, 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. 5 OF THE YEAR 2009
A LOCAL LAW TO DECREASE THE MEMBERSHIP OF THE CHEEKTOWAGA PLANNING BOARD

Section 1. Authority

This Local Law is enacted pursuant to the authority of Section 271(7) of the Town Law of the State of New York, which authorizes a town board of a town which has seven (7) members on its planning board to decrease the membership of said board to five(5), to take effect upon

the next two expirations of terms.

Section 2. Decrease in Membership.

Section 26-1 of Chapter 26 of the Town Code ("Planning Board") is amended to read as follows:

"To assist in the administration of the Code of the Town of Cheektowaga and implementation of the Comprehensive Plan, a Planning Board is hereby established. The membership of the Planning Board, which presently consists of seven (7) members, shall be decreased to five (5) members upon the expiration of the terms of office of those present members of the Planning Board whose terms of office expire on December 31, 2009 and December 31, 2010. There is a vacancy in the position of one of the members whose term expires on December 31, 2011, and this position will remain vacant until after December 31, 2010. None of the Planning Board members shall hold any other public office in the Town or be members of the Town Board. The Town Board shall appoint one member Chairperson. Efforts will be made to ensure that qualified members of the Planning Board represent a variety of ethic, professional and civic groups in the Town. Terms of membership, presently seven (7) years shall become five (5) years after the expiration of the existing terms of the members. Members of the Planning Board, appointed in accordance with the provisions of this Code as then in effect and in office when this Code takes effect, shall continue to serve for the balance of the terms for which they were originally appointed.

Section 3. Severability.

If any part or provision of this local law or the application thereof to any person or circumstance shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Town Board of the Town of Cheektowaga hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repealer

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



4. RESOLUTION 2009-632

Award of Bid - Grass Cutting and Landscape Work on 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 for 2010, which bids were duly received and opened on December 16, 2009 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 Double Diamond Removal Services, Inc., 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 for 2010 be and hereby is awarded to Double Diamond Removal Services, Inc., 237 Cass Avenue, Cheektowaga, New York 14206 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 Double Diamond Removal Services, Inc. for the aforesaid service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



5. RESOLUTION 2009-633

Award of Bid - Removal of Snow and Ice from Sidewalks

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 for 2010, which bids were duly received and opened on December 16, 2009 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., d/b/a Dreamscapes Landscaping, 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 for 2010 be and hereby is awarded to Benson Site Services, Inc., d/b/a Dreamscapes Landscaping, 5 Old Indian Road, Cheektowaga, New York 14227 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., d/b/a Dreamscapes Landscaping for the aforesaid service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



6. RESOLUTION 2009-634

Award of Bid - Boarding Up/Securing and Minor Demolitions of 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 Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant Land and Unmaintained Properties for the Office of Building Inspections, Housing & Neighborhood Preservation Division for 2010, which bids were duly received and opened on December 16, 2009 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 Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant Land and Unmaintained Properties be awarded to Benson Site Services, Inc., d/b/a Dreamscapes Landscaping, 5 Old Indian Road, Cheektowaga, New York 14227, for its submission of the lowest bid; NOW, THEREFORE, BE IT

RESOLVED, that the bid for Furnishing Equipment and Operators for the Boarding Up/Securing of and Minor Demolition of Buildings/Structures on Vacant Land and Unmaintained Properties for 2010 be and hereby is awarded to Benson Site Services, Inc., d/b/a Dreamscapes Landscaping 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. d/b/a Dreamscapes Landscaping for the aforesaid service.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Stanley Kaznowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



7. RESOLUTION 2009-635

Call for Public Hearing - Amendments to Vehicles and Traffic Law

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 January 4, 2010 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 24th day of December, 2009, 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 January 4, 2010 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 235-51, Schedule XII: Stopping Prohibited in Designated Locations, shall be amended by adding thereto the following:

In accordance with the provisions of §235-36, no person shall stop a vehicle at any time upon any of the following described streets or parts of streets:

BIKE PATH ACCESS ROAD - East and West Sides, for the entire length

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: December 21, 2009

ALICE MAGIERSKI
Town Clerk

Table with 2 columns: Label (RESULT, MOVER, SECONDER, AYES) and Value (ADOPTED [UNANIMOUS], Richard Zydel, Charles Markel, Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski)



8. RESOLUTION 2009-636

Designation of Bike Trail Access Road

Sponsored By: Councilmember Rogowski, Councilmember Zydel

WHEREAS, the Town of Cheektowaga, utilizing Federal ISTEAs administered by the New York State Department of Transportation, constructed a Rails to Historic Trails pathway ("Bike Trail") project from Stiglmeier Park to Dingens Park, and

WHEREAS, as part of such project, a parking lot for users of the Bike Path was constructed on the east side of Union Road north of Como Park Boulevard and immediately south of the Norfolk Southern Railroad line, and

WHEREAS, there is an access road leading up to said parking lot, which access road is part of the New York State Department of Transportation right-of-way for Union Road and is immediately south of the Gateway Recycling property at 3035 Union Road, and

WHEREAS, the New York State Department of Transportation has granted the Town of Cheektowaga permission to designate the name for this road and to post "No Stopping" signs along same, and

WHEREAS, pursuant to Section 64(9) of the Town Law of the State of New York, this Town Board is authorized to designate street names, house numbers, etc., NOW, THEREFORE, BE IT

RESOLVED, that the access road for the Bike Trail parking lot on the east side of the Union Road right-of-way adjacent to Gateway Recycling (3035 Union Road) be and hereby is designated and named "Bike Trail Access Road", and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to, within 10 days of the passage of this resolution, notify the New York State Department of Transportation, the New York State Thruway Authority, Town Assessor, Town Planning Board, Erie County Clerk, Erie County Department of Public Works, Division of Highways, and the U.S. Postal Service of this street name designation, and BE IT FURTHER

RESOLVED, that the Town of Cheektowaga Sign Maintenance Department be and hereby is directed to post adequate signage and striping on this road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Richard Zydel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



9. RESOLUTION 2009-637

Approve Sale of Vacant Land on Dingens Street

Sponsored By: Supervisor Holtz, Councilmember Rogowski

WHEREAS, the Town of Cheektowaga is the owner of vacant land located on the south side of Dingens Street (S.B.L. No. 123.28-7-2) adjacent to 609 and 617 Dingens Street, and

WHEREAS, said property is surplus to the needs of the Town, and

WHEREAS, Gateway Development, LLC has submitted an offer to purchase a portion of this property (115.86± ft. front by 349.95± deep) for \$15,000.00, subject to certain contingencies, and

WHEREAS, the contract offer also requires the purchaser to construct a parking lot on said property and grant the Town of Cheektowaga permission to utilize up to ten parking spaces for overflow parking for Dingens Park, and

WHEREAS, in addition, the Town of Cheektowaga reserves a 25-foot-wide easement over the frontage of the property for drainage, and

WHEREAS, this Board feels that this offer is acceptable to the Town, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby approves the sale of this portion of the vacant land on the south side of Dingens Street by the Town of Cheektowaga to Gateway Development, LLC for \$15,000.00, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Purchase and Sales Agreement, a deed and other documents necessary to effectuate the sale of this property to Gateway Development, LLC, subject to the approval of the Town Attorney, and BE IT FURTHER

RESOLVED, that the sale of the above referenced vacant land on the south side of Dingens 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 in 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 December 21, 2009, adopted a resolution authorizing the Town of Cheektowaga to sell property located on the south side of Dingens Street (portion of S.B.L. No. 123.28-7-2 having a frontage of 115.86± feet and a depth of 349.95±), Cheektowaga, New York to Gateway Development,

LLC for \$15,000.00.

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: December 21, 2009

ALICE MAGIERSKI
Town Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



10. RESOLUTION 2009-638

New/Renewal Ambulance Drivers/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.	3130 Lake Heights Ave, Hamburg, N.Y. 14075	9/30/2012
Bartell, Leandra D	285 Stockbridge Upper, Buffalo, N.Y. 14215	10/31/2012
Bettingen, Roger	146 Virgil Ave, Buffalo, N.Y. 14216	9/30/2012
Bischof, Elyse L	2762 Blakeley Rd, South Wales, N.Y. 14139	7/31/2012
Blinziak, Jennifer E.	PO Box 13, Marilla, N.Y. 14102	9/30/2012
Bugenhagen, Dena H.	51 Liberty Terr, Cheektowaga, N.Y. 14215	9/30/2012
Campagna, Donald W.	42 Carmen Road, Amherst, N.Y. 14226	10/31/2012
Colatosti, Paul M II	34 Coit St, Buffalo, N.Y. 14206	10/31/2012
Covert, Amanda L	6902 Kimberly Lane, Derby, N.Y. 14047	10/31/2012
Denz, Warren M	76 Rugby, Buffalo, N.Y. 14216	11/30/2012
Dimitroff, Russell J	3673 Briarwood Ct, Hamburg, N.Y. 14075	12/31/2012
Evans, Lillian I.	43 Bigelow Ave. Box 398, Silver Springs, N.Y.	6/30/2011
Fleming, Khalika T	442 8th st, Niagara Falls, N.Y. 14301	10/31/2012
Gehm, Todd R.	482 Woodward Ave., N. Tonawanda, N.Y. 14120	2/28/2011
Hoffstetter, William T	173 Lovering Ave., Buffalo, N.Y. 14216	10/31/2012
Hughes, Sharon A	6757 Tonawanda Creek Rd, Lockport, N.Y. 14094	10/31/2012

<u>Name</u>	<u>Address</u>	<u>Expiration Date</u>
Incardona, Kirsten J.	PO Box 905, Cheektowaga, N.Y. 14225	6/30/2010
Kaplan, Amy L	284 Baraga St., Buffalo, N.Y. 14220	9/30/2012
Kelly, Christopher T	113 Mariemont Ave, Buffalo, N.Y. 14220	9/30/2012
Kemp, Robert C	59 Main Street, Silver Creek, N.Y. 14136	8/31/2012
LaRotonda, Tony J.	44 Franklin St. Apt. 1, Tonawanda, N.Y. 14150	2/28/2010
Lindner, Christy Ann	218 Lexington Ave, Buffalo, N.Y. 14222	9/30/2012
Measer, David C	179 E Main St, Hamburg, N.Y. 14075	10/31/2012
Neamon, Joseph M	3628 Block Road, Delevan, N.Y. 14042	9/30/2012
Pepper, Stephan D	250 Huth Rd Apt H, Cheektowaga, N.Y. 14225	9/30/2012
Powell, Melissa	360 Langfield Dr, Buffalo, N.Y. 14215	10/30/2012
Rosenlund, Christina M.	35 South Lane, Angola, N.Y. 14006	1/31/2012
Roth, Randy J	13167 Vaughn St, Springville, N.Y. 14141	12/31/2012
Rutecki, Amy L	71 Yvonne Ave, Cheektowaga, N.Y. 14225	9/30/2012
Sampson, Jonathon T.	6285 Robinson Rd. Apt. 10, Lockport, N.Y. 14094	7/31/2012
Schaefer, Edward W	256 Michael Ave., Sloan, N.Y. 14212	10/30/2012
Schilling, Sean M	12369 Alleghany Rd, Silver Creek, N.Y. 14136	10/31/2012
Simpson, Daryl J	56 Leydecker Rd. Apt. 2, West Seneca, N.Y. 14224	10/31/2012
Stuart, John M.	3835 Creek Road, Youngstown, N.Y. 14174	9/30/2012
Taylor, Timothy M	299 N Wrexham Ct, Tonawanda, N.Y. 14150	10/31/2012
Tower, Kyle J.	133 Danbury Dr., Cheektowaga, N.Y. 14225	7/31/2012
Wall, John T	35 Mitchell Pl, Lackawanna, N.Y. 14218	11/30/2012
Walsh, William D	198 Claremont Avenue, Buffalo, N.Y. 14222	10/31/2012
Wassell, Corey K.	796 Hopper Road, Forestville, N.Y. 14062	10/31/2012
White, Daniel A.	323 Virginia St., Buffalo, N.Y. 14201	6/30/2012
Yung, Donald P	3311 Hess, Lockport, N.Y. 14094	11/30/2012
Zemrac, Christopher E	95 Ivanhoe Rd, Buffalo, N.Y. 14215	11/30/2012

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



11. RESOLUTION 2009-639

Authorize Supervisor to Execute Agreement for Creation of Strategic Plan for Senior Services Department

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Town of Cheektowaga operates a Senior Services Department for the benefit of our senior citizens, and

WHEREAS, it is important that such department have a strategic short-term and long-term plan for the continued growth of said department and to ensure that it continues to provide appropriate and necessary services to our senior citizens in the future, and

WHEREAS, Murak & Associates, LLC, a turnaround management consulting firm with 15+ years of experience in strategic planning, has submitted a proposal to create a strategic plan for the Cheektowaga Senior Services Department, and

WHEREAS, this Board wishes to engage Murak & Associates, LLC, as per its proposal dated December 3, 2009, to prepare a strategic plan for the Senior Services Department, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby agrees to engage Murak & Associates as per its proposal dated December 3, 2009, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the proposal submitted by Murak & Associates dated December 3, 2009, and BE IT FURTHER

RESOLVED, that the moneys for said services shall be appropriated from the following budget lines:

\$1,100.00	2009 budget line #0100-7620-4627
\$2,200.00	2010 budget line #0100-7620-4627

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



12. RESOLUTION 2009-640

Authorization for Walden Fire District No. 2 to Conduct Fire Training Drills at 20 Randolph Avenue

Sponsored By: Councilmember Zydel, Councilmember Markel

WHEREAS, the Town of Cheektowaga is owner of a single-family dwelling located at 20 Randolph Avenue in the Town of Cheektowaga, and

WHEREAS, the Town of Cheektowaga intends to demolish such dwelling, and

WHEREAS, the Town of Cheektowaga will be issuing a RFP for the demolition of such dwelling, which demolition is expected to take place in 2010, and

WHEREAS, Walden Fire District No. 2 in the Town of Cheektowaga has requested permission to conduct a firematic drill at 20 Randolph Avenue prior to its demolition, and

WHEREAS, it is in the interest of the health, safety and welfare of Town residents that Walden Fire District No. 2 be given the opportunity to conduct its drill/training on the dwelling at 20 Randolph Avenue, NOW, THEREFORE, BE IT

RESOLVED, that Walden Fire District No. 2 be and hereby is authorized to conduct its firematic drill at 20 Randolph Avenue on the following conditions/stipulations:

1. The search and rescue training using smoke machines can take place in the near future;
2. More destructive training such as removal of wall and ceiling finishes cannot take place until immediately prior to the Town's demolition of the structure;
2. Walden Fire District No. 2 coordinate the firematic training drills with the Director of the Community Development Department;
3. Walden Fire District No. 2 provide proof of its insurance/self-insurance to the Town Attorney;
4. Walden Fire District No. 2 execute an indemnification/hold harmless agreement satisfactory to the Town Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



13. RESOLUTION 2009-641

Authorization of Student Intern (Police Department) (Amee Rollins)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, Amee Rollins, a student at Medaille College has requested to participate in the student internship program at the Cheektowaga Police Department; AND

WHEREAS, Ms. Rollins has been interviewed by the Police Department and the Department is willing to afford her the opportunity to intern in the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Amee Rollins of Westfield, New York be and hereby is authorized to participate as an unpaid intern in the Cheektowaga Police Department, subject to her execution of a Waiver of Liability and Agreement of Confidentiality; AND, BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the Agreement of Confidentiality, and all other documents necessary to effectuate this student internship in the Police Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



14. RESOLUTION 2009-642

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 January 2010, 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 January 2010, 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	James Rogowski, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



15. RESOLUTION 2009-643

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:

Leanne Cardella	8/11/09	14225
Andrea Deuser	8/25/09	14227

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to Waive the Reading of names for the following Resolutions 2009-643, 2009-644, & 2009-645. Motion Carried.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



16. RESOLUTION 2009-644

Youth & Recreation Hiring Amendment

Sponsored By: Councilmember Zydel, Councilmember Rogowski

BE IT RESOLVED that the appointment of the following individual is amended as follows:

Recreation Attendant - 7310.1803 - Regular Part-time - \$7.25 - Retro to 11/10/09
Christopher Luthart 14227

RESULT: ADOPTED [UNANIMOUS]
MOVER: Richard Zydel, Councilmember
SECONDER: James Rogowski, Councilmember
AYES: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



17. RESOLUTION 2009-645

Hiring/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:

BUILDINGS & GROUNDS Laborer \$8/hour effective 1/04/10
Michael Ivansitz, Depew, 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:

JUSTICE COURT Court Officer (Temporary) \$15.59/hour effective 12/17/09
John E. Stronka, Cheektowaga, New York

POLICE DEPARTMENT Police Attendant \$15.25/hour effective 12/22/09
Robert J. Thomas, Cheektowaga, New York
Richard A. Ceremuga, Cheektowaga, New York

BE IT RESOLVED, that the following **seasonal and/or part-time employees** be and hereby are **terminated** as listed:

POLICE DEPARTMENT
Linda Juskiewicz effective 12/18/09

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



18. RESOLUTION 2009-646

Appoint Chairperson of Planning Board

Sponsored By: Councilmember Kaznowski, Councilmember Markel

WHEREAS, there is a vacancy in the position of Chairperson of the Planning Board, and

WHEREAS, John Marriott of Cheektowaga, New York has expressed an interest in serving as Chairperson of the Planning Board, and

WHEREAS, John Marriott has been a member of the Planning Board since 2000 and has the necessary experience to serve as Chairperson, NOW, THEREFORE, BE IT

RESOLVED, that John Marriott of Cheektowaga, New York be and hereby is appointed as Chairperson of the Planning Board, effective immediately and terminating on December 31, 2013.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stanley Kaznowski, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**19. RESOLUTION 2009-647****Appointment of Motor Equipment Operator - B (Highway Department) (Non-Competitive/Permanent) (Dennis W. Rydzynski, Jr.)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, a vacancy exists in the title of Motor Equipment Operator - B in the Highway Department; AND

WHEREAS, notice of such vacancy has been posted in accordance with the provisions of the Town's collective bargaining agreement with the Town of Cheektowaga Employees Association; AND

WHEREAS, Dennis W. Rydzynski, Jr., currently employed as a Park Maintenance Worker I in the Parks Division, bid on said vacancy and meets the necessary qualifications for appointment; NOW, THEREFORE, BE IT

RESOLVED, that Dennis W. Rydzynski, Jr., of Cheektowaga, New York, be and hereby is appointed to the position of Motor Equipment Operator - B 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 December 14, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



20. RESOLUTION 2009-648

Appointment of Traffic Signal Technican (Police Department Sign Maintenance Division) (Provisional) (Daniel C. Schuler)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, a provisional vacancy exists in the title of Traffic Signal Technician in the 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, said vacancy was duly advertised and interviews conducted; AND

WHEREAS, Daniel C. Schuler has applied for said position and meets all the necessary qualifications for provisional appointment; NOW, THEREFORE, BE IT

RESOLVED, that Daniel C. Schuler of West Seneca, New York, be and hereby is appointed to the provisional position of 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 December 21, 2009; AND, BE IT FURTHER

RESOLVED, that in compliance with the Local Law know as the Residency Law of the Town of Cheektowaga, Daniel C. Schuler 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

**21. RESOLUTION 2009-649****Appointment of Senior Clerk (Youth & Recreation)
(Competitive/Permanent) (Angela L. Ruchalski)**

Sponsored By: Councilmember Swiatek, Supervisor Holtz

WHEREAS, this Town Board appointed Angela L. Ruchalski to the provisional title of Senior Clerk in the Youth and Recreation Department on September 3, 2008; AND

WHEREAS, the Town has been notified that Erie County Civil Service has established a competitive list for said title; AND

WHEREAS, Ms. Ruchalski is eligible for permanent appointment from said list; NOW, THEREFORE, BE IT

RESOLVED, that Angela L. Ruchalski of Cheektowaga, New York, be and hereby is appointed to the permanent title of Senior Clerk 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 22, 2009.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



22. RESOLUTION 2009-650

Travel Authorization - 2010 Association of Towns Meeting

Sponsored By: Supervisor Holtz, Councilmember Swiatek

WHEREAS, the Association of Towns of the State of New York Year 2010 Training School and Annual Meeting will be held at Hilton Hotel and Towers in New York City from February 14th - 17th, 2010; 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 2010 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 Engineer William Pugh	100.1440.4088
Town Attorney Kevin G. Schenk	100.1420.4088
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
Clerk to Justice Court Stephanie Lewandowski	100.1110.4088

and BE IT FURTHER

RESOLVED, that the Deputy Supervisor/Councilmember Jeff Swiatek, at no expense to the Town, will be attending the Association of Towns meeting, and he is 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



23. RESOLUTION 2009-651

Travel Authorization Police Department (Police Officer Michael McDonough)

Sponsored By: Councilmember Jaworowicz, Councilmember Swiatek

WHEREAS, the New York State Department of Transportation is conducting a Cargo Tank Inspection Course, January 19-22, 2010, Schenectady, New York; AND

WHEREAS, Police Officer Michael McDonough has requested authorization to attend said course; AND

WHEREAS, Police Chief Christine Ziembra has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$584; AND

WHEREAS, these expenses have been budgeted by the Police Department; NOW, THEREFORE, BE IT

RESOLVED, that Police Officer Michael McDonough be and hereby is authorized to attend the New York State Department of Transportation Cargo Tank Inspection Course, January 19-22, 2010 in Schenectady, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

V. Suspension of Rules I

Motion by Councilmember Rogowski; Seconded by Councilmember Markel to Suspend the Rules to Include the Following Three (3) Resolutions. Motion Carried.



1. RESOLUTION 2009-652

Authorize Supervisor to Execute Agreement with Trautman Associates to Prepare Construction Documents for Police & Court Building Renovations

Sponsored By: Councilmember Jaworowicz, Supervisor Holtz

WHEREAS, by Town Board resolutions dated November 17, 2008 and May 4, 2009, this Town Board engaged the firm of Trautman Associates to perform architectural and engineering services associated with the development of a schematic design, preparation of budgetary figures for construction costs, and design development associated with the addition(s) and renovations to the Town Police & Court Facility, AND

WHEREAS, the design development documents have been completed, and this Town Board wishes to further its efforts to enhance Police & Court operations and facilities, AND

WHEREAS, the next progressive phase of architectural and engineering services for preparation of the construction documents is in order, NOW, THEREFORE, BE IT

RESOLVED, that the architectural firm of Trautman Associates, 470 Franklin Street, Buffalo, New York 14202 be retained for the additional service of preparation of construction Documents and specifications, for the lump sum not to exceed \$450,000, AND, BE IT FURTHER

RESOLVED, that the Supervisor, on behalf of this Town Board, is hereby directed and authorized to sign an agreement with Trautman Associates for the provision of Construction Documents and specifications in an amount not to exceed \$450,000, subject to review and approval of the Town Attorney, which shall be chargeable to Account No. 500-3120-2520-5835.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patricia Jaworowicz, Councilmember
SECONDER:	Mary Holtz, Supervisor
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski



2. RESOLUTION 2009-653

Award Contract for Ambulance Services for 2010-2011

Sponsored By: Councilmember Zydel, Councilmember Markel

WHEREAS, the Town's existing Agreement for Pre-Hospital Emergency Services (for ambulance services for emergencies when called into the Cheektowaga Dispatch Office) expires on December 31, 2009, and

WHEREAS, by resolution dated November 16, 2009, this Town Board requested proposals for a new agreement for Pre-Hospital Emergency Services, and

WHEREAS, proposals were duly received by this Town Board at a bid opening on December 2, 2009 for pre-hospital emergency services, and such bids were referred to the Emergency Medical Services Board for analysis and report; and

WHEREAS, such analysis and report has been completed; NOW, THEREFORE, BE IT

RESOLVED, that the contract be awarded to Rural/Metro Medical Services, 481 William Gaiter Parkway, Buffalo, New York, 14215, for the period January 1, 2010 to December 31, 2011, with two (2) consecutive one year renewals for 2012 and 2013 at the option of the Town ; and BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute an agreement and any other documents that may be necessary for said services, subject to approval by the Town Attorney's Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Zydel, Councilmember
SECONDER:	Charles Markel, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

VI. Executive Session

Motion by Councilmember Jaworowicz; Seconded by Councilmember Rogowski to go into Executive Session at 7:15 PM.

Motion by Supervisor Holtz; Seconded by Councilmember Rogowski to exit the Executive Session at 7:25 pm and Return to the Board Meeting.

VII. Suspension of Rules II



1. RESOLUTION 2009-654

Acceptance of Retirement of Town Assessor

Sponsored By: Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Kaznowski, Markel

WHEREAS, Town Assessor Brian Hess has submitted the necessary paperwork to the New York State and Local Retirement System for retirement with a retirement effective date of December 31, 2009, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby accepts the retirement of Brian Hess from his position as Assessor for the Town of Cheektowaga, effective December 31, 2009, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute the any and all documents in connection with said retirement.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Holtz, Supervisor
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Holtz, Jaworowicz, Swiatek, Rogowski, Zydel, Markel, Kaznowski

VIII. Communications

A. Departmental Communications

1. Minutes - Cheektowaga Traffic Safety Commission - November 17, 2009
2. Minutes - Cheektowaga Conservation Advisory Council -- November 21, 2009
3. Minutes - Town Environmental Advisory Committee - December 9, 2009

B. General Communications

1. Notice of Claim: Robert Ebner Vs. Town of Cheektowaga
2. Notice of Claim: Dennis Nusall Vs. Town of Cheektowaga

IX. Comments

A. Supervisor's Comments

B. Councilmember's Comments

C. Public Comments

X. Adjournment

Motion by Supervisor Holtz; Seconded by Councilmember Swiatek to adjourn the meeting at 7:27 PM

ALICE MAGIERSKI

Town Clerk



Town of Cheektowaga

Special Meeting

~ Minutes ~

3301 Broadway
Cheektowaga, NY 14227
<http://www.town.cheektowaga.ny.us>

Alice Magierski
716-686-3400

Tuesday, December, 29, 2009

6:00 PM

Council Chambers

I. Call to Order

6:00 PM Meeting called to order on December 29, 2009 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	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	

2. Additional Attendees

Thomas Adamczak, Supervising Building and Plumbing Inspector
Brian Krause, Director of Finance and Administration
John Marriott, Planning Board Representative
Anthony Romano, Coordinator of Employee Relations
Kevin Schenk, Town Attorney
Christine Ziemba, Chief of Police

II. Public Comment Period

III. Resolutions



1. RESOLUTION 2009-655

Warrant

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following Vouchers & Warrants submitted to the Town of Cheektowaga prior to December 25, 2009 are hereby approved and made a part hereof;

GENERAL FUND	\$162,623.85
RISK RETENTION FUND	14,752.60
HUD HOUSING REHABILITATION	9,536.00
SPECIAL DISTRICTS FUND	11,147.22
HIGHWAY FUND	44,365.85
CAPITAL FUND	25,629.55
HUD CDBG FUND	2,374.29
PART TOWN FUND	22.00
NYS AFFORDABLE HOUSING	1,500.00
	<u>\$271,951.36</u>

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



2. RESOLUTION 2009-656

Award of Bid: Portable Chemical Toilets 2010

Sponsored By: Councilmember Rogowski, Councilmember Swiatek

WHEREAS, bid proposals were received for the Leasing and Servicing of Portable Chemical Toilets on December 16, 2009, 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, New York 14219

Category A	-	Single Units	\$2.64 per day per unit Items I through X
Category B	-	Handicapped Units	\$4.12 per day per unit Items I and II
Category C	-	Special Events	\$58.50 per day per unit Items I through VIII

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Rogowski, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



3. RESOLUTION 2009-657

Award of Bid - Demolition of 44 Meadowbrook Parkway and 155 Wellworth Place

Sponsored By: Councilmember Markel, Councilmember Swiatek

WHEREAS, bids were advertised for the furnishing of equipment, operators and laborers for the demolition of the following structures on the following referenced properties in the Town of Cheektowaga:

1. a one-family dwelling located at 44 Meadowbrook;
2. a one-family dwelling located at 155 Wellworth Place

, and

WHEREAS, bid proposals were received and opened on December 23, 2009 for said demolitions, and

WHEREAS, the proposals were reviewed by the Supervising Code Enforcement Officer and the Town Attorney and, based on proposals submitted, the Supervising Code Enforcement Officer has recommended that this Town Board award the bid for the demolition of properties located at 44 Meadowbrook Parkway and 155 Wellworth Place to Geiter Done of WNY, Inc., NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby awards the bid for the demolition of 44 Meadowbrook Parkway and 155 Wellworth Place to :

Geiter Done of WNY, Inc.
300 Greene Street
Buffalo, NY 14206

for the total combined bid price of \$15,925.00, being the lowest responsible bid meeting specifications, and BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is directed to execute an agreement with Geiter Done of WNY, Inc. for the aforesaid services, and BE IT FURTHER

RESOLVED, that moneys for said services shall be appropriated from budget line item number 800-3620-4520.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Charles Markel, Councilmember
SECONDER:	Jeff Swiatek, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



4. RESOLUTION 2009-658

Call for Public Hearing for Community Development Block Grant Program

Sponsored By: Councilmember Markel, Councilmember Swiatek

WHEREAS, the Town is eligible to receive approximately \$1,045,720 in Community Development Block Grant funds and approximately \$382,500 in Home Investment Partnership program funds for the 2010 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, activities proposed for funding with Program Year 2010 Community Development Block Grant and HOME Program funds, and the draft 2010-2014 Consolidated Plan 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 19, 2010 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 for the above stated purpose, and BE IT

FURTHER RESOLVED, that the public notice of such public hearing be published in the Cheektowaga Bee on Thursday, January 7, 2010.

Notice of Public Hearing
Town of Cheektowaga FY 2010 Annual Plan
Community Development Block Grant/HOME Programs

A public hearing will be held on Tuesday, January 19, 2010 at 6:45 P.M. at Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, NY 14227 on the Town's Fiscal Year 2010 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 as well as on the draft Action Plan and Five-Year Consolidated Plan which have been made available for public review in Cheektowaga Branch Libraries. The Annual Plan outlines housing and community development projects proposed to be funded with FY 2010 CDBG and HOME Program funds. The Town is eligible to receive approximately \$1,045,720 in CDBG funds and approximately \$382,500 in HOME Investment Partnership Program funds from HUD in 2010. 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, New York, 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.

ATTACHMENTS:

PH-NOTICE-2010B (DOC)

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Charles Markel, Councilmember

SECONDER: Jeff Swiatek, Councilmember

AYES: Jaworowicz, Swiatek, Rogowski, Zydel, Markel

ABSENT: Mary Holtz, Stanley Kaznowski



5. RESOLUTION 2009-659

Schedule Hearing on Issue of Non-Residency of Zoning Board Chairman

Sponsored By: Councilmember Charles Markel

WHEREAS, the Residency Law of the Town of Cheektowaga (Chapter 25 of the Town Code) provides that "every employee of the Town of Cheektowaga, as a qualification for employment, be a resident of the Town of Cheektowaga, and shall remain a resident while so employed by the town", and

WHEREAS, said law applies to members of the Zoning Board of Appeals, including the chairman of such board, and

WHEREAS, Andrew A. Kulyk, Chairman of the Zoning Board of Appeals, was provided with written notice of his alleged violation of the Residency Law, and

WHEREAS, Mr. Kulyk's response to the alleged violation of the Residency Law is not sufficient to satisfy the requirements of the Residency Law, and it is necessary that a hearing be scheduled to examine the charge of non-residency by Mr. Kulyk, NOW, THEREFORE, BE IT

RESOLVED, that a hearing shall be held by this Town Board on the 26th day of January, 2010 at 6:00 P.M. in the Council Office Conference Room in the Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, New York 14227 on the charge of non-residency of Andrew A. Kulyk, and BE IT FURTHER

RESOLVED, that this Town Board shall conduct said hearing and shall render a determination on the charge of non-residency, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward the attached Notice of Hearing to Andrew A. Kulyk at least 15 days prior to the hearing.

NOTICE OF HEARING
ON
CHARGE OF NON-RESIDENCY

TO: Andrew A. Kulyk

YOU ARE HEREBY NOTIFIED, that the Town Board of the Town of Cheektowaga will hold a hearing on January 26, 2010 at 6:00 P.M. in the Council Office Conference Room in the Cheektowaga Town Hall at 3301 Broadway, Cheektowaga, New York 14227 on the charge of your non-residency for your position as Chairman of the Zoning Board of Appeals of the Town of Cheektowaga.

YOUR APPEARANCE AT THIS HEARING IS REQUIRED. You will be asked to respond to the charge of non-residency at this hearing. Should you wish, you may be represented at this hearing by an attorney.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF CHEEKTOWAGA, ERIE COUNTY, NEW YORK.

Dated: December 28, 2009

ALICE MAGIERSKI
Town Clerk

RESULT: WITHDRAWN



6. RESOLUTION 2009-660

Negative SEQR Declaration - 25 Anderson Road

Sponsored By: Councilmember Markel, Councilmember Zydel

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 Architecture Unlimited / Upstate Niagara Cooperative, Inc. for the construction of a 13,600 square foot office building addition to 25 Anderson Road, AND

WHEREAS, the Environmental Advisory Committee at its meetings held on November 4, 2009 recommended a determination of non-significance as shown on the attached memorandum dated November 5, 2009, AND

WHEREAS, the Town of Cheektowaga Planning Board recommended approval of the site plan at their meeting of October 8, 2009, AND

WHEREAS, the Cheektowaga Conservation Advisory Council (CCAC) has reviewed the proposed project and is recommending that replacement trees be provided on a one for one basis for those trees be displaced by the project, AND

WHEREAS, the Town of Cheektowaga Traffic Safety Commission has reviewed the subject project and is recommending that public sidewalks be provided, AND

WHEREAS, this Town Board has reviewed the application submitted and the recommendations made by the Environmental Advisory Committee, the Planning Board, the C.C.A.C. 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 a grading/drainage plan.
2. The addition of a public walk (walk location and limits to be approved by the Town Engineer).
3. The provision of 2.5 inch caliper shade trees to replace the Sycamore trees

being displaced by the building addition and/or sidewalk.

ATTACHMENTS:

25 Anderson Road Upstate Milk Site Plan (PDF)

EAC-November 4, 2009 minutes (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Charles Markel, Councilmember

SECONDER: Richard Zydel, Councilmember

AYES: Jaworowicz, Swiatek, Rogowski, Zydel, Markel

ABSENT: Mary Holtz, Stanley Kaznowski



7. RESOLUTION 2009-661

Establish Town Board Meeting Dates for 2010

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that regular meetings of the Town Board of the Town of Cheektowaga for the calendar year 2010 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 4th & 19th
- February 1st & 22nd
- March 1st & 15th
- April 5th & 19th
- May 3rd & 17th
- June 7th & 21st
- July 6th & 19th
- August 2nd & 16th
- September 7th & 20th
- October 4th & 18th
- November 1st & 15th
- December 6th & 20th

and BE IT FURTHER

RESOLVED, that such meetings shall begin with the public comment period at 6:45 P.M. and the meetings proper will begin immediately thereafter, and BE IT FURTHER

RESOLVED, that a year end meeting shall be held on December 27, 2010 at 6:00 P.M. in the Council Chambers of the Town Hall, 3301 Broadway, Cheektowaga, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydell, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



8. RESOLUTION 2009-662

Establish Work Session Dates for 2010

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the Town Board of the Town of Cheektowaga shall hold work sessions for the calendar year 2010 at 6:00 P.M. on the following dates:

- January 12th and 26th
- February 18th & 23rd
- March 9th & 30th
- April 13th & 27th
- May 11th
- June 15th & 29th
- July 13th & 27th
- August 10th
- September 14th & 28th
- October 12th & 26th
- November 9th & 30th
- December 14th, 21st & 28th

, and BE IT FURTHER

RESOLVED, that said work sessions shall be held in the Council Office Conference Room, Town Hall, 3301 Broadway, Cheektowaga, New York.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



9. RESOLUTION 2009-663

Establish Holidays for 2010

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

BE IT RESOLVED, that the following holidays shall be observed by the Town of Cheektowaga in 2010:

New Year's Day	January 1, 2010	Friday
Martin Luther King, Jr. Day	January 18, 2010	Monday
President's Day	February 15, 2010	Monday
Good Friday	April 2, 2010	Friday
Memorial Day	May 31, 2010	Monday
Independence Day	July 5, 2010	Monday
Labor Day	September 6, 2010	Monday
Columbus Day	October 11, 2010	Monday
Election Day	November 2, 2010	Tuesday
Veterans Day	November 11, 2010	Thursday
Thanksgiving Day	November 25, 2010	Thursday
Day After Thanksgiving	November 26, 2010	Friday
Christmas Eve	December 24, 2010	Friday
Christmas Day	December 25, 2010	Saturday
New Year's Day	December 31, 2010	Friday

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



10. RESOLUTION 2009-664

Establish Salaries of Town Officials and Employees

Sponsored By: Councilmember Swiatek, Councilmember Jaworowicz

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, 2010:

Town Engineer	\$ 87,460
Assistant Town Engineer	\$ 68,457
Director of Administration & Finance	\$ 83,699
Accountant	\$ 60,480
Supervising Code Enforcement Officer	\$ 75,296
Executive Director Youth & Recreation	\$ 63,145
Town Attorney	\$ 82,262
Deputy Town Attorney (1)	\$ 43,287
Deputy Town Attorney - Prosecutors (2)	\$ 19,275
Clerk of Justice Court	\$ 51,118
Clerk to Town Justice	\$ 39,514
Director of Community Development	\$ 75,566
Council Office Clerk Steno	\$ 46,147
Administrative Assistant (Town Board)	\$ 46,147
Municipal Administrative Assistant Legal	\$ 46,948
Deputy Town Clerk	\$ 42,024
Deputy Receiver of Taxes	\$ 53,300
Deputy Superintendent of Highways	\$ 77,081
Director of Senior Services	\$ 63,145
Coordinator of Employee Relations	\$ 82,175
Employee Relations Administrative Clerk	\$ 49,529
Assistant to Supervisor	\$ 30,000
Principal Personnel Clerk	\$ 44,581

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



11. RESOLUTION 2009-665

Hiring/Termination of 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:

SENIOR SERVICES Van Driver \$8.75/hour effective 12/29/09
Cheryl McGee, Sloan, New York

BE IT RESOLVED, that the following **seasonal and/or part-time employees** be and hereby are **terminated** as listed:

POLICE DEPARTMENT
Carol Bannister effective 12/18/09

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Patricia Jaworowicz, Councilmember
AYES:	Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT:	Mary Holtz, Stanley Kaznowski



12. RESOLUTION 2009-666

Travel Authorization Building Inspection & Community Development Departments

Sponsored By: Councilmember Swiatek, Councilmember Markel

WHEREAS, the Niagara Frontier Building Officials Association Annual Conference is being held in Cheektowaga, New York from January 25 through January 27, 2010; AND

WHEREAS, Supervising Code Enforcement Officer Thomas Adamczak has requested authorization for the following employees listed to attend said conference:

- Thomas Adamczak, Supervising Code Enforcement Officer
- Lawrence Kensy, Senior Housing Inspector
- Gary Parks, Code Enforcement Officer
- Matthew Kawczynski, Fire Inspector
- Edward Saternus, Fire Inspector
- Mark Radecki, Assistant Code Enforcement Officer
- Donald Wartinger, Housing Inspector
- Mark Bielefeld, Assistant Code Enforcement Officer
- Donald O'Neill, Assistant Plumbing Inspector
- Richard Coburn, Housing Inspector
- Gerald Gill, Housing Inspector (Part Time)
- Larry Rokitka, Housing Inspector (Part Time)
- Gregory Magnuszewski, Assistant Plumbing Inspector
- Gerald Sprada, Housing Inspector
- Donald Bielefeld, Assistant Code Enforcement Officer
- Daniel Lelito, Assistant Code Enforcement Officer
- Dale Parks, Housing Inspector (Community Development)
- Richard Willis, Housing Inspector (Community Development)
- Gail Milburth, Assistant Code Enforcement Officer (Community Development); AND

WHEREAS, Mr. Adamczak has submitted a request for travel authorization along with the proper paperwork in a timely manner; AND

WHEREAS, the total cost to the Town shall not exceed \$5650.00; AND

WHEREAS, these expenses have been budgeted by the Building and Plumbing Department as well as the Office of Community Development; NOW, THEREFORE, BE IT

RESOLVED, that the aforementioned employees be and hereby are approved to attend the Niagara Frontier Building Officials Association Annual Conference being held in Cheektowaga, New York from January 25 through January 27, 2010.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeff Swiatek, Councilmember
SECONDER:	Charles Markel, Councilmember

AYES: Jaworowicz, Swiatek, Rogowski, Zydel, Markel
ABSENT: Mary Holtz, Stanley Kaznowski

IV. Communications

A. Departmental Communications

- 1. Minutes: Cheektowaga Planning Board - December 17, 2009

V. Comments

A. Supervisor's Comments

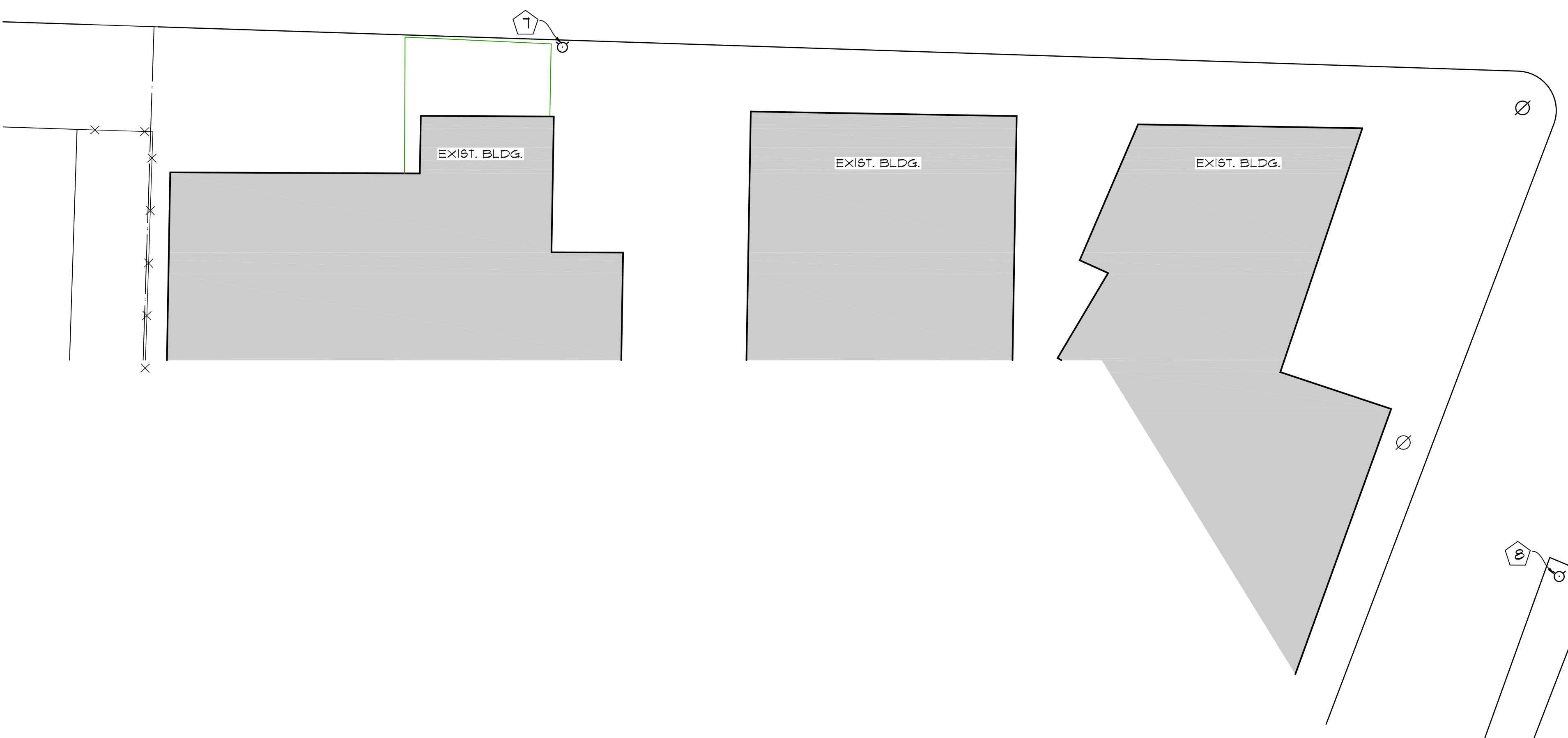
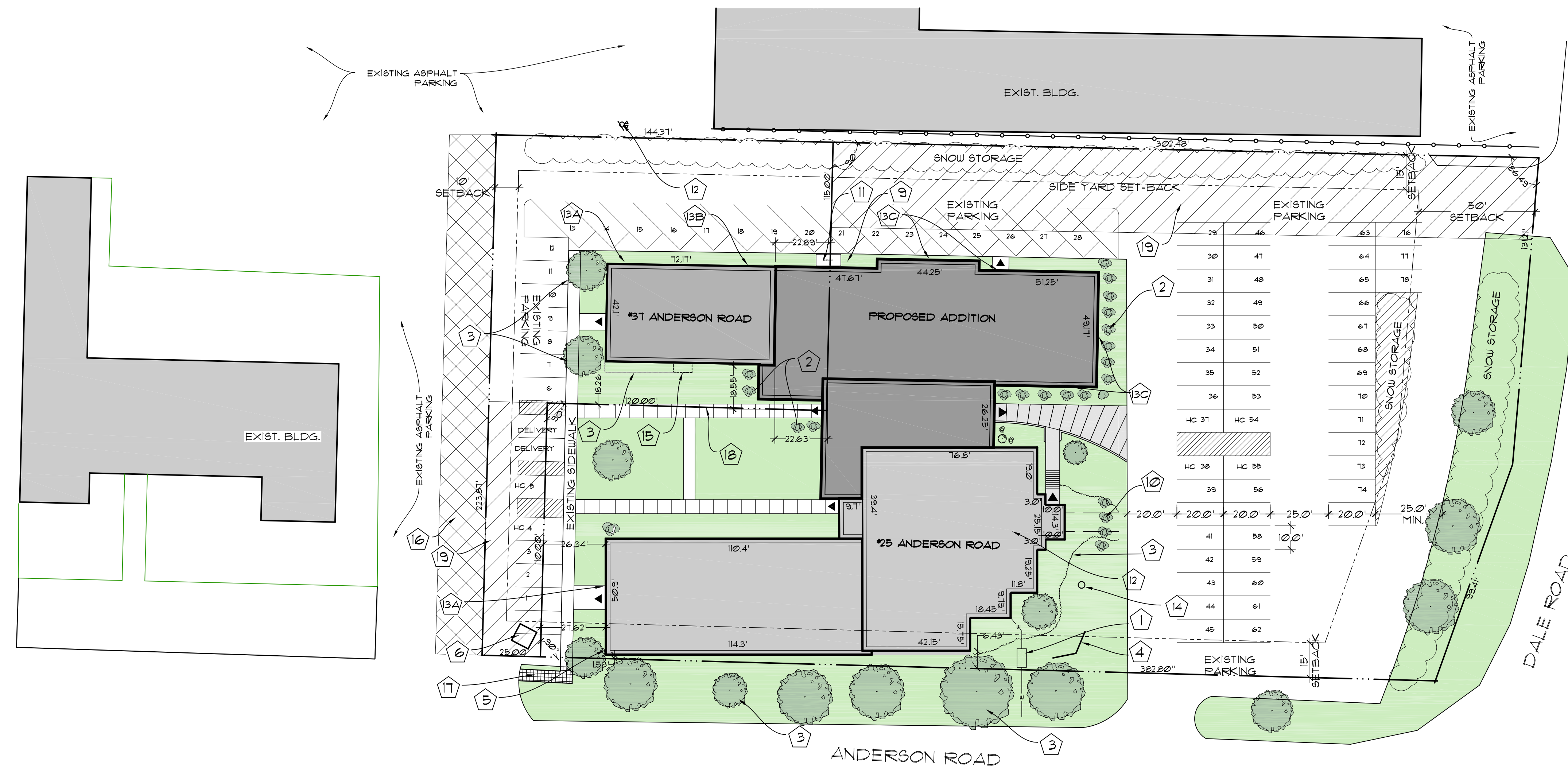
B. Councilmember's Comments

C. Public Comments

VI. Adjournment

Motion by Deputy Supervisor Swiatek; Seconded by Councilmember Rogowski to go Into Executive Session to Discuss Personnel Matters.

Alice Magierski
Town Clerk



SITE DATA:

PROPOSED NEW BUILDING AREA TOTAL:	13,600 SF
EXISTING BUILDING AREA TOTAL:	25,830 SF
EXISTING/PROPOSED OCCUPANCY	(B) BUSINESS/OFFICE
EXISTING/ALLOWED ZONING	M-2
TOTAL ACRES	2.24 ACRES
TOTAL ACRES LESS STRUCTURES	1.68 ACRES
TOTAL UNDISTURBED ACRES	0.48 ACRES
PARKING REQUIRED	75 SPACES 4 ACCESSIBLE
PARKING PROVIDED	78 SPACES 6 ACCESSIBLE

PROPOSED WORK NOTES:

- 1 EXISTING WATER SERVICE ANTICIPATED TO BE UPGRADED WITH RPZ. HOT BOX PROPOSED HOWEVER IF EXISTING SPACES ALLOW ASSEMBLY WILL BE LOCATED ON THE INTERIOR.
- 2 PROPOSED NEW LANDSCAPING SHRUBBERY
- 3 EXISTING LANDSCAPING TO REMAIN
- 4 EXISTING SIGNAGE TO BE REPLACED WITH SIMILAR
- 5 PROPOSED NEW WALL MOUNTED SIGNAGE
- 6 EXISTING DUMPSTER TO REMAIN
- 7 EXISTING FIRE HYDRANT ± 250' NORTHWEST FROM EXISTING 25 ANDERSON NEXT FIRE HYDRANT ± 535 AND NEXT ± 1000 (AT CORNER WALDEN AVE.)
- 8 EXISTING FIRE HYDRANT ± 250' WEST OF PROPERTY LINE, 25 ANDERSON, NEXT ± 333' WEST OF PROPERTY LINE.
- 9 EXISTING ELECTRICAL SERVICE ANTICIPATED TO BE RELOCATED DUE TO UNUSUAL EXISTING CONDITIONS.
- 10 EXISTING ENTRY SHALL BE PARTIALLY OR COMPLETELY REMOVED WITH NEW EGRESS PATH ESTABLISHED TO MINIMIZE EXISTING ENTRY FOR NEW ENTRY LOCATION.
- 11 APPROXIMATE LOCATION OF NEW GENERATOR
- 12 EXISTING EXTERIOR LIGHTING TO REMAIN
- 13 WALL PACK LIGHTING A. EXISTING @ ± 8'-0" TO REMAIN B. EXISTING @ ± 12'-0" TO REMAIN C. PROPOSED @ ± 12'-0"
- 14 EXISTING FLAG POLE TO REMAIN
- 15 EXISTING ENTRY TO BE REMOVED
- 16 EXISTING INGRESS/EGRESS EASEMENT TO REMAIN
- 17 NEW ACCESSIBLE TOWN SIDEWALK AS PER PLANNING/ZONING RECOMMENDATION
- 18 EXISTING PROPERTY LINES TO BE REMOVED AS PART OF PROPERTY CONSOLIDATION TO ALL AS 25 ANDERSON ROAD.
- 19 EXISTING EASEMENTS MAY OR MAY NOT BE ELIMINATED AS PART OF PROPERTY CONSOLIDATION OF NOTE #18.

C-100 SITE PLAN
SCALE: 1" = 30'-0"
NORTH

Architecture Unlimited
Phone: 716-204-9733
8304 Miami Street
Williamsville, New York 14221

No part of the drawing may be reproduced, copied, altered or otherwise used without written consent of the Architect.

SITE PLAN
UPSTATE NAGARA COOPERATIVE, INC.
25 ANDERSON ROAD
CHEEKTOWAGA, NEW YORK 14225

Revision Number	Revision Date
△	-
△	-
△	-
△	-

Project: **09-01**

Scale: **AS NOTED**
Date: **NOVEMBER 2, 2009**
Drawn By: _____
Checked By: _____

Sheet: **C100**

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: November 5, 2009

The following is a summary of the proposals that have been reviewed by the Town Environmental Advisory Committee at a meeting on November 4, 2009 in the Town Hall Council Office Conference Room. Absent: Highway Department representative and excused: Bill Pugh.

ITEM I 5030 – 5050 Genesee Street - Proposed Rezoning from M1 & MS to C for Two 4-Story Hotels

Applicant: Kabir Hotels Inc.

The applicant as well as the Town Engineer met with the New York State DEC to determine any involvement on the part of the State. The DEC agreed that the Town should be the Lead Agency and may only be involved in the crossing of the drainage ditch as an extension of the Ellicott Creek wetlands. The design is keeping the buildings out of the Town and Fema flood areas.

Tree information was provided to the CCAC indicating that approximately 53 trees would be lost. Fred Beaman of the CCAC believes that this count is inaccurate and the trees that can be saved or are to be destroyed need to be flagged and noted on the plans. A temporary fence line is to be established along the creek to prevent encroachment in the area to be preserved.

The plan shows one driveway into the site and it was suggested that the Town contact Ciminelli Development to the west for cross access either permanently or on an emergency basis.

The committee would recommend that a Negative Declaration to issue for this project subject to the Town Engineer receiving a new topography plan as well as tree plan. The Town Engineer must approve the drainage on the site.

Attachment: EAC-November 4, 2009 minutes (RES-2009-660 : Negative SEQR Declaration - 25 Anderson Road)

EAC – November 4, 2009
November 5, 2009
Page: 2

ITEM II 25 Anderson Road - Proposed 13,600 Sq. Ft. Office Addition

Applicant: Upstate Niagara Co-operative Inc.

The Traffic Safety Commission is recommending sidewalks along Dale and Anderson; however, it was noted that along Anderson Road there would be difficulty in saving the trees and installing a sidewalk. This is because there is a two to three foot elevation change near the front of the building which would cause the sidewalk to either go over a hill or for the trees to be eliminated. The applicant was directed to work with the Town Engineer and the Traffic Safety Commission to provide pedestrian access as best as possible.

Snow storage areas were shown on the plan. These are located along the east property line and the south property lines. Additional storage areas could be provided on the blacktop itself at the south end of the site. The applicant has indicated they have a shared agreement along the north side of the property with the adjacent property owners for traffic movements.

Trees would be replaced on a one-for-one basis as there are a number of trees being removed for the addition.

The committee would recommend that a Negative Declaration be issued for this project subject to Town Engineer approval of drainage and Traffic Safety Commission approval of pedestrian access. A new site plan showing the trees to be planted would also be provided to the Town.

ITEM III 850-870 Losson Road - Proposed Rezoning from R to RA for Patio Home Development

Applicant: George Peppes

The applicant submitted a revised plan showing 19 homes on the site. Access would be closest to St. Mary's Greek Orthodox Church at the east end of the site. An emergency access way is being shown on the west end of the property using masonry pavers to provide a firm base for emergency vehicles to drive over. Also at the west end a detention basin is provided for drainage. The site plan also reflects nine visitors' parking spots throughout the site and a turn-around feature which would provide a means for trucks to turn around within the development.

It was suggested that more plantings be placed in the park to further screen the homes from the park area and that the homes themselves vary in color and architectural features so as not to be monotonous.

The owner indicated that the proposal has been sent to the church for additional visitor parking and he is waiting word on their decision. A fire hydrant may be required within the development if the emergency access pavers are eliminated. These revised plans will be submitted to the various reviewing groups and the fire district for their review and comment.

NO DATE HAS BEEN SET FOR THE NEXT MEETING OF THE ENVIRONMENTAL ADVISORY COMMITTEE MEETING. YOU WILL BE NOTIFIED AS SOON AS A DATE HAS BEEN SET.